



Bribery Act 2010

2010 CHAPTER 23

Supplementary and final provisions

16 Application to Crown

This Act applies to individuals in the public service of the Crown as it applies to other individuals.

17 Consequential provision

- (1) The following common law offences are abolished—
 - (a) the offences under the law of England and Wales and Northern Ireland of bribery and embracery,
 - (b) the offences under the law of Scotland of bribery and accepting a bribe.
- (2) Schedule 1 (which contains consequential amendments) has effect.
- (3) Schedule 2 (which contains repeals and revocations) has effect.
- (4) The relevant national authority may by order make such supplementary, incidental or consequential provision as the relevant national authority considers appropriate for the purposes of this Act or in consequence of this Act.
- (5) The power to make an order under this section—
 - (a) is exercisable by statutory instrument^[F1](subject to subsection (9A)),
 - (b) includes power to make transitional, transitory or saving provision,
 - (c) may, in particular, be exercised by amending, repealing, revoking or otherwise modifying any provision made by or under an enactment (including any Act passed in the same Session as this Act).
- (6) Subject to subsection (7), a statutory instrument containing an order of the Secretary of State under this section may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (7) A statutory instrument containing an order of the Secretary of State under this section which does not amend or repeal a provision of a public general Act or of devolved

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legislation is subject to annulment in pursuance of a resolution of either House of Parliament.

- (8) Subject to subsection (9), a statutory instrument containing an order of the Scottish Ministers under this section may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the Scottish Parliament.
- (9) A statutory instrument containing an order of the Scottish Ministers under this section which does not amend or repeal a provision of an Act of the Scottish Parliament or of a public general Act is subject to annulment in pursuance of a resolution of the Scottish Parliament.
- [^{F2}(9A) The power of the Department of Justice in Northern Ireland to make an order under this section is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (and not by statutory instrument).
- (9B) Subject to subsection (9C), an order of the Department of Justice in Northern Ireland made under this section is subject to affirmative resolution (within the meaning of section 41(4) of the Interpretation Act (Northern Ireland) 1954).
- (9C) An order of the Department of Justice in Northern Ireland made under this section which does not amend or repeal a provision of an Act of the Northern Ireland Assembly or of a public general Act is subject to negative resolution (within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954).]
- (10) In this section—
- “devolved legislation” means an Act of the Scottish Parliament, a Measure of the National Assembly for Wales or an Act of the Northern Ireland Assembly,
- “enactment” includes an Act of the Scottish Parliament and Northern Ireland legislation,
- “relevant national authority” means—
- (a) in the case of provision which would be within the legislative competence of the Scottish Parliament if it were contained in an Act of that Parliament, the Scottish Ministers,^{F3} ...
- (aa) [^{F4}in the case of provision which could be made by an Act of the Northern Ireland Assembly without the consent of the Secretary of State (see sections 6 to 8 of the Northern Ireland Act 1998), the Department of Justice in Northern Ireland, and]
- (b) in any other case, the Secretary of State.

Textual Amendments

- F1** Words in s. 17(5)(a) inserted (18.10.2012) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2012 \(S.I. 2012/2595\)](#), arts. 1(2), **19(3)(a)** (with arts. 24-28)
- F2** S. 17(9A)-(9C) inserted (18.10.2012) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2012 \(S.I. 2012/2595\)](#), arts. 1(2), **19(3)(b)** (with arts. 24-28)
- F3** Word in s. 17(10) omitted (18.10.2012) by virtue of [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2012 \(S.I. 2012/2595\)](#), arts. 1(2), **19(3)(c)** (with arts. 24-28)
- F4** Words in s. 17(10) inserted (18.10.2012) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2012 \(S.I. 2012/2595\)](#), arts. 1(2), **19(3)(c)** (with arts. 24-28)

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Commencement Information

- II** S. 17 wholly in force at 1.7.2011; s. 17(4)-(10) in force at Royal Assent, see s. 19(2) ; s. 17 in force otherwise at 1.7.2011 by [S.I. 2011/1418](#) , [art. 2](#)

18 Extent

- (1) Subject as follows, this Act extends to England and Wales, Scotland and Northern Ireland.
- (2) Subject to subsections (3) to (5), any amendment, repeal or revocation made by Schedule 1 or 2 has the same extent as the provision amended, repealed or revoked.
- (3) The amendment of, and repeals in, the Armed Forces Act 2006 do not extend to the Channel Islands.
- (4) The amendments of the International Criminal Court Act 2001 extend to England and Wales and Northern Ireland only.
- (5) Subsection (2) does not apply to the repeal in the Civil Aviation Act 1982.

19 Commencement and transitional provision etc.

- (1) Subject to subsection (2), this Act comes into force on such day as the Secretary of State may by order made by statutory instrument appoint.
- (2) Sections 16, 17(4) to (10) and 18, this section (other than subsections (5) to (7)) and section 20 come into force on the day on which this Act is passed.
- (3) An order under subsection (1) may—
 - (a) appoint different days for different purposes,
 - (b) make such transitional, transitory or saving provision as the Secretary of State considers appropriate in connection with the coming into force of any provision of this Act.
- (4) The Secretary of State must consult the Scottish Ministers before making an order under this section in connection with any provision of this Act which would be within the legislative competence of the Scottish Parliament if it were contained in an Act of that Parliament.
- (5) This Act does not affect any liability, investigation, legal proceeding or penalty for or in respect of—
 - (a) a common law offence mentioned in subsection (1) of section 17 which is committed wholly or partly before the coming into force of that subsection in relation to such an offence, or
 - (b) an offence under the Public Bodies Corrupt Practices Act 1889 or the Prevention of Corruption Act 1906 committed wholly or partly before the coming into force of the repeal of the Act by Schedule 2 to this Act.
- (6) For the purposes of subsection (5) an offence is partly committed before a particular time if any act or omission which forms part of the offence takes place before that time.
- (7) Subsections (5) and (6) are without prejudice to section 16 of the Interpretation Act 1978 (general savings on repeal).

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Subordinate Legislation Made

P1 [S. 19\(1\)](#) power fully exercised: 1.7.2011 appointed by [{S.I. 2011/1418}](#), art. 2

Commencement Information

I2 [S. 19](#) wholly in force at 1.7.2011; [s. 19\(1\)-\(4\)](#) in force at Royal Assent, see [s. 19\(2\)](#); [s. 19](#) in force otherwise at 1.7.2011 by [S.I. 2011/1418](#), **art. 2**

20 Short title

This Act may be cited as the Bribery Act 2010.

Changes to legislation:

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