



# Bribery Act 2010

## 2010 CHAPTER 23

### *Prosecution and penalties*

#### **10 Consent to prosecution**

- (1) No proceedings for an offence under this Act may be instituted in England and Wales except by or with the consent of—
  - (a) the Director of Public Prosecutions,<sup>[F1]</sup> or
  - (b) the Director of the Serious Fraud Office<sup>F2</sup> ...
  - <sup>F2</sup>(c) .....
- (2) No proceedings for an offence under this Act may be instituted in Northern Ireland except by or with the consent of—
  - (a) the Director of Public Prosecutions for Northern Ireland, or
  - (b) the Director of the Serious Fraud Office.
- (3) No proceedings for an offence under this Act may be instituted in England and Wales or Northern Ireland by a person—
  - (a) who is acting—
    - (i) under the direction or instruction of the Director of Public Prosecutions [<sup>F3</sup>or the Director of the Serious Fraud Office], or
    - (ii) on behalf of such a Director, or
  - (b) to whom such a function has been assigned by such a Director,except with the consent of the Director concerned to the institution of the proceedings.
- (4) The Director of Public Prosecutions [<sup>F4</sup>and the Director of the Serious Fraud Office] must exercise personally any function under subsection (1), (2) or (3) of giving consent.
- (5) The only exception is if—
  - (a) the Director concerned is unavailable, and
  - (b) there is another person who is designated in writing by the Director acting personally as the person who is authorised to exercise any such function when the Director is unavailable.

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*Changes to legislation:* There are currently no known outstanding effects for the Bribery Act 2010, Cross Heading: Prosecution and penalties. (See end of Document for details)

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- (6) In that case, the other person may exercise the function but must do so personally.
- (7) Subsections (4) to (6) apply instead of any other provisions which would otherwise have enabled any function of the Director of Public Prosecutions [<sup>F5</sup>or the Director of the Serious Fraud Office] under subsection (1), (2) or (3) of giving consent to be exercised by a person other than the Director concerned.
- (8) No proceedings for an offence under this Act may be instituted in Northern Ireland by virtue of section 36 of the Justice (Northern Ireland) Act 2002 (delegation of the functions of the Director of Public Prosecutions for Northern Ireland to persons other than the Deputy Director) except with the consent of the Director of Public Prosecutions for Northern Ireland to the institution of the proceedings.
- (9) The Director of Public Prosecutions for Northern Ireland must exercise personally any function under subsection (2) or (8) of giving consent unless the function is exercised personally by the Deputy Director of Public Prosecutions for Northern Ireland by virtue of section 30(4) or (7) of the Act of 2002 (powers of Deputy Director to exercise functions of Director).
- (10) Subsection (9) applies instead of section 36 of the Act of 2002 in relation to the functions of the Director of Public Prosecutions for Northern Ireland and the Deputy Director of Public Prosecutions for Northern Ireland under, or (as the case may be) by virtue of, subsections (2) and (8) above of giving consent.

#### Textual Amendments

- F1** Word in s. 10(1)(a) inserted (27.3.2014) by [The Public Bodies \(Merger of the Director of Public Prosecutions and the Director of Revenue and Customs Prosecutions\) Order 2014 \(S.I. 2014/834\)](#), art. 1(1), [Sch. 2 para. 74\(2\)\(a\)](#)
- F2** S. 10(1)(c) and preceding word omitted (27.3.2014) by virtue of [The Public Bodies \(Merger of the Director of Public Prosecutions and the Director of Revenue and Customs Prosecutions\) Order 2014 \(S.I. 2014/834\)](#), art. 1(1), [Sch. 2 para. 74\(2\)\(b\)](#)
- F3** Words in s. 10(3)(a)(i) substituted (27.3.2014) by [The Public Bodies \(Merger of the Director of Public Prosecutions and the Director of Revenue and Customs Prosecutions\) Order 2014 \(S.I. 2014/834\)](#), art. 1(1), [Sch. 2 para. 74\(3\)](#)
- F4** Words in s. 10(4) substituted (27.3.2014) by [The Public Bodies \(Merger of the Director of Public Prosecutions and the Director of Revenue and Customs Prosecutions\) Order 2014 \(S.I. 2014/834\)](#), art. 1(1), [Sch. 2 para. 74\(4\)](#)
- F5** Words in s. 10(7) substituted (27.3.2014) by [The Public Bodies \(Merger of the Director of Public Prosecutions and the Director of Revenue and Customs Prosecutions\) Order 2014 \(S.I. 2014/834\)](#), art. 1(1), [Sch. 2 para. 74\(5\)](#)

## 11 Penalties

- (1) An individual guilty of an offence under section 1, 2 or 6 is liable—
- (a) on summary conviction, to imprisonment for a term not exceeding 12 months, or to a fine not exceeding the statutory maximum, or to both,
  - (b) on conviction on indictment, to imprisonment for a term not exceeding 10 years, or to a fine, or to both.

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- [<sup>F6</sup>(1A) In the application of this section in England and Wales, the reference in subsection (1) (a) to 12 months is to be read as a reference to the general limit in a magistrates' court (or to 6 months in relation to an offence committed before 2 May 2022).]
- (2) Any other person guilty of an offence under section 1, 2 or 6 is liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum,
  - (b) on conviction on indictment, to a fine.
- (3) A person guilty of an offence under section 7 is liable on conviction on indictment to a fine.
- (4) The reference in subsection (1)(a) to 12 months is to be read—
- <sup>F7</sup>(a) .....
  - (b) in its application to Northern Ireland, as a reference to 6 months.

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**Textual Amendments**

- F6** S. 11(1A) inserted (7.2.2023 at 12.00 p.m.) by [The Judicial Review and Courts Act 2022 \(Magistrates' Court Sentencing Powers\) Regulations 2023 \(S.I. 2023/149\)](#), regs. 1(2), **22(2)**
- F7** S. 11(4)(a) omitted (7.2.2023 at 12.00 p.m.) by virtue of [The Judicial Review and Courts Act 2022 \(Magistrates' Court Sentencing Powers\) Regulations 2023 \(S.I. 2023/149\)](#), regs. 1(2), **22(3)**

**Changes to legislation:**

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Prosecution and penalties.