

EGERTON



UNIVERSITY

**PROCEDURE FOR PREVENTION OF BRIBERY &
CORRUPTION**

September 2026



PREAMBLE

The Attorney General in consultation with the Ethics and Anti- Corruption Commission (EACC) published Guidelines to Assist Public and Private Entities in the Preparation of Procedures for Prevention of Bribery and Corruption, in accordance with section 12(1) of the Anti-Bribery Act, 2016 vide gazette notice no. 6022 dated 27th May 2022.

The EACC, as required by Section 9(3) of the Anti-Bribery Act provided guidelines (Model Procedures) to assist public entities, private entities and any interested person, to develop and put in place procedures for prevention of bribery and corruption.

Based on this EACC Model Procedures, Egerton University has customized and developed these procedures to be used by our stakeholders in prevention of bribery and corruption.

PROCEDURES FOR PREVENTION OF BRIBERY AND CORRUPTION

1. COMMITMENT

Egerton University is committed to implement prevention of bribery and corruption measures in adherence to these Procedures, as required by the Anti-Bribery Act, 2016 (Anti-Bribery Act), the Bribery Regulations, 2022 (the Regulations), Guidelines to Assist Public and Private Entities in the Preparation of Procedures for Prevention of Bribery and Corruption, 2022 (the Guidelines).

The University maintains a zero-tolerance policy towards bribery and corruption and is committed to prevention, detection, deterrence, reporting and taking appropriate action against acts of bribery and corruption.

2. OBJECTIVE

These Procedures will serve as a practical tool for the prevention of bribery and corruption as required under the Anti-Bribery Act. They provide the accepted standards in relation to prevention of bribery and corruption.

They will ensure efficient and effective facilitation of bribery and corruption handling in the University.

3. SCOPE

These procedures cover all University systems including members of staff, students and stakeholders/ third parties both from within and outside the University.

4. DEFINITIONS

In these procedures, unless the context otherwise requires; -

Bribery - has the meaning assigned to it under section 2 of the Anti-Bribery Act, 2016.
(See Annexure 3)

Commission - means the Ethics and Anti-Corruption Commission established under the Ethics and Anti-Corruption Commission Act, 2011. (See Annexure 4)

Corruption - has the meaning assigned to it under the Anti-Corruption and

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Economic Crimes Act, 2003 (*See Annexure 4*)

Designated Officer – means a person or an institution authorized to receive a report

Enforcement structure – means a system put in place to provide for appropriate actions for violation of the Anti-Bribery Act and includes the disciplinary function within the University.

Facilitation payment – means an illegal or unofficial payment made in return for services which the payer is legally entitled to receive without making such payment.

Giving a Bribe - has the meaning assigned to it under Section 5 of Anti-Bribery Act, 2016. (*See Annexure 3*)

Informant - means a person who provides privileged information, or information intended to be confidential, concealed, or secret about a person or entity.

Implementation structure - means the system put in place by the University to oversee the execution of the Anti-Bribery Act, 2016. (*See Annexure 3*)

Receiving a Bribe - has the meaning assigned to it under section 6 of the Anti- Bribery Act, 2016. (*See Annexure 3*)

Stakeholder – means a person with vested interest or concern in the business of the University.

Third Parties – means suppliers, contractors, agents, associates, clients, customers and all other parties who transact with the University.

Witness – has the meaning assigned to it under section 2 of the Witness Protection Act, 2006. According to the Act, “**witness**” means a person who has made a statement or has given or agreed to give evidence in relation to an offence or criminal proceedings in Kenya or outside Kenya, and requires protection on the basis of an existing threat or risk.

Whistle Blower – means a person who makes a report to the Commission or other law enforcement agencies on acts of bribery or other forms of corruption.

5. LEGAL FRAMEWORK

These procedures are developed pursuant to section 9(1) of the Anti-Bribery Act which provides that public and private entities shall put in place procedures appropriate to their size, scale and nature of their operations for the prevention of bribery and other forms of corruption.

