



BELIZE

**PREVENTION OF CORRUPTION ACT
CHAPTER 105**

REVISED EDITION 2000
SHOWING THE LAW AS AT 31ST DECEMBER, 2000

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, Chapter 3 of the Laws of Belize, Revised Edition 1980 - 1990.

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| This edition contains a consolidation of the following laws- | Page |
| ARRANGEMENT OF SECTIONS | 3 |
| PREVENTION OF CORRUPTION ACT | 4 |
| Amendments in force as at 31st December, 2000. | |



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CHAPTER 105

PREVENTION OF CORRUPTION

ARRANGEMENT OF SECTIONS

1. Short title.
2. Interpretation.
3. Corruption in office a misdemeanour.
4. Penalty for offences.
5. Punishment of corrupt transactions with agents.
6. Increase of maximum penalty in certain cases.
7. Presumption of corruption in certain cases.
8. Invalidity of office no bar to prosecution.
9. Fiat of Director of Public Prosecutions.
10. Time for taking proceedings.
11. Giver and acceptor of bribe to be guilty notwithstanding that purpose not carried out, etc.

CHAPTER 105**PREVENTION OF CORRUPTION**

Ch. 29,
R.L., 1958
CAP. 96,
R.E. 1980-1990.
1 of 1969.
15 of 1972.
Short title.

[24th June, 1927]

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

Interpretation.

2. In this Act, unless the context otherwise requires-

“advantage” includes-

- (a) any office, employment or contract;
- (b) the exercise or forbearance from the exercise of any right or any power or duty;
- (c) any aid, vote, consent or influence, or pretended aid, vote, consent or influence;
- (d) any payment, release, discharge or liquidation of any loan, obligation or other liability, whether in whole or in part;
- (e) any gift, loan, fee, reward or commission consisting of money or of any valuable security or of other property or interest in property of any description;
- (f) any other service, or favour (other than entertainment), including protection from any penalty or disability incurred or apprehended or from any action or proceedings of a disciplinary, civil or criminal nature, whether or not already instituted;

(g) any offer, undertaking or promise, whether conditional or unconditional, of any advantage within the meaning of paragraphs (a), (b), (c), (d), (e) and (f);

“agent” includes any person employed by or acting for another and any person serving under the Government 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, officer or servant of such public body.

3.-(1) Every person who by himself or by or in conjunction with any other person corruptly solicits or receives, or agrees to receive, for himself or for any other person, any gift, advantage or consideration whatever as an inducement to, or reward for, or otherwise on account of, any member, officer, or servant of the Government 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 Government or the said public body is concerned, shall be guilty of a misdemeanour.

Corruption in office a misdemeanour.

(2) Every person who, by himself, or by or in conjunction with any other person, corruptly gives, promises or offers any gift, advantage or consideration whatever 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 Government or of any public body doing or forbearing to do anything in respect of any matter or transaction whatever, actual or proposed, in which the Government or such public body as aforesaid is concerned, shall be guilty of a misdemeanour.

15 of 1972.

Penalty for offences.

4. Any person on conviction on indictment for offending as aforesaid shall, at the discretion of the court before which he is convicted-

- (a) be liable to be imprisoned for a term not exceeding two years or to pay a fine not exceeding two thousand five hundred dollars, or to both such fine and term of imprisonment; 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 or consideration 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, in addition to the foregoing penalties, be liable 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 such person is an officer or servant in the employ of any public body, upon such conviction, 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.

Punishment of corrupt transactions with agents.

5. Every 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 after the commencement of this Act 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 after the commencement of this Act 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 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,

shall be guilty of a misdemeanour, and shall be liable on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine not exceeding two thousand five hundred dollars, or to both such fine and term of imprisonment, or, on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding two hundred and fifty dollars, or to both such fine and term of imprisonment.

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 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 with hard labour for any term not exceeding seven years.

Increase of maximum penalty 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 any Government Department or

Presumption of corruption in certain cases.

a public body by or from a person, or agent of a person, holding or seeking to obtain a contract from any Government Department or 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 this Act unless the contrary is proved.

Invalidity of office no bar to prosecution.

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. 10 of 1969.

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.

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.

Giver and acceptor of bribe to be guilty notwithstanding that purpose not carried out, etc.

11.-(1) If, in any proceedings for an offence under any section in this Act, it is proved that the accused accepted any advantage, believing or suspecting or having grounds to believe or suspect that the advantage was given as an inducement to or reward for or otherwise on account of his doing or forbearing to do, or having done or forborne to do, any act referred to in that section, it shall be no defence that-

- (a) he did not actually have the power, right or opportunity to do so or forbear;
- (b) he accepted the advantage without intending to do so or forbear; or
- (c) he did not in fact do so or forbear.

(2) If, in any proceedings for an offence under any section in this Act, it is proved that the accused offered any advantage to any other person as an inducement to or reward for or otherwise on account of that other person's doing or forbearing to do, or having done or forborne to do, any act referred to in that section, believing or suspecting or having reason to believe or suspect that such other person had the power, right or opportunity to do so or forbear, it shall be no defence that such other person had no such power, right or opportunity.