

## BRIBERY BILL 2012

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### Explanatory Memorandum

1. This Bill is promoted by the Department of Home Affairs.
2. The Bill makes new provision in respect of bribery offences as a replacement to the Corruption Act 2008 and is closely based on the Bribery Act 2010 (of Parliament).
3. *Part 1* contains the introductory provisions, including providing for the short title (*clause 1*), commencement (*clause 2*) and interpretation (*clause 3*). *Clause 4* defines what is meant by a relevant function or activity for the purposes of the offences and *clause 5* defines when these are performed improperly. *Clause 6* is a further definition clause concerning the meaning of expectation.
4. *Part 2* provides for new offences in respect of bribery. *Clause 7* contains the offence of bribing another person and *clause 8* contains the offence of being bribed.
5. *Clause 9* creates an offence of bribing foreign public officials and *clause 10* covers the offence of certain commercial organisations failing to prevent bribery.
6. *Clause 11* is supplementary to *clause 10* in respect of the meaning of associated persons and *clause 12* requires the Department of Home Affairs to publish guidance about procedures relevant commercial organisations can put in place to prevent bribery.
7. *Part 3* contains provisions previously in the Corruption Act about reporting bribery or attempted bribery. *Clause 13* requires public officials to disclose the matter and *clause 14* makes it an offence to fail to do so with a defence if this is due to threats of harm to a person or to property. *Clause 15* makes it an offence to take harmful action against a person who has or may make such disclosure.
8. *Part 4* is about penalties and other related matters. *Clause 16* requires the Attorney General's consent for prosecutions under the Act and *clause 17* sets out the penalties for the offences.
9. *Clause 18* makes provision for offences committed outside the Island. *Clause 19* contains defence provisions. *Clause 20* makes provision for offences committed by bodies corporate and *clause 21* caters for offences committed by partnerships. *Clause 22* requires proceedings to be brought within 21 years of the commission of the offence.
10. *Part 5* contains supplementary and final provisions. These concern the application of the Act to individuals in the public service of the Crown (*clause*

23), transitional provisions (*clause 24*) and provision for consequential amendments to other enactments and repeals (*clause 25* and *Schedules 1* and *2*). *Clause 26* provides for the expiry of these latter provisions once they have taken effect.

11. This Bill is not expected to have any human or financial resource implications.
12. In the opinion of the member moving the Bill its provisions are compatible with the Convention rights within the meaning of the Human Rights Act 2001.



*Ellan Vannin*

## BRIBERY BILL 2012

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*Ellan Vannin*

## BRIBERY BILL 2012

1 A **BILL** to make provision about offences relating to bribery; and for connected  
2 purposes.

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Council and Keys in Tynwald assembled, and by the authority of the same, as follows:—

### 3 PART 1 – INTRODUCTORY PROVISIONS

#### 4 1 Short title

5 The short title of this Act is the Bribery Act 2013.

#### 6 2 Commencement

7 (1) This Act (apart from this section and section 1) comes into operation on  
8 such day or days as the Department may by order appoint and different  
9 days may be appointed for different purposes of this Act.

10 (2) An order under subsection (1) may make such transitional and saving  
11 provisions as the Department considers necessary or expedient.

#### 12 3 Interpretation - general

13 In this Act –

14 “**agent**” includes –

- 15 (a) any person employed by or acting for another;
- 16 (b) any person employed by, serving under, appointed by or acting  
17 for a public body;

18 “**business**” includes a trade or profession;

19 “**Department**” means the Department of Home Affairs;

20 “**foreign public official**” means an individual who –

- 21 (a) holds a legislative, administrative or judicial position of any kind,  
22 whether appointed or elected, of a country or territory outside the  
23 Island (or any subdivision of such a country or territory);

- 1 (b) is an official or agent of a public international organisation; or  
2 (c) exercises a public function —  
3 (i) for or on behalf of a country or territory outside the Island  
4 (or any subdivision of such a country or territory); or  
5 (ii) for any public agency or public enterprise of that country  
6 or territory (or subdivision).

