



ST. CHRISTOPHER AND NEVIS

CHAPTER 1.02 (N)

INTEGRITY IN PUBLIC LIFE ORDINANCE*

Revised Edition

showing the law as at 31 December 2017

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INTEGRITY IN PUBLIC LIFE ORDINANCE

Ordinance 2 of 2013 ... in force 20th June 2018

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CHAPTER 1.02 (N)

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CHAPTER 1.02 (N)

INTEGRITY IN PUBLIC LIFE ORDINANCE

AN ORDINANCE TO ESTABLISH AN INTEGRITY COMMISSION IN ORDER TO ENSURE INTEGRITY IN PUBLIC LIFE, TO OBTAIN DECLARATIONS OF THE ASSETS, LIABILITIES, INCOME AND INTEREST IN RELATION TO PROPERTY OF PERSONS IN PUBLIC LIFE, TO GIVE EFFECT TO THE PROVISIONS OF THE INTER-AMERICAN CONVENTION AGAINST CORRUPTION AND FOR MATTERS INCIDENTAL THERETO AND CONNECTED THEREWITH.

PART I

PRELIMINARY

Short title.

1. This Ordinance may be cited as the Integrity in Public Life Ordinance.

Interpretation.

2. (1) In this Ordinance—

“Chairperson” means the Chairperson of the Commission;

“commencement date” means the date of commencement of the Ordinance as published in the *Gazette*;

“Commission” means the Integrity Commission established pursuant to section 3 of this Ordinance;

“declaration” means a declaration filed pursuant to section 15;

“Disciplinary Tribunal” means a Tribunal appointed pursuant to section 8;

“interest in relation to property” means—

(a) a legal or equitable interest in the property; or

(b) a right, power or privilege in connection with the property;

“Investigatory Tribunal” means a Tribunal appointed pursuant to section 22;

“Judicial Legal and Services Commission” means the Judicial Legal and Services Commission referred to in the Constitution of Saint Christopher and Nevis;

“Minister” means the Minister responsible for finance;

“person in public life” means a person who holds an office specified in the First Schedule;

“property” means money or any other movable, immovable, corporeal or incorporeal thing whether situated in the State or elsewhere and includes any rights, privileges, claims, securities and any interest therein and all proceeds thereof;

“public body” includes—

(a) the Nevis Island Assembly, Cabinet and Cabinet Committees;

(b) a Ministry or Department of Government;

- (c) a corporation established by an Act of the Parliament of St. Kitts and Nevis or by an Ordinance of the Nevis Island Assembly for a public purpose or as a subsidiary company of that corporation registered under the Companies Act or the Companies Ordinance;
- (d) a bank or company owned by the State or the Nevis Island Administration or in which the State or the Nevis Island Administration has a controlling interest;
- (e) a commission, statutory board, public authority or other body of any description, whether its members are paid or unpaid;

“public function” means any activity performed a single time or continually, whether or not payment is received for it, and which is carried out by—

- (a) a person for, or on behalf of or under the direction of a Ministry, Department of Government, a statutory body, local government authority or a government company;
- (b) a body, whether public or private providing public utilities including the provision of water, electricity and communications; or
- (c) a member of the Nevis Island Assembly in that capacity;

“public servant” means any person—

- (a) employed—
 - (i) in the civil service of the Nevis Island Administration;
 - (ii) in the service of a statutory body or authority of a public body;
- (b) who is an official of the Nevis Island Administration in any of its agencies;
- (c) approved, elected, selected or otherwise engaged to perform a public function;

“Public Service Commission” means the Public Service Commission appointed pursuant to section 77 of the Constitution of Saint Christopher and Nevis;

“spouse”, in relation to a person in public life, means a person to whom the person in public life is married or living with in a common law relationship for a continuous period of five years during the period in which a declaration is required to be filed, but does not include—

- (a) a spouse who is living separate and apart from the person in public life for a period exceeding 3 years;
- (b) a spouse who has ceased to live with the person in public life and proceedings have been instituted for a divorce or judicial separation during the period in which a declaration is required to be filed;

“State” means Saint Christopher and Nevis.

- (2) This Ordinance applies to every person in public life.
- (3) For the purposes of this Ordinance—
 - (a) the income of a person in public life is that income which he acquires in or out of the State and includes all prerequisites or benefits, direct or indirect;

- (b) the assets of a person in public life are all the property beneficially held in the State or elsewhere by him or her and all rights and benefits to which he or she is entitled;
- (c) the liabilities of a person in public life are all the obligations of such a person to pay money or to transfer money to others whether in the State or elsewhere.

PART II

INTEGRITY COMMISSION

Establishment of Commission.

