

CHAPTER 144

PREVENTION OF CORRUPTION 1929-4

This Act came into operation on 21st June, 1929.

Amended by:

This Act has not been amended

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PREVENTION OF CORRUPTION 1929-4

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**BARBADOS****PREVENTION OF CORRUPTION
1929-4**

An Act to provide for the prevention of corruption.

[Commencement: 21st June, 1929]

Short title

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

Interpretation

2. For the purposes of this Act, the expression—
“advantage” includes—
 - (a) any office or dignity;
 - (b) any forbearance to demand any money or money’s worth or valuable thing;
 - (c) any aid, vote, consent or influence or pretended aid, vote, consent or influence; and

- (d) any promise or procurement of, 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 any 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 or servant of such public body.

Corruption in office a misdemeanour

3.(1) Any person who, by himself or by or in conjunction with any 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 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 such public body is concerned, shall be guilty of a misdemeanour.

(2) Any 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 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 is concerned, shall be guilty of a misdemeanour.

Punishments for corruption

4. Any person on conviction on indictment for a misdemeanour under section 3 shall be liable—

- (a) to imprisonment for two years, or to a fine of two thousand and four hundred dollars or to both such imprisonment and fine; and
- (b) 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) 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, in addition to the foregoing penalties, to be adjudged to be forever 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 an officer or servant in the employ of any public body, to forfeit his right and claim to any compensation or pension to which he would otherwise have been entitled.

Corrupt transactions with agents

5. 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 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

- (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 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, being any agent, knowingly uses, with intent to deceive his principal, any receipt, account or other document in respect of which the principal is interested 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,

shall be guilty of a misdemeanour 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 before a magistrate, to imprisonment for four months or to a fine of two hundred and forty dollars or to both such imprisonment and fine.

Increase of maximum penalty for offences in relation to public contracts

6. A person convicted on indictment of a misdemeanour 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 Crown 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 any 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 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 Crown 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 the Crown or any Government Department or public body, the money, gift or consideration shall, for the purposes of this Act, be deemed to have been paid or given and received corruptly as inducement or reward, unless the contrary is proved.

Saving

8. 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.

Fiat of Director of Public Prosecutions

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

[1964/8]

Time for taking proceedings

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