

2011 No. 1441

CRIMINAL LAW

The Bribery Act 2010 (Consequential Amendments) Order 2011

<i>Made</i> - - - -	<i>7th June 2011</i>
<i>Laid before Parliament</i>	<i>9th June 2011</i>
<i>Coming into force</i> - -	<i>1st July 2011</i>

The Secretary of State makes the following Order in exercise of the powers conferred by section 17(4) of the Bribery Act 2010(a).

Citation and commencement

1. This Order may be cited as the Bribery Act 2010 (Consequential Amendments) Order 2011 and comes into force on 1st July 2011.

Consequential amendments

2. The amendments in the Schedule, which are consequential on the entry into force of the Bribery Act 2010, have effect(b).

7th June 2011

Kenneth Clarke
Secretary of State for Justice
Ministry of Justice

-
- (a) 2010 c. 23. Section 17(4) of the Bribery Act 2010 confers a power on the relevant national authority to make such supplementary, incidental or consequential provision for the purposes of the Act or in consequence of the Act; section 17(10) defines “relevant national authority”. The Secretary of State is the relevant national authority in relation to the provision made in this Order. The Order amends only secondary legislation, and is subject, therefore, by section 17(7) of the Act, to the negative procedure.
- (b) Section 19(2) of the Bribery Act 2010 provides that certain of its provisions came into force on Royal Assent (8th April 2010): the remaining uncommenced provisions of that Act, certain of which are relevant to this Order, come into force on 1st July 2011 by virtue of S.I. 1418 (C. 54).

SCHEDULE

Article 2

Consequential Amendments

Extradition Act 2003 (Parties to International Conventions) Order 2005

1. In Schedule 1 (territories, conventions and conduct) to the Extradition Act 2003 (Parties to International Conventions) Order 2005(a), in the two places in the table that they appear, for the words “1. Bribery” to “3. An offence under section 1 of the Prevention of Corruption Act 1906”, substitute “An offence under section 1 or 6 of the Bribery Act 2010”.

Public Contracts Regulations 2006

2. In regulation 23 (criteria for the rejection of economic operators) of the Public Contracts Regulations 2006(b), after paragraph (1)(c) insert—

“(ca) bribery within the meaning of section 1 or 6 of the Bribery Act 2010;”.

Utilities Contracts Regulations 2006

3. In regulation 26 (criteria for rejection of economic operators) of the Utilities Contracts Regulations 2006(c), after paragraph (1)(c) insert—

“(ca) bribery within the meaning of section 1 or 6 of the Bribery Act 2010;”.

National Assembly for Wales (Representation of the People) Order 2007

4. In article 117 (avoidance of election for employing corrupt agent) of the National Assembly for Wales (Representation of the People) Order 2007(d), in paragraph (2), omit sub-paragraph (b) and the preceding “or”.

Criminal Defence Service (Funding) Order 2007

5. In Schedule 1 (advocates’ graduated fee scheme) to the Criminal Defence Service (Funding) Order 2007(e), in part 6 (table of offences) following the entry for “Embracery”, insert—

“Offences of bribing another person	Bribery Act 2010 s. 1	2010 c. 23
Offences relating to being bribed	Bribery Act 2010 s. 2	2010 c. 23
Bribery of foreign public officials	Bribery Act 2010 s. 6	2010 c. 23”.

Electricity (Competitive Tenders for Offshore Transmission Licences) Regulations 2010

6. In Schedule 8 (events of disqualification) to the Electricity (Competitive Tenders for Offshore Transmission Licences) Regulations 2010(f), in paragraph 1, for sub-paragraph (e) substitute “doing anything which would constitute the commission of an offence under section 1, 2 or 6 of the Bribery Act 2010.”.

(a) S.I. 2005/46.

(b) S.I. 2006/5; relevant amending instruments are S.I. 2007/2157, 2007/3542.

(c) S.I. 2006/6, amended by S.I. 2007/2157; there are other amending instruments but none is relevant.

(d) S.I. 2007/236, to which there are amendments not relevant to this Order.

(e) S.I. 2007/1174, to which there are amendments not relevant to this Order.

(f) S.I. 2010/1903.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes amendments to subordinate legislation in consequence of the Bribery Act 2010 (“the Act”): it comes into force on 1st July 2011. The amendments reflect the abolition of the common law offences of bribery and embracery by section 17(1)(a) of the Act and the repeal, by Schedule 2 to the Act, of the Public Bodies Corrupt Practices Act 1889 (c. 69), the Prevention of Corruption Act 1906 (c. 34), and the Prevention of Corruption Act 1916 (c. 64).

Paragraph 1 of the Schedule to this Order (“the Schedule”) amends Schedule 1 to the Extradition Act 2003 (Parties to International Conventions) Order 2005 (S.I. 2005/46) by substituting references to offences abolished or repealed by the Act with offences under section 1 and 6 of the Act.

Paragraph 2 of the Schedule amends regulation 23(1) of the Public Contracts Regulations 2006 (S.I. 2006/5) by inserting references to offences under section 1 and 6 of the Act.

Paragraph 3 of the Schedule amends regulation 26(1) of the Utilities Contracts Regulations (S.I. 2006/6) by inserting references to offences under section 1 and 6 of the Act.

Paragraph 4 of the Schedule amends the National Assembly for Wales (Representation of the People) Order 2007 (S.I. 2007/236) by repealing sub-paragraph (b) of article 117(2) of that Order.

Paragraph 5 of the Schedule amends part 6 of Schedule 1 to the Criminal Defence Service (Funding) Order (S.I. 2007/1174) by inserting references to offences under section 1, 2 and 6 of the Act.

Paragraph 6 of the Schedule amends Schedule 8 to the Electricity (Competitive Tenders for Offshore Transmission Licences) Regulations (S.I. 2010/1903) by substituting the references to offences repealed by the Act with references to offences under section 1, 2 and 6 of the Act.

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STATUTORY INSTRUMENTS

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