

LAWS OF TRINIDAD AND TOBAGO

PREVENTION OF CORRUPTION ACT

CHAPTER 11:11

Act
5 of 1921
Amended by
14 of 1939
172/1961
136/1976

Current Authorised Pages

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Note
on
Subsidiary Legislation

This Chapter contains no subsidiary legislation.

CHAPTER 11:11**PREVENTION OF CORRUPTION ACT**

ARRANGEMENT OF SECTIONS

SECTION

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An Act to provide for the Prevention of Corruption.

1950 Ed.
Ch. 4 No. 14.
5 of 1921.

[18TH MARCH 1921]

Commence-
ment.

1. This Act may be cited as the Prevention of Corruption Act.

Short title.

2. In this Act—

Interpretation.

“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 State 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 a public body.

Corruption in
office an
offence.

3. (1) Every person who, by himself or by or in conjunction with any other person, corruptly solicits or receives, or agrees 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 State 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 State or a public body is concerned, is guilty of an offence.

(2) Every person who, by himself or by or in conjunction with any other person, corruptly gives, promises, or offers 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 State 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 State or the public body is concerned, is guilty of an offence.

Penalty for
offences.

4. (1) Any person who is convicted on indictment for any offence under section 3 is, at the discretion of the court before which he is convicted, liable to a fine of twenty thousand dollars and to imprisonment for two years and, in addition, is 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. Such person is also 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.

(2) In the event of a second conviction for a like offence such person shall at the discretion of the court, 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.

(3) 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. Any person who—

Punishment of corrupt transactions with agents.

- (a) being an 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 Act 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;
- (b) 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 Act 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
- (c) 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,

is liable on conviction on indictment to a fine of twenty thousand dollars and to imprisonment for two years or on summary conviction to a fine of two thousand dollars and to imprisonment for four months.

6. A person convicted on indictment of an offence under this Act, where the matter or transaction in relation to which the offence was committed was a contract or a proposal for a contract with the State or any Government department or any public body, or a subcontract to execute any work comprised in such a contract, is liable to imprisonment for seven years.

Increase of maximum penalty in certain cases.

7. Where, in any proceedings against a person for an offence under this Act, 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 the State or any Government department or a public body by or from a person, or agent of a person, holding or

Presumption of corruption in certain cases.

seeking to obtain a contract from the State 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 Act, unless the contrary is proved.

Time for taking proceedings.

8. Proceedings instituted with a view to obtaining a summary conviction for an offence under this Act may be commenced at any time within six months after the first discovery of the offence by the prosecutor.

Saving clause.

9. A person shall not be exempt from punishment under this Act by reason of the invalidity of the appointment or election of a person to a public office.

Consent of Director of Public Prosecutions. [172/1961 136/1976].

10. A prosecution for an offence under this Act shall not be instituted except by or with the consent of the Director of Public Prosecutions.
