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STATUTORY INSTRUMENTS

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**2021 No. 488**

**The Global Anti-Corruption Sanctions Regulations 2021**

**PART 1**

**General**

**Citation and commencement**

1.—(1) These Regulations may be cited as the Global Anti-Corruption Sanctions Regulations 2021.

(2) These Regulations come into force at noon on 26th April 2021.

**Interpretation**

2. In these Regulations—

“the Act” means the Sanctions and Anti-Money Laundering Act 2018;

“arrangement” includes any agreement, understanding, scheme, transaction or series of transactions, whether or not legally enforceable (but see paragraph 12 of Schedule 1 for the meaning of that term in that Schedule);

“conduct” includes acts and omissions;

“document” includes information recorded in any form and, in relation to information recorded otherwise than in legible form, references to its production include producing a copy of the information in legible form;

“Treasury licence” means a licence under regulation 21(1);

“United Kingdom person” has the same meaning as in section 21 of the Act.

**Application of prohibitions and requirements outside the United Kingdom**

3.—(1) A United Kingdom person may contravene a relevant prohibition by conduct wholly or partly outside the United Kingdom.

(2) Any person may contravene a relevant prohibition by conduct in the territorial sea.

(3) In this regulation, a “relevant prohibition” means any prohibition imposed by—

(a) regulation 9(2) (confidential information),

(b) Part 3 (Finance), or

(c) a condition of a Treasury licence.

(4) A United Kingdom person may comply, or fail to comply, with a relevant requirement by conduct wholly or partly outside the United Kingdom.

(5) Any person may comply, or fail to comply, with a relevant requirement by conduct in the territorial sea.

(6) In this regulation, a “relevant requirement” means any requirement imposed—

- (a) by or under Part 6 (Information and records), or by reason of a request made under a power conferred by that Part, or
- (b) by a condition of a Treasury licence.

(7) Nothing in this regulation is to be taken to prevent a relevant prohibition or a relevant requirement from applying to conduct (by any person) in the United Kingdom.

### **Purposes**

4.—(1) The purposes of the regulations contained in this instrument are to prevent and combat serious corruption.

(2) In paragraph (1), “corruption” means—

- (a) bribery; or
- (b) misappropriation of property.

(3) In paragraph (2)—

“bribery” occurs where—

- (a) a person directly or indirectly offers, promises or gives a financial or other advantage to a foreign public official, and where—
  - (i) the person intends to induce that official or another foreign public official to perform improperly a public function, or
  - (ii) the person intends to reward that official or another foreign public official for improperly performing a public function, or
  - (iii) the person knows or believes that the acceptance of the advantage by that official would constitute improperly performing a public function; or
- (b) a foreign public official directly or indirectly requests, agrees to receive or accepts a financial or other advantage, and where—
  - (i) that official intends, in consequence, that the official or another foreign public official should improperly perform a public function, or
  - (ii) the advantage is a reward for that official or another foreign public official improperly performing a public function, or
  - (iii) that official knows or believes that the request for, agreement to receive or acceptance of the advantage by the official would constitute improperly performing a public function; or
- (c) in anticipation of or in consequence of requesting, agreeing to receive or accepting a financial or other advantage, a foreign public official, or another person at that official’s request or with their assent or acquiescence, improperly performs a public function;

“misappropriation of property” occurs where a foreign public official—

- (a) has been entrusted with property, or has a role in the grant or allocation of property, by virtue of their position, and
- (b) improperly diverts, grants or allocates that property for the benefit of the official or for the benefit of another person.

(4) For the purposes of paragraph (3)—

- (a) it does not matter whether the advantage is (or is to be) for the benefit of the foreign public official or another person;
- (b) references to a foreign public official performing a public function include—
  - (i) any act or omission in connection with a public function;

- (ii) any omission to exercise the official's public functions; and
- (iii) any use of the official's position as a foreign public official even if it is not within the official's authority.

(5) In this regulation—

“foreign public official” means an individual who—

- (a) holds an executive, legislative, administrative or judicial position of any kind in a relevant country,
- (b) holds a position in a public agency or public enterprise or in any entity which provides a public service in or on behalf of a relevant country,
- (c) otherwise carries out functions of a public nature in or on behalf of a relevant country, or
- (d) carries out functions in or on behalf of an international organisation;

“property” includes funds, economic resources, a pecuniary advantage or other thing of value, and includes contracts to provide goods or services, any licence, permission or other authorisation, or any legal document or instrument evidencing or purporting to evidence interests in property;

“public function” means—

- (a) any function or activity of a public nature in or on behalf of a relevant country, including—
  - (i) provision of any public service in or on behalf of a relevant country, or
  - (ii) any function or activity in or on behalf of a public agency or public enterprise of a relevant country, or
- (b) any function or activity in or on behalf of an international organisation;

“relevant country” means a country other than the United Kingdom, the Channel Islands, the Isle of Man or the British overseas territories.