

LORD TUNNICLIFFE



Minister in the Government Whips Office  
Government Spokesperson for the Ministry of Justice

Lord Mackay of Clashfern  
House of Lords  
London  
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21 January 2010

*Dear James,*

**Bribery Bill**

I am writing to respond to the point you raised in Grand Committee on 7 January (Hansard GC43) in relation to clause 6(3)(b).

You noted that paragraph (b) says:

"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".

You went on to suggest that it would be better if "gift" was replaced by "other advantage" because of the possible difficulty it suggests in relation to corporate hospitality.

We have reviewed the formulation of clause 6(3)(b) and have concluded that it is unnecessary to amend it. As you indicated, paragraph (b) refers back to paragraph (a) of clause 6 which refers to circumstances where "P offers, promises or gives any financial or other advantage". We believe it is clear that paragraph (b) refers to the offer, promise or gift of an advantage and that no useful purpose would be served by replacing "gift" with "other advantage".

I am copying this letter to all those who spoke in the debate on 7 January, namely Lord Henley, Lord Lyell of Markyate, Lord Goodhart, Lord Thomas of Gresford, Lord Williamson of Horton, Baroness Whitaker, Lord Mayhew of Twysden, the Earl of Onslow, Lord Borrie and Lord Hodgson of Astley Abbots. I am also placing a copy in the library of the House and on the Bribery Bill page of the Ministry of Justice website.

*Yours  
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