3. (1) There is hereby established a Commission called the Integrity Commission.
- (2) The Commission shall consist of—
- (a) a Chairperson who shall be a retired Judge or an attorney-at-law of at least fifteen years standing, appointed by the Deputy Governor-General acting on his or her own deliberate judgment;
 - (b) two other persons appointed by the Deputy Governor-General after consultation with the Premier and the Leader of the Opposition as follows—
 - (i) one member appointed on the recommendation of the Premier; and
 - (ii) one member appointed on the recommendation of the Leader of the Opposition.
 - (3) A person appointed to the Commission shall be a person of high integrity, capable of exercising competence, diligence, sound judgment and impartiality in fulfilling his or her duties pursuant to the provisions of this Ordinance.

Disqualification from membership.

4. A person shall not be qualified to be appointed as a member of the Commission if that person—
- (a) is a person in public life or is otherwise exercising a public function;
 - (b) has, at any time during the three years preceding the date of appointment, been a public servant;
 - (c) has, at any time during the five years immediately preceding the date of appointment, held office in a political party; or
 - (d) would otherwise be disqualified in accordance with the Constitution, to be a member of the Nevis Island Assembly.

Tenure of and removal from office.

5. (1) A member of the Commission shall be appointed by instrument in writing and shall, subject to the provisions of this Part, hold office for a period not exceeding five years and shall be eligible for re-appointment.

(2) A member shall be removed from office by the Deputy Governor General if the question of his or her removal from office has been referred to a Disciplinary Tribunal appointed pursuant to section 8(2) and the Disciplinary Tribunal has recommended to the Deputy Governor General that he or she ought to be removed for inability or unwillingness to discharge the functions of his or her office or for misbehaviour.

Resignation of members.

6. (1) A member other than the Chairperson may at anytime resign his or her office by giving one month's notice in writing addressed to the Deputy Governor-General and transmitted through the Chairperson.

(2) The Chairperson may at any time resign his office by giving three months' notice in writing addressed to the Deputy Governor-General.

Vacancy in membership of Commission.

7. (1) A vacancy in the membership of the Commission shall occur—

- (a) on the absence of a member from three consecutive meetings of the Commission, unless that absence is approved by the Chairperson in writing;
- (b) at the expiration of five years from the date of the appointment of a member;
- (c) on the death, resignation or revocation of the appointment, of a member;
- (d) if the member is appointed as a public servant;
- (e) if the member is nominated as a candidate for election as a representative in the Nevis Island Assembly or the National Assembly or is appointed a Senator in the Nevis Island Assembly or the National Assembly.

Removal from office.

8. (1) Where the Deputy Governor General, after consultation with the Premier and the Leader of the Opposition, considers that the question of removing a member of the Commission ought to be investigated, the Governor General shall appoint a Disciplinary Tribunal which shall consist of one person being either—

- (a) a Judge of the High Court;
- (b) a Chief Magistrate; or
- (c) an attorney at law of fifteen years standing.

(2) The Disciplinary Tribunal shall inquire into the matter and report on the facts thereof to the Deputy Governor-General and recommend to him or her whether the member should be removed from office.

(3) The Disciplinary Tribunal appointed under subsection (1) shall give the member an opportunity to show cause why he or she should not be removed from office.

(4) Where the question of removing a member has been referred to a Disciplinary Tribunal under this section, the Deputy Governor-General, acting after consultation with the Premier and the Leader of the Opposition may suspend the member from the exercise of the functions of his office pending the hearing and determination of the matter.

(5) A suspension may at any time be revoked by the Deputy Governor-General and shall in any case cease to have effect if the Disciplinary Tribunal recommends to the Deputy Governor General that the member should not be removed.

Publication in the *Gazette*.

9. The appointment, resignation, revocation, removal or the death of a member of the Commission shall be published in the *Gazette*.

Functions of the Commission.

10. The Commission shall—

- (a) receive, examine and retain all declarations filed pursuant to the provision of this Ordinance;
- (b) make such inquiries as it considers necessary in order to verify or determine the accuracy of any declarations filed pursuant to this Ordinance;
- (c) without prejudice to the provisions of any other enactment, conduct an investigation into any allegation of bribery or act of corruption under this Ordinance;
- (d) perform such other functions as may be required pursuant to the provisions of this Ordinance.

Proceedings and meetings.

11. (1) The Commission shall meet at such times as may be expedient for the Commission to carry out its functions.

(2) A quorum of the Commission shall be two.

(3) The proceedings of the Commission shall not be affected by any vacancy amongst any of its members or by any defect in the appointment of any member.

Powers of the Commission to summon and examine witnesses.

