



THE REPUBLIC OF KENYA

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THE BRIBERY ACT

NO. 47 OF 2016

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NO. 47 OF 2016

BRIBERY ACT

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NO. 47 OF 2016

BRIBERY ACT

[Date of assent: 23rd December, 2016.]

[Date of commencement: 13th January, 2017.]

AN ACT of Parliament to provide for the prevention, investigation and punishment of bribery, and for connected purposes

[Act No. 47 of 2016, Act No. 18 of 2018.]

PART I – PRELIMINARY

1. Short title

This Act may be cited as the Bribery Act, 2016.

2. Interpretation

In this Act, unless the context otherwise requires—

"advantage" includes—

- (a) money or any gift, loan, fee, reward, commission, valuable security or other property or interest in property of any description, whether movable or immovable;
- (b) any office, employment or contract;
- (c) any payment, release, discharge or liquidation of any loan, obligation or other liability whatsoever, whether in whole or in part;
- (d) any other service, favour or advantage of any description whatsoever, including protection from any penalty or disability incurred or apprehended or from any action or proceedings of a disciplinary or penal nature, whether or not already instituted, and including the exercise or the forbearance from the exercise of any right or any official power or duty;
- (e) any offer, undertaking or promise of any gratification within the meaning of paragraphs (a), (b), (c) and (d); and,
- (f) any facilitation payment made to expedite or secure performance by another person;

"bribery" means bribery within the meaning of Part II;

"business" includes a trade or profession;

"Cabinet Secretary" means the Cabinet Secretary for the time being responsible for matters relating to justice;

"Commission" means the Ethics and Anti-Corruption Commission established under the Ethics and Anti-Corruption Commission Act, 2011 (No. 22 of 2011);

"corruption" has the meaning assigned to it in the Anti-Corruption and Economic Crimes Act, 2003 (No. 3 of 2003);

"economic crime" has the meaning assigned to it in the Anti-Corruption and Economic Crimes Act, 2003;

"foreign public official" includes —