

PREVENTION OF CORRUPTION BILL, 2019

EXPLANATORY MEMORANDUM

The Prevention of Corruption Bill, 2019 would provide for the prevention, investigation and prosecution of acts of corruption.

PART I PRELIMINARY

- Clause 1:** provides the short title.
- Clause 2:** provides definitions for certain terms used in the legislation.
- Clause 3:** explains the concepts of offering, soliciting and accepting an advantage.

PART II ACTS OF CORRUPTION - OFFENCES AND PENALTIES

- Clause 4:** makes it an offence to bribe persons exercising public functions.
- Clause 5:** makes it an offence to bribe a foreign public official.
- Clause 6:** makes it an offence to an official of a public international organisation.
- Clause 7:** makes it illegal for a person to offer or accept a bribe to use his influence in order for another person to obtain an advantage from a public authority.
- Clause 8:** prohibits an employee from acquiring a private interest in contracts, agreement or investments of a public authority, in certain circumstances.

- Clause 9:** makes it an offence, among other things, to offer or accept a bribe in relation to the promotion, procuring or execution of a contract with a public authority.
- Clause 10:** makes it illegal to offer or accept a bribe in relation to refraining from bidding an at auction of a public authority.
- Clause 11:** makes it an offence for an agent to accept a bribe as regards his obligations to his principal.
- Clause 12:** proscribes bribery in the private sector.
- Clause 13:** specifies the penalties for acts of corruption.
- Clause 14:** disqualifies a person convicted of an offence from holding public office for 5 years.

PART III INVESTIGATIONS

- Clause 15:** allows an investigative officer to obtain a disclosure order to require persons to provide information.
- Clause 16:** provides for a warrant to be issued for the search of premises and the seizure of material.
- Clause 17:** makes it an offence to tip off someone, among other things, about the conduct of an investigation.

PART IV EVIDENCE

- Clause 18:** provides for evidence that an accused has property for which he cannot give a satisfactory account to be used for corroboration and as evidence that he accepted an advantage.

- Clause 19:** allows for a presumption of corruption to be made in certain cases.
- Clause 20:** disallows the use of certain defences including that the offering or accepting of an advantage is customary in certain professions or trades.

PART VMISCELLANEOUS

- Clause 21:** makes it an offence to knowingly make a false allegation of corruption.
- Clause 22:** provides for the Minister to make Regulations to give effect to the legislation.
- Clause 23:** repeals the *Prevention of Corruption Act*, Cap. 144 and the *Prevention of Corruption Act, 2012* (Act 2012-31).
- Clause 24:** provides for the legislation to come into effect upon Proclamation.