



BERMUDA

BRIBERY ACT 2016

2016 : 47

TABLE OF CONTENTS

Preliminary

- 1 Citation
- 2 Interpretation

General bribery offences

- 3 Offences of bribing another person
- 4 Offences relating to being bribed
- 5 Function or activity to which bribe relates
- 6 Improper performance to which bribe relates
- 7 Expectation test

Bribery of foreign public officials

- 8 Bribery of foreign public officials

Failure of commercial organisations to prevent bribery

- 9 Failure of commercial organisations to prevent bribery
- 10 Meaning of associated person
- 11 Guidance about commercial organisations preventing bribery

Reporting bribery

- 12 Duty of public officials to report bribery
- 13 Failure to report bribery
- 14 Interfering with duty to report bribery

Prosecution and penalties

- 15 Consent to prosecution and time limit for summary prosecution
- 16 Penalties

BRIBERY ACT 2016

17 Forfeiture

Offences - general provisions

18 Territorial application

19 Legitimate purpose defence for relevant bribery offences

20 Offences by bodies corporate

21 Offences under section 9 by partnerships

National Anti-Corruption and Bribery Committee

22 National Anti-Corruption and Bribery Committee

Final provisions

23 Application and transitional provision

24 Consequential amendments

25 Commencement

SCHEDULE 1

Superseded offences

SCHEDULE 2

Consequential amendments

WHEREAS it is expedient to make provision about offences relating to bribery and to establish the National Anti-Corruption and Bribery Committee, and to make connected provision;

Be it enacted by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Assembly of Bermuda, and by the authority of the same, as follows:

Preliminary

Citation

1 This Act may be cited as the Bribery Act 2016.

Interpretation

2 In this Act—

“commencement date” means the date this Act comes into operation;

“Minister” means the Minister responsible for justice.

General bribery offences

Offences of bribing another person

- 3 (1) A person ("P") is guilty of an offence if either of the following cases applies.
- (2) Case 1 is where—
- (a) P offers, promises or gives a financial or other advantage to another person; and
 - (b) P intends the advantage—
 - (i) to induce a person to perform improperly a relevant function or activity; or
 - (ii) to reward a person for the improper performance of such a function or activity.
- (3) Case 2 is where—
- (a) P offers, promises or gives a financial or other advantage to another person; and
 - (b) P knows or believes that the acceptance of the advantage would itself constitute the improper performance of a relevant function or activity.
- (4) In case 1 it does not matter whether the person to whom the advantage is offered, promised or given is the same person as the person who is to perform, or has performed, the function or activity concerned.
- (5) In cases 1 and 2 it does not matter whether the advantage is offered, promised or given by P directly or through a third party.

Offences relating to being bribed

- 4 (1) A person ("R") is guilty of an offence if any of the following cases applies.
- (2) Case 3 is where R requests, agrees to receive or accepts a financial or other advantage intending that, in consequence, a relevant function or activity should be performed improperly (whether by R or another person).
- (3) Case 4 is where—
- (a) R requests, agrees to receive or accepts a financial or other advantage; and
 - (b) the request, agreement or acceptance itself constitutes the improper performance by R of a relevant function or activity.

(4) Case 5 is where R requests, agrees to receive or accepts a financial or other advantage as a reward for the improper performance (whether by R or another person) of a relevant function or activity.

(5) Case 6 is where, in anticipation of or in consequence of R requesting, agreeing to receive or accepting a financial or other advantage, a relevant function or activity is performed improperly—

(a) by R; or

(b) by another person at R's request or with R's assent or acquiescence.

(6) In cases 3 to 6 it does not matter—

(a) whether R requests, agrees to receive or accepts (or is to request, agree to receive or accept) the advantage directly or through a third party;

(b) whether the advantage is (or is to be) for the benefit of R or another person.

(7) In cases 4 to 6 it does not matter whether R knows or believes that the performance of the function or activity is improper.

(8) In case 6, where a person other than R is performing the function or activity, it also does not matter whether that person knows or believes that the performance of the function or activity is improper.

Function or activity to which bribe relates

5 (1) For the purposes of this Act, a function or activity is a relevant function or activity if—

(a) it falls within subsection (2); and

(b) it meets one or more of conditions A to C.

