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VAN SUIDWES-AFRIKA

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DEPARTMENT OF GOVERNMENTAL AFFAIRS

No. 135 1985

PROMULGATION OF ACT OF NATIONAL ASSEMBLY

The following Act, which has been adopted by the National Assembly and signed by the Administrator-General in terms of the South West Africa Legislative and Executive Authority Establishment Proclamation, 1985 (Proclamation R.101 of 1985), is hereby published in terms of section 18 of that Proclamation: —

No. 21 of 1985: Prevention of Corruption Amendment Act, 1985

Goewermentskennisgewing

DEPARTEMENT VAN OWERHEIDSAKE

No. 135 1985

AFKONDIGING VAN WET VAN NASIONALE VERGADERING

Die volgende Wet, wat ingevolge die Proklamasie op die Instelling van Wetgewende en Uitvoerende Gesag vir Suidwes-Afrika, 1985 (Proklamasie R.101 van 1985), deur die Nasionale Vergadering aangeneem en deur die Administrateur-generaal onderteken is, word hierby afgekondig ingevolge artikel 18 van daardie Proklamasie: —

Nr. 21 van 1985: Wysigingswet op die Verhindering van Korrupsie, 1985

Act No. 21, 1985

PREVENTION OF CORRUPTION AMENDMENT ACT, 1985

EXPLANATORY NOTE:

________ Words underlined with solid line indicate insertions proposed.

ACT

To amend the Prevention of Corruption Ordinance, 1928, so as to make different provision for penalties for contravention of the said Ordinance.

(English text signed by the Administrator-General on 25 November 1985)

BE IT ENACTED by the National Assembly, as follows:-

Substitution of section 2 of Ordinance 2 of 1928.

1. The following section is hereby substituted for section 2 of the Prevention of Corruption Ordinance, 1928:

"Prohibition of acceptance or offer of consideration by or to agents or furnishing of false documents to principals.

2. Any person who -

(a) in the case of an agent, corruptly accepts or obtains or agrees to accept or attempts to obtain from any person, either for himself or for any other person, any gift or consideration as an inducement or reward for doing or omitting to do or for having done or omitted to do any act in relation to his principal's affairs or business, or for showing or refraining from showing favour or disfavour to any person in relation to his principal's affairs or business; or

(b) corruptly gives or agrees to give or offers any gift or consideration 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

WYSIGINGSWET OP DIE VERHINDERING VAN KORRUPSIE, 1985

Wet No. 21, 1985

VERDUIDELIKENDE NOTA:

———— Woorde met 'n volstreep daaronder dui aan invoegings voorgestel.

WET

Tot wysiging van die Ordonnansie tot Verhindering van Korrupsie, 1928, ten einde ander voorsiening te maak vir strawwe vir oortreding van bedoelde Ordonnansie.

(Engelse teks deur die Administrateur-generaal onderteken op 25 November 1985)

DAAR WORD BEPAAL deur die Nasionale Vergadering, soos volg:-

Vervanging van artikel 2 van Ordonnansie 2 van 1928.

1. Artikel 2 van die Ordonnansie tot Verhindering van Korrupsie, 1928, word hierby deur die volgende artikel vervang:

"Verbod op ontvang of aanbied van vergoeding deur of aan agente of verskaffing van valse dokumente aan prinsipale.

2. Iemand wat -

(a) in die geval van 'n agent, op korrupte wyse van iemand anders 'n geskenk of vergoeding ontvang of verkry of tot die ontvangs daarvan instem of dit probeer verkry, hetsy vir homself of vir 'n ander persoon, by wyse van aansporing of beloning vir die verrig of nalaat van 'n handeling met betrekking tot die sake of besigheid van sy prinsipaal, of omdat hy dit verrig of nagelaat het, of vir die bewys aan of weerhou van enige persoon van 'n guns of onguns met betrekking tot die sake of besigheid van sy prinsipaal; of

(b) op korrupte wyse 'n geskenk of vergoeding aan 'n agent gee of instem om dit te gee of dit aanbied, by wyse van aansporing of beloning om 'n handeling met betrekking tot sy prinsipaal se sake of besigheid te verrig of na te laat of omdat hy dit verrig of nagelaat het; of

(c) knowingly gives to any agent or, in the case of 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 his principal,

shall be guilty of an offence and liable on conviction to the penalties which may by law be imposed for the crime of bribery.".

Short title.

2. This Act shall be called the Prevention of Corruption Amendment Act, 1985.

(c) wetens 'n kwitansie, rekening of ander dokument ten opsigte waarvan 'n prinsipaal 'n belang het en waarin 'n verklaring voorkom wat in 'n wesenlike opsig vals of onjuis of gebrekkig is, en wat na sy wete bedoel is om die prinsipaal te mislei, aan 'n agent gee of, in die geval van 'n agent, wetens daarvan gebruik maak met die bedoeling om sy prinsipaal te bedrieg,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met die strawwe wat regtens vir die misdryf omkopery opgelê kan word.".

2. Hierdie Wet heet die Wysigingswet op die Verhindering van Korrupsie, 1985. Kort titel.