

CHAPTER 4. No. 14.

PREVENTION OF CORRUPTION.

AN ORDINANCE TO PROVIDE FOR THE PREVENTION OF CORRUPTION. Ordinances  
Cap. 17-1925.  
No. 14-1939,  
s. 11.

[18th March, 1921.]

Commencement.

1. This Ordinance may be cited as the Prevention of Corruption Ordinance. Short title.

2. In this Ordinance—

Interpreta-  
tion.

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

“agent” includes any person employed by or acting for another and any person serving under the Crown or other public body;

“consideration” includes valuable consideration of any kind;

“principal” includes an employer;

“public body” includes local and public authorities of all descriptions;

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

3. (1) Every person who shall, by himself or by or in conjunction with any other person, corruptly solicit or receive, Corruption in  
office a mis-  
demeanor.

or agree to receive, for himself or for any other person, any gift, loan, fee, reward, or advantage whatsoever 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 on indictment for offending as aforesaid shall, at the discretion of the court before which he is convicted—

(a) be liable to be imprisoned for two years, or to pay a fine of two thousand four hundred dollars, or to both such imprisonment and 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 any 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 for two years, or to a fine of two thousand four hundred dollars, or to both such imprisonment and fine, or, on summary conviction, to imprisonment for four months, or to a fine of two hundred and forty dollars, or to both such imprisonment and fine.

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 for seven years.

Increase of maximum penalty in certain cases. Ord. 14-1939, s. 11.

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.

Time for  
taking  
proceedings.  
Cap. 17-1925,  
s. 11.

8. 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.

Saving  
clause.

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.

(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.

*Fiat* of  
Attorney  
General.

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