



6 Edw. 7., c. 34

PREVENTION OF CORRUPTION ACT 1906 (*Repealed*)

REVISED

Updated to 30 July 2018

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 *Companies (Statutory Audits) Act 2018 (22/2018)*, enacted 25 July 2018, and all statutory instruments up to and including *Criminal Justice (Corruption Offences) Act 2018 (Commencement) Order 2018 (S.I. No. 298 of 2018)*, made 26 July 2018, were considered in the preparation of this Revised Act.

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ARRANGEMENT OF SECTIONS

Section

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



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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:

Punishment of
corrupt
transactions 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 a 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.]]

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.

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.



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About this Revised Act

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 collective citation are repealed. The Acts in the group are:

- *Public Bodies Corrupt Practices Act 1889* (52 & 53 Vict., c. 69) (*repealed*)
- *Prevention of Corruption Act 1906* (6 Edw. 7., c. 34) (*repealed*)
- *Prevention of Corruption Act 1916* (6 & 7 Geo. 5., c. 64) (*repealed*)
- *Ethics in Public Office Act 1995* (22/1995), s. 38 (*repealed*)
- *Prevention of Corruption (Amendment) Act 2001* (27/2001) (*repealed*)
- *Proceeds of Crime (Amendment) Act 2005* (1/2005), Part 5 (s. 23) (*repealed*)
- *Prevention of Corruption (Amendment) Act 2010* (33/2010) (*repealed*)

Annotations

This Revised Act is not annotated and only shows textual amendments. An annotated version of this revision is also available which shows textual and non-textual amendments and their sources. It also shows editorial notes including statutory instruments made pursuant to the Act and previous affecting provisions.

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 1984, may be found linked from the page of the Act or statutory instrument at

www.irishstatutebook.ie.