

PREVENTION OF CORRUPTION ACT

(CHAPTER 241)

Short title.

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

Interpretation.

2. In this Act, unless the context otherwise requires —

"agent" means any person employed by or acting for another, and includes a trustee, administrator and executor, and a person serving the Government or under any corporation or public body, and for the purposes of section 8 includes a subcontractor and any person employed by or acting for such subcontractor;

"Director" means the Director of the Corrupt Practices Investigation Bureau appointed under section 3;

"gratification" includes —

(a) money or any gift, loan, fee, reward, commission, valuable security or other property or interest in property of any description, whether movable or immovable;

(b) any office, employment or contract;

(c) any payment, release, discharge or liquidation of any loan, obligation or other liability whatsoever, whether in whole or in part;

(d) any other service, favour or advantage of any description whatsoever, including protection from any penalty or disability incurred or apprehended or from any action or proceedings of a disciplinary or penal nature, whether or not already instituted, and including the exercise or the forbearance from the exercise of any right or any official power or duty; and

(e) any offer, undertaking or promise of any gratification within the meaning of paragraphs (a), (b), (c) and (d);

"principal" includes an employer, 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 the case of a person serving the Government or a public body includes the Government or the public body, as the case may be;

"public body" means any corporation, board, council, commissioners or other body which has power to act under and for the purposes of any written law relating to public health or to undertakings or public utility or otherwise to administer money levied or raised by rates or charges in pursuance of any written law;

"special investigator" means a special investigator of the Corrupt Practices Investigation Bureau.

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Appointment of Director and officers.

3. —(1) The President may appoint an officer to be the Director of the Corrupt Practices Investigation Bureau.

Provided that the President acting in his discretion may refuse to appoint or revoke the appointment of the Director if he does not concur with the advice or recommendation of the Cabinet or a Minister acting under the general authority of the Cabinet.

(2) The President may appoint a Deputy Director of the Corrupt Practices Investigation Bureau and such number of assistant directors and special investigators of the Corrupt Practices Investigation Bureau as he may think fit.

(3) Any powers conferred on and duties to be performed by the Director under this Act may, subject to the orders and directions of the Director, be exercised or performed by the Deputy Director or an assistant director of the Corrupt Practices Investigation Bureau.

() The Deputy Director and an assistant director of the Corrupt Practices Investigation Bureau may exercise the powers conferred by this Act on a special investigator.

(5) The President may create such different grades for assistant directors and special investigators as he may think fit.

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Director and officers deemed to be public servants.

4. —(1) The Director, Deputy Director, assistant directors and special investigators of the Corrupt Practices Investigation Bureau shall be deemed to be public servants within the meaning of the Penal Code.

(2) A certificate of appointment signed by the Director shall be issued to every officer of the Corrupt Practices Investigation Bureau and shall be evidence of his appointment under this Act.

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Punishment for corruption.

5. Any person who shall by himself or by or in conjunction with any other person —

(a) corruptly solicit or receive, or agree to receive for himself, or for any other person; or
(b) corruptly give, promise or offer to any person whether for the benefit of that person or of another person,

any gratification as an inducement to or reward for, or otherwise on account of —

(i) any person doing or forbearing to do anything in respect of any matter or transaction whatsoever, actual or proposed; or

(ii) any member, officer or servant of a public body doing or forbearing to do anything in respect of any matter or transaction whatsoever, actual or proposed, in which such public body is concerned,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 5 years or to both.

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Punishment for corrupt transactions with agents.

6. If —

(a) any agent corruptly accepts or obtains, or agrees to accept or attempts to obtain, from any person, for himself or for any other person, any gratification as an inducement or reward for doing or forbearing to do, or for having done or forborne to do, any act in relation to his principal's affairs or business, or for showing or forbearing to show favour or disfavour to any person in relation to his principal's affairs or business;

(b) any person corruptly gives or agrees to give or offers any gratification to any agent as an inducement or reward for doing or forbearing to do, or for having done or forborne to do any act in relation to his principal's affairs or business, or for showing or forbearing to show favour or disfavour to any person in relation to his principal's affairs or business; or

(c) any person knowingly gives to an agent, or if an agent knowingly uses with intent to deceive his 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 knowledge is intended to mislead the principal, he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 5 years or to both.