12. (1) The Commission shall have the powers, rights and privileges of the High Court at a trial, in respect of—

- (a) enforcing the attendance of witnesses and examining them on oath, affirmation or otherwise;
- (b) compelling the production of documents; and
- (c) the issue of a commission or request to a witness abroad.

(2) Section 15 of the Commissions of Inquiry Act shall apply *mutatis mutandis* for the purposes of subsection (1).

(3) The form for summons of the attendance of a witness or any other person or the production of documents shall be in Form I as set out in Schedule III.

Secretary to the Commission.

13. (1) There shall be a Secretary to the Commission who shall be a public servant.

(2) The duties of the Secretary shall be—

- (a) to attend meetings of the Commission;
- (b) to record the minutes of each meeting in proper form; and
- (c) generally to perform duties connected with the work of the Commission and as directed by the Commission.

Commission not subject to control or direction.

14. The Commission shall in the exercise of its functions under this Ordinance not be subject to the control or direction of any person or authority.

PART III

FINANCIAL DISCLOSURE

Duty to furnish declaration.

15. (1) A person, who, on or after the commencement of this Ordinance, is a person in public life shall file a declaration to the Commission in the form set out in Form II of the Third Schedule.

(2) Regulations may prescribe for a person who occupies a specific post in the public service to furnish a declaration pursuant to this subsection.

(3) Where—

- (a) on the date this Ordinance comes into operation a person is a person in public life, that person shall complete and file with the Commission a declaration in Form II of the Third Schedule within three months of that date;
- (b) a person becomes a person in public life after the commencement of this Ordinance, that person shall, not later than three months of his or her becoming a person in public life, file with the Commissioner a declaration in Form II of the Third Schedule.

(4) The declaration shall be filed irrespective of the fact that during the income year in respect of which the declaration is required or in the following two income years, the declarant ceased to be a person in public life, otherwise than by reason of death.

(5) For the purposes of this section, “income year” means a calendar year.

Trust property.

16. Where a person in public life holds money or other property in trust for another person, he or she shall so state this in his or her declaration.

Income, assets and liabilities of agent.

17. For the purposes of a declaration, the income, assets and liabilities of a person in public life include the income, assets and liabilities acquired, held or incurred by another person as his agent or on his behalf.

Blind trusts.

18. (1) A person in public life may place his or her assets or part thereof in a blind trust for the purposes of this Ordinance and shall file a copy of the trust deed with the Commission.

(2) Where the assets of a person in public life are placed in a blind trust, he or she need not in his or her declaration give more particulars of those assets than the amount and description of the assets placed in that trust and the date of so doing.

(3) A blind trust is created if a person in public life enters into an arrangement with a qualified trust company whereby—

- (a) all or part of his assets are conveyed to the trust company for its management, administration and control in its absolute discretion without recourse or report to the persons beneficially entitled to those assets;
- (b) income derived from the management of the assets is to be distributed to him or her as agreed;
- (c) conversion of assets into other assets are not to be communicated to him or her, until he or she ceases to be a person in public life; and
- (d) after he or she ceases to be a person in public life proper and full accounting is to be made to him or her, as the circumstances of the management of the trust require.

(4) A trust company is a qualified trust company if—

- (a) it is incorporated in Saint Christopher and Nevis or in Nevis and is carrying on business in Saint Christopher and Nevis or in Nevis;
- (b) no more than ten percent of the issued shares in the trust company or its affiliate is held by the person in public life entering into an agreement with it, or by any other person associated with him or her; and
- (c) the person in public life holds no directorship or office in the trust company or its affiliate.

(5) For the purposes of this section, a person is associated with another person where that other person is—

- (a) the spouse or child of the person;
- (b) the partner of the person in a professional, trade or commercial undertaking; or
- (c) a corporation, and any person specified in paragraph (a) or (b) controls the corporation, its holding corporation or a corporation affiliated with either.

(6) For the purpose of this section a company is the affiliate of another company where that company holds more than five per cent of the issued shares in the other company or where that company holds more than ten per cent of the issued shares in the first mentioned company.

Examination of declaration by Commission.

19. (1) The Commission shall examine every declaration furnished to it and may request from the person in public life any information or explanation relevant to a declaration made which in the opinion of the Commission, would assist it in its examination.

(2) Where upon an examination pursuant to subsection (1) the Commission is satisfied that a declaration has been fully made, the Commission shall publish a certificate in the *Gazette* in the Form provided in Form III of the Third Schedule.

Request for further particulars.

20. The Commission may require a person in public life to file such further particulars relating to his or her financial affairs as the Commission considers necessary for the purposes of section 19(1) within one month or any longer period as specified in any such request from the Commission.

Commission may require attendance of person in public life.

