



6 Edw. 7., c. 34

PREVENTION OF CORRUPTION ACT 1906

REVISED

Updated to 14 May 2013

This Revised Act is an administrative consolidation of the *Prevention of Corruption Act 1906*. It is prepared by the Law Reform Commission in accordance with its function under the *Law Reform Commission Act 1975 (3/1975)* to keep the law under review and to undertake revision and consolidation of statute law.

All Acts up to and including *Defence Forces (Second World War Amnesty and Immunity) Act 2013 (12/2013)*, enacted 14 May 2013, and all statutory instruments up to and including *Education (Miscellaneous Provisions) Act 2007 (Commencement) Order 2013 (S.I. No. 166 of 2013)*, made 14 May 2013, were considered in the preparation of this Revised Act.

Disclaimer: While every care has been taken in the preparation of this Revised Act, the Law Reform Commission can assume no responsibility for and give no guarantees, undertakings or warranties concerning the accuracy, completeness or up to date nature of the information provided and does not accept any liability whatsoever arising from any errors or omissions. Please notify any errors, omissions and comments by email to revisedacts@lawreform.ie.



6 Edw. 7., c. 34

PREVENTION OF CORRUPTION ACT 1906

REVISED

Updated to 14 May 2013

Introduction

This Revised Act presents the text of the Act as it has been amended since enactment, and preserves the format in which it was passed.

Related legislation

Prevention of Corruption Acts 1889-2010: This Act is one of a group of Acts included in this collective citation (*Prevention of Corruption (Amendment) Act 2010*, s. 7(2)). The Acts in the group are:

- *Public Bodies Corrupt Practices Act 1889* (52 & 53 Vict., c. 69)
- *Prevention of Corruption Act 1906* (6 Edw. 7., c. 34)
- *Prevention of Corruption Act 1916* (6 & 7 Geo. 5., c. 64)
- *Ethics in Public Office Act 1995* (22/1995), section 38
- *Prevention of Corruption (Amendment) Act 2001* (27/2001)
- *Proceeds of Crime (Amendment) Act 2005*, Part 5 (1/2005)
- *Prevention of Corruption (Amendment) Act 2010* (33/2010)

Annotations

This Revised Act is annotated and includes textual and non-textual amendments, statutory instruments made pursuant to the Act and previous affecting provisions.

An explanation of how to read annotations is available at

www.lawreform.ie/annotations

Material not updated in this revision

Where other legislation is amended by this Act, those amendments may have been superseded by other amendments in other legislation, or the amended legislation may have been repealed or revoked. This information is not represented in this revision but will be reflected in a revision of the amended legislation if one is available.

Where legislation or a fragment of legislation is referred to in annotations, changes to this legislation or fragment may not be reflected in this revision but will be reflected in a revision of the legislation referred to if one is available.

A list of legislative changes to any Act, and to statutory instruments from 2000, may be found in the Legislation Directory at www.irishstatutebook.ie.

Acts which affect or previously affected this revision

- *Criminal Justice Act 2011* (22/2011)
- *Prevention of Corruption (Amendment) Act 2010* (33/2010)
- *Criminal Procedure Act 2010* (27/2010)
- *National Asset Management Agency Act 2009* (34/2009)
- *Local Government Act 2001* (37/2001)
- *Prevention of Corruption (Amendment) Act 2001* (27/2001)
- *Criminal Law Act 1997* (14/1997)
- *Ethics in Public Office Act 1995* (22/1995)

All Acts up to and including *Defence Forces (Second World War Amnesty and Immunity) Act 2013* (12/2013), enacted 14 May 2013, were considered in the preparation of this revision.

Statutory instruments, orders and regulations which affect or previously affected this revision

- *Prevention of Corruption Acts, 1889 to 1916, Adaptation Order 1928* (S.R.O. 37 of 1928)

All statutory instruments up to and including *Education (Miscellaneous Provisions) Act 2007 (Commencement) Order 2013* (S.I. No. 166 of 2013), made 14 May 2013, were considered in the preparation of this revision.



