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52 and 53 Vict., c. 69

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**PUBLIC BODIES CORRUPT PRACTICES ACT 1889** (*Repealed*)

**REVISED**

**Updated to 30 July 2018**

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This Revised Act is an administrative consolidation of the *Public Bodies Corrupt Practices Act 1889*. 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.

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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### **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 The Acts in the collective citation are repealed.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- *Public Bodies Corrupt Practices Act 1889* (52 & 53 Vict., c. 69) (*repealed*)
- *Prevention of Corruption Act 1906* (6 Edw. 7., c. 34) (*repealed*)
- *Prevention of Corruption Act 1916* (6 & 7 Geo. 5., c. 64) (*repealed*)
- *Ethics in Public Office Act 1995* (22/1995), s. 38 (*repealed*)
- *Prevention of Corruption (Amendment) Act 2001* (27/2001) (*repealed*)
- *Proceeds of Crime (Amendment) Act 2005* (1/2005), Part 5 (s. 23) (*repealed*)
- *Prevention of Corruption (Amendment) Act 2010* (33/2010) (*repealed*)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. 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](http://www.irishstatutebook.ie).





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ARRANGEMENT OF SECTIONS

Section

1. Corruption in office a misdemeanor.
2. Penalty for offences.
3. Savings.
4. Restriction on prosecution.
5. Expenses of prosecution.
6. Jurisdiction of quarter sessions.
7. Interpretation.
8. Application to Scotland.
9. Criminal Law and Procedure (Ireland) Act, 1887, not to apply to trial under Act.
10. Short title.




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52 and 53 Vict., c. 69

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**PUBLIC BODIES CORRUPT PRACTICES ACT 1889** (*Repealed*)

REVISED

Updated to 30 June 2016

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AN ACT for the more effectual Prevention and Punishment of Bribery and Corruption of and by Members, Officers, or Servants of Corporations, Councils, Boards, Commissions, or other Public Bodies.<sup>[1]</sup> [30th August 1889.]

[*Preamble.*]

BE it therefore 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:

Corruption in  
office a misde-  
meanor.

1.—(1) Every person who shall by himself or by or in conjunction with any other person, corruptly solicit or receive, or agree to receive, for himself, or for any other person, any gift, loan, fee, reward, or advantage whatever as an inducement to, or reward for, or otherwise on account of [an office holder or his or her special adviser or a director of, or occupier of a position of employment in,] a public body as in this Act defined, doing or forbearing to do anything in respect of any matter or transaction whatsoever, actual or proposed, in which the said [office holder or public body] is concerned, shall be guilty of a misdemeanor.

(2) Every person who shall by himself or by or in conjunction with any other person corruptly give, promise, or offer any gift, loan, fee, reward, or advantage whatsoever 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 [an office holder or his or her special adviser or a director of, or occupier of a position of employment in,] any public body as in this Act defined, doing or forbearing to do anything in respect of any matter or transaction whatsoever, actual or proposed, in which such [office holder or public body] as aforesaid is concerned, shall be guilty of a misdemeanor.

Penalty for  
offences.

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

[(a) (i) if the conviction is a summary conviction, be liable to a fine not exceeding £1,000 or to imprisonment for a term not exceeding 12 months or to both, or

(ii) if the conviction is on indictment, be liable to a fine not exceeding £50,000 or to imprisonment for a term not exceeding 7 years or to both,

and paragraphs (b) to (e) of this subsection shall apply only if the conviction is on indictment; and]

[<sup>1</sup> Short title, "The Public Bodies Corrupt Practices Act, 1889." See s. 10.]

(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, loan, fee, or reward received by him or any part thereof; and

(c) [...]

(d) [...]

(e) if such person is an officer or servant in the employ of any public body upon such conviction he shall, 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.

Savings. 3.—[Sub-s. (1) rep. 8 Edw. 7. c. 49 (S.L.R.).]

(2) 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.

Restriction on prosecution. 4.—(1) A prosecution for an offence under this Act shall not be instituted except by or with the consent of the Attorney-General.

(2) In this section the expression “Attorney General” means the Attorney or Solicitor General for England, and as respects Scotland means the Lord Advocate, and as respects Ireland means the Attorney or Solicitor General for Ireland.

Expenses of prosecution. 5.—[...]

Jurisdiction of quarter sessions. 6. —A court of general or quarter sessions shall in England have jurisdiction to inquire of, hear, and determine an offence under this Act.

Interpretation. 7. —In this Act—

The expression [‘public office’ means any office or employment of a person as an office holder or special adviser or as a director of, or occupier of a position of employment in, a public body;]

[‘director’, ‘office holder’, ‘public body’ and ‘special adviser’ have the meanings assigned to them by the Ethics in Public Office Act, 1995:]

The expression “person” includes a body of persons, corporate or unincorporate:

The expression “advantage” includes any office or dignity, and any forbearance to demand any money or money’s worth or valuable thing, and includes any aid, vote, consent, or influence, or pretended aid, vote, consent, or influence, and also includes any promise or procurement of or agreement or endeavour to procure, or the holding out of any expectation of any gift, loan, fee, reward, or advantage, as before defined.

Application of Act to Scotland. 8.—In the application of this Act to Scotland the sheriff and sheriff substitute shall have jurisdiction to try any offence under this Act; and

The expression “misdemeanor” shall mean “crime and offence”; and

The expression “municipal borough” shall mean any “burgh.”

50 & 51 Vict. c. 20 not to apply to trial under Act. 9. —The provisions of the Criminal Law and Procedure (Ireland) Act, 1887, shall not apply to any trial under the provisions of this Act.

Short title. 10. —This Act may be cited as the Public Bodies Corrupt Practices Act, 1889.