7 “**partnership**” means a partnership within the *Partnership Act 1909* including  
8 any person holding himself or herself out to be a partner under section  
9 16 of that Act;

10 “**public body**” means any of the following —

- 11 (a) the Crown;  
12 (b) Tynwald and either of its constituent branches;  
13 (c) a Department or Statutory Board;  
14 (d) a body the members, or any of the members, of which are  
15 appointed by, or whose appointment requires the approval of  
16 Tynwald;  
17 (e) a local authority;  
18 (f) any body existing in a country or territory outside the Island that  
19 is equivalent to any body specified in paragraphs (a) to (e);  
20 (g) any other description of public body (including bodies existing in  
21 a country or territory outside the Island);

22 “**public international organisation**” means an organisation whose members are  
23 any of the following —

- 24 (a) countries or territories;  
25 (b) governments of countries or territories;  
26 (c) other public international organisations;  
27 (d) a mixture of any of the above.

#### 28 4 **Meaning of “relevant function or activity”**

29 P2010/23/3

- 30 (1) For this Act a function or activity is a relevant function or activity if —  
31 (a) it falls within subsection (2); and  
32 (b) it meets the condition set out in subsection (3).  
33 (2) The following functions and activities fall within this subsection —  
34 (a) any function of a public nature;  
35 (b) any activity connected with a business;  
36 (c) any activity performed in the course of a person’s employment;  
37 (d) any activity performed by or on behalf of a body of persons  
38 (whether incorporated or unincorporated).

- 1 (3) The condition is that a person performing the function or activity –  
2 (a) is expected to perform it in good faith or impartially; or  
3 (b) is in a position of trust by virtue of performing it.
- 4 (4) A function or activity is a relevant function or activity even if it –  
5 (a) has no connection with the Island; and  
6 (b) is performed in a country or territory outside the Island.
- 7 (5) In this section “employment” includes work for which the person  
8 undertaking the work is not entitled to payment.

## 9 5 Meaning of “improper performance”

10 P2010/23/4

- 11 (1) For this Act a relevant function or activity –  
12 (a) is performed improperly if it is performed in breach of a relevant  
13 expectation; and  
14 (b) is to be treated as being performed improperly if there is a failure  
15 to perform the function or activity and that failure is itself a  
16 breach of a relevant expectation.
- 17 (2) In subsection (1) “relevant expectation” means –  
18 (a) in relation to a function or activity that meets section 4(3) by  
19 virtue of satisfying the expectation in paragraph (a) of that  
20 subsection, that expectation; and  
21 (b) in relation to a function or activity that meets section 4(3) by  
22 virtue of satisfying paragraph (b) of that subsection, any  
23 expectation as to the manner in which, or the reasons for which,  
24 the function or activity will be performed that arises from the  
25 position of trust mentioned in that paragraph.
- 26 (3) Anything that a person does arising from or in connection with the  
27 person’s past performance of a relevant function or activity is to be  
28 treated for the purposes of this Act as being done by the person in the  
29 performance of that function or activity.

## 30 6 Meaning of “expectation”

31 P2010/23/5

- 32 (1) For sections 4 and 5, the test of what is expected is a test of what a  
33 reasonable person in the Island would expect in relation to the  
34 performance of the type of function or activity concerned.
- 35 (2) In deciding what such a person would expect in relation to the  
36 performance of a function or activity where the performance is not  
37 subject to the law of the Island, any local custom or practice is to be  
38 disregarded unless it is permitted or required by the written law  
39 applicable to the country or territory concerned.

- 1 (3) In subsection (2) “written law” means law contained in –
- 2 (a) any written constitution, or provision made by or under
- 3 legislation, applicable to the country or territory concerned; or
- 4 (b) any judicial decision that is so applicable and is evidenced in
- 5 published written sources.

