



6 & 7 Geo.5, c. 64

PREVENTION OF CORRUPTION ACT 1916 (*Repealed*)

REVISED

Updated to 30 July 2018

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 *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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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 The Acts in the collective citation are repealed.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- *Public Bodies Corrupt Practices Act 1889* (52 & 53 Vict., c. 69) (*repealed*)
- *Prevention of Corruption Act 1906* (6 Edw. 7., c. 34) (*repealed*)
- *Prevention of Corruption Act 1916* (6 & 7 Geo. 5., c. 64) (*repealed*)
- *Ethics in Public Office Act 1995* (22/1995), s. 38 (*repealed*)
- *Prevention of Corruption (Amendment) Act 2001* (27/2001) (*repealed*)
- *Proceeds of Crime (Amendment) Act 2005* (1/2005), Part 5 (s. 23) (*repealed*)
- *Prevention of Corruption (Amendment) Act 2010* (33/2010) (*repealed*)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 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Where other legislation is amended by this Act, those amendments may have been superseded by other amendments in other legislation, or the amended legislation may have been repealed or revoked.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 1984, may be found linked from the page of the Act or statutory instrument at

www.irishstatutebook.ie.

Acts which affect or previously affected this revision

- *Criminal Justice (Corruption Offences) Act 2018* (9/2018)
- *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 *Companies (Statutory Audits) Act 2018* (22/2018), enacted 25 July 2018, 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. No. 37 of 1928)

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 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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REVISED

Updated to 30 July 2018

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 and collectively cited *Prevention of Corruption Acts 1889 to 2010* repealed (30.07.2018) by *Criminal Justice (Corruption Offences) Act 2018* (9/2018), s. 4 and sch. 2, S.I. No. 298 of 2018.

Repeals

4. The enactments specified in Schedule 2 are repealed to the extent specified in column (3) of that Schedule.

...

SCHEDULE 2

Enactments Repealed

Section 4

Session and Chapter or Number and Year (1)	Short Title (2)	Extent of Repeal (3)
52 & 53 Vict., c. 69	Public Bodies Corrupt Practices Act 1889	The whole Act
6 Edw. 7, c. 34	Prevention of Corruption Act 1906	The whole Act
6 & 7 Geo. 5, c. 64	Prevention of Corruption Act 1916	The whole Act
No. 22 of 1995	Ethics in Public Office Act 1995	Section 38
No. 27 of 2001	Prevention of Corruption (Amendment) Act 2001	The whole Act

No. 50 of 2001	Criminal Justice (Theft and Fraud Offences) Act 2001	Definitions of “active corruption” and “passive corruption” in section 40(1) Sections 43, 44 and 45(2)
No. 1 of 2005	Proceeds of Crime (Amendment) Act 2005	Section 23
No. 33 of 2010	Prevention of Corruption (Amendment) Act 2010	The whole Act

- 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. Section 16 repealed (1.05.2003) by *Central Bank and Financial Services Authority Act 2003* (12/2003), s. 35 and sch. 1 part 9, S.I. No. 160 of 2003. Section 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. part III; 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. No. 37 of 1928), s. 5 and sch. part III; 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.