

LAWS OF KENYA

The Prevention of Corruption Act

CHAPTER 65

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CHAPTER 65

THE PREVENTION OF CORRUPTION ACT

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CHAPTER 65

THE PREVENTION OF CORRUPTION ACT

Commencement: 13th August, 1956

An Act of Parliament to provide for the prevention of corruption, and for matters incidental thereto and connected therewith

33 of 1956,
L.N. 379/1963,
L.N. 124/1964,
28 of 1967,
29 of 1967,
13 of 1991,
10 of 1997.

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

Short title.

2. In this Act—

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

Interpretation.
L.N. 379/1963,
L.N. 124/1964,
29 of 1967. Sch.
13 of 1991, s 2
L.N. 332/1996.

“agent” includes—

- (a) any person in the employment (whether under a contract of service, a contract for service or otherwise, whether permanent or temporary, whether paid or unpaid, and whether full-time or part-time and whether such person is a natural person or a body of persons) of, or acting for, another,
- (b) a trustee;
- (c) an administrator or an executor; and
- (d) a person serving under the Government or under any public body;

“Authority” means the Kenya Anti-Corruption Authority established under section 11B;

“Director” and “Assistant Director” mean a Director and an Assistant Director of the Authority appointed under section 11B;

“consideration” includes valuable consideration of any kind, any discount, commission, rebate, bonus, deduction or percentage and also employment or services or an agreement to give employment or render services in any capacity;

"principal" includes an employer, and a beneficiary under a trust, and a trust estate as though it were a person, and any person beneficially interested in the estate of a deceased person, and the estate of a deceased person as though the estate were a person, and, in relation to a person serving under the Government or under a public body, the Government or the public body, as the case may be;

"public body" includes the Government, any department, service or undertaking of the Government, the Cabinet, the National Assembly and any local or public authority, and also any corporation, council, board, commission or other body which has power to act under and for the purposes of any law in force in Kenya relating to local government, the public health or undertakings of public utility or otherwise to administer funds belonging to or granted by the Government or money raised by rates, taxes or charges in pursuance of any law in force in Kenya;

"public office" means any office or employment, whether permanent or temporary, whether paid or unpaid and whether whole-time or part-time, of a person as a member, officer or servant of a public body;

"public servant" has the meaning assigned to the expression "person employed in the public service" in the Penal Code and where, in accordance with the provisions of any Act, any person is deemed to be a person employed in the public service for the purposes of the Penal Code (whether those words or words to the same effect are used), then such a person shall also be deemed to be a public servant for the purposes of this Act;

Cap. 63.

Corruption
in office.
28 of 1967, s. 2.
13 of 1971, s. 3.

3. (1) Any 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, consideration or advantage whatever, as an inducement to, or reward for, or otherwise on account of, any member, officer or servant of a public body doing, or forbearing to do, or having done or forborne to do, anything in respect of any matter or transaction whatsoever, actual or proposed or likely to take place, in which the public body is concerned shall be guilty of a felony.

(2) Any person who shall by himself, or by or in conjunction with any other person, corruptly give, promise or offer any gift, loan, fee, reward, consideration or advantage whatever to any person, whether for the benefit of that person or of