Reference is also made to the following relevant legal documents:-

- i) Constitution of Kenya, 2010
- ii) Anti-Bribery Act, No 47 of 2016
- iii) Anti-Corruption Economic Crimes Act (ACECA) Cap 65
- iv) Bribery Regulations, 2020
- v) Kenya Anti-Corruption Commission Source Book, 2003
- vi) Ethics and Anti-Corruption Commission (EACC) Act 2011
- vii) Model procedures for prevention of bribery & corruption from EACC, 2024
- viii) Egerton University Anti-Corruption Policy, 2026
- ix) Egerton University Code of Conduct & Ethics 2023
- x) Egerton University Statutes, 2023

5.1. Bribery Offences (*See Annexure 3*)

5.2.1. The offences under the Anti-Bribery Act are: -

- i) Giving a bribe under section 5 of Anti-Bribery Act, 2016;
- ii) Receiving a bribe under section 6 of Anti-Bribery Act, 2016; and
- iii) Bribery of a foreign public official under section 8 of the same Act.

5.2.2. Other related offences are: -

- i) Engaging in activities intended to enable bribery under section 13;
- ii) Failure to report bribery under section 14;
- iii) To demote, admonish, dismiss from employment, transfer to unfavourable working area, harass or intimidate a whistle-blower or a witness under section 21(2); and

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- iv) Knowingly or negligently disclosing information of informants and witnesses under section 21 (5).

5.2.3. Extra territorial application of the Anti-Bribery Act.

Section 15 of the Anti-Bribery Act provides that conduct by a citizen of Kenya or by a private or public entity, which takes place outside Kenya, shall constitute an offence if the conduct would constitute an offence under the Anti-Bribery Act.

5.2. Corruption Offences - *(See Annexure 4)*

According to Anti-Corruption and Economic Crimes Act, 2033 Corruption Offences include:-

- (a) An offence under any of the provisions of sections 40 to 44, 46 and 47;
- (b) Bribery;
- (c) Fraud;
- (d) Embezzlement or misappropriation of public funds;
- (e) Abuse of office;
- (f) Breach of trust; or
- (g) An offence involving dishonesty:-
 - ❖ In connection with any tax, rate or impost levied under any Act; or
 - ❖ Under any written law relating to the elections of persons to public office;

5.3 PENALTIES UNDER THE UNIVERSITY CODE OF CONDUCT & ETHICS 2023 AND ANTI-CORRUPTION POLICY, 2026

Persons suspected of bribery or corruption offences will be subjected to relevant University committees for disciplinary action. Such persons may be referred to law enforcement agencies for prosecution.

6. RELEVANT POLICIES

These procedures take cognizance of and complement the University's existing relevant policies which shall among others include: -

- i. Egerton University Anti-Corruption Policy, 2026;
- ii. Egerton University Financial Rules and Regulations Policy, 2014;
- iii. Egerton University Publications Policy, 2021;
- iv. Egerton University Whistleblower Protection Policy, 2026;
- v. Egerton University Alcohol, Drug and Substance Abuse Policy, 2024;
- vi. Egerton University Outsourcing Policy, 2022;
- vii. Egerton University Intellectual Property Rights Policy, 2022;
- viii. Egerton University Vehicle Management Policy, 2023;
- ix. Egerton University Leasing Policy, 2022

7. BRIBERY AND CORRUPTION RISK ASSESSMENT AND MANAGEMENT

During the development of procedures, Egerton University shall conduct a Bribery and Corruption Risk Assessment and develop a Mitigation Plan.

In conducting the bribery and Corruption Risk Assessment and developing a Mitigation Plan, the University shall: -

- i) Identify, assess and map out the potential bribery and corruption risks in its operations;
- ii) Design and implement systems and controls (intervention measures) to mitigate those risks;
- iii) Monitor, evaluate and review systems and controls; and
- iv) Document and keep a record of the bribery and corruption risk assessment and mitigation process.

The bribery and corruption risk assessment and management shall be: -

- i) Overseen by the University CPC
- ii) Appropriately resourced
- iii) Conducted after every two years.

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8. HIGH RISK AREAS

Procedures for the prevention of bribery and other forms of corruption cover a wide range of issues which depend on the University's bribery and corruption risk assessment.

These areas include: -

- i) Gifts and hospitality;
- ii) Conflicts of Interest;
- iii) Human Resource Management;
- iv) Donations including political donations, collections and harambees;
- v) Sponsorships and grants;
- vi) Facilitation payments;
- vii) Procurement and Financial management procedures.