21. (1) The Commission, may upon examination of a declaration filed pursuant to section 15 require a person in public life to appear before the Commission at a specified time to be heard on any matter relating to the declaration.

(2) A person in public life who is required to attend the Commission may—

(a) be accompanied and represented by an attorney-at-law, a certified accountant or both; and

(b) require the Commission to summon witnesses.

(3) The Commission shall not make any adverse decision without giving the person in public life an opportunity to be heard.

(4) Where upon examination of the relevant documents the Commission is satisfied that a declaration has been fully made and all questions satisfactorily answered, the Commission shall pursuant to section 19(2) publish the certificate in the *Gazette*.

Formal inquiry by Investigatory Tribunal appointed by Commission.

22. (1) The Commission may, in accordance with the provisions of this section and section 24, inquire into the accuracy or fullness of a declaration filed with it if the Commission considers it necessary or expedient to so inquire.

(2) Where the Commission considers it necessary or expedient to inquire into the accuracy or fullness of a declaration filed with it, the Commission may, pursuant to subsection (3) advise the Deputy Governor-General to appoint an Investigatory Tribunal for that purpose.

(3) The Deputy Governor General shall, pursuant to subsection (2) appoint an Investigatory Tribunal comprising the Chairman of the Commission to conduct an inquiry to verify the contents of a declaration or other statement filed with the Commission.

(4) For the purposes of any inquiry under this section an Investigatory Tribunal may, subject to subsection (5), request in writing that the person in public life or any other person who the Investigatory Tribunal reasonably believes has knowledge of the matters to be inquired into—

- (a) attends before the Investigatory Tribunal to give such information as it may require to satisfy itself that it is in possession of all material facts; or
- (b) furnish such information or documents as would assist the Investigatory Tribunal in verifying the declaration.

(5) An inquiry shall not be commenced after five years from the date when the person in respect of whose declaration the inquiry is being conducted ceased to be a person in public life.

(6) Where, based on the report submitted by the Investigatory Tribunal to the Commission pursuant to the inquiry the Commission has reasonable cause to believe that a breach of any of the provisions of this Ordinance may have been committed, the Commission shall refer the matter to The Director of Public Prosecutions for further action.

Powers of Investigatory Tribunal.

23. In conducting an inquiry under section 22, an Investigatory Tribunal shall have and exercise the powers of a Commission of Inquiry under the Commissions of Inquiry Act except that—

- (a) the proceedings shall be held in private; and
- (b) the form of summons for the attendance of witnesses or other persons or production of documents shall be as in Form I of the Third Schedule.

Findings of Investigatory Tribunal.

24. Where, from an inquiry under section 22, an Investigatory Tribunal finds that a declarant had in fact made full disclosure in his or her declaration, the Investigatory Tribunal shall, if so requested in writing by the declarant, publish a statement to that effect in the *Gazette* and in a local newspaper.

Indemnity.

25. Where upon an inquiry an Investigatory Tribunal finds that the declaration which gave rise to the inquiry was in fact full and proper, the person in public life is entitled to full indemnity and shall be reimbursed from the Consolidated Fund, for all expenses reasonably incurred as may be determined by the Investigatory Tribunal.

Secrecy and confidentiality.

26. (1) The declaration filed with the Commission and the records of the Commission in respect of those declarations are secret and confidential and shall not be made public.

(2) Subsection (1) shall not apply where a particular declaration or record is required to be produced for the purpose of, or in connection with any court proceedings against, or inquiry in respect of a declarant under this Ordinance, the Commissions of Inquiry Act or perjury under the Perjury Act.

Information not to be communicated to unauthorised persons.

27. (1) A person who performs any function in the service or as an employee of the Commission shall treat all declarations or information relating to such declarations as secret and confidential and shall not disclose or communicate to an

unauthorised person or allow any such person to have access to any such declarations or information.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of ten thousand dollars or to a term of imprisonment not exceeding one year or to both such fine and imprisonment.

(3) An authorised person who publishes information which comes to his or her knowledge pursuant to subsection (1) to an unauthorised person commits an offence and is liable on summary conviction to a fine of ten thousand dollars or to a term of imprisonment not exceeding one year or to both such fine and imprisonment.

(4) For the purposes of this section, an unauthorised person is a person other than a person authorised to receive information—

- (a) under this Ordinance in relation to the financial affairs of a person in public life; or
- (b) by reason of an Order of a Judge or the High Court.

Application for, and issuing of investigation direction.

28. (1) Where based upon an inquiry conducted pursuant to section 23, the Commission has reasonable grounds to believe that a person in public life is in possession of property disproportionate to his or her present or past known sources of income or assets and for which there is no reasonable explanation, the Commission shall issue a report to the Director of Public Prosecutions of its findings.