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Increase of maximum penalty in certain cases.

7. A person convicted of an offence under section 5 or 6 shall, where the matter or transaction in relation to which the offence was committed was a contract or a proposal for a contract with the Government or any department thereof or with any public body or a subcontract to execute

any work comprised in such a contract, be liable on conviction to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 7 years or to both.

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Presumption of corruption in certain cases.

8. Where in any proceedings against a person for an offence under section 5 or 6, it is proved that any gratification has been paid or given to or received by a person in the employment of the Government or any department thereof or of a public body by or from a person or agent of a person who has or seeks to have any dealing with the Government or any department thereof or any public body, that gratification shall be deemed to have been paid or given and received corruptly as an inducement or reward as hereinbefore mentioned unless the contrary is proved.

Acceptor of gratification to be guilty notwithstanding that purpose not carried out, etc.

9. —(1) Where in any proceedings against any agent for any offence under section 6 (a), it is proved that he corruptly accepted, obtained or agreed to accept or attempted to obtain any gratification, having reason to believe or suspect that the gratification was offered as an inducement or reward for his doing of forbearing to do any act or for showing or forbearing to show any favour or disfavour to any person in relation to his principal's affairs or business, he shall be guilty of an offence under that section notwithstanding that he did not have the power, right or opportunity to do so, show or forbear or that he accepted the gratification without intending to do so, show or forbear or that he did not in fact do so, show or forbear or that the act, favour or disfavour was not in relation to his principal's affairs or business.

(2) Where, in any proceedings against any person for any offence under section 6 (b), it is proved that he corruptly gave, agreed to give or offered any gratification to any agent as an inducement or reward for doing or forbearing to do any act or for showing or forbearing to show any favour or disfavour to any person having reason to believe or suspect that the agent had the power, right or opportunity to do so, show or forbear and that the act, favour or disfavour was in relation to his principal's affairs or business, he shall be guilty of an offence under that section notwithstanding that the agent had no power, right or opportunity or that the act, favour or disfavour was not in relation to his principal's affairs or business.

Corruptly procuring withdrawal of tenders.

10. A person —

(a) who, with intent to obtain from the Government or any public body a contract for performing any work, providing any service, doing anything, or supplying any article, material or substance, offers any gratification to any person who has made a tender for the contract, as an inducement or a reward for his withdrawing that tender; or

(b) who solicits or accepts any gratification as an inducement or a reward for his withdrawing a tender made by him for that contract,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 7 years or to both.

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Bribery of Member of Parliament.

11. Any person —

(a) who offers any gratification to a Member of Parliament as an inducement or reward for such Member's doing or forbearing to do any act in his capacity as such Member; or

(b) who being a Member of Parliament solicits or accepts any gratification as an inducement or a reward for his doing or forbearing to do any act in his capacity as such Member,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 7 years or to both.

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Bribery of member of public body.

12. A person —

(a) who offers any gratification to any member of a public body as an inducement or reward for

(i) the member's voting or abstaining from voting at any meeting of the public body in favour of or against any measure, resolution or question submitted to that public body;

(ii) the member's performing, or abstaining from performing, or his aid in procuring, expediting, delaying, hindering or preventing the performance of, any official act; or

(iii) the member's aid in procuring or preventing the passing of any vote or the granting of any contract or advantage in favour of any person; or

(b) who, being a member of a public body, solicits or accepts any gratification as an inducement or a reward for any such act, or any such abstaining, as is referred to in paragraph (a) (i), (ii) and (iii),

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 7 years or to both.

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When penalty to be imposed in addition to other punishment.

13. —(1) Where a court convicts any person of an offence committed by the acceptance of any gratification in contravention of any provision of this Act, then, if that gratification is a sum of money or if the value of that gratification can be assessed, the court shall, in addition to imposing on that person any other punishment, order him to pay as a penalty, within such time as may be specified in the order, a sum which is equal to the amount of that gratification or is, in the opinion of the court, the value of that gratification, and any such penalty shall be recoverable as a fine.