9. MANAGING THIRD PARTIES

Egerton University has identified and shall continue to identify all its third parties and manage them taking into account the level of risks of bribery and other forms of corruption, nature and value of engagement. The factors to be taken into account include the following: -

- i) Incorporation of anti-bribery and anti-corruption provisions in contract documents;
- ii) Preparation of questionnaires for third parties to make such disclosure as may be required;
- iii) Declaration by third parties that they shall refrain from bribery and other forms of corruption;
- iv) Conducting due diligence on third parties;
- v) Incorporation of declaration of conflict of interest; and
- vi) Ensuring that these Procedures are communicated and understood by third parties.

10. REPORTING MECHANISMS

10.1. Reporting Channels

Egerton University shall put in place bribery and corruption reporting channels and procedures. The University shall ensure that the reporting channels are secure, efficient and effective and that the reports are handled promptly with utmost confidentiality. Reporting channels include:-

- i) In-person to a designated person or office;
- ii) By writing to the University;
- iii) Through Email address;
- iv) Telephone number;
- v) Reporting boxes;
- vi) Web-portal;
- vii) Digital/social media platforms; and
- viii) Any other reporting channels that protect the personal identification details of informants, witnesses and whistle blowers.

The designated Office shall be Integrity Promotion Office (IPO) with a designated Administrator who is a trained and vetted IAO. Reporting may be in the format set out in **Annexure 1**. The University may provide for additional information that may be given by an informant, witnesses or whistle blower but in any case, shall not diminish the information required in the form.

Bribery and corruption reports to the University shall be submitted to or be made through any of the following specified channels: -

- i) Corruption allegation reporting Boxes strategically situated in the University.
- ii) By Phone - VCs Office – 0722341566; Integrity Promotion Office - 0702200016.
- iii) Integrity Promotion Office, Utafiti Building, Third Floor Rooms 330 and 331 or VC's Office, Administration Block
- iv) The University's digital/social media platforms

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- v) E-mails: vc@egerton.ac.ke ; integrity@egerton.ac.ke
- vi) Postal Address: P.O. BOX 536-20115, Egerton Kenya.

10.2. Processing of Reports

Egerton University shall process reports using the following steps:

- i) Alleged corruption events (actions) shall be reported to the Chairman, IPC by a complainant either in person, in writing, telephone call, e-mail or through corruption allegation reporting boxes.
- ii) Reported alleged corrupt actions shall be recorded in the Corruption Reporting Register by the Administrative Officer present in the office.
- iii) The Chairman IPC shall call for meeting(s) of the IPC to deliberate and consider received reports, make recommendations(s) and forward them within 21 days to the relevant University office/department for resolution/action and thereafter IPC makes a report to CPC Chair for information/further action;
 - ❖ Where necessary IPC shall carry out further investigations and submit a report and recommendations to the Chairman CPC for deliberation during CPC meeting.
 - ❖ Where investigations point to the possibility of a corruption act having been committed, the Chairman IPC shall recommend to the VC that the accused person(s) steps down to pave way for investigations.
- iv) The Chairman, IPC shall on quarterly basis, prepare a report for presentation and discussion during CPC meetings

10.3. Feedback

Egerton University shall provide feedback to the informant or whistle blower on the action taken where applicable.

11. PROTECTION OF WHISTLE BLOWERS, INFORMANTS AND WITNESSES

Egerton University shall provide an efficient and effective mechanism for protection of

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whistle blowers, informants and witnesses. The University based on the available whistle blower's policy, shall:-

- i) Maintain confidentiality of the identity of whistle-blowers, informants and witnesses, details and sources of the bribery and corruption reports;
- ii) Establish reporting channels for whistleblowers, informants and witnesses on acts of retribution, victimization and intimidation against them for reporting acts of bribery or corruption within the entity; and
- iii) Take appropriate action on reports of retribution, victimization or intimidation of informants, witnesses and whistleblowers.
- iv) Institute measures for protection of Whistle-Blowers, informants and witnesses including anonymous reporting, Whistle Blower Policy (with non-retaliation clause) and any other mechanism as the University may deem appropriate.

12. COMMUNICATION AND TRAINING

Egerton University shall:-

- i) Ensure that these Procedures are embedded and understood throughout the University and amongst third parties and stakeholders
- ii) Put in place efficient and effective channels of communication including publishing of the procedures to employees and posting on the University's website.
- iii) Carry out regular sensitization, awareness creation and disseminate relevant materials on prevention of bribery and corruption, but in any case, at least once a year.
- iv) Ensure that the University Management Board (UMB) boards of Directors, Deans, CODs, HODs, employees and students undergo training on prevention of bribery and corruption.

