

PREVENTION OF CORRUPTION ACT

CHAPTER 11:11

Act
11 of 1987

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UNOFFICIAL VERSION

L.R.O.

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Note on Subsidiary Legislation

This Chapter contains no subsidiary legislation.

CHAPTER 11:11

PREVENTION OF CORRUPTION ACT

ARRANGEMENT OF SECTIONS

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CHAPTER 11:11

PREVENTION OF CORRUPTION ACT

11 of 1987. **An Act to provide for the Prevention of Corruption.**

Commencement. [18TH MAY 1987]

Preamble. WHEREAS it is enacted by section 13(1) of the Constitution that an Act of Parliament to which that section applies may expressly declare that it shall have effect even though inconsistent with sections 4 and 5 of the Constitution and, if any Act does so declare, it shall have effect accordingly:

And whereas it is provided in the said section 13(2) of the Constitution that an Act of Parliament to which that section applies is one the Bill for which has been passed by both Houses of Parliament and at the final vote thereon in each House has been supported by the votes of not less than three-fifths of all the members of that House:

And whereas it is necessary and expedient that the provisions of this Act shall have effect notwithstanding sections 4 and 5 of the Constitution:

Short title. **1.** (1) This Act may be cited as the Prevention of Corruption Act.

Act inconsistent with Constitution. (2) This Act shall have effect even though inconsistent with sections 4 and 5 of the Constitution.

Interpretation. **2.** In this Act—
“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 or reward;

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

“consideration” includes valuable consideration of any kind;

“principal” includes an employer;

“public body” includes the Cabinet, the House of Representatives, the Senate, the Tobago House of Assembly, local, statutory and public authorities of all descriptions and all State Enterprises and the Boards thereof;

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

“State Enterprises” means all enterprises referred to in section 119(9) of the Constitution.

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, an agent 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.

Corruption in
office 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, an agent 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.

4. Any person who—

(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

Punishment of
corrupt
transactions
with agents.

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 an agent, or being an 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 guilty of an offence.

Offence to corruptly use or communicate official information.

5. (1) Any person who being an agent—

- (a) corruptly uses official information for the purpose of obtaining any gift, loan, fee, reward or advantage whatsoever for himself or any other person; or
- (b) corruptly communicates official information to any other person with a view of enabling any person to obtain any gift, loan, fee, reward or advantage whatsoever,

is guilty of an offence.

(2) For the purposes of this section “official information” means any fact or document which comes to a person's knowledge or into his possession by virtue of his position as a person serving under the State or being a member of a public body or holding any other public office.

6. (1) A person who commits an offence under section 3, 4 or 5, notwithstanding section 100(5) of the Summary Courts Act, is liable, whether upon summary conviction or upon conviction on indictment, to a fine of five hundred thousand dollars and to imprisonment for ten years and, in addition, shall be ordered to pay to such public body and in such manner as the Court directs, the amount or value of any gift, loan, fee, or reward received by him. Such person shall also be adjudged forever incapable of being elected or appointed as a member of a public body or of holding any other public office and shall forfeit any such office held by him at the time of his conviction.

Penalty for offences.
Ch. 4:20.

(2) In the event of a second conviction for a like offence such person shall, in addition to the foregoing penalties, notwithstanding section 15 of the Representation of the People Act, be adjudged to be incapable for seven years of being registered as an elector, or voting at any election of members of any public body.

Ch. 2:01.

(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 to claim to any compensation or pension to which he would otherwise have been entitled.

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 an agent by or from a person, or his representative, holding or 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.

Presumption of corruption in certain cases.

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

Time for taking proceedings.

9. (1) If a Judge in Chambers is satisfied on an *ex parte* application made by the Director of Public Prosecutions and supported by evidence on affidavit that there is reasonable cause to believe that a person has committed an offence under this Act,

Powers of police to inspect financial records and other documents.

the Judge may make an order authorising any police officer not below the rank of inspector to enter and search any premises named in the order with such assistance as may be necessary and to inspect and make copies—

- (a) of the relevant financial records of such person; and
- (b) of such other relevant documents as may be specified in the order.

(2) Where an order is made under subsection (1) and the Judge is satisfied that there is reasonable cause for so doing, he may make a further order authorising the police officer to enter and search any premises named in the order with such assistance as may be necessary and to inspect and make copies—

- (a) of the relevant financial records of the spouse of the person against whom the order is made; and
- (b) of such other relevant documents as may be specified in the order.

Saving clause.

10. A person shall not be exempt from punishment under this Act by reason of the invalidity of the appointment or election of a person as a member of a public body or to hold any other public office.

Consent of
Director of
Public
Prosecutions.

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