

34A. Failure by members of private sector or incorporated state-owned entities to prevent corrupt activities.—(1) Any member of the private sector or incorporated state-owned entity is guilty of an offence if a person associated with that member of the private sector or that incorporated state-owned entity gives or agrees, or offers to give any gratification prohibited in terms of Chapter 2 to another person, intending to obtain or retain—

- (a) business for that member of the private sector or that incorporated state-owned entity; or
- (b) an advantage in the conduct of business for that member of the private sector or that incorporated state-owned entity: Provided that no offence shall be committed where that member of the private sector or that incorporated state-owned entity had in place adequate procedures designed to prevent persons associated with that member of the private sector or that incorporated state-owned entity from giving, agreeing or offering to give any gratification prohibited in terms of Chapter 2.

(2) For the purposes of section 34A (1), a person is associated with a member of the private sector or an incorporated state-owned entity if, disregarding any gratification under consideration, that person performs services for or on behalf of that member of the private sector or that incorporated state-owned entity, irrespective of the capacity in which such person performs services for or on behalf of that member of the private sector or that incorporated state-owned entity.

[S. 34A inserted by s. 23 of Act No. 15 of 2023.]