13. COLLABORATION AND CO-OPERATION WITH OTHER ENTITIES

The University may establish collaborations with other entities as need arise. The

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terms of engagement shall be determined at the time of engagement.

14. IMPLEMENTATION OF THESE PROCEDURES

In implementing these Procedures, the University Management shall be committed to preventing bribery and other forms of corruption by: -

- i) Fostering a culture in which bribery and other forms of corruption are not acceptable;
- ii) Determining and executing bribery and other forms of corruption prevention strategies;
- iii) Making key decisions relating to management of bribery and corruption risks including decisions on resource allocation, internal policies, appointment of key personnel among others;
- iv) Communicating to internal and external stakeholders the University's bribery and other forms of corruption prevention policy and commitment to zero tolerance to bribery and other forms of corruption;
- v) Appointing a designated senior officer to be in charge of prevention of bribery and other forms of corruption and to protect whistle blowers, informants and witnesses;
- vi) Putting in place mechanisms to detect and take appropriate action for violation of the Anti-Bribery Act within the University such as establishment of Corruption Prevention/Integrity Committees.
- vii) Providing necessary resources to ensure that these procedures are adequately implemented; and
- viii) Periodically assessing compliance with the prevention of bribery and other forms of corruption guided by the attached checklist in **Annexure 2**.

15. MONITORING AND EVALUATION

The University shall put in place a Monitoring and Evaluation (M&E) Framework to ensure compliance and effectiveness of these Procedures, identification and management of emerging risks and making improvements where necessary.

16. REVIEW

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The Procedures shall be reviewed every five years or as need arises.

**DECLARATION OF COMMITMENT TO IMPLEMENT THE REQUIREMENTS OF
THE ANTI-BRIBERY ACT, REGULATIONS, GUIDELINES AND THESE
PROCEDURES**

Egerton University is committed to implement these Procedures on prevention of bribery and other forms of corruption developed pursuant to section 9 of the Anti-Bribery Act, 2016.

Name: Prof. GEORGE M. MUTHAA

Designation: AG. VICE CHANCELLOR
(Head of Institution)

Signature: 

Date: 21/09/2026

Date of next Review: September, 2031

ANNEX I

BRIBERY AND CORRUPTION REPORTING FORM

1. Please note:

- (a) THAT this form may be filled by anyone who wishes to report a case of bribery or other forms of corruption perpetrated by official(s) of the entity.
- (b) THAT the information in this form will be used by the entity in the inquiry and determination of the matter.

2. I/We (name/s) (Optional)

a)

b)

c)

(Tick appropriately)

☐ Staff ☐ Stakeholder ☐ Third Party ☐ Other
(specify).....

3. Wish to make a complaint against the following person/entity:

a)

b)

c)

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4. On the grounds of:

☐ Bribery ☐ Corruption ☐ Suspicion ☐ Other
(specify).....

5. Please give details bribery/corruption/concern (include as much details as possible e.g. date(s), time(s), location(s), amount of money involved, nature of advantage, circumstances of bribery etc.) Attach separate sheet if space is not sufficient.

.....
.....
.....

6. Witnesses/person(s) who may be interviewed or person(s) with knowledge of matter being complained of: (where possible explain why such person(s) should be contacted and their contacts) **(Optional)**

a)

b)

c)

7. Have you filed this report elsewhere? (Either internally or externally – the EACC, National Police Service etc)

.....

8. Any other relevant information.....

I certify that:

(a) The information provided is true and correct to the best of my knowledge and belief;

(b) I have the right to expect the highest level of confidentiality as relates

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to this report; and

- (c) Entity may take disciplinary action against me should the reporting be proven to be malicious or frivolous.

Signature (where applicable):.....

Date:.....

Email Address (optional):.....

Phone Number (optional):.....

ANNEX 2

PREVENTION OF BRIBERY AND CORRUPTION COMPLIANCE CHECKLIST

1. Commitment

- i). Does the University have a written and accessible statement of commitment on prevention of bribery and other forms of corruption from the top-level management?
- ii). Have the staff members committed to uphold all relevant policies and code of conduct?
- iii). Has the University made it mandatory to all individuals and parties at all levels to comply with and adhere to Procedures to prevent bribery and other forms of corruption?
- iv). Has the University designated a senior officer to be responsible for anti-bribery and anti-corruption compliance?
- v). Has the University established an enforcement structure to take action on violations of the Anti-Bribery Act?
- vi). Has the top management made a declaration of commitment to implement the Anti-Bribery Act?