(2) Where based on examination of the report submitted pursuant to subsection (1), the Director of Public Prosecutions has reasonable grounds to believe that an investigation into the assets and income of the person in public life is necessary, he or she may on behalf of the Commission apply to a Judge in Chambers for the issuing of an investigation direction pursuant to subsection (3).

(3) An application referred to in subsection (1) shall be made *ex parte* and shall be in writing and shall include—

- (a) the person in public life to be identified;
- (b) the grounds referred to in subsection (5) on which the application is made;
- (c) full particulars of all the facts and circumstances alleged in support of the application;
- (d) the basis for believing that evidence relating to the grounds on which the application is made will be obtained through the investigation direction;
- (e) whether any previous application has been made for the issuing of an investigation direction in respect of the same person in public life to be investigated and if such previous application exists, the current status of that application; and
- (f) the period for which the investigation is required.

(4) A Judge in Chambers may upon an *ex parte* application made to him or her in terms of subsection (2) issue an investigation direction.

(5) An investigation direction may only be issued if the Judge concerned is satisfied that—

- (a) there has been compliance with the provisions of subsection (3);

- (b) on the facts all alleged in the application concerned, there are reasonable grounds to believe that the person in public life to whom the application relates maintains a standard of living above that which is commensurate with his or her present or past known sources of income or assets or is in control or possession of pecuniary resources or property disproportionate to his or her present or past known sources of income or assets;
 - (c) such investigation is likely to reveal information, documents or things which may afford proof that such a standard of living is maintained through the commission of corrupt activities or the proceeds of unlawful activities or that such pecuniary resources or properties are instrumentalities of corrupt activities or the proceeds of unlawful activities.
- (6) An investigation direction—
- (a) shall be in writing;
 - (b) shall indicate the identity of the person in public life;
 - (c) shall specify the period for which it has been issued;
 - (d) may specify condition of restrictions relating to the conducting of the investigation; and
 - (e) may be issued in respect of any place in Saint Christopher and Nevis or elsewhere.
- (7) Subject to subsection (8) an application shall be considered and an investigation direction issued without any notice to the person in public life to whom the application applies and without hearing such person.
- (8) Where a previous investigation application has been issued in respect to a person in public life, the Director of Public Prosecutions may only apply for a further investigation direction in respect of the person in public life on the same facts after giving reasonable notice to the person in public life concerned.
- (9) A Judge considering an application may require the Director of Public Prosecutions to furnish such further information as he or she deems necessary.
- (10) If an investigation direction has been issued under subsection (4), the Deputy Governor-General may, for the purposes of an investigation direction appoint an Investigatory Tribunal pursuant to section 22 to inquire into the matter and the Investigatory Tribunal may on reasonable grounds—
- (a) summon the person in public life or any other person, specified in the investigation direction, who is believed to be able to furnish any information on the subject of the investigation or to have in his or her possession or under his or her control any property, book, document or other object relating to that subject, to appear before the Commission at a time and place specified in the prescribed summons, to be questioned or to produce that property, book, document or other object;
 - (b) question that person in public life or other person under oath or affirmation administered by the Investigatory Tribunal, and examine or retain for further re-examination or for safe custody such property, book, document or other object; or

- (c) apply to a Judge in Chambers for the issuance of a warrant to enter at any reasonable time and without prior notice or as with such notice as the Investigatory Tribunal may deem appropriate, any premises accompanied by a police officer not below the rank of Sergeant where the person in public life is suspected to be or any premises on or in which anything connected with that investigation is suspected to be, and may—
- (i) inspect and search those premises, and thereby make such enquiries as the Investigatory Tribunal may deem necessary;
 - (ii) examine any property found on or in the premises which has a bearing or might have a bearing on the investigation in question, and request from the person in public life or the owner or person in charge of the premises or from any person who has possession or charge of that property, any information regarding that property;
 - (iii) make copies or take extracts from any book or document found on or in the premises which has a bearing or might have a bearing on the investigation in question, and request from any person suspected of having the necessary information, an explanation of any entry therein; or
 - (iv) seize, against the issue of a receipt, anything on or in the premises which has a bearing or might have a bearing on the investigation in question, or the Commission wishes to retain it for further examination or for safe custody.

(11) Pursuant to subsection (9) any person from whom a book or document has been taken, as long as it is in the possession of the Investigatory Tribunal, may at his or her request be allowed, at his or her own expense and under the supervision of the Investigatory Tribunal make copies thereof or to take extracts therefrom at any reasonable time.

(12) The law regarding privilege as applicable to a witness summoned to give evidence in a criminal case in a magistrate's court shall apply in relation to the questioning of a suspect or any person referred to in subsection (4) but that such a person shall not be entitled to refuse to answer any question upon the ground that the answer would tend to expose him or her to a criminal charge.

