



Public Bodies Corrupt Practices Act 1889

1889 CHAPTER 69 52 and 53 Vict

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. [30th August 1889]

Modifications etc. (not altering text)

- C1 Preamble omitted under authority of [Statute Law Revision Act 1908 \(c. 49\)](#)
- C2 This Act is not necessarily in the form in which it has effect in Northern Ireland.
- C3 Act extended by [Civil Aviation Act 1982 \(c. 16, SIF 9\)](#), s. 19(1)
- C4 Act extended (E.W.S.) by [Housing Associations Act 1985 \(c. 69, SIF 61\)](#), s. 64, [Sch. 6 para. 1\(2\)](#) and by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 46, [Sch. 5](#)
- C5 Act extended (S.) by [Housing \(Scotland\) Act 1988 \(c. 43, SIF 61\)](#), s. 1, [Sch. 1](#)
- C6 Act extended (S.) by [Enterprise and New Towns \(Scotland\) Act 1990 \(c. 35, SIF 64\)](#), s. 1, [Sch. 1 para. 2](#)
Act extended (6.5.1999) by [1998 c. 46, ss. 43, 130\(1\)](#) (with s 126(3-11)); S.I. 1998/3178, art. 2, [Sch. 3](#)
- C7 Act applied (mods.) (8.1.1996) by [1995 c. x, ss. 1\(3\), 44](#), [Sch. Pt. I](#)
- C8 Act amended (1.12.1998) by [1998 c. 38, s. 79](#); S.I. 1998/2789, [art. 2](#)

1 Corruption in office a misdemeanor.

- (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 any member, officer, or servant of 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 public body is concerned, shall be guilty of a misdemeanour.
- (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 any member, officer, or servant of any public body as in this Act defined, doing or forbearing to do anything in respect

Status: Point in time view as at 14/02/2002.

Changes to legislation: There are currently no known outstanding effects for the Public Bodies Corrupt Practices Act 1889 (repealed). (See end of Document for details)

of any matter or transaction whatsoever, actual or proposed, in which such public body as aforesaid is concerned, shall be guilty of a misdemeanor.

Modifications etc. (not altering text)

C9 S. 1 extended (14.2.2002) by 2001 c. 24, s. 109(3)(b); S.I. 2002/228, art. 2

2 Penalty for offences.

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

- [^{F1}(a) be liable—
 - (i) on summary conviction, to imprisonment for a term not exceeding 6 months or to a fine not exceeding the statutory maximum, or to both; and
 - (ii) on conviction on indictment, to imprisonment for a term not exceeding 7 years or to a fine, or to both; 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, loan, fee, or reward 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 [^{F2}five] 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 he shall, in addition to the foregoing penalties, be liable to be adjudged to be for ever incapable of holding any public office, and to be incapable for [^{F2}five] years of being registered as an elector, or voting at an election either of members to serve in Parliament or of members of any public body, and the enactments for preventing the voting and registration of persons declared by reason of corrupt practices to be incapable of voting shall apply to a person adjudged in pursuance of this section to be incapable of voting; and
- (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.

Textual Amendments

F1 S. 2(a) substituted by Criminal Justice Act 1988 (c. 33, SIF 39:1), ss. 47(1)(3), 123(6), Sch. 8 para. 16

F2 Words substituted by Representation of the People Act 1948 (c. 65), s. 52 (7)

Modifications etc. (not altering text)

C10 S. 2 amended by Criminal Justice Act 1967 (c. 80), s. 92(8)(a)

3 Savings.

- (1).....^{F3}
- (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.

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Textual Amendments

F3 S. 3(1) repealed by Statute Law Revision Act 1908 (c. 49)

4 Restriction on prosecution.

- (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 ^{F4}. . . General for England, and as respects Scotland means the Lord Advocate, ^{F4}. . .

Textual Amendments

F4 Words in s. 4(2) repealed (30.9.1997) by 1997 c. 60, ss. 3(2)(3), Sch.

5 ^{F5}

Textual Amendments

F5 S. 5 repealed (E.W.) by Costs in Criminal Cases Act 1908 (c. 15), Sch.

6 ^{F6}

Textual Amendments

F6 S. 6 repealed by Criminal Law Act 1967 (c. 58), Sch. 3 Pt. II

7 Interpretation.

In this Act—

The expression “public body” means any council of a county or county of a city or town, any council of a municipal borough, also any board, commissioners, select vestry, or other body which has power to act under and for the purposes of any Act relating to local government, or the public health, or to poor law or otherwise to administer money raised by rates in pursuance of any public general Act, [^{F7}and includes any body which exists in a country or territory outside the United Kingdom and is equivalent to any body described above]:

The expression “public office” means any office or employment of a person as a member, officer, or servant of such public body:

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,

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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.

Textual Amendments

F7 S. 7: words in definition of “public body” substituted (14.2.2002) by 2001 c. 24, ss. 108(3), 127(1); S.I. 2002/228

Modifications etc. (not altering text)

C11 S. 7 amended by Prevention of Corruption Act 1916 (c. 64), s. 4(2)

8 Application of Act to Scotland.

In the application of this Act to Scotland the [^{F8}sheriff principal and sheriff] 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.”

Textual Amendments

F8 Words substituted by virtue of Sheriff Courts (Scotland) Act 1971 (c. 58), s. 4

9 ^{F9}

Textual Amendments

F9 S. 9 repealed by Northern Ireland (Emergency Provisions) (Amendment) Act 1975 (c. 62), Sch. 3

10 Short title.

This Act may be cited as the Public Bodies Corrupt Practices Act 1889.

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