(2) The following functions and activities fall within this subsection—

(a) any function of a public nature;

(b) any activity connected with a business;

(c) any activity performed in the course of a person's employment;

(d) any activity performed by or on behalf of a body of persons (whether corporate or unincorporate).

(3) Condition A is that a person performing the function or activity is expected to perform it in good faith.

(4) Condition B is that a person performing the function or activity is expected to perform it impartially.

(5) Condition C is that a person performing the function or activity is in a position of trust by virtue of performing it.

(6) A function or activity is a relevant function or activity even if it—

- (a) has no connection with Bermuda; and
- (b) is performed in a country or territory outside Bermuda.

(7) In this section “business” includes trade or profession.

Improper performance to which bribe relates

6 (1) For the purposes of this Act, a relevant function or activity—

- (a) is performed improperly if it is performed in breach of a relevant expectation; and
- (b) is to be treated as being performed improperly if there is a failure to perform the function or activity and that failure is itself a breach of a relevant expectation.

(2) In subsection (1), “relevant expectation”—

- (a) in relation to a function or activity which meets condition A or B, means the expectation mentioned in the condition concerned; and
- (b) in relation to a function or activity which meets condition C, means any expectation as to the manner in which, or the reasons for which, the function or activity will be performed that arises from the position of trust mentioned in that condition.

(3) Anything that a person does (or omits to do) arising from or in connection with that person’s past performance of a relevant function or activity is to be treated for the purposes of this Act as being done (or omitted) by that person in the performance of that function or activity.

Expectation test

7 (1) For the purposes of sections 5 and 6, the test of what is expected is a test of what a reasonable person in Bermuda would expect in relation to the performance of the type of function or activity concerned.

(2) In deciding what such a person would expect in relation to the performance of a function or activity where the performance is not subject to the law of Bermuda, any local custom or practice is to be disregarded unless it is permitted or required by the written law applicable to the country or territory concerned.

(3) In subsection (2), “written law” means law contained in—

- (a) any written constitution, or provision made by or under legislation, applicable to the country or territory concerned; or
- (b) any judicial decision which is so applicable and is evidenced in published written sources.

Bribery of foreign public officials

Bribery of foreign public officials

8 (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 a 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 Bermuda (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 Bermuda (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) the law of Bermuda, where the performance of the functions of F which P intends to influence would be subject to the law of Bermuda;
 - (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.

Failure of commercial organisations to prevent bribery

Failure of commercial organisations to prevent bribery

- 9 (1) A relevant commercial organisation ("C") is guilty of an offence under this section if a person ("A") associated with C bribes another person intending—
- (a) to obtain or retain business for C; or
 - (b) to obtain or retain an advantage in the conduct of business for C.
- (2) But it is a defence for C to prove that C had in place adequate procedures designed to prevent persons associated with C from undertaking such conduct.
- (3) For the purposes of this section, A bribes another person if, and only if, A—

- (a) is, or would be, guilty of an offence under section 3 or 8 (whether or not A has been prosecuted for such an offence); or
 - (b) would be guilty of such an offence if section 18(2)(c) and (4) were omitted.
- (4) See section 10 for the meaning of a person associated with C, and see section 11 for a duty on the Minister to publish guidance.
- (5) In this section—
- “partnership” means—
- (a) a partnership within the Partnership Act 1902;
 - (b) a limited partnership registered under the Limited Partnerships Act 1883; or
 - (c) an exempted partnership registered under the Exempted Partnerships Act 1992,
- or a firm or entity of a similar character formed under the law of a country or territory outside Bermuda;
- “relevant commercial organisation” means—
- (a) a body which is incorporated or formed under the law of Bermuda and which carries on a business (whether in Bermuda or elsewhere);
 - (b) any other body corporate (wherever incorporated) which carries on a business, or part of a business in Bermuda;
 - (c) a partnership which is formed under the law of Bermuda and which carries on a business (whether in Bermuda or elsewhere); or
 - (d) any other partnership (wherever formed) which carries on a business, or part of a business, in Bermuda,
- and, for the purposes of this section, a trade or profession is a business.