(2) Where a person charged with two or more offences for the acceptance of gratification in contravention of this Act is convicted of one or some of those offences, and the other outstanding offences are taken into consideration by the court under section 178 of the Criminal Procedure Code for the purpose of passing sentence, the court may increase the penalty mentioned in subsection (1) by an amount not exceeding the total amount or value of the gratification specified in the charges for the offences so taken into consideration.

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Principal may recover amount of secret gift.

14. —(1) Where any gratification has, in contravention of this Act, been given by any person to an agent, the principal may recover as a civil debt the amount or the money value thereof either from the agent or from the person who gave the gratification to the agent, and no conviction or acquittal of the defendant in respect of an offence under this Act shall operate as a bar to proceedings for the recovery of that amount or money value.

(2) Nothing in this section shall be deemed to prejudice or affect any right which any principal may have under any written law or rule of law to recover from his agent any money or property.

Powers of arrest.

15. —(1) The Director or any special investigator may without a warrant arrest any person who has been concerned in any offence under this Act or against whom a reasonable complaint has been made or credible information has been received or a reasonable suspicion exists of his having been so concerned.

(2) The Director or a special investigator arresting a person under subsection (1) may search such person and take possession of all articles found upon him which there is reason to believe were the fruits or other evidence of the crime, provided that no female shall be searched except by a female.

(3) Every person so arrested shall be taken to the Corrupt Practices Investigation Bureau or to a police station.

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Provisions as to bail or bond.

16. —(1) A person who has been arrested by the Director or any special investigator may be released on bail or on his own bond granted by the Director or any special investigator or any police officer.

(2) The provisions of Chapters XXXV and XXXVI of the Criminal Procedure Code shall apply to any bail or bond granted under this section; and for this purpose —

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(a) any reference to “officer”, “police officer” or “police officer not below the rank of sergeant” shall be read to include the Director or any special investigator;

(b) the reference to the Commissioner of Police in section 351 of the Criminal Procedure Code shall be read to include the Director.

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Powers of investigation.

17. —(1) In any case relating to the commission —

(a) of an offence under section 165 or under sections 213 to 215 of the Penal Code, or of any conspiracy to commit, or of any attempt to commit, or of any abetment of such an offence;

(b) of an offence under this Act; or

(c) of any seizable offence under any written law which may be disclosed in the course of an investigation under this Act,

the Director or a special investigator may, without the order of the Public Prosecutor, exercise all or any of the powers in relation to police investigations into any offence given by the Criminal Procedure Code:

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Provided that an investigation into an offence under the Penal Code shall be deemed to be a police investigation to which section 122 of the Criminal Procedure Code shall apply in the same manner and to the same extent as if the Director or the special investigator concerned were a police officer.

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(2) For the purposes of sections 58 (1) and 122 (5) of the Criminal Procedure Code, the Director or a special investigator shall be deemed to be an officer not below the rank of inspector of police.

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Special powers of investigation.

18. —(1) Notwithstanding anything in any other law, the Public Prosecutor, if satisfied that there are reasonable grounds for suspecting that an offence under this Act has been committed, may, by order, authorise the Director or any police of or above the rank of assistant superintendent named in such order or a special investigator so named to make an investigation in the matter in such manner or mode as may be specified in that order. The order may authorise the investigation of any bank account, share account, purchase account, expense account or any other account, or any safe deposit box in any bank, and shall be sufficient authority for the disclosure or production by any person of all or any information or accounts or documents or articles as may be required by the officer so authorised.

(2) Any person who fails to disclose such information or to produce such accounts or documents or articles to the person so authorised shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding one year or to both.

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Powers of investigation authorised by Public Prosecutor.

19. The Public Prosecutor may by order authorise the Director or a special investigator to exercise, in the case of any offence under any written law, all or any of the powers in relation to police investigations given by the Criminal Procedure Code.

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Public Prosecutor's power to order inspection of bankers' books.

20. —(1) The Public Prosecutor may, if he considers that any evidence of the commission of an offence under this Act or under sections 161 to 165 or 213 to 215 of the Penal Code or of a conspiracy to commit, or an attempt to commit, or an abetment of any such offence by a person in the service of the Government or of any department thereof or of a public body is likely to be found in any banker's book relating to that person, his wife or child or to a person reasonably believed by the Public Prosecutor to be a trustee or agent for that person, by order authorise the Director or any special investigator named in the order or any police officer of or above the rank of assistant superintendent so named to inspect any book and the Director, special investigator or police officer so authorised may, at all reasonable times, enter the bank specified in the order and inspect the books kept therein and may take copies of any relevant entry in any such book.

