

## THE CORRUPTION PREVENTION ACT

Cap. 78.

[19th March, 1931.]

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

PART I. *Preliminary*PREVENTION OF BRIBERY AND CORRUPTION OF AND BY  
MEMBERS, ETC., OF PUBLIC BODIES

2. In this Part of this Act—

“public body” means any municipal corporation also any parish council or any other board, commission, or other body which has power to act under or for the purposes of any enactment relating to local government or the public health or to poor law or otherwise to administer money raised by rates in pursuance of any public general Act;

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

“public servant” means and includes any person in the public service of the Island or, unless the context otherwise requires, in the service of any municipal corporation, parish council, or public body;

“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

Inter-  
pretation.

of any expectation of any gift, loan, fee, reward, or advantage as before defined.

Corruption  
in office a  
misdemeanour.

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 a public body doing or forbearing to do anything in respect of any matter or transaction whatsoever, actual or proposed, in which the said public body is concerned, shall be guilty of a misdemeanour.

(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 any public body, doing or forbearing to do anything in respect of any matter or transaction whatsoever, actual or proposed, in which such public body as aforesaid is concerned, shall be guilty of a misdemeanour.

Public  
servant  
taking a  
gratification  
other than  
legal remuneration.

4. Every person who, being or expecting to be a public servant, accepts or obtains or agrees to accept or attempts to obtain from any person, for himself or for any other person, any gratification whatever other than legal remuneration—as a motive or reward for doing or forbearing to do any official act, or for showing or forbearing to show, in the exercise of his official functions, favour or disfavour to any person, or for rendering or attempting to render any service or disservice to any person with the Senate or House of Representatives or Executive Government of Jamaica, or with any public servant as such, shall be guilty of a misdemeanour.

In the interpretation and explanation of this section and of the succeeding sections, of this Part the word "gratification" is not restricted to pecuniary gratifications or to gratifications estimable in money, and the words "legal remuneration" are not restricted to the remuneration which a public servant can lawfully demand but includes all remuneration which he is permitted by the Government which he serves to accept, and the words "a motive or reward for so doing" include in their interpretation a person who receives a gratification as a motive for doing what he does not intend to do or as a reward for doing what he has not done.

5. Every person who accepts or obtains, or agrees to accept or attempts to obtain, from any person, for himself or for any other person, any gratification whatever as a motive or reward for inducing, by corrupt or illegal means, any public servant to do or to forbear to do any official act, or in the exercise of the official functions of such public servant to show favour or disfavour to any person, or to render or attempt to render any service or disservice to any person with the Senate or House of Representatives or the Executive Government of Jamaica or with any public servant as such, shall be guilty of a misdemeanour.

Taking a gratification in order by corrupt or illegal means to influence a public servant.

6. Every person who accepts or obtains, or agrees to accept or attempts to obtain, from any person, for himself or for any other person, any gratification whatever, as a motive or reward for inducing, by the exercise of personal influence, any public servant to do or to forbear to do any official act, or in the exercise of the official functions of such public servant to show favour or disfavour to any person, or to render or attempt to render any service or disservice to any person with the Senate or House of Representatives or the Executive Government of Jamaica, or

Taking a gratification for the exercise of personal influence with a public servant.

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with any public servant as such, shall be guilty of a misdemeanour.

Punishment  
for abet-  
ment by  
public  
servant.

7. Every person who, being a public servant, in respect of whom either of the offences defined in sections 5 and 6 is committed, abets the offences, shall be guilty of a misdemeanour.

Penalty for  
offences.

8. 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 one thousand dollars, 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 either of members to serve in the House of Representatives or of members of any public body, and the enactments for preventing the voting and registration of persons declared by reason of corrupt practices to be in-

capable of voting shall apply to a person adjudged in pursuance of this section to be incapable of voting; 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.

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

(2) 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.

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

11. The expenses of the prosecution of an offence against this Part shall be defrayed out of the Consolidated Fund. Expenses of prosecution.

12. A Resident Magistrate's Court shall have jurisdiction to inquire of, hear, and determine a misdemeanour or offence under this Act and the procedure shall be in accordance with the provisions of any enactment for the time being in force regulating procedure before Resident Magistrates in the exercise of criminal jurisdiction. Jurisdiction.

## CORRUPTION PREVENTION

### PART II. *Prevention of Corruption of Agents*

Corruption  
of agents.

**13.--(1)** 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 for forbearing to do, or for having 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 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 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 misdemeanour, 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 one thousand dollars, or to both such imprisonment and such fine, or on conviction on indictment before a Resident Magistrate to imprisonment, with or without hard labour for a term not exceeding twelve months, or to a fine not exceeding one hundred dollars, or to both such imprisonment and such fine.

(2) For the purposes of this section—

“agent” includes any person employed by or acting for another;

“consideration” includes valuable consideration of any kind; and

“principal” includes an employer.

A person serving under the Crown or under any statutory corporation or any Parish Council or the Kingston and St. Andrew Corporation is an agent within the meaning of this section.

(3) A prosecution for an offence under this section shall not be instituted without the consent of the Director of Public Prosecutions.