## 6 PART 2 – BRIBERY OFFENCES

### 7 Offences of bribing another person

8 P2010/23/1

- 9 (1) A person is guilty of an offence if the person –
- 10 (a) offers, promises or gives a financial or other advantage to another
- 11 person; and
- 12 (b) intends the advantage –
- 13 (i) to induce a person to perform improperly a relevant
- 14 function or activity; or
- 15 (ii) to reward a person for the improper performance of such a
- 16 function or activity.
- 17 (2) A person is guilty of an offence if the person –
- 18 (a) offers, promises or gives a financial or other advantage to another
- 19 person; and
- 20 (b) knows or believes that the acceptance of the advantage would
- 21 itself constitute the improper performance of a relevant function
- 22 or activity.
- 23 (3) For the offence in subsection (1) it does not matter whether the person to
- 24 whom the advantage is offered, promised or given is the same person as
- 25 the person who is to perform, or has performed, the function or activity
- 26 concerned.
- 27 (4) For both offences it does not matter whether the advantage is offered,
- 28 promised or given by the person directly or through a third party.

### 29 8 Offences relating to being bribed

30 P2010/23/2

- 31 (1) A person is guilty of an offence if the person –
- 32 (a) requests, agrees to receive or accepts a financial or other
- 33 advantage intending that, in consequence, a relevant function or
- 34 activity should be performed improperly (whether by himself or
- 35 herself or another person);
- 36 (b) requests, agrees to receive or accepts a financial or other
- 37 advantage, and the request, agreement or acceptance itself

- 1 constitutes the improper performance by the person of a relevant  
2 function or activity;
- 3 (c) requests, agrees to receive or accepts a financial or other  
4 advantage as a reward for the improper performance (whether by  
5 himself or herself or another person) of a relevant function or  
6 activity;
- 7 (d) in anticipation, or in consequence, of the person's requesting,  
8 agreeing to receive or accepting a financial or other advantage,  
9 improperly performs a relevant function or activity or requests,  
10 assents to or acquiesces in, such performance by another person.
- 11 (2) For an offence in this section it does not matter —
- 12 (a) whether the person requests, agrees to receive or accepts (or is to  
13 request, agree to receive or accept) the advantage directly or  
14 through a third party;
- 15 (b) whether the advantage is (or is to be) for the benefit of the person  
16 or another person.
- 17 (3) For the offences in subsection (1)(b) to (d) it does not matter whether the  
18 person knows or believes that the performance of the function or activity  
19 is improper.
- 20 (4) For the offence in subsection (1)(d), if another person is performing the  
21 function or activity, it also does not matter whether that person knows or  
22 believes that the performance of the function or activity is improper.

## 23 9 Bribery of foreign public officials

24 P2010/23/6

- 25 (1) A person ("P") who bribes a foreign public official ("F") is guilty of an  
26 offence if P's intention is to influence F in F's capacity as a foreign public  
27 official.
- 28 (2) P must also intend to obtain or retain —
- 29 (a) business; or  
30 (b) an advantage in the conduct of business.
- 31 (3) P bribes F if, and only if —
- 32 (a) directly or through a third party, P offers, promises or gives any  
33 financial or other advantage —
- 34 (i) to F; or  
35 (ii) to another person at F's request or with F's assent or  
36 acquiescence; and
- 37 (b) F is neither permitted nor required by the written law applicable  
38 to F to be influenced in F's capacity as a foreign public official by  
39 the offer, promise or gift.

- 1 (4) References in this section to influencing F in F's capacity as a foreign  
 2 public official mean influencing F in the performance of F's functions as  
 3 such an official, which includes —
- 4 (a) any omission to exercise those functions; and
- 5 (b) any use of F's position as such an official, even if not within F's  
 6 authority.
- 7 (5) For subsection (3)(b), the written law applicable to F is —
- 8 (a) where the performance of the functions of F which P intends to  
 9 influence would be subject to the law of the Island, that law;
- 10 (b) where paragraph (a) does not apply and F is an official or agent of  
 11 a public international organisation, the applicable written rules of  
 12 that organisation;
- 13 (c) where paragraphs (a) and (b) do not apply, the law of the country  
 14 or territory in relation to which F is a foreign public official so far  
 15 as that law is contained in —
- 16 (i) any written constitution, or provision made by or under  
 17 legislation, applicable to the country or territory  
 18 concerned; or
- 19 (ii) any judicial decision which is so applicable and is  
 20 evidenced in published written sources.

