



Criminal Justice (Scotland) Act 2003

2003 asp 7

PART 9

BRIBERY AND CORRUPTION

68 Bribery and corruption: foreign officers etc.

- (1) In determining whether actings which consist of offering or accepting a bribe constitute a crime at common law, it is immaterial that the functions of the person who receives or is offered the bribe—
 - (a) have no connection with;
 - (b) are carried out in a country or territory outwith, the United Kingdom.
- (2) The enactments mentioned in subsections (2) to (4) of section 108 of the Anti-terrorism, Crime and Security Act 2001 (c. 24) (bribery and corruption: foreign officers etc.) are respectively amended as provided for in those subsections.

69 Bribery and corruption committed outwith UK

- (1) This section applies in a case where a national of the United Kingdom, a Scottish partnership or a body incorporated under the law of any part of the United Kingdom, does anything in a country or territory outwith the United Kingdom which, if done in Scotland, would constitute—
 - (a) as a crime at common law, bribery or accepting a bribe; or
 - (b) an offence mentioned in subsection (3).
- (2) In such a case—
 - (a) the thing done constitutes the crime or offence in question;
 - (b) where the thing done is done by a Scottish partnership and is proved to have been done with the consent or connivance of, or to be attributable to any neglect on the part of, a partner, he as well as the partnership is guilty of the crime or offence so constituted and is liable to be proceeded against and punished accordingly; and
 - (c) subsection (3) of section 11 of the 1995 Act (jurisdiction in relation to certain offences committed outwith Scotland) is to apply in respect of that national,

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partnership, partner or body as if the crime or offence were an offence to which that section applies.

(3) The offences are—

- (a) those under section 1 of the Public Bodies Corrupt Practices Act 1889 (c. 69) (corruption in office); and
- (b) the first two offences under section 1 of the Prevention of Corruption Act 1906 (c. 34) (bribes obtained by or given to agents).

(4) In subsection (1), “national of the United Kingdom” means an individual who is—

- (a) a British citizen, a British Dependent Territories citizen, a British National (Overseas) or a British Overseas citizen;
- (b) a person who under the British Nationality Act 1981 (c. 61) is a British subject;
or
- (c) a British protected person within the meaning of that Act.

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