6 Edw. 7., c. 34

PREVENTION OF CORRUPTION ACT 1906

REVISED

Updated to 14 May 2013

ARRANGEMENT OF SECTIONS

Section

1. Punishment of corrupt transactions with agents.
2. Prosecution of offences.
3. Application to Scotland.
4. Short title and commencement.



6 Edw. 7., c. 34

PREVENTION OF CORRUPTION ACT 1906

REVISED

Updated to 14 May 2013

An Act for the better Prevention of Corruption. [4th August 1906.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Annotations

Modifications (not altering text):

- C1** Act included in collective citation (15.12.2010) by *Prevention of Corruption (Amendment) Act 2010* (33/2010), s. 7(2), commenced on enactment.

Short title and collective citation.

7.— ...

(2) The Prevention of Corruption Acts 1889 to 2005 and this Act may be cited together as the Prevention of Corruption Acts 1889 to 2010.

Acts included or previously included in the collective citation are:

- *Prevention of Corruption (Amendment) Act 2010* (33/2010) (15.12.2010) by s. 7(2), commenced on enactment.
- *Proceeds of Crime (Amendment) Act 2005* (1/2005), Part 5 (12.02.2005) by s. 1(4), commenced on enactment.
- *Prevention of Corruption (Amendment) Act 2001* (27/2001) (26.11.2001) by s. 10(2), S.I. No. 519 of 2001.
- *Ethics in Public Office Act 1995* (22/1995), section 38 (1.11.1995) by s. 1(3), S.I. No. 282 of 1995.
- *Prevention of Corruption Act 1916* (6 & 7 Geo. 5., c. 64) (22.12.1916) by s. 4(1), commenced on enactment.
- *Prevention of Corruption Act 1906* (6 Edw. 7., c. 34) (22.12.1916) by *Prevention of Corruption Act 1916* (6 & 7 Geo. 5., c. 64), s. 4(1), commenced on enactment.
- *Public Bodies Corrupt Practices Act 1889* (52 & 53 Vict., c. 69) (22.12.1916) by *Prevention of Corruption Act 1916* (6 & 7 Geo. 5., c. 64), s. 4(1), commenced on enactment.

- C2** Application of collectively cited *Prevention of Corruption Acts 1889 to 2001* extended (21.12.2009) by *National Asset Management Agency Act 2009* (34/2009), s. 16, S.I. No. 545 of 2009.

Prevention of corruption.

16.— (1) To avoid doubt, the provisions of the Prevention of Corruption Acts 1889 to 2001 apply to—

- (a) every officer of NAMA,
- (b) the Chief Executive Officer,
- (c) the other members of the Board, and
- (d) every director of a NAMA group entity.

(2) Where in any proceedings against a person who performs functions for or on or behalf of NAMA, or who performs functions connected to the valuation of eligible bank assets, for an offence under the Public Bodies Corrupt Practices Act 1889 or the Prevention of Corruption Act 1906 it is shown that—

- (a) any gift, consideration or advantage has been given to or received by the person, and
- (b) the person who gave the gift, consideration or advantage or on whose behalf the gift, consideration or advantage was given was—
 - (i) a person who is a debtor in relation to an eligible bank asset, or
 - (ii) an associated debtor of such a person,

the gift or consideration or advantage shall be taken, unless the contrary is proved, to have been given and received corruptly as an inducement to or reward for the person performing or omitting to perform any of those functions.

- C3** Application of collectively cited *Prevention of Corruption Acts 1889 to 1995* confirmed (1.01.2003 and 21.05.2004) by *Local Government Act 2001* (37/2001), s. 170, S.I. No. 218 of 2002 and S.I. No. 217 of 2004.

Prohibition of favours, rewards, etc.

170.—(1) An employee or a member of a local authority or of a committee of a local authority shall not seek, exact or accept from any person, other than from the local authority concerned, any remuneration, fee, reward or other favour for anything done or not done by virtue of his or her employment or office, and a code of conduct under section 169 may include guidance for the purposes of this subsection.