2. Bribery and Corruption Risk Assessment and Management

- i) Has the University conducted bribery and corruption risk assessment(s)?
- ii) Does the University have a clear understanding of all bribery and corruption risks?
- iii) Is the mitigation plan reviewed and updated periodically?
- iv) Is the assessment undertaken on a regular basis?
- v) Has the University accurately documented and maintained information demonstrating that bribery and corruption risk assessment(s) have been conducted?

- vi) Has the University developed and implemented a risk mitigation plan to address all the identified risks?
- vii) Has the University managed third party risks and applied a consistent risk-based approach?
- viii) Has the University undertaken due diligence proportionate to the level of risk?
- ix) Does the University perform due diligence reviews and vetting on all new third parties?
- x) Has the University clearly communicated its gift policy internally and externally to control gifts, hospitality, donations, harambees and similar benefits to ensure that they are not for corrupt purpose?
- xi) Has the University established controls and procedures covering payments to third parties, including gifts, hospitality, entertainment, travel, charitable contributions, sponsorships and other expenses to ensure that they are appropriate?
- xii) Does the University have a strict reporting policy of all entertainment of foreign officials?
- xiii) Has the University ensured that situations that might give rise to a conflict of interest are disclosed to the entity and managed appropriately by an independent person e.g. Designated Officer?
- xiv) Do the staff understand that all relationships with third parties must be documented fully and that all payments made to third parties must be appropriate, justifiable and accurately documented?

3. Communication and Training

- (i) Has the University effectively disseminated its code of conduct to all employees and third parties in a way that is easily accessible?
- (ii) Is there a requirement for all employees and third parties to certify that they have read and complied with the code of conduct?
- (iii) Has the entity clearly communicated its anti-bribery and anti-corruption

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programme as well as policies in place and ensured that it is understood across all levels of the entity and within its business networks?

- (iv) Has the University sensitized staff on facilitation payments in relation to bribery?
- (v) Does the University have a regular formal training programme for all staff, members, board of directors, management and third parties that specifically addresses anti-bribery and anti-corruption and ensures that anti-bribery and anti-corruption programmes and policies are understood and adhered to?
- (vi) Does the University carry out interactive anti-bribery and corruption prevention training for high-risk employees?

4. Reporting and Inquiry

- (i) Are there procedures to report any instance of fraud, bribery, corruption, collusion, obstructive or coercive practices or any other information relating to any possible violation of the Anti-Bribery Act?
- (ii) Does the entity have a whistleblower policy and effective channels for employees and third parties to report knowledge or suspicion of instances of bribery and other forms of corruption?
- (iii) Are there procedures which facilitate inquiry of reported cases of bribery and other forms of corruption?
- (iv) Are there procedures which require appropriate action in the event the inquiry reveals that bribery or other forms of corruption occurred?

5. Monitoring, Evaluation and Review

- (i) Are the bribery and corruption prevention policies and procedures reviewed every five years and compliance controls tested regularly?
- (ii) Are review methods and results of anti-bribery performance documented and retained as evidence?
- (iii) Are engagements with third parties monitored on an ongoing basis commensurate with their risk profile?

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ANNEX 3

INTERPRETATION OF TERMS/OFFENCES ACCORDING TO ANTI-BRIBERY ACT, 2016

PART I – PRELIMINARY

2. Interpretation

In this Act, unless the context otherwise requires—

“Bribery” means bribery within the meaning of Part II;

PART 11—GENERAL BRIBERY OFFENCES

Section 5

(1) A person commits the offence of giving a bribe if the person offers, promises or gives a financial or other advantage to another person, who knows or believes the acceptance of the financial or other advantage would itself constitute the improper performance of relevant function or activity.

(2) Subject to subsection (1), it shall not matter whether the person to whom the advantage is offered, promised or given is the same person as the person who is to perform, or has performed, the function or activity concerned, or whether the advantage is offered, promised or given by a person directly or through a third party.

Section 6

(1) A person commits the offence of receiving a bribe if –

- (a) the person requests, agrees to receive or receives a financial or other advantage intending that, in consequence, a relevant function or activity should be performed improperly whether by that person receiving the bribe or by another person;
- (b) the recipient of the bribe requests for, agrees to receive or accepts a financial or other advantage and the request, agreement or acceptance itself

constitutes the improper performance by the recipient of a bribe of a relevant function or activity.

