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6 & 7 Geo.5, c. 64

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**PREVENTION OF CORRUPTION ACT 1916**

**REVISED**

**Updated to 14 May 2013**

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This Revised Act is an administrative consolidation of the *Prevention of Corruption Act 1916*. 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](mailto:revisedacts@lawreform.ie).





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## PREVENTION OF CORRUPTION ACT 1916

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### 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 to 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*(1/2005), Part 5
- *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](http://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](http://www.irishstatutebook.ie).

**Acts which affect or previously affected this revision**

- *Prevention of Corruption (Amendment) Act 2010* (33/2010)
- *National Asset Management Agency Act 2009* (34/2009)
- *Local Government Act 2001* (37/2001)
- *Prevention of Corruption (Amendment) Act 2001* (27/2001)
- *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.



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ARRANGEMENT OF SECTIONS

Section

1. Increase of maximum penalty in certain cases.
2. Presumption of corruption in certain cases.
3. Time for taking proceedings.
4. Short title and interpretation.



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**PREVENTION OF CORRUPTION ACT 1916**

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**Updated to 14 May 2013**

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An Act to amend the Law relating to the Prevention of Corruption. [22nd December 1916.]

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* 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.

Increase of maximum penalty in certain cases. 6 Edw. 7. c. 34.

52 & 53 Vict. c. 69.

**1.**—F1[...]

**Annotations****Amendments:**

- F1** Deleted (1.11.1995) by *Ethics in Public Office Act 1995* (22/1995), s. 38(c)(i), commenced (with restrictions) by S.I. No. 282 of 1995 and (1.01.1996) by resolutions of both Houses of the Oireachtas.

**Editorial Notes:**

- E2** Previous affecting provision: section amended (12.06.1928) by *Prevention of Corruption Acts, 1889 To 1916, Adaptation Order 1928* (S.R.O. No 37 of 1928), s. 5 and sch. pt. III. Amended section repealed as per F-note above.

Presumption of corruption in certain cases.

**F2**[2.—Where in any proceedings against a person for an offence under the Prevention of Corruption Act, 1906, as amended, or the Public Bodies Corrupt Practices Act, 1889, as amended, it is proved that any money, gift or other consideration has been paid or given to or received by an office holder or special adviser or a director of, or occupier of a position of employment in, a public body by or from a person or agent of a person holding or seeking to obtain a contract from a Minister of the Government or a 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 such Act unless the contrary is proved.]

**Annotations****Amendments:**

- F2** Substituted (1.11.1995) by *Ethics in Public Office Act 1995* (22/1995), s. 38(c)(ii), commenced (with restrictions) by S.I. No. 282 of 1995 and (1.01.1996) by resolutions of both Houses of the Oireachtas.

**Editorial Notes:**

- E3** Previous affecting provision: section amended (12.06.1928) by *Prevention of Corruption Acts, 1889 To 1916 Adaptation Order, 1928* (S.R.O. 37 of 1928), s. 5 and sch. pt. III. Amended section substituted as per F-note above.

Time for taking proceedings.

**3.**—Notwithstanding anything in the Summary Jurisdiction Acts proceedings under the Prevention of Corruption Act, 1906, instituted with a view to obtaining a summary conviction for an offence thereunder may be commenced at any time before the expiration of six months after the first discovery of the offence by the prosecutor.

Short title and interpretation.

**4.**—(1) This Act may be cited as the Prevention of Corruption Act, 1916, and the Public Bodies Corrupt Practices Act, 1889, the Prevention of Corruption Act, 1906, and this Act may be cited together as the Prevention of Corruption Acts, 1889 to 1916.

**F3**[(2) In this Act ‘director’, ‘office holder’, ‘special adviser’ and ‘public body’ have the meanings assigned to them by the Public Bodies Corrupt Practices Act, 1889, as amended, and ‘agent’ and ‘consideration’ have the meanings assigned to them by the Prevention of Corruption Act, 1906, as amended.]

(3) F4[...]

**Annotations****Amendments:**

- F3** Substituted (1.11.1995) by *Ethics in Public Office Act 1995* (22/1995), s. 38(c)(iii), commenced (with restrictions) by S.I. No. 282 of 1995 and (1.01.1996) by resolutions of both Houses of the Oireachtas.
- F4** Deleted (1.11.1995) by *Ethics in Public Office Act 1995* (22/1995), s. 38(c)(iii), commenced (with restrictions) by S.I. No. 282 of 1995 and (1.01.1996) by resolutions of both Houses of the Oireachtas.