(13) No evidence regarding any questions and answers contemplated in subsection (11) shall be admissible in any criminal proceedings except where the person concerned stands trial on a charge contemplated pursuant to the provisions of this Ordinance.

(14) Subject to any directions, conditions or restrictions determined by the Judge under subsection (5) the provisions of The Magistrate Code of Procedure Act relating to the conducting of an investigation and the execution of a warrant in terms of those provisions shall apply, with the necessary changes, in respect of an investigation conducted in terms of subsection (9).

(15) Any person who—

- (a) obstructs or hinders the Investigatory Tribunal in conducting the investigation or any other person in the performance of his or her functions in terms of this section; or
- (b) when he or she is asked in terms of subsection (9) for information or an explanation relating to a matter within his or her knowledge,

refuses or fails to give that information or explanation or gives information or an explanation which is false or misleading, knowing it to be false or misleading,

commits an offence and is liable on conviction to a fine of ten thousand dollars or to a term of imprisonment not exceeding one year or to both such fine and imprisonment.

Offences.

29. (1) A person who—

- (a) fails, without reasonable cause, to furnish to the Commission a declaration or further particulars thereof which he is required to furnish in accordance with this Ordinance;
- (b) makes a declaration which is knowingly false in some material particular;
- (c) fails, without reasonable cause, to give such information as an Investigatory Tribunal may require under section 23;
- (d) fails, without reasonable cause, to attend an inquiry being conducted under section 23; or
- (e) gives any false information in an inquiry,

commits an offence, and is liable on summary conviction to a fine of fifty thousand dollars or to imprisonment for a term of five years or to both such fine and imprisonment.

(2) A person who aids, abets or facilitates another person in the commission of an offence under subsection (1) commits an offence and the first mentioned person is liable on summary conviction to a fine of twenty thousand dollars or to imprisonment for a term of two years or to both such fine and imprisonment.

(3) Where the offence under subsection (1) involves the non-disclosure of property acquired while in public life, the Court may, if satisfied that such property was acquired but not declared as required under this Ordinance, in addition to the penalty specified under subsection (1)—

- (a) where the property involved is situated in Saint Christopher and Nevis declare that it be forfeited to the Crown; or
- (b) where the property involved is situated outside Saint Christopher and Nevis, order that an amount equivalent to the value of property, be paid by the person in public life to the Crown.

(4) Any property acquired from a person referred to under subsection (3) by a *bona fide* purchaser for value without notice of any offence by that person is not liable to forfeiture, but an amount equivalent to the value of the property or the price paid by the purchaser, whichever is the greater, shall be paid by the person in public life to the Crown.

(5) The payment of all sums due to the Crown pursuant to subsection 3(b) or subsection (4) may be enforced as a debt due and owing to the Crown and any proceedings thereon on behalf of the Crown may be taken and maintained by the Nevis Island Administration.

Prosecutions.

30. No prosecution for an offence under this Part, other than an offence under section 29(1)(a) may be instituted after five years from the date when the person, in

public life in respect of whose declaration or financial affairs the alleged offence was committed, ceased to be a person in public life.

Deductible income tax expenses.

31. For the purposes of the Income Tax Act, all outgoings and expenses reasonably incurred in an income year by a person in public life in connection with the preparation of a statutory declaration required to be furnished for the purposes of this Ordinance are deemed to be incurred by him or her wholly, exclusively and necessarily in the production of his income for that year of income.

Code of Conduct specified in Second Schedule.

32. (1) Every person in public life shall observe the body of rules known as the Code of Conduct, specified in the Second Schedule.

(2) A person in public life who is in breach of the Code of Conduct shall be subject to disciplinary proceedings by the Public Services Commission or the Commission may report the matter to the Director of Public Prosecutions.

Report to Director of Public Prosecutions.

33. (1) Where the Director of Public Prosecutions is satisfied, on the examination of a matter referred to in subsection (2) and other relevant evidence, that any person in public life ought to be prosecuted for an offence under section 32, he or she shall institute and undertake criminal proceedings against the person in public life.

(2) Where the Public Service Commission has forwarded to the Director of Public Prosecutions a report under subsection (1), the Director of Public Prosecutions shall inform the Commission, in writing, about the action taken in pursuance of the report.

Acceptance of Gifts.

34. (1) A person in public life shall not demand gifts, favours, hospitality or any other benefit for himself or herself or his or her family, close relatives and friends or persons or organizations with whom he or she has or had business or political relations which may influence or appear to influence the impartiality with which he or she carries out his or her duties or may be or appear as a reward relating to his or her duties.

(2) Subsection (1) does not include conventional hospitality or minor gifts.