(c) in anticipation of or as a consequence of a person requesting for, agreeing to receive or accepting a financial or other advantage, a relevant function or activity is performed improperly by that person, or by another person at the recipients' request, assent or acquiescence.;

(2) For purposes of subsection (1) (a) and (c) it shall not matter— if the recipient requests for, agrees to receive or receives or intends to request for, agree to receive or to accept the advantage directly or through a third party; or if the advantage is or is intended to be for the benefit of the recipient or another person.

(3) For purpose of subsection (1) it shall not matter whether:-

(a) the recipient is performing the function or activity;

(b) the person giving the bribe knows or believes that the performance of the function or activity is improper; or

(c) where a person other than the recipient is performing the function or activity, whether that person knows or believes that the performance of the function or activity is improper.

Section 8

(1) Any person who bribes a foreign public official with the intention of influencing that official's capacity public officials commits an offence.

(2) A person commits the offence of bribery under subsection (1) if -

(a) directly or through a third party, the person promises or gives any financial or other advantage to the foreign official or to another person at the foreign official's request or with the foreign official's assent or acquiescence; and

(b) the foreign official is neither permitted nor required by the written law applicable to him or her to be influenced in his or her capacity as a foreign public official by the offer, promise or gift.

(3) In this section, influencing a foreign official means influencing such foreign official in

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the performance of their functions, including -

(a) any omission to exercise those functions; and

(b) any use of the position as such an official, even if not within the official's authority.

(4) For the purposes of subsection (2) (b), the written law applicable to a foreign official shall:-

(a) where the performance of the functions intended to be influenced would be subject to the law of Kenya, the law of Kenya;

(b) where the official is an agent of a public international organization, the applicable written rules of that organization; or

(c) in any other case, the law of the country or territory which applies to the foreign official so far as that law is contained in -

i) any provision made by or under legislation, applicable to the country or territory concerned, or

ii) any judicial decision which is so applicable and is evidenced in published written sources.

Section 13

(1) Any person who knowingly assists a person or a private entity to give or receive a bribe by-

(a) obtaining property intended for use in bribery;

(b) using, having possession of or transferring property which was obtained as a result of or in connection with bribery; or

(c) property which was obtained as a result of or in connection with bribery; or

(d) recording property which was obtained as result of or in connection with bribery in the accounting records of any private entity, commits an offence.

(2) Where an offence under this section is committed by a director or senior officer of a private entity such private entity shall be deemed to have committed the offence.

PART IV— OTHER PROVISIONS ON OFFENCES

Section 14

(2) A State officer, a public officer or any other person who, despite being aware of or suspicious of the commission of an offence under this Act, fails to report the act to the Commission within the specified period commits an offence.

Section 15

(1) Conduct by a citizen of Kenya or by a private or public entity within the meaning of sections 11 and 12 which takes place outside Kenya, shall constitute an offence under this Act if the conduct would constitute an offence under this Act if it took place in Kenya.

(2) For the avoidance of doubt, sub-section (1) shall apply irrespective of whether the acts or omissions which form part of the offence take place within or outside Kenya.

Section 21

(2) A person who demotes, admonishes, dismisses from employment, transfers to unfavourable working areas or otherwise harasses and intimidates a whistle blower or a witness under this Section is guilty of an offence and shall be liable upon conviction to a fine not exceeding one million shillings or to imprisonment for a term not exceeding one year or to both.

(5) Any person who knowingly or negligently discloses the information of informants and witnesses and as a result of which those informants are harassed or intimidated commits an offence and shall be liable upon conviction to a fine not exceeding one million shillings or to imprisonment for a term not exceeding one year or to both.

ANNEX 4

INTERPRETATIONS OF TERMS/OFFENCES ACCORDING TO ANTI-CORRUPTION AND ECONOMIC CRIMES ACT NO. 3 OF 2003.

PART I – PRELIMINARY

2. Interpretation

(1) In this Act, unless the context otherwise requires—

Commission means - the Independent Ethics and Anti-Corruption Commission established under section 3 of the Independent Ethics and Anti-Corruption Commission Act, 2011 (No. 22 of 2011), pursuant to Article 79 of the Constitution;

Corruption means—

- (a) An offence under any of the provisions of sections 39 to 44, 46 and 47;
- (b) Bribery;
- (c) Fraud;
- (d) Embezzlement or misappropriation of public funds;
- (e) Abuse of office;
- (f) Breach of trust; or
- (g) An offence involving dishonesty—
 - i) in connection with any tax, rate or impost levied under any Act; or
 - ii) under any written law relating to the elections of persons to public office;

Economic crime means—

- (a) An offence under section 45; or
- (b) An offence involving dishonesty under any written law providing for the maintenance or protection of the public revenue;

PART V – OFFENCES

Section 39 Deleted by Act No. 47 of 2016, s. 23.