(2) For the purpose of this section —

"bank" means any company carrying on the business of bankers in Singapore incorporated or licensed under any written law;

"banker's book" includes any ledger, day book, cash book, account book or other book or document used in the ordinary course of the business of a bank.

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Public Prosecutor's powers to obtain information.

21. —(1) In the course of any investigation or proceedings into or relating to an offence by any person in the service of the Government or of any department thereof or of any public body under this Act or under sections 161 to 165 or 213 to 215 of the Penal Code or a conspiracy to commit, or an attempt to commit, or an abetment of any such offence, the Public Prosecutor may, notwithstanding anything in any other written law to the contrary, by written notice —

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(a) require that person to furnish a sworn statement in writing enumerating all movable or immovable property belonging to or possessed by that person and by the spouse, sons and daughters of that person, and specifying the date on which each of the properties enumerated was acquired whether by way of purchase, gift, bequest, inheritance or otherwise;

(b) require that person to furnish a sworn statement in writing of any money or other property sent out of Singapore by him, his spouse, sons and daughters during such period as may be specified in the notice;

(c) require any other person to furnish a sworn statement in writing enumerating all movable or immovable property belonging to or possessed by that person where the Public Prosecutor has reasonable grounds to believe that the information can assist the investigation;

(d) require the Comptroller of Income Tax to furnish, as specified in the notice, all information available to the Comptroller relating to the affairs of that person or of the spouse or a son or daughter of that person, and to produce or furnish, as specified in the notice, any document or a certified copy of any document relating to that person, spouse, son or daughter which is in the possession or under the control of the Comptroller;

(e) require the person in charge of any department, office or establishment of the Government, or the president, chairman, manager or chief executive officer of any public body to produce or furnish, as specified in the notice, any document or a certified copy of any document which is in his possession or under his control;

(f) require the manager of any bank to give copies of the accounts of that person or of the spouse or a son or daughter of that person at the bank.

(2) Every person to whom a notice is sent by the Public Prosecutor under subsection (1) shall, notwithstanding the provisions of any written law or any oath of secrecy to the contrary, comply with the terms of that notice within such time as may be specified therein and any person who wilfully neglects or fails so to comply shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding one year or to both.

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Powers of search and seizure.

22. —(1) Whenever it appears to any Magistrate or to the Director upon information and after such inquiry as he thinks necessary that there is reasonable cause to believe that in any place there is any document containing any evidence of, or any article or property relating to —

(a) the commission of an offence under this Act, or under sections 161 to 165, or 213 to 215, of the Penal Code; or

(b) a conspiracy to commit, or any attempt to commit, or an abetment of any such offence, the Magistrate or the Director may, by warrant directed to any special investigator or police officer not below the rank of inspector empower the special investigator or police officer to enter that place by force if necessary and to search, seize and detain any such document, article or property.

(2) Whenever it appears to any special investigator or any police officer not below the rank of inspector that there is reasonable cause to believe that in any place there is concealed or deposited any document containing any evidence of, or any article or property relating to —

(a) the commission of an offence under this Act, or under sections 161 to 165, or 213 to 215, of the Penal Code; or

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(b) a conspiracy to commit, or an attempt to commit, or an abetment of any such offence, and the special investigator or police officer has reasonable grounds for believing that by reason of the delay in obtaining a search warrant the object of the search is likely to be frustrated, he may exercise in and in respect of that place all the powers mentioned in subsection (1) in as full and ample a manner as if he were empowered to do so by warrant issued under that subsection.

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Evidence of custom inadmissible.

23. In any civil or criminal proceeding under this Act evidence shall not be admissible to show that any such gratification as is mentioned in this Act is customary in any profession, trade, vocation or calling.

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Evidence of pecuniary resources or property.