## 21 10 Failure of commercial organisations to prevent bribery

22 P2010/23/7

- 23 (1) A relevant commercial organisation ("C") is guilty of an offence under  
 24 this section if a person ("A") associated with C bribes another person  
 25 intending —
- 26 (a) to obtain or retain business for C; or
- 27 (b) to obtain or retain an advantage in the conduct of business for C.
- 28 (2) But it is a defence for C to prove that C had in place adequate procedures  
 29 designed to prevent persons associated with C from undertaking such  
 30 conduct.
- 31 (3) For the purposes of this section, A bribes another person if, and only if, A  
 32 is, or would be, guilty of an offence under section 7 or 9 (whether or not  
 33 A has been prosecuted for such an offence).
- 34 (4) In this section —
- 35 "partnership" includes a firm or entity of a similar character to a partnership  
 36 that is formed under the law of a country or territory outside the Island;
- 37 "relevant commercial organisation" means —
- 38 (a) a body incorporated under the law of the Island that carries on a  
 39 business (whether there or elsewhere);

- 1 (b) any other body corporate (wherever incorporated) that carries on a  
2 business, or part of a business, in the Island;
- 3 (c) a partnership formed under the law of the Island that carries on a  
4 business (whether there or elsewhere); or
- 5 (d) any other partnership (wherever formed) that carries on a business, or  
6 part of a business, in the Island.

## 7 **11 Meaning of “associated” person**

8 P/2010/23/8

- 9 (1) For the purposes of section 10, a person (“A”) is associated with C if  
10 (disregarding any bribe under consideration) A is a person who  
11 performs services for or on behalf of C.
- 12 (2) The capacity in which A performs services for or on behalf of C does not  
13 matter.
- 14 (3) Accordingly A may (for example) be C’s employee, agent or subsidiary.
- 15 (4) Whether or not A is a person who performs services for or on behalf of C  
16 is to be determined by reference to all the relevant circumstances and not  
17 merely by reference to the nature of the relationship between A and C.
- 18 (5) But if A is an employee of C, it is to be presumed unless the contrary is  
19 shown that A is a person who performs services for or on behalf of C.

## 20 **12 Guidance about commercial organisations preventing bribery**

21 P2010/23/9

- 22 (1) The Department must publish guidance about procedures that relevant  
23 commercial organisations can put in place to prevent persons associated  
24 with them from bribing as mentioned in section 10(1).
- 25 (2) The Department may, from time to time, publish revisions to guidance  
26 under this section or revised guidance.
- 27 (3) Publication under this section is to be in such manner as the Department  
28 considers appropriate.
- 29 (4) Expressions used in this section have the same meaning as in section 10.

## 30 **PART 3 – REPORTING BRIBERY**

### 31 **13 Duty of certain public officials to report bribery**

32 2008/10/5

- 33 (1) A person exercising a function on behalf of a public body who is offered  
34 or receives an advantage in circumstances which may constitute an  
35 offence under this Act must disclose as soon as reasonably practicable  
36 and in the prescribed manner –

- 1 (a) the existence and nature of the advantage, or the offer of it; and
- 2 (b) the name, if known, of the person by whom it was given or
- 3 procured or offered or who agreed to give or procure it.
- 4 (2) A person exercising a function on behalf of a public body who knows or
- 5 reasonably suspects, or ought reasonably to have known or reasonably to
- 6 have suspected, that a person has committed, is committing or is about to
- 7 commit an offence under this Act must disclose, as soon as reasonably
- 8 practicable and in the prescribed manner, that knowledge or suspicion,
- 9 and the information on which it is based, or cause such knowledge or
- 10 suspicion to be so disclosed.
- 11 (3) For subsections (1) and (2) —
- 12 (a) a “person exercising a function on behalf of a public body”
- 13 excludes a foreign public official;
- 14 (b) the “prescribed manner” means —
- 15 (i) to a constable; or
- 16 (ii) where the employer of the person exercising the function
- 17 on behalf of a public body has established a procedure for
- 18 that person to make disclosures of the kind mentioned in
- 19 subsections (1) or (2), in accordance with that procedure,
- 20 and to a constable.
- 21 (4) Any provision of an agreement between a worker and the worker’s
- 22 employer (whether or not a worker’s contract), including an agreement
- 23 to refrain from instituting or continuing any proceedings under the
- 24 *Employment Act 2006* or any proceedings for breach of contract is void in
- 25 so far as it purports to preclude any worker from a protected disclosure.
- 26 (5) For subsection (4) —
- 27 (a) the expression “protected disclosure” has the same meaning as in
- 28 section 49 of the *Employment Act 2006*; and
- 29 (b) the expressions “worker”, “employer” and “worker’s contract”
- 30 have the same meaning as in section 58 of that Act.