(3) Where a person in public life is in doubt whether he or she can accept a gift or hospitality, he or she shall seek the advice of the Commission.

Penalty for contravening section 34.

35. Any person in public life who fails to comply with section 34 commits an offence, and is liable on summary conviction, to a fine, equal to the value of the gift involved in the commission of the offence or seven thousand five hundred dollars, whichever is greater.

PART IV

FINANCIAL PROVISIONS

Funds of the Commission.

36. The funds of the Commission shall consist of funds as may from time to time be placed at its disposal by the Nevis Island Assembly and other moneys as may be lawfully paid to the Commission for the purpose of this Ordinance.

Accounts and Audit.

37. The Commission shall keep proper accounts of receipts, payments, assets and liabilities and those accounts shall be audited annually by the Director of Audit or such other Auditor appointed by the Deputy Governor General for that purpose.

Annual Reports and Estimates.

38. (1) The Commission shall in each year and not later than 31st January, prepare and forward to the Minister a report of its activities during the previous financial year, including a statement of its accounts audited in accordance with section 37.

(2) A copy of the report together with the auditor's report shall be laid before the Nevis Island Assembly.

(3) The Commission shall on or before the 15th day of September of each year, submit to the Minister for Finance for approval, its estimates of expenditure in respect of the next financial year.

(4) For the purposes of this part "financial year" means the period January 1st to December 31st of each year.

FIRST SCHEDULE*(Section 2)*

1. Members of the Nevis Island Assembly
2. Ministers of Government
3. President of the Nevis Island Assembly
4. Parliamentary Secretaries
5. Permanent Secretaries
6. Heads of Departments in Government Ministries
7. Legal Advisor and Legal Officers employed in the public service above the level of Grade N40
8. Chairman and Board members of any Public Institution established by or under any Ordinance of the Nevis Island Assembly
9. Directors and Managers of majority government owned or controlled banks or other financial institutions or Statutory Corporations or Companies
10. Chairpersons and Executive Members of Political Parties

11. Advisors to the Administration

SECOND SCHEDULE*(Section 32)*

CODE OF CONDUCT

PART I

GENERAL PRINCIPLES

1. A person in public life has the duty to take all necessary action to comply with the provisions of this Code.
2. A person in public life should carry out his or her duties in accordance with law, and with lawful instructions and ethical standards which relate to his or her functions.
3. A person in public life should act in a politically neutral manner and should not attempt to frustrate the lawful policies, decisions or citations of a public authority.
4. A person in public life has the duty to serve loyally, the lawfully constituted national, local or regional authority.
5. A person in public life shall be honest, impartial and efficient and shall perform his or her duties to the best of his or her ability with skill, fairness, understanding, having regard only for the public interest and the relevant circumstances of the case.
6. In the performance of his or her duties a person in public life shall not act arbitrarily to the detriment of any person, group or body and shall have regard for the rights, duties and proper interests of all others.
7. A person in public life shall not allow his or her private interest to conflict with his or her public position. It shall be the responsibility of the person in public life to avoid such conflicts of interest, whether real, potential or apparent and where such conflicts are unavoidable, to fully explain the conflict to any public official above that person or where the conflict is in relation to a Minister of Government, to Cabinet.
8. A person in public life shall not take advantage of his or her position for his or her private interest.
9. A person in public life shall always conduct himself or herself in such a way that the public's confidence and trust in the integrity, impartiality and effectiveness of the public service are preserved and enhanced.
10. Having due regard for the right of access to official information, a person in public life shall have a duty to treat appropriately with all necessary confidentiality all information and documents acquired by him or her in the course of, or as a result of, his or her employment.

11. A person in public life who believes that he or she is being required to act in a way which is unlawful, improper, unethical, which involves maladministration, or which is otherwise inconsistent with this Code, should report the matter in accordance with the law.

PART II

CONFLICT OF INTEREST

1. A conflict of interest arises from a situation in which a person in public life has a private interest which is such as to influence, or appear to influence, the impartial and objective performance of his or her official duties.
2. A person in public life private interest includes any advantage to himself or herself, to his or her family, close relatives, friends and persons or organizations with whom he or she has had business or potential relations. It also includes any liability whether financial or work relating thereto.
3. Since the person in public life is usually the only person who knows whether he or she is in that situation, he or she has a personal responsibility to—
 - (a) be alert to any actual or potential conflict of interest;
 - (b) take steps to avoid such conflict;
 - (c) disclose to his or her superiors any such conflict as soon as he or she becomes aware of it;
 - (d) comply with any final decision to withdraw from the situation or to divest himself or herself of the advantage causing the conflict.
4. Whenever required to do so, a person in public life should declare whether or not he or she has a conflict of interest.

