

CRIMINAL OFFENCES (AMENDMENT) BILL, 2020

ARRANGEMENT OF SECTIONS

Section

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Criminal Offences (Amendment) Bill, 2020

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BILL

ENTITLED

CRIMINAL OFFENCES (AMENDMENT) ACT, 2020

AN ACT to amend the Criminal Offences Act, 1960 (Act 29) to categorise the offence of corruption as a felony, to provide a stiff penalty for a person who commits the offence of corruption and for related matters.

PASSED by Parliament and assented to by the President:

Section 239 of Act 29 amended

1. The Criminal Act, 1960 (Act 29), referred to in this Act as the “principal enactment” is amended by the substitution for section 239 of

“Corruption of and by public officer or juror

239. (1) A public officer or juror shall not commit corruption or willful oppression or extortion in respect of the duties of office.

(2) A person shall not corrupt any other person in respect of a duty as a public officer or juror.

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(3) A person who contravenes subsection (1) or (2) commits an offence and is liable on summary conviction to a term of imprisonment of not less than twelve years and not more than twenty-five years.”.

Section 248 of Act 29 amended

2. The principal enactment is amended by the substitution for section 248 of

“False declaration for office or voting

248. (1) A person shall not, in order to obtain or be qualified to act in a public office or to vote at a public election make, sign, publish or use a declaration, statement or an oath, required by law or a certificate or testimonial regarding conduct or services, or as to any other matter which is material for obtaining that office, for the qualification to act in that office or to vote at the election.

(2) A person who contravenes subsection (1), commits an offence and is liable on summary conviction to a fine of not less than five years and not more than ten years if that person knows that the declaration, statement, oath, certificate or testimonial is false.”.

Section 249 of Act 29 amended

3. The principal enactment is amended by the substitution for section 249 of

“False certificate by public officer

249. (1) A public officer who is authorised as a public officer to attest or certify, by writing or otherwise, a document or matter, or that an event has or has not happened, and shall not

(a) attest or certify the document or matter knowing it to be false; or

(b) attest that the event has happened or has not happened, without knowing or having reason to believe that it has happened or has not happened, according to the attestation or certificate.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a term of imprisonment of not less than five years and not more than ten years.”.

Section 250 of Act 29 amended

4. The principal enactment is amended by the substitution for section 250 of

“Destruction of document by a public officer

250. (1) A public officer shall not intentionally and unlawfully destroy, injure, falsify or conceal a document which is in the possession, custody, or control of the public officer or to which the public officer has access by virtue of office.

(2) A public officer who contravenes subsection (1) commits an offence and is liable on summary conviction to a term of imprisonment of not less than five years and not more than ten years.”.

Section 251 of Act 29 amended

5. The principal enactment is amended by the substitution for section 251 of

“Deceiving a public officer

251. (1) A person shall not, with intent to defeat, obstruct, or prevent the course of justice, or the due execution of the law, or evade the requirements of the law, or defraud or injure a person, or to obtain or assist in or facilitate the obtaining of any passport, instrument, concession, appointment, permission or any other privilege or advantage, endeavour to deceive or to overreach a public officer acting in the execution of a public office or duty by,

(a) personation, or by a false instrument, document, seal, signature, or

(b) a false statement, declaration or assurance whether written or verbal or by a written or verbal statement, declaration or assurance which the person making the statement, declaration or assurance did not have good reason to believe to be true.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a term of imprisonment of not less than five years and not more than ten years.”.

Section 252 of Act 29 amended

6. The principal enactment is amended by the substitution for section 252 of

“Accepting or giving bribe to influence a public officer or juror

252. (1) A person shall not accept, or agree or offer to accept, a valuable consideration, under pretence of having unduly influenced,

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or of agreeing or being able to influence, any other person in respect of functions as a public officer or juror.

(2) A person shall not give, or agree or offer to give, to a public officer a valuable consideration for the grant to that person or to any other person of a benefit or an advantage, or for the exercise of influence in favour of that person or any other person.

(3) A person who contravenes subsection (1) or (2) commits an offence and is liable on summary conviction to a term of imprisonment of not less than twelve years and not more than twenty-five years.”.

Section 253 of Act 29 amended

7. The principal enactment is amended by the substitution for section 253 of

“Corrupt promise by judicial officer or juror

253. (1) A person shall not, otherwise than in the due execution of a duty as a judicial officer or juror, make or offer to make an agreement with any other person as to the judgment or verdict which that person will or will not give as a judicial officer or juror in a pending or future proceeding.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a term of imprisonment of not less than twelve years and not more than twenty-five years.”.

Section 254 of Act 29 amended

8. The principal enactment is amended by the substitution for section 254 of

“Corrupt selection of juror

254. (1) A person shall not, with a purpose of procuring an undue advantage or disadvantage to a party to a judicial proceeding, procure for that person, or for any other person to be summoned, impaneled or sworn as a juror in the proceeding, or endeavour to prevent any other person from being summoned, impanelled or sworn as a juror in that proceeding.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a term of imprisonment of not less than five years and not more than ten years.”.