(2) Subsection (1) shall not be read so as to exclude the persons to whom that subsection relates from the application of the Prevention of Corruption Acts, 1889 to 1995, and any Act which is to be construed together as one with those Acts.

Editorial Notes:

- E1** Previous affecting provision: Act applied (12.07.1989) by *Central Bank Act 1989* (16/1989), ss. 16 and 17, S.I. No. 176 of 1989. S. 16 repealed (1.05.2003) by *Central Bank and Financial Services Authority Act 2003* (12/2003), s. 35 and sch. 1 pt. 9, S.I. No. 160 of 2003. S. 17 applies to every person to whom s. 16 relates, and therefore would appear to be obsolete.

Punishment of
corrupt transac-
tions with agents.

F1[**1.**—(1) An agent or any other person who—

- (a) corruptly accepts or obtains, or
- (b) corruptly agrees to accept or attempts to obtain,

for himself or herself, or for any other person, any gift, consideration or advantage as an inducement to, or reward for, or otherwise on account of, the agent doing any act or making any omission in relation to his or her office or position or his or her principal's affairs or business shall be guilty of an offence.

(2) A person who—

- (a) corruptly gives or agrees to give, or
- (b) corruptly offers,

any gift F2[, consideration or advantage] to an agent or any other person, whether for the benefit of that agent, person or another person, as an inducement to, or reward for, or otherwise on account of, the agent doing any act or making any omission in relation to his or her office or position or his or her principal's affairs or business shall be guilty of an offence.

(3) A person who knowingly gives to any agent, or an agent who knowingly uses with intent to deceive his or her 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 or her knowledge is intended to mislead the principal shall be guilty of an offence.

(4) A person guilty of an offence under this section shall be liable—

- (a) on summary conviction to a fine not exceeding £2,362.69 or to imprisonment for a term not exceeding 12 months or to both, or
- (b) on conviction on indictment to a fine or to imprisonment for a term not exceeding 10 years or to both.

(5) In this Act—

‘agent’ includes—

- (a) any person employed by or acting for another,
- (b) (i) an office holder or director (within the meaning, in each case, of the Public Bodies Corrupt Practices Act, 1889, as amended) of, and a person occupying a position of employment in, a public body (within the meaning aforesaid) and a special adviser (within the meaning aforesaid),
 - (ii) a member of Dáil Éireann or Seanad Éireann,
 - (iii) a person who is a member of the European Parliament by virtue of the European Parliament Elections Act, 1997,
 - (iv) an Attorney General (who is not a member of Dáil Éireann or Seanad Éireann),
 - (v) the Comptroller and Auditor General,
 - (vi) the Director of Public Prosecutions,
 - (vii) a judge of a court in the State,
 - (viii) any other person employed by or acting on behalf of the public administration of the State,

and

- (c) (i) a member of the government of any other state,
- (ii) a member of a parliament, regional or national, of any other state,
- (iii) a member of the European Parliament (other than a person who is a member by virtue of the European Parliament Elections Act, 1997),
- (iv) a member of the Court of Auditors of the European Communities,
- (v) a member of the Commission of the European Communities,
- (vi) a public prosecutor in any other state,

- (vii) a judge of 4a court in any other state,
- (viii) a judge of any court established under an international agreement to which the State is a party,
- (ix) a member of, or any other person employed by or acting for or on behalf of, any body established under an international agreement to which the State is a party, F3[...]
- F4[(x) any other person employed by or acting on behalf of the public administration of any state (other than the State), including a person under the direct or indirect control of the government of any such state, and
- (xi) a member of, or any other person employed by or acting for or on behalf of, any international organisation established by an international agreement between states to which the State is not a party;]

‘consideration’ includes valuable consideration of any kind;

F5[‘corruptly’ includes acting with an improper purpose personally or by influencing another person, whether by means of making a false or misleading statement, by means of withholding, concealing, altering or destroying a document or other information, or by any other means;]

‘principal’ includes an employer.