24. —(1) In any trial or inquiry by a court into an offence under this Act or under sections 161 to 165 or 213 to 215 of the Penal Code or into a conspiracy to commit, or attempt to commit, or an abetment of any such offence the fact that an accused person is in possession, for which he cannot satisfactorily account, of pecuniary resources or property disproportionate to his known sources of income, or that he had, at or about the time of the alleged offence, obtained an accretion to his pecuniary resources or property for which he cannot satisfactorily account, may be proved and may be taken into consideration by the court as corroborating the testimony of

any witness in the trial or inquiry that the accused person accepted or obtained or agreed to

(a) the commission of an offence under this Act; or
(b) the commission outside Singapore of any act, in relation to the affairs or business or on behalf of a principal residing in Singapore, which if committed in Singapore would be an offence under this Act,
shall be deemed to have committed the offence and shall be liable on conviction to be punished with the punishment provided for that offence.

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Attempts.

30. Whoever attempts to commit an offence punishable under this Act shall be deemed to have committed the offence and shall be liable on conviction to be punished with the punishment provided for that offence.

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Conspiracy.

31. Whoever is a party to a criminal conspiracy, within the meaning of the Penal Code, to commit an offence under this Act shall be deemed to have committed the offence and shall be liable on conviction to be punished with the punishment provided for that offence.

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Offences to be seizable.

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(1) Every offence under this Act shall be deemed to be a seizable offence for the purposes of the Criminal Procedure Code.

(2) A public officer to whom any gratification is corruptly given or offered shall arrest the person who gives or offers the gratification to him and make over the person so arrested to the nearest police station and if he fails to do so without reasonable excuse he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both.

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Prosecutions to be instituted with consent of Public Prosecutor.

33. A prosecution under this Act shall not be instituted except by or with the consent of the Public Prosecutor.

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District Court to have jurisdiction to try offences under this Act.

34. Notwithstanding the provisions of any written law to the contrary, a District Court shall have jurisdiction to try any offence under this Act and to award the full punishment for that offence.

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Examination of offenders.

35. —(1) Whenever two or more persons are charged with any offence under this Act or under sections 161 to 165 or 213 to 215 of the Penal Code or with a conspiracy to commit, or an attempt to commit, or an abetment of any such offence, the court may require one or more of them to give evidence as a witness or witnesses for the prosecution.

(2) Any such person who refuses to be sworn or to answer any lawful question shall be dealt with in the same manner as witnesses so refusing may by law be dealt with by a Magistrate's Court or District Court, as the case may be.

(3) Every person so required to give evidence, who in the opinion of the court makes true and full discovery of all things as to which he is lawfully examined, shall be entitled to receive a certificate of indemnity under the hand of the Magistrate or Judge, as the case may be, stating that he has made a true and full discovery of all things as to which he was examined, and that certificate shall be a bar to all legal proceedings against him in respect of all those things.

Protection of informers.

36. —(1) Except as hereinafter provided, no complaints as to an offence under this Act shall be admitted in evidence in any civil or criminal proceeding whatsoever, and no witness shall be obliged or permitted to disclose the name or address of any informer, or state any matter which might lead to his discovery.

(2) If any books, documents or papers which are in evidence or liable to inspection in any civil or criminal proceeding whatsoever contain any entry in which any informer is named or described or which might lead to his discovery, the court before which the proceeding is had shall cause all such passages to be concealed from view or to be obliterated so far as is necessary to protect the informer from discovery, but no further.

(3) If on a trial for any offence under this Act the court, after full inquiry into the case, is of the opinion that the informer wilfully made in his complaint a material statement which he knew or believed to be false or did not believe to be true, or if in any other proceeding the court is of the opinion that justice cannot be fully done between the parties thereto without the discovery of the informer, the court may require the production of the original complaint, if in writing, and permit inquiry and require full disclosure concerning the informer.

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Liability of citizens of Singapore for offences committed outside Singapore.

37. —(1) The provisions of this Act have effect, in relation to citizens of Singapore, outside as well as within Singapore; and where an offence under this Act is committed by a citizen of Singapore in any place outside Singapore, he may be dealt with in respect of that offence as if it had been committed within Singapore.

(2) Any proceedings against any person under this section which would be a bar to subsequent proceedings against that person for the same offence, if the offence had been committed in Singapore, shall be a bar to further proceedings against him, under any written law for the time being in force relating to the extradition of persons, in respect of the same offence outside Singapore.

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source: <http://statutes.agc.gov.sg/>