



# Bribery Act 2010

## 2010 CHAPTER 23

### *Other provisions about offences*

#### **13 Defence for certain bribery offences etc.**

- (1) It is a defence for a person charged with a relevant bribery offence to prove that the person's conduct was necessary for—
  - (a) the proper exercise of any function of an intelligence service, or
  - (b) the proper exercise of any function of the armed forces when engaged on active service.
- (2) The head of each intelligence service must ensure that the service has in place arrangements designed to ensure that any conduct of a member of the service which would otherwise be a relevant bribery offence is necessary for a purpose falling within subsection (1)(a).
- (3) The Defence Council must ensure that the armed forces have in place arrangements designed to ensure that any conduct of—
  - (a) a member of the armed forces who is engaged on active service, or
  - (b) a civilian subject to service discipline when working in support of any person falling within paragraph (a),which would otherwise be a relevant bribery offence is necessary for a purpose falling within subsection (1)(b).
- (4) The arrangements which are in place by virtue of subsection (2) or (3) must be arrangements which the Secretary of State considers to be satisfactory.
- (5) For the purposes of this section, the circumstances in which a person's conduct is necessary for a purpose falling within subsection (1)(a) or (b) are to be treated as including any circumstances in which the person's conduct—
  - (a) would otherwise be an offence under section 2, and
  - (b) involves conduct by another person which, but for subsection (1)(a) or (b), would be an offence under section 1.
- (6) In this section—

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*Status: This is the original version (as it was originally enacted).*

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“active service” means service in—

- (a) an action or operation against an enemy,
- (b) an operation outside the British Islands for the protection of life or property, or
- (c) the military occupation of a foreign country or territory,

“armed forces” means Her Majesty’s forces (within the meaning of the Armed Forces Act 2006),

“civilian subject to service discipline” and “enemy” have the same meaning as in the Act of 2006,

“GCHQ” has the meaning given by section 3(3) of the Intelligence Services Act 1994,

“head” means—

- (a) in relation to the Security Service, the Director General of the Security Service,
- (b) in relation to the Secret Intelligence Service, the Chief of the Secret Intelligence Service, and
- (c) in relation to GCHQ, the Director of GCHQ,

“intelligence service” means the Security Service, the Secret Intelligence Service or GCHQ,

“relevant bribery offence” means—

- (a) an offence under section 1 which would not also be an offence under section 6,
- (b) an offence under section 2,
- (c) an offence committed by aiding, abetting, counselling or procuring the commission of an offence falling within paragraph (a) or (b),
- (d) an offence of attempting or conspiring to commit, or of inciting the commission of, an offence falling within paragraph (a) or (b), or
- (e) an offence under Part 2 of the Serious Crime Act 2007 (encouraging or assisting crime) in relation to an offence falling within paragraph (a) or (b).