F5[‘state’, in relation to a state other than the State, includes—

- (a) a territory, whether in the state or outside it, for whose external relations the state or its government is wholly or partly responsible,
- (b) a subdivision of the government of the state, and
- (c) a national, regional or local entity of the state.]]

Annotations

Amendments:

- F1 Substituted (26.11.2001) by *Prevention of Corruption (Amendment) Act 2001* (27/2001), s. 2, S.I. No. 519 of 2001.
- F2 Substituted (12.15.2010) by *Prevention of Corruption (Amendment) Act 2010* (33/2010), s. 2(a), commenced on enactment.
- F3 Deleted (15.12.2010) by *Prevention of Corruption (Amendment) Act 2010* (33/2010), s. 2(b)(i)(I), commenced on enactment.
- F4 Substituted (15.12.2010) by *Prevention of Corruption (Amendment) Act 2010* (33/2010), s. 2(a) and (b)(i)(II), commenced on enactment.
- F5 Inserted (15.12.2010) by *Prevention of Corruption (Amendment) Act 2010* (33/2010), s. 2(b)(ii), commenced on enactment.

Editorial Notes:

- E2 Offence under section included in definition of “relevant offence” for purposes of *Criminal Justice Act 2011* (22/2011) (9.08.2011) by *Criminal Justice Act 2011* (22/2011), s. 3 and sch. 1, S.I. No. 411 of 2011.

- E3** Offence under section, in so far as the offence concerned relates to criminal proceedings, included in definition of “offence against the administration of justice” for purposes of *Criminal Procedure Act 2010 (27/2010)*, Part 10 (1.09.2010) by *Criminal Procedure Act 2010 (27/2010)*, s. 7, S.I. No. 414 of 2010.
- E4** Previous affecting provision: section amended (1.11.1995) by *Ethics in Public Office Act 1995 (22/1995)*, s. 38(b), commenced (with restrictions) by S.I. No. 282 of 1995 and (1.01.1996) by resolutions of both Houses of the Oireachtas. Amended section substituted as per F-note above.
- E5** Previous affecting provision: section adapted (12.06.1928) by *Prevention of Corruption Acts, 1889 To 1916, Adaptation Order 1928 (S.R.O. 37 of 1928)*, s. 4 and sch. pt. II. Adapted section amended as per E-note above.

Prosecution of offences.
22 & 23 Vict. c. 17.

2.—(1) F6[A prosecution for an offence under this Act shall not be instituted without the consent of the Attorney-General of Saorstát Eireann.]

(2) The Vexatious Indictments Act, 1859, as amended by any subsequent enactment, shall apply to offences under this Act as if they were included among the offences mentioned in section one of that Act.

(3) Every information for any offence under this Act shall be upon oath.

(4) F7[...]

(5) A court of quarter sessions shall not have jurisdiction to inquire of, hear, and determine prosecutions on indictments for offences under this Act.

(6) Any person aggrieved by a summary conviction under this Act may appeal to a court of quarter sessions.

Annotations

Amendments:

- F6** Substituted (12.06.1928) by *Prevention of Corruption Acts, 1889 To 1916, Adaptation Order 1928 (S.R.O. 37 of 1928)*, s. 4 and sch. pt. II.
- F7** Repealed (22.07.1997) by *Criminal Law Act 1997 (14/1997)*, s. 16 and sch. 3, commenced as per s. 1.

Application to Scotland.

3.—This Act shall extend to Scotland, subject to the following modifications:—

(1) Section two shall not extend to Scotland:

(2) In Scotland all offences which are punishable under this Act on summary conviction shall be prosecuted before the sheriff in manner provided by the Summary Jurisdiction (Scotland) Acts.

Short title and commencement.

4.—(1) This Act may be cited as the Prevention of Corruption Act, 1906.

(2) This Act shall come into operation on the first day of January nineteen hundred and seven.