Meaning of associated person

- 10 (1) For the purposes of section 9, a person (“A”) is associated with C if (disregarding any bribe under consideration) A is a person who performs services for or on behalf of C.
- (2) The capacity in which A performs services for or on behalf of C does not matter.
- (3) Accordingly A may (for example) be C’s employee, agent or subsidiary.
- (4) Whether or not A is a person who performs services for or on behalf of C is to be determined by reference to all the relevant circumstances and not merely by reference to the nature of the relationship between A and C.

(5) But if A is an employee of C, it is to be presumed unless the contrary is shown that A is a person who performs services for or on behalf of C.

Guidance about commercial organisations preventing bribery

11 (1) The Minister shall publish guidance about procedures that relevant commercial organisations can put in place to prevent persons associated with them from bribing as mentioned in section 9(1).

(2) The Minister may, from time to time, publish revisions to guidance under this section or revised guidance.

(3) In determining whether a relevant commercial organisation has committed an offence under section 9, a court shall consider whether the organisation followed any such relevant guidance.

(4) Publication under this section is to be in such manner as the Minister considers appropriate to bring the guidance to the attention of persons likely to be affected by it.

(5) Guidance issued under this section is not a statutory instrument and the Statutory Instruments Act 1977 shall not apply to it.

(6) Expressions used in this section have the same meaning as in section 9.

Reporting bribery

Duty of public officials to report bribery

12 (1) A public official who is offered or receives an advantage in circumstances which may constitute an offence under this Act must disclose as soon as reasonably practicable and in accordance with subsection (3)—

- (a) the existence and nature of the advantage, or the offer of it; and
- (b) the name, if known, of the person by whom it was given or procured or offered or who agreed to give or procure it.

(2) A public official who knows or reasonably suspects, or ought reasonably to have known or reasonably to have suspected, that a person has committed, is committing or is about to commit an offence—

- (a) under this Act; or
- (b) under section 33B of the Public Treasury (Administration and Payments) Act 1969 (offences of collusion relating to government contracts),

must disclose, as soon as reasonably practicable and in accordance with subsection (3), that knowledge or suspicion, and the information on which it is based, or cause such knowledge or suspicion to be so disclosed.

- (3) Disclosures under this section shall be made—
- (a) to a police officer; or
 - (b) where the employer of the person exercising the function on behalf of a public authority has established a procedure for making such disclosures—
 - (i) in accordance with that procedure; and
 - (ii) to a police officer.
- (4) In this section, “public official” means—
- (a) a public officer;
 - (b) a Member of the House of Assembly;
 - (c) a Senator;
 - (d) a person who is appointed or elected to any municipality, parish council or any other public authority; and
 - (e) any other person carrying out a function of a public nature,

but does not include a foreign public official (as defined in section 8).

Failure to report bribery

13 (1) A person who fails to comply with section 12 commits an offence.

(2) It is a defence for a person charged with an offence under subsection (1) to prove that he reasonably believed that if the required disclosure had been made, serious physical harm would be done to himself or to another person.

Interfering with duty to report bribery

14 A person who intentionally takes action harmful to any person, including interference with a person’s lawful employment or occupation, on the ground that a person has made or may make a disclosure in accordance with section 12 commits an offence.

Prosecution and penalties

Consent to prosecution and time limit for summary prosecution

15 (1) No proceedings for an offence under this Act may be instituted except by or with the consent of the Director of Public Prosecutions.

(2) Notwithstanding section 80 of the Criminal Jurisdiction and Procedure Act 2015, summary proceedings for an offence under this Act shall be brought within three years of the commission of the offence.

Penalties

- 16 (1) An individual guilty of an offence under this Act is liable—
- (a) on summary conviction, to a fine not exceeding \$500,000 or to imprisonment for a term of 10 years, or to both;
 - (b) on conviction on indictment, to an unlimited fine or to imprisonment for a term of 15 years, or to both.
- (2) Any other person guilty of an offence under this Act (other than an offence under section 9) is liable—
- (a) on summary conviction, to a fine not exceeding \$500,000;
 - (b) on conviction on indictment, to an unlimited fine.
- (3) A person guilty of an offence under section 9 is liable on conviction on indictment to an unlimited fine.

