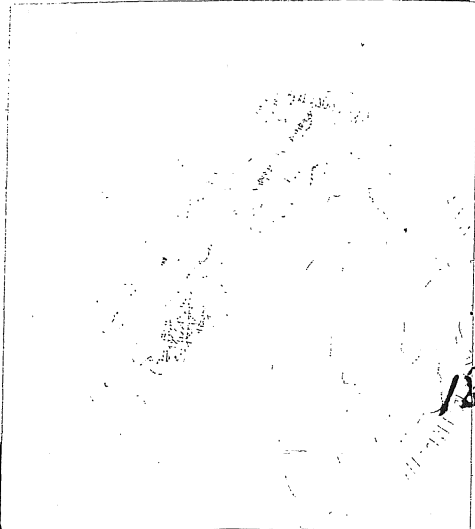


TRINIDAD AND TOBAGO.

No. 5.—1921.



I ASSENT,

J. R. Chancellor.

Governor.

18th March, 1921.

AN ORDINANCE to provide for the prevention of corruption.

[18th March, 1921.]

BE it enacted by the Governor of Trinidad and Tobago with the advice and consent of the Legislative Council thereof as follows:—

1. This Ordinance may be cited as the Prevention of short title. Corruption Ordinance, 1921.
2. In this Ordinance—

The expression “public body” includes local and Interpretation. public authorities of all descriptions.

The expression “public office” means any office or employment of a person as a member, officer or servant of such public body.

The expression “advantage” includes any office or dignity, and any forbearance to demand any money or money’s worth or valuable thing, and includes any aid, vote, consent, or influence, or pretended aid, vote, consent, or influence, and also includes any promise or procurement of

[Price 3d.]

or agreement or endeavour to procure, or the holding out of any expectation of any gift, loan, fee, reward, or advantage, as before defined.

Corruption in office a misdemeanor.

3.—(1.) Every person who shall by himself or by or in conjunction with any other person, corruptly solicit or receive, or agree to receive, for himself, or for any other person, any gift, loan, fee, reward, or advantage whatever as an inducement to, or reward for, or otherwise on account of any member, officer, or servant of the Crown or of a public body, doing or forbearing to do anything in respect of any matter or transaction whatsoever, actual or proposed, in which the Crown or the said public body is concerned, shall be guilty of a misdemeanor.

(2.) Every person who shall by himself or by or in conjunction with any other person corruptly give, promise, or offer any gift, loan, fee, reward, or advantage whatsoever to any person, whether for the benefit of that person or of another person as an inducement to or reward for or otherwise on account of any member, officer or servant of the Crown or of any public body doing or forbearing to do anything in respect of any matter or transaction whatsoever, actual or proposed, in which the Crown or such public body as aforesaid is concerned, shall be guilty of a misdemeanor.

Penalty for offences.

4. Any person on conviction for offending as aforesaid shall, at the discretion of the Court before which he is convicted,—

- (a.) be liable to be imprisoned for any period not exceeding two years, with or without hard labour, or to pay a fine not exceeding five hundred pounds, or to both such imprisonment and such fine; and
- (b.) in addition be liable to be ordered to pay to such body, and in such manner as the Court directs, the amount or value of any gift, loan, fee, or reward received by him or any part thereof; and
- (c.) be liable to be adjudged incapable of being elected or appointed to any public office for

seven years from the date of his conviction, and to forfeit any such office held by him at the time of his conviction; and

- (d.) in the event of a second conviction for a like offence he shall, in addition to the foregoing penalties, be liable to be adjudged to be for ever incapable of holding any public office, and to be incapable for seven years of being registered as an elector, or voting at an election of members of any public body; and
- (e.) if such person is an officer or servant in the employ of any public body upon such conviction, he shall, at the discretion of the Court, be liable to forfeit his right and claim to any compensation or pension to which he would otherwise have been entitled.

5. If any agent corruptly accepts or obtains or agrees to accept or attempts to obtain, from any person, for himself or for any other person, any gift or consideration as an inducement or reward for doing or forbearing to do, or for having after the commencement of this Ordinance done or forborne to do, any act in relation to his principal's affairs or business, or for showing or forbearing to show favour or disfavour to any person in relation to his principal's affairs or business; or

Punishment of corrupt transactions with agents.

If any person corruptly gives or agrees to give or offers any gift or consideration to any agent as an inducement or reward for doing or forbearing to do, or for having after the commencement of this Ordinance done or forborne to do, any act in relation to his principal's affairs or business or for showing or forbearing to show favour or disfavour to any person in relation to his principal's affairs or business; or

If any person knowingly gives to any agent or if any agent knowingly uses with intent to deceive his principal, any receipt, account or

other document in respect of which the principal is interested, and which contains any statement which is false or erroneous or defective in any material particular, and which to his knowledge is intended to mislead the principal ;

he shall be guilty of a misdemeanor, and shall be liable on conviction on indictment to imprisonment with or without hard labour, for a term not exceeding two years, or to a fine not exceeding five hundred pounds, or to both such imprisonment and such fine, or on summary conviction to imprisonment with or without hard labour, for a term not exceeding four months, or to a fine not exceeding fifty pounds, or to both such imprisonment and such fine.

Increase of maximum penalty in certain cases.

6. A person convicted on indictment of a misdemeanor under this Ordinance, where the matter or transaction in relation to which the offence was committed was a contract or a proposal for a contract with His Majesty or any Government Department or any public body or a sub-contract to execute any work comprised in such a contract, shall be liable to imprisonment with hard labour for a term not exceeding seven nor less than three years.

Presumption of corruption in certain cases.

7. Where in any proceedings against a person for an offence under this Ordinance, it is proved that any money, gift, or other consideration has been paid or given to or received by a person in the employment of His Majesty or any Government Department or a public body by or from a person, or agent of a person, holding or seeking to obtain a contract from His Majesty or any Government Department or public body, the money, gift, or consideration shall be deemed to have been paid or given and received corruptly as such inducement or reward as is mentioned in this Ordinance unless the contrary is proved.

Definition of "consideration," "agent" "principal."

8. In sections 5 and 7 of this Ordinance the expression "consideration" includes valuable consideration of any kind ; the expression "agent" includes any person employed by or acting for another and any person serving under the Crown or any public body ; and the expression "principal" includes an employer.

9.—(1.) Where an offence under this Ordinance is also punishable under any other enactment, or at common law, such offence may be prosecuted and punished either under this Ordinance or under the other enactment, or at common law, but so that no person shall be punished twice for the same offence. Saving clause.

(2.) A person shall not be exempt from punishment under this Ordinance by reason of the invalidity of the appointment or election of a person to a public office.

10. A prosecution for an offence under this Ordinance shall not be instituted except by or with the consent of the Attorney-General. Restriction on prosecutions

11. Proceedings instituted with a view to obtaining a summary conviction for an offence under this Ordinance may be commenced at any time before the expiration of six months after the first discovery of the offence by the prosecutor. Time for taking proceedings.

Passed in Council this fourth day of March, in the year of Our Lord one thousand nine hundred and twenty-one.


Clerk of the Council.