## 31 **14 Failure to report bribery**

32 2008/10/6

- 33 (1) A person who fails to comply with section 13 commits an offence.
- 34 (2) It is a defence for a person charged with an offence under subsection (1)
- 35 to prove that the person reasonably believed that if the required
- 36 disclosure had been made, serious physical harm would be done to that
- 37 person, to another person or to the property of either such person.

- 1 **15 Interfering with duty to report bribery**  
2 2008/10/7  
3 A person who intentionally takes action harmful to any person, including  
4 interference with a person's lawful employment or occupation, on the ground  
5 that a person has made or may make a disclosure in accordance with section 13  
6 commits an offence.

7 **PART 4 - PENALTIES AND OTHER PROVISIONS ABOUT**  
8 **OFFENCES**

- 9 **16 Consent to prosecution**  
10 A prosecution for an offence under this Act may be brought only by, or with the  
11 consent of, the Attorney General.

- 12 **17 Penalties**  
13 P2010/23/11  
14 (1) A person guilty of an offence under section 7, 8 or 9 is liable —  
15 (a) on summary conviction, to custody for a term not exceeding 12  
16 months, or to a fine not exceeding £10,000, or to both;  
17 (b) on conviction on information, to custody for a term not exceeding  
18 10 years, or to a fine, or to both.  
19 (2) A person guilty of an offence under section 10 is liable on conviction on  
20 information to a fine.  
21 (3) A person guilty of an offence under section 14 or 15 is liable —  
22 (a) on summary conviction, to custody for a term not exceeding 6  
23 months or a fine not exceeding £5,000 or to both;  
24 (b) on conviction on information, to custody for a term not exceeding  
25 2 years, or to a fine, or to both.

- 26 **18 Offences committed outside the Island**  
27 2008/10/8  
28 (1) This section applies if —  
29 (a) a resident of the Island does anything in a country or territory  
30 outside the Island; and  
31 (b) the act would, if it took place in the Island, constitute an offence  
32 under this Act (other than an offence under section 10 (failure of  
33 commercial organisations to prevent bribery)).  
34 (2) In such a case —  
35 (a) the act constitutes the offence concerned;

- 1 (b) proceedings for the offence may be taken in the Island;
- 2 (c) the offence may be treated for incidental purposes as having been
- 3 committed in the Island.
- 4 (3) An offence is committed under section 10 irrespective of whether the acts
- 5 which form part of the offence take place in the Island or elsewhere.
- 6 (4) In this section –
- 7 (a) a reference to an offence includes –
- 8 (i) an attempt, conspiracy or incitement to commit an offence;
- 9 (ii) aiding, abetting, counselling or procuring the commission
- 10 of an offence;
- 11 (b) a resident of the Island means –
- 12 (i) an individual who is ordinarily resident in the Island; or
- 13 (ii) a body corporate or partnership that is incorporated or
- 14 formed under the laws of the Island.