Forfeiture

- 17 (1) The court by or before which a person is convicted of an offence under this Act ("a bribery offence") may make a forfeiture order in accordance with this section.
- (2) Where a person is convicted of a bribery offence, the court may order the forfeiture of any property which, at the time of the offence, he had in his possession or under his control and which he used or intended to use for the purposes of the offence.
- (3) Where a person is convicted of a bribery offence, the court may order the forfeiture of any property which wholly or partly, and directly or indirectly, is received by any person as a payment or other reward in connection with the commission of the offence.
- (4) Where a person other than the convicted person claims to be the owner of or otherwise interested in anything which can be forfeited by an order under this section, the court shall give him an opportunity to be heard before making an order.

Offences - general provisions

Territorial application

- 18 (1) An offence is committed under this Act (other than an offence under section 9) in Bermuda if any act or omission which forms part of the offence takes place in Bermuda.
- (2) Subsection (3) applies if—
- (a) no act or omission which forms part of the offence takes place in Bermuda;
 - (b) a person's acts or omissions done or made outside Bermuda would form part of such an offence if done or made in Bermuda; and
 - (c) that person has a close connection with Bermuda.

(3) In such a case—

- (a) the acts or omissions form part of the offence referred to in subsection (2)(a); and
- (b) proceedings for the offence may be taken in Bermuda.

(4) For the purposes of subsection (2)(c), a person has a close connection with Bermuda if, and only if, at the time the acts or omissions concerned were done or made the person—

- (a) had Bermudian status or was a permanent resident (within the meaning of the Bermuda Immigration and Protection Act 1956);
- (b) was an individual ordinarily resident in Bermuda; or
- (c) was a body corporate or partnership, incorporated, formed or registered under the law of Bermuda.

(5) An offence is committed under section 9 irrespective of whether the acts or omissions which form part of the offence take place in Bermuda or elsewhere.

(6) Where no act or omission which forms part of an offence under section 9 takes place in Bermuda, proceedings for the offence may be taken in Bermuda.

Legitimate purpose defence for relevant bribery offences

19 (1) It is a defence for a person charged with a relevant bribery offence to prove that his conduct was necessary for the proper exercise of any function relating to—

- (a) the defence or security of Bermuda; or
- (b) the armed forces when engaged on active service.

(2) In this section—

“active service” includes an operation outside Bermuda for the protection of life or property;

“armed forces” means the Royal Bermuda Regiment and Her Majesty’s forces (within the meaning of the Armed Forces Act 2006 (UK) or any successor legislation);

“relevant bribery offence” means—

- (a) an offence under section 3 which would not also be an offence under section 8;
- (b) an offence under section 4; or
- (c) an inchoate offence relating to an offence falling within paragraph (a) or (b).

Offences by bodies corporate

20 (1) This section applies if an offence under this Act (other than an offence under section 9) is committed by a body corporate.

(2) If the offence is proved to have been committed with the consent or connivance of—

- (a) a senior officer of the body corporate; or
- (b) a person purporting to act in such a capacity,

the senior officer or person (as well as the body corporate) is guilty of the offence and liable to be proceeded against and punished accordingly.

(3) But subsection (2) does not apply, in the case of an offence which is committed under this Act by virtue of section 18(2) to (4), to a senior officer or person purporting to act in such a capacity unless the senior officer or person has a close connection with Bermuda (within the meaning given by section 18(4)).

(4) In this section—

“director”, in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate;

“senior officer” means a director, manager or other similar officer of the body corporate.

Offences under section 9 by partnerships

21 (1) Proceedings for an offence under section 9 alleged to have been committed by a partnership shall be brought in the name of the partnership (and not in the name of any of the partners).

(2) For the purposes of such proceedings—

- (a) rules of court relating to the service of documents have effect as if the partnership were a body corporate; and
- (b) section 73 of the Criminal Justice and Procedure Act 2015 (procedure in relation to companies) shall apply with the necessary modifications.

(3) A fine imposed on the partnership on its conviction for an offence under section 9 shall be paid out of the partnership assets.

(4) In this section, “partnership” has the same meaning as in section 9.