Section 40. Secret inducements for advice

- (1) This section applies with respect to a benefit that is an inducement or reward for, or otherwise on account of, the giving of advice to a person.
- (2) A person is guilty of an offence if the person—
 - (a) receives or solicits, or agrees to receive or solicit, a benefit to which this section applies if the person intends the benefit to be a secret from the person being advised; or
 - (b) gives or offers, or agrees to give or offer, a benefit to which this section applies if the person intends the benefit to be a secret from the person being advised.
- (3) In this section, “giving advice” includes giving information.

Section 41. Deceiving principal

- (1) An agent who, to the detriment of his principal, makes a statement to his principal that he knows is false or misleading in any material respect is guilty of an offence.
- (2) An agent who, to the detriment of his principal, uses, or gives to his principal, a document that he knows contains anything that is false or misleading in any material respect is guilty of an offence.

Section 42. Conflicts of interest

- (1) If an agent has a direct or indirect private interest in a decision that his principal is to make the agent is guilty of an offence if—
 - (a) the agent knows or has reason to believe that the principal is unaware of the interest and the agent fails to disclose the interest; and
 - (b) the agent votes or participates in the proceedings of his principal in relation to the decision.
- (2) A private body may authorize its agent to vote or participate in the proceedings of the private body and the voting or participation of an agent as so authorized is not a

contravention of subsection (1).

(3) An agent of a public body who knowingly acquires or holds, directly or indirectly, a private interest in any contract, agreement or investment emanating from or connected with the public body is guilty of an offence.

(4) Subsection (3) does not apply with respect to an employment contract of the agent, or a related or similar contract or agreement or to any prescribed contract, agreement or investment.

Section 43. Improper benefits to trustees for appointments

(1) This section applies with respect to a benefit that is an inducement or reward for the appointment of a person as a trustee of property or for joining or assisting in such an appointment.

(2) Subject to subsection (3), a person is guilty of an offence if the person—

(a) receives or solicits, or agrees to receive or solicit, from a trustee of property a benefit to which this section applies; or

(b) gives or offers, or agrees to give or offer, to a trustee of property a benefit to which this section applies.

(3) Subsection (2) does not apply to anything done with the informed consent of every person beneficially entitled to the property or in accordance with an order of a court.

(4) In this section, “trustee of property” includes—

(a) an executor or administrator appointed to deal with the property;

(b) a person who, under a power of attorney or a power of appointment, has authority over the property; and

(c) a person or a member of a committee managing or administering, or appointed or employed to manage or administer, the property on behalf of a person under an infirmity or incapacity of mind.

Section 44. Bid rigging, etc.

(1) This section applies with respect to a benefit that is an inducement or reward for—

- (a) refraining from submitting a tender, proposal, quotation or bid;
- (b) withdrawing or changing a tender, proposal, quotation or bid; or
- (c) submitting a tender, proposal, quotation or bid with a specified price or with any specified inclusions or exclusions.

(2) A person is guilty of an offence if the person—

- (a) receives or solicits or agrees to receive or solicit a benefit to which this section applies; or
- (b) gives or offers or agrees to give or offer a benefit to which this section applies.

Section 46. Abuse of office

A person who uses his office to improperly confer a benefit on himself or anyone else is guilty of an offence.

Section 47 Dealing with suspect property

(1) A person who deals with property that he believes or has reason to believe was acquired in the course of or as a result of corrupt conduct is guilty of an offence.

(2) For the purposes of this section, a person deals with property if the person—

- (a) holds, receives, conceals or uses the property or causes the property to be used; or
- (b) enters into a transaction in relation to the property or causes such a transaction to be entered into.

(3) In this section, “corrupt conduct” means—

- (a) conduct constituting corruption or economic crime; or
- (b) conduct that took place before this Act came into operation and which—
 - i) at the time, constituted an offence; and
 - ii) if it had taken place after this Act came into operation, would have constituted corruption or economic crime.