

**ANTI-CORRUPTION (AMENDMENT) BILL, 2022**

*(Bill No. 8 of 2022)*

**EXPLANATORY STATEMENT OF THE OBJECTS AND REASONS  
FOR THE BILL**

The object of this Bill is to clarify the powers of the Anti-Corruption Commission to investigate and prosecute offences of conspiracy and attempt as well as offences of money laundering committed prior to the enactment of the Anti-Money Laundering and Countering the Financing of Terrorism Act, 2020 (Act 5 of 2020).

The Bill also proposes to extend to the Commission asset recovery powers following conviction for offences committed prior to the enactment of the Anti-Money Laundering and Countering the Financing of Terrorism Act, 2020.

**Dated this 05<sup>th</sup> day of May, 2022.**

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

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**ARRANGEMENT OF ARTICLES**

**ARTICLES**

1. Short title
2. Repeal and replacement of section 40
3. Repeal and replacement of section 51A
4. Repeal and replacement of section 64
5. Consequential amendments

**SCHEDULE**

**ANTI-CORRUPTION (AMENDMENT) BILL, 2022**

*(Bill No. 8 of 2022)*



**A BILL**

**FOR**

**AN ACT** TO ALTER THE ANTI-CORRUPTION ACT (ACT 2 OF 2016).

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

**Short title**

**1.** This Act may be cited as the Anti-Corruption (Amendment) Act, 2022, and amends the Anti-Corruption Act, 2016 (Act 2 of 2016), as last amended by Act 58 of 2021, which is hereinafter referred to as the “principal Act”.

### **Repeal and replacement of section 40**

2. The principal Act is amended by repealing section 40 and substituting therefor the following —

#### **Conspiring or Attempting to commit an offence under the Act**

“40.(1) A person who conspires with another to commit an offence under Part III of this Act, is guilty of an offence and is liable, on conviction, to the same penalty as would apply on conviction for the Part III Offence.

(2) (a) A person who attempts to commit an offence under Part III of this Act, is guilty of an offence and is liable, on conviction, to the same penalty as would apply on conviction for the Part III Offence.

(b) An attempt to commit an offence under the Act shall have the same meaning as under Chapter XXXIX of the Penal Code.”

### **Repeal and replacement of section 51A**

3. The principal Act is amended by repealing section 51A and substituting therefor the following —

#### **Penal Code Offences**

“51A. The Commission may investigate or take over and continue the investigation of offences provided under Chapter V, Chapter X, Chapter XXVI, Chapter XXVII, Chapter XXVIII, Chapter XXX, Chapter XXXII, Chapter XXXV, Chapter XXXVIII, Chapter XXXIX and Chapter XL of the Penal Code (Cap 158).

### **Repeal and replacement of section 64**

4. The principal Act is amended by repealing section 64 and substituting therefor the following —

### **Prosecution by the Commission**

**“64.**(1) Prosecutions may be instituted by the Commission for the following offences —

- (a) Offences listed under Part III of this Act;
- (b) Offences provided under Chapter V, Chapter X, Chapter XXVI, Chapter XXVII, Chapter XXVIII, Chapter XXX, Chapter XXXII, Chapter XXXV, Chapter XXXVIII, Chapter XXXIX and Chapter XL of the Penal Code (Cap 158);
- (c) Money laundering offences under the Anti-Money Laundering and Countering the Financing of Terrorism Act, 2020 (Act 5 of 2020), the Anti-Money Laundering Act 2006 (Act 5 of 2006) and the Anti-Money Laundering Act, 1996 (Act 8 Of 1996).

(2) The Commission may, with the leave of Court, institute prosecutions for such other offences under the Penal Code or any other written law which are founded on the same facts or otherwise closely related to offences being prosecuted under subsection (1).

(3) Where the Commission has instituted an investigation or prosecution for money laundering offences contrary to the Anti-Money Laundering Act 2006 (Act 5 of 2006), then the Commission may exercise the powers of the Attorney General under Part IV and V of that Act and references to the Attorney General therein should be read as including the Commission.

(4) Where the Commission has instituted an investigation or prosecution for money laundering offences contrary to the Anti-Money Laundering Act, 1996 (Act 8 of

1996), then the Commission may exercise the powers of the Attorney General under Section 11 of that Act and references to the Attorney General therein should be read as including the Commission.”

### **Consequential amendments**

5. The Anti-Money Laundering and Countering the Financing of Terrorism Act, 2020, Act 5 of 2020, is amended to the extent specified in the Schedule to this Act.

## **SCHEDULE**

*(Section 5)*

### **CONSEQUENTIAL AMENDMENTS**

#### **Amendment of section 3 of Anti-Money Laundering and Countering the Financing of Terrorism Act, 2020, Act 5 of 2020**

1. Section 3 (8) of the Anti-Money Laundering and Countering the Financing of Terrorism Act, 2020, (Act 5 of 2020) is repealed and substituted therefor by the following

“This Act shall apply whether the criminal conduct in question occurred before or after the commencement of this Act and whether it was or is attributable to the person first mentioned in subsection (1) or another person.”