

# Bribing Foreign Officials

***Bribery of foreign public officials***

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(1) A person ("P") who bribes a foreign public official ("F") is guilty of an offence if P's intention is to influence F in F's capacity as a foreign public official.

(2) P must also intend to obtain or retain--

- (a) business, or
- (b) an advantage in the conduct of business.

(3) P bribes F if, and only if--

(a) directly or through a third party, P offers, promises or gives any financial or other advantage--

- (i) to F, or
- (ii) to another person at F's request or with F's assent or acquiescence, and

(b) F is neither permitted nor required by the written law applicable to F to be influenced in F's capacity as a foreign public official by the offer, promise or gift.

(4) References in this section to influencing F in F's capacity as a foreign public official mean influencing F in the performance of F's functions as such an official, which includes--

- (a) any omission to exercise those functions, and
- (b) any use of F's position as such an official, even if not within F's authority.

(5) "Foreign public official" means an individual who--

(a) holds a legislative, administrative or judicial position of any kind, whether appointed or elected, of a country or territory outside the United Kingdom (or any subdivision of such a country or territory),

(b) exercises a public function--

- (i) for or on behalf of a country or territory outside the United Kingdom (or any subdivision of such a country or territory), or
- (ii) for any public agency or public enterprise of that country or territory (or subdivision),  
or

(c) is an official or agent of a public international organisation.

(6) "Public international organisation" means an organisation whose members are any of the following--

- (a) countries or territories,

- (b) governments of countries or territories,
- (c) other public international organisations,
- (d) a mixture of any of the above.

(7) For the purposes of subsection (3)(b), the written law applicable to F is--

- (a) where the performance of the functions of F which P intends to influence would be subject to the law of any part of the United Kingdom, the law of that part of the United Kingdom,
- (b) where paragraph (a) does not apply and F is an official or agent of a public international organisation, the applicable written rules of that organisation,
- (c) where paragraphs (a) and (b) do not apply, the law of the country or territory in relation to which F is a foreign public official so far as that law is contained in--
  - (i) any written constitution, or provision made by or under legislation, applicable to the country or territory concerned, or
  - (ii) any judicial decision which is so applicable and is evidenced in published written sources.

(8) For the purposes of this section, a trade or profession is a business.