

**ANTI-CORRUPTION (AMENDMENT) BILL, 2018**

*(Bill No. 29 of 2018)*

**OBJECTS AND REASONS**

This Bill seeks to amend the Anti-Corruption Act, 2016.

The Bill seeks to amend—

- (a) Sections 10(5) to increase the number of Commissioners that shall constitute a quorum at any meeting of the Commission from two to four Commissioners. This has become necessary with the increase in the number of Commissioner from three to five (Act 4/2017).
- (b) Sections 22 and 52 to clearly clarify and define the role and powers of the Commission and that of the Chief Executive Officer so as to remove any existing ambiguity in their powers and functions.

The Bill seeks to introduce two new sections—

- (a) Section 51A to explicitly give the Commission the powers to investigate or take over and continue the investigation of offences provided for under Chapter X (Corruption and the Abuse of Office) and Chapter XXXVIII (Secret Commission and Corruptive Practices) of the Penal Code (Cap. 158); and
- (b) Section 52A to make the provisions of the Criminal Procedure Code (Cap. 54), the Police Force Act (Cap. 172) and any other law conferring on the police the rights, powers, authorities, privileges and immunities necessary for the detection, prevention and investigation of offences applicable to the Chief Executive Officer and any officer authorised under section 22(2)(a) or 52(8) in the investigation of offences and the performance of their duties under this Act.

**Dated this 17th day of December, 2018.**

**FRANK D.R. ALLY  
ATTORNEY-GENERAL**

**ANTI-CORRUPTION (AMENDMENT) BILL, 2018**

(Bill No. 29 of 2018)



**A BILL  
OF**

**AN ACT to amend the Anti-Corruption Act, 2016.**

**ENACTED** by the President and the National Assembly.

1.(1) This Act may be cited as the Anti-Corruption (Amendment) Act, 2018. Short title

**ANTI-CORRUPTION (AMENDMENT) BILL, 2018**

(Bill No. 29 of 2018)

**OBJECTS AND REASONS**

This Bill seeks to amend the Anti-Corruption Act, 2016.

The Bill seeks to amend—

(a) Section 10(2) to increase the number of Commissioners that shall constitute a quorum at any meeting of the Commission from two to four Commissioners. This has become necessary with the increase in the number of Commissioners from three to five (Act 2017).

(b) Sections 22 and 23 to clearly clarify and define the role and powers of the Commission and that of the Chief Executive Officer so as to remove any existing ambiguity in their powers and functions.

The Bill seeks to introduce two new sections—

(a) Section 21A to explicitly give the Commission the power to investigate or take over and continue the investigation of offences provided for under Chapter X (Corruption and the Abuse of Office) and Chapter XXVIII (Secret Commission and Corruptive Practices) of the Penal Code (Cap. 128); and

(b) Section 21A to make the provisions of the Criminal Procedure Code (Cap. 34), the Police Act (Cap. 173) and any other law concerning the police the rights, powers, authorities, privileges and immunities necessary for the detection, prevention and investigation of offences applicable to the Chief Executive Officer and any officer authorised under section 21(2)(a) or 21(8) in the investigation of offences and the performance of their duties under this Act.

Dated this 17th day of December, 2018.

FRANK DR. ALLY  
ATTORNEY-GENERAL

Amendment of  
Act 2 of 2016

2. The Anti-Corruption Act, 2016 is amended as follows—

(a) in section 10(5) by repealing the word “two” and substituting therefor the word “four”;

(b) in section 22—

(i) by inserting in subsection (1), after the words “The Chief Executive Officer may”, the words “,subject to the approval of the Commission”;;

(ii) in subsection (2)—

(a) in the chapeau by repealing the words “for the performance of the Commission's functions under this Act” and substituting therefor the words “in giving effect to the decisions of the Commission”;

(b) by repealing paragraph (a) and substituting therefor the following paragraph—

“(a) “carry out the investigation or give an officer written authority to conduct an inquiry or investigation into an alleged or suspected offence, as the case may be;”;

(c) by inserting after section 51 the following—

Penal Code  
Offences

“51A. The Commission may investigate or take over and continue the investigation of offences provided under Chapter X and Chapter XXXVIII of the Penal Code (Cap 158)”;

(d) in section 52—

(i) in subsection (4), by repealing the words “Chief Executive Officer” and substituting therefor the word “Commission”;

(ii) in subsection (5), by repealing the words “Chief Executive Officer” and substituting therefor the word “Commission”;

(iii) in subsection (6) by repealing the words “Chief Executive Officer shall, where he or she” and substituting therefor the words “The Commission shall, where the Commission”;

(iv) by inserting after subsection (6) the following section—

“6(A) Where the Commission decides to conduct an investigation pursuant to subsection (6) it may entrust the Chief Executive Officer or an officer of the Commission with the conduct of such investigation”;

(v) by inserting in subsection (8) after the word “functions” the words “entrusted to him or her”.

(e) by inserting after section 52 the following—

Police powers  
to the Chief  
Executive  
Officer and  
officers of the  
Commission

“52A. Subject to this Act, the provisions of the Criminal Procedure Code (Cap. 54), the Police Force Act (Cap. 172) and any other law conferring on the police the rights, powers, authorities, privileges

and immunities necessary for the detection, prevention and investigation of offences shall, so far as they are not inconsistent with the provisions of this Act or any other law, apply to the Chief Executive Officer and any officer authorised under section 22(2)(a) or 52(8) in the performance of their duties under this Act as if reference in those provisions to a police officer included reference to the Chief Executive Officer or officer of the Commission.”