National Anti-Corruption and Bribery Committee

National Anti-Corruption and Bribery Committee

22 (1) There shall be established a committee, to be known as the National Anti-Corruption and Bribery Committee ("NACAB Committee"), for the purpose of—

- (a) advising the Minister on the development of policies for the detection and prevention of corruption and bribery, and on the development of effective mechanisms to enable the relevant authorities in Bermuda to co-ordinate with each other concerning the development and implementation of policies and activities to combat corruption and bribery;
- (b) reviewing the operation of this Act and reporting to the Minister as to its effectiveness and any suggested amendments, within five years of the commencement date; and
- (c) periodically evaluating the existing legislative and administrative measures in place in Bermuda to combat corruption and bribery, and advising the Minister on their adequacy for that purpose.

(2) The Commissioner of Police shall be the Chairman of the NACAB Committee, or may nominate the Deputy Commissioner to serve as Chairman in his place.

(3) Subject to subsection (4), the other members of the NACAB Committee shall be the following persons—

- (a) the Solicitor General;
- (b) the Financial Secretary;
- (c) the Director of the Financial Intelligence Agency;
- (d) the chief executive officer of the Bermuda Monetary Authority;
- (e) the Director of Public Prosecutions;
- (f) the Permanent Secretary, Ministry responsible for justice;
- (g) the Permanent Secretary, Ministry responsible for the Business Development Unit;
- (h) the Director of the Office of Project Management and Procurement;
- (i) the Director of Internal Audit;
- (j) the Accountant General; and
- (k) such other persons as the Minister may from time to time appoint.

(4) Each member of the Committee listed in paragraphs (a) to (j) of subsection (3) may nominate a person of appropriate seniority to serve on the NACAB Committee in his place.

(5) The NACAB Committee—

- (a) shall meet as often as may be necessary to carry out its duties; and
- (b) may regulate its own procedure.

(6) The Minister shall lay a copy of the report submitted under subsection (1)(b), and any other reports submitted by the NACAB Committee, before both Houses of the Legislature, as soon as is reasonable practicable.

Final provisions

Application and transitional provision

23 (1) This Act shall apply in relation to offences committed wholly on or after the commencement date.

(2) No person shall be charged with any of the superseded offences committed wholly on or after the commencement date.

(3) In this section, “superseded offence” means an offence listed in Schedule 1.

Consequential amendments

24 (1) Schedule 2 (which contains consequential amendments) has effect.

(2) The Minister may by order make such supplementary, incidental or consequential provision as he considers necessary for the purposes of this Act or in consequence of this Act.

(3) The power to make an order under this section—

- (a) is exercisable by statutory instrument subject to the affirmative resolution procedure;
- (b) includes power to make transitional or saving provision;
- (c) may, in particular, be exercised by amending, repealing, revoking or otherwise modifying any provision made by or under any enactment.

Commencement

25 This Act shall come into operation on such day as the Minister appoints by notice in the Gazette.

SCHEDULE 1

(Section 23)

SUPERSEDED OFFENCES

Criminal Code Act 1907

- 1 (1) Section 111 (official corruption)
- (2) Section 112 (extortion by public officers)
- (3) Section 116 (judicial corruption)
- (4) Section 117 (official corruption relating to offences)
- (5) Section 118 (corrupting or threatening jurors)
- (6) Section 118A (corrupting or threatening a holder of a judicial office or law enforcement official)
- (7) Section 125 subsection (1)(a) and (c) and subsection (2) (corruption of witnesses)
- (8) Section 392 (corrupt practices)

Quarantine Act 1946

- 2 Section 5(1)(c) (offering or taking a bribe in connection with powers and duties under the Act)

Parliament Act 1957

- 3 (1) Section 15 (acceptance of bribe by member)
- (2) Section 16 (bribery of member)

Marine Board Act 1962

- 4 Section 43(c) (offence if a pilot accepts or demands money from a ship-master or other person)

Legislature (Appointment, Election and Membership Controversies) Act 1968

- 5 Section 22 (corrupt withdrawal of representation petition)

Rehabilitation of Offenders Act 1977

- 6 Section 6(4)(c) (obtaining any specified information from official record by means of a bribe)