## 15 **19 Defence for certain bribery offences etc**

16 P2010/23/13

- 17 (1) It is a defence for a person charged with a relevant bribery offence to
- 18 prove that the person's conduct was necessary for –
- 19 (a) the proper exercise of any function of an intelligence service; or
- 20 (b) the proper exercise of any function of the armed forces when
- 21 engaged on active service.
- 22 (2) For this section, the circumstances in which a person's conduct is
- 23 necessary for a purpose falling within subsection (1)(a) or (b) are to be
- 24 treated as including any circumstances in which the person's conduct –
- 25 (a) would otherwise be an offence under section 8 (offence of being
- 26 bribed); and
- 27 (b) involves conduct by another person which, but for subsection
- 28 (1)(a) or (b), would be an offence under section 7 (bribing another
- 29 person).
- 30 (3) In this section –
- 31 “active service” means service in –
- 32 (a) an action or operation against an enemy;
- 33 (b) an operation outside the British Islands for the protection of life or
- 34 property; or
- 35 (c) the military occupation of a foreign country or territory;
- 36 “armed forces” means Her Majesty's forces (within the meaning of the Armed
- 37 Forces Act 2006 (of Parliament));

- 1 “GCHQ” has the meaning given by section 3(3) of the Intelligence Services Act  
2 1994 (of Parliament);
- 3 “intelligence service” means the Security Service, the Secret Intelligence Service  
4 or GCHQ;
- 5 “relevant bribery offence” means—
- 6 (a) an offence under section 7 that would not also be an offence under  
7 section 9;
- 8 (b) an offence under section 8;
- 9 (c) an offence committed by aiding, abetting, counselling or procuring the  
10 commission of an offence falling within paragraph (a) or (b); or
- 11 (d) an offence of attempting or conspiring to commit, or of inciting the  
12 commission of, an offence falling within paragraph (a) or (b).

## 13 **20 Offences by bodies corporate**

14 P2010/23/14

- 15 (1) If an offence (other than an offence under section 10) committed by a  
16 body corporate is shown—
- 17 (a) to have been committed with the consent or connivance of an  
18 officer of the body corporate; or
- 19 (b) to be attributable to any neglect on the part of any such officer,  
20 the officer as well as the body corporate commits the offence and is liable  
21 to the penalty provided for the offence.
- 22 (2) In this section, “officer”, of the body corporate, means any or all of the  
23 following of or for the body corporate—
- 24 (a) a director, manager or secretary or other similar officer;
- 25 (b) anyone purporting to act as its director, manager or secretary;
- 26 (c) if its affairs are being managed by its members, a member; and
- 27 (d) if it has a registered agent under the legislation under which it is  
28 incorporated, the registered agent or anyone purporting to act as  
29 its registered agent.

## 30 **21 Offences under section 10 by partnerships**

31 P2010/23/15

- 32 (1) Proceedings for an offence under section 10 (failure of commercial  
33 organisations to prevent bribery) alleged to have been committed by a  
34 partnership must be brought in the name of the partnership (and not in  
35 that of its partners).
- 36 (2) In proceedings for such an offence brought against a partnership—

- 1 (a) section 10 of the *Criminal Jurisdiction Act 1993* (plea by  
2 corporation); and
- 3 (b) section 32 of the *Summary Jurisdiction Act 1989* (corporations),  
4 apply as they do in relation to a body corporate.
- 5 (3) Rules of court relating to the service of documents have effect in relation  
6 to proceedings for an offence under this Part as if the partnership were a  
7 body corporate.
- 8 (4) A fine imposed on the partnership on its conviction of such an offence is  
9 to be paid out of the assets of the partnership.

10 **22 Limitation of time**

- 11 Proceedings for an offence under this Act must be instituted within 21 years of  
12 the alleged commission of the offence.

13 **PART 5 – SUPPLEMENTARY AND FINAL PROVISIONS**

14 **23 Application to the Crown**

15 P2010/23/16

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

18 **24 Transitional provision**

19 P2010/23/19(5)-(7)

- 20 (1) This Act does not affect any liability, investigation, legal proceeding or  
21 penalty for or in respect of an offence under the *Corruption Act 2008*  
22 committed wholly or partly before the coming into operation of the  
23 repeal of that Act by Schedule 2.
- 24 (2) For the purposes of subsection (1) an offence is partly committed before a  
25 particular time if any act or omission which forms part of the offence  
26 takes place before that time.
- 27 (3) Subsections (1) and (2) do not limit section 15 of the *Interpretation Act*  
28 *1976* (effect of repeal, etc).

29 **25 Consequential provision**

30 P2010/23/17(2)-(6)

- 31 (1) Schedule 1 (which contains consequential amendments) has effect.
- 32 (2) Schedule 2 (which contains repeals) has effect.
- 33 (3) The Department may by order make such supplementary, incidental,  
34 transitional or consequential provision as it considers appropriate for the

1 purposes of this Act or in consequence of this Act, and such power shall  
2 include the amendment of any enactment.

3 (4) An order under this section shall not have effect unless it is approved by  
4 Tynwald.

## 5 **26 Expiry Provision**

6 (1) This section, section 25(1) and (2) and Schedules 1 and 2 expire —  
7 (a) if they are all in operation on the day of this Act's promulgation,  
8 on the day after its promulgation; or

9 (b) otherwise, on the day after the last of those provisions is brought  
10 into operation.

11 (2) The expiry does not —

12 (a) revive any Act amended as the Act operated before the  
13 amendment commenced;

14 (b) revive anything not in operation or existing when the amendment  
15 took effect; or

16 (c) affect the continuing operation of the amendment.



1

**SCHEDULE 1**

2

[Section 25(1)]

3

**CONSEQUENTIAL AMENDMENTS**

4

**1 Income Tax Act 1970**

5

In Section 106(5)(f) of the *Income Tax Act 1970* for “section 5 of the Corruption Act 2008” substitute “section 13 of the *Bribery Act 2013*”.

6

7

**2 Limitation Act 1984**

8

(1) The *Limitation Act 1984* is amended as follows.

9

(2) In section 21(1)(a) for “fraud, fraudulent breach of trust or corrupt conduct” substitute “fraud or fraudulent breach of trust”.

10

11

(3) In section 30 –

12

(a) delete subsection (1)(aa);

13

(b) in the marginal note and wherever occurring in subsections (1), (3) and (4), delete “corrupt conduct”.

14

15

(4) In section 36(1) delete the definition of “corrupt conduct”.

16

**3 Criminal Justice Act 1990**

17

In section 24(1)(a) and (15)(a) of the *Criminal Justice Act 1990* for “serious or complex corruption” substitute “a serious or complex offence under the *Bribery Act 2013*”.

18

19

20

**4 Police Act 1993**

21

In paragraph 5(1)(b)(i) of Schedule 1 to the *Police Act 1993* for “Corruption Act 2008” substitute “*Bribery Act 2013*”.

22

23

**5 Criminal Justice Act 2001**

24

In paragraph 4(1)(a) of Schedule 4 to the *Criminal Justice Act 2001* for “Corruption Act 2008” substitute “*Bribery Act 2013*”.

25

26

**6 Employment Act 2006**

27

In section 49 of the *Employment Act 2006* for “section 5(1) or 5(2) of the Corruption Act 2008” substitute “section 13(1) and (2) of the *Bribery Act 2013*”.

28

1

**7 Proceeds of Crime Act 2008**

2

In Paragraph 10 of Schedule 3 to the *Proceeds of Crime Act 2008* for “Corruption Act 2008” substitute “Part 2 of the *Bribery Act 2013*”.

3

4

1

**SCHEDULE 2**

2

[Section 25(2)]

3

**REPEALS**

4

<i>Short Title</i>	<i>Extent of repeal</i>
Criminal Code 1872	Section 323
Income Tax Act 1970	Section 105B
Customs and Excise Management Act 1986	Section 9
Criminal Justice Act 1990	Section 24(19)
Anti-Terrorism and Crime Act 2003	Heading to Part XI
Corruption Act 2008	The whole Act

5

IN THE KEYS

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**BRIBERY BILL 2012**

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A **BILL** to make provision  
about offences relating to  
bribery; and for connected  
purposes.

Approved by the Council of Ministers  
for introduction in the House of Keys.

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MR WATTERSON

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DECEMBER 2012