Parliamentary Election Act 1978

7 Section 64 (bribery)

Companies Act 1981

8 Section 250 (corrupt inducement affecting appointment as liquidator)

Internal Audit Act 2010

9 Section 22(2)(a) (officer of Internal Audit Department demanding or taking a bribe in relation to performance of duty)

Justice Protection Act 2010

10 Section 21(3) (offering or accepting a bribe for information which could prejudice safety of participant or integrity of the Justice Protection Programme)

Referendum Act 2012

11 Section 38 (bribery)

SCHEDULE 2

(Section 24(1))

CONSEQUENTIAL AMENDMENTS

Criminal Code Act 1907

1 (1) The provisions of section 111 of the Criminal Code Act 1907 (official corruption) become subsection (1), and after that subsection insert—

“(2) No person shall be charged with an offence under subsection (1) committed wholly on or after the commencement date of the Bribery Act 2016.”

(2) The provisions of section 112 of the Criminal Code (extortion by public officers) become subsection (1), and after that subsection insert—

“(2) No person shall be charged with an offence under subsection (1) committed wholly on or after the commencement date of the Bribery Act 2016.”

(3) At the end of section 116 of the Criminal Code (judicial corruption) insert—

“(5) No person shall be charged with an offence under subsection (1) committed wholly on or after the commencement date of the Bribery Act 2016.”

(4) At the end of section 117 of the Criminal Code Act 1907 (official corruption relating to offences) insert—

“(3) No person shall be charged with an offence under subsection (1) committed wholly on or after the commencement date of the Bribery Act 2016.”

(5) In section 118 of the Criminal Code (corrupting or threatening jurors)—

(a) in paragraph (a) delete “by threats or intimidation of any kind, or”; and

(b) after paragraph (a) insert—

“(aa) who attempts by threats or intimidation of any kind to influence any person, whether a particular person or not, in his conduct as a juror in any judicial proceeding whether he has been sworn as a juror or not; or”;

(c) the provisions of that section become subsection (1), and after that subsection insert—

“(2) No person shall be charged with an offence under subsection (1)(a) or (c) committed wholly on or after the commencement date of the Bribery Act 2016.”

(6) In section 118A of the Criminal Code (corrupting or threatening a holder of a judicial office or law enforcement official)—

(a) in paragraph (a) delete “by threats or intimidation of any kind, or”;

(b) after paragraph (a) insert—

“(aa) who attempts by threats or intimidation of any kind to influence any person, whether a particular person or not, in his conduct as a holder of a judicial office or law enforcement official; or”;

(c) the provisions of that section become subsection (1), and after that subsection insert—

“(2) No person shall be charged with an offence under subsection (1)(a) or (c) committed wholly on or after the commencement date of the Bribery Act 2016.”

(7) At the end of section 125 of the Criminal Code (corruption of witnesses etc) insert—

“(4) No person shall be charged with an offence under subsection (1)(a) or (c) or subsection (2) committed wholly on or after the commencement date of the Bribery Act 2016.”

(8) At the end of section 392 of the Criminal Code Act 1907 (corrupt practices) insert—

“(4) No person shall be charged with an offence under subsection (1) committed wholly on or after the commencement date of the Bribery Act 2016.”

Quarantine Act 1946

2 (1) In section 5 of the Quarantine Act 1946 (obstruction etc of, and offering or taking a bribe in connection with, powers and duties under the Act), delete subsection (1) (c) and substitute—

“(c) who offers or gives a bribe to any officer or person in connection with his powers or duties under this Act, or who, being such officer or person, demands, solicits or takes a bribe in connection with his powers or duties under this Act; or

(d) who assaults, resists, wilfully obstructs, or intimidates any officer or other person acting under the authority of this Act, or who otherwise obstructs the execution of this Act,”.

(2) At the end of that section insert—

“(3) No person shall be charged with an offence under subsection (1)(c) committed wholly on or after the commencement date of the Bribery Act 2016.”

Parliament Act 1957

3 (1) The provisions of section 15 of the Parliament Act 1957 (acceptance of bribe by member) become subsection (1), and after that subsection insert—

“(2) No person shall be charged with an offence under subsection (1) committed wholly on or after the commencement date of the Bribery Act 2016.”

(2) The provisions of section 16 of that Act (bribery of member) become subsection (1), and after that subsection insert—

“(2) No person shall be charged with an offence under subsection (1) committed wholly on or after the commencement date of the Bribery Act 2016.”

(3) In section 18 of that Act (person convicted under section 15, 16 or 17 disqualified for sitting)—

(a) in the headnote, delete “under section 15, 16 or 17” and substitute “of specified offence”;

(b) after “or 17” insert “or an offence under the Bribery Act 2016”.

Marine Board Act 1962

4 The provisions of section 43 of the Marine Board Act 1962 (offences by branch pilot, including at paragraph (c) an offence if a pilot accepts or demands money from a ship-master or other person) become subsection (1), and after that subsection insert—

“(2) No person shall be charged with an offence under subsection (1)(c) committed wholly on or after the commencement date of the Bribery Act 2016.”

Legislature (Appointment, Election and Membership Controversies) Act 1968

5 (1) In section 1(1) of the Legislature (Appointment, Election and Membership Controversies) Act 1968 (interpretation), at the end of the definition of “corrupt practices”, insert “and any offence under the Bribery Act 2016”.

(2) The provisions of section 22 of that Act (punishment for corrupt withdrawal of representation petition) become subsection (1), and after that subsection insert—

“(2) No person shall be charged with an offence under subsection (1) committed wholly on or after the commencement date of the Bribery Act 2016.”

Rehabilitation of Offenders Act 1977

6 (1) In section 6 of the Rehabilitation of Offenders Act 1977 (unauthorized disclosure of spent convictions), delete subsection (4) and substitute—

“(4) Any person who obtains any specified information from any official record by means of any—

- (a) fraud;
- (b) dishonesty; or
- (c) bribe,

commits an offence.”

(2) At the end of that section insert—

“(9) No person shall be charged with an offence under subsection (4)(c) committed wholly on or after the commencement date of the Bribery Act 2016.”

Parliamentary Election Act 1978

7 (1) The provisions of section 64 of the Parliamentary Election Act 1978 (bribery) become subsection (1), and after that subsection insert—

“(2) No person shall be charged with an offence under subsection (1) committed wholly on or after the commencement date of the Bribery Act 2016.”

(2) In section 71 of that Act (disqualifications), delete “and 69” and substitute “and 69, or an offence under the Bribery Act 2016,”.

Companies Act 1981

8 (1) The provisions of section 250 of the Companies Act 1981 (corrupt inducement affecting appointment as liquidator) become subsection (1).

(2) In the new subsection (1), delete “to a fine of five hundred dollars” and substitute—

- “(a) on summary conviction to a fine of \$50,000 or to imprisonment for five years, or both; and
- (b) on conviction on indictment to an unlimited fine or imprisonment for 15 years, or both.”

(3) At the end of that section insert—

“(2) No person shall be charged with an offence under subsection (1) committed wholly on or after the commencement date of the Bribery Act 2016.”

Bermuda International Conciliation and Arbitration Act 1993

9 In section 27 of the Bermuda International Conciliation and Arbitration Act 1993 (award is in conflict with the public policy of Bermuda if induced or affected by fraud or corruption), after “fraud” insert “, bribery”.

Internal Audit Act 2010

10 In section 22 of the Internal Audit Act 2010 (offences, including at subsection (2) (a) offence of officer of Internal Audit Department demanding or taking a bribe in relation to performance of duty), at the end insert—

“(5) No person shall be charged with an offence under subsection (2)(a) committed wholly on or after the commencement date of the Bribery Act 2016.”

Justice Protection Act 2010

11 At the end of section 21 of the Justice Protection Act 2010 (offences, including in subsection (3) offence of offering or accepting a bribe for information which could prejudice safety of participant or integrity of the Justice Protection Programme) insert—

“(6) No person shall be charged with an offence under subsection (3) committed wholly on or after the commencement date of the Bribery Act 2016.”

Referendum Act 2012

12 (1) The provisions of section 38 of the Referendum Act 2012 (bribery) become subsection (1), and after that subsection insert—

“(1) No person shall be charged with an offence under subsection (1) committed wholly on or after the commencement date of the Bribery Act 2016.”

(2) In section 44 of that Act (person disqualified from voting if convicted of certain offences), after “and 42” insert “or an offence under the Bribery Act 2016”.

[Assent Date: 06 December 2016]