PART III

INCOMPATIBLE OUTSIDE INTERESTS

1. A person in public life shall not engage in any activity or transaction or acquire any position or function whether paid or unpaid, that is incompatible with or detracts from the proper performance of his or her duties as a public official. Where it is not clear whether an activity is compatible, he or she should seek advice from the Commission.
2. A person in public life shall comply with any lawful requirement to declare membership of, or association with, organizations that could detract from his or her proper performance of his or her duties as a person in public life.

PART IV

POLITICAL OR PUBLIC ACTIVITY

1. Subject to respect for fundamental and constitutional rights, a person in public life shall ensure that none of his or her political activities or involvement or political or public debates impairs the confidence of the public and his or her employers in his or her ability to perform his or her duties impartially and loyally.
2. In the exercise of his or her duties, a person in public life shall not allow himself or herself to be used or his or her office to be used for partisan political purposes.
3. A person in public life shall comply with any restrictions in political activity lawfully imposed on certain persons in public life by reason of his or her position or the nature of his or her duties.

PART V

REACTION TO IMPROPER OFFERS

1. If a person in public life is offered an undue advantage he or she should take the following steps to protect himself or herself—
 - (a) refuse the undue advantage;
 - (b) try to identify the person who made the offer;
 - (c) avoid lengthy contacts with the person who made the offer;
 - (d) if the gift cannot be refused or returned to the sender, it should be preserved, but handled as little as possible;
 - (e) obtain witnesses if possible, such as colleagues working nearby;
 - (f) prepare as soon as possible a written record of the attempt, preferably in an official notebook;
 - (g) report the attempt as soon as possible to the Commission;
 - (h) continue to work normally, particularly on the matter in relation to which the undue advantage was offered.

PART VI

SUSCEPTIBILITY TO INFLUENCE BY OTHERS

1. A person in public life should not allow himself or herself to be put in a position of obligation to return a favour to any person or body; nor should his conduct in his or her official capacity or in his or her public life make him or her susceptible to the improper influence of others.
2. The person in public life should not seek to influence for private purposes any person or body including other public officials by using his or her official position or by offering them personal advantages.

PART VII

INFORMATION HELD BY PUBLIC AUTHORITIES

1. Having respect to the framework provided by any law with respect to access to information held by a public authority, a person in public life shall not disclose information in accordance with the rules and requirements applying to the authority by which he or she is employed.
 2. The person in public life should take appropriate steps to protect the security and confidentiality of information for which he or she is responsible or for which he or she becomes aware.
 3. The person in public life should not seek access to information which it is inappropriate for him or her to have and he should not make improper use of information which he or she may acquire in the course of, or arising from his or her employment.
 4. Equally, a person in public life has a duty not to withhold official information that should properly be released and a duty not to provide information which he or she knows or has reasonable grounds to believe is false or misleading.
 5. This Code shall form part of the terms of employment of a person in public life and shall be observed as terms of employment.
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THIRD SCHEDULE

FORMS

FORM I

(Section 23)

INTEGRITY IN PUBLIC LIFE ORDINANCE, CAP. 1.02 (N)

SUMMONS TO WITNESS BEFORE THE INTEGRITY COMMISSION

A, B, Complainant

C, D, (name of person in public life alleged to be in breach of the Code of Conduct)

To: E,G, of

.....

Whereas a complaint has been made before the Integrity Commission that C, D, (state concisely the substance of the complaint) and it has been made to appear to the Commission that you are likely to give material evidence on behalf of the Complainant/person in public life in this behalf:

This is to require you to be and appear at o'clock on the day of....., 20.... atbefore the Commission in the said place, to testify what you know concerning the matter of the said complaint.

Dated thisday of20.....

Chairman of Integrity Commission

FORM II

(Section 15)

INTEGRITY IN PUBLIC LIFE ORDINANCE, CAP. 1.02 (N)

DECLARATION OF ASSETS, LIABILITES AND INCOME

Declaration of assets and liabilities at.....

(Declaration Date)

and of income for the period of twelve months (or other period where appropriate) ending on that date.

NOTE:

- (a) Where any property is held by the declarant, declarant's spouse or the declarant's child or children in trust for any other person, this should be indicated by a note to that effect.
- (b) The declaration date should be the date as at which pursuant to section 15 the declaration is to be made.
- (c) Where the space in this Form is inadequate a separate sheet of paper may be used and signed by the declarant.

Name of Declarant	Address of Declarant
Name of Declarant's Spouse	
Maiden Name (of Spouse)	Address of Declarant's Spouse

PARTICULARS OF DECLARANT'S CHILDREN

Name	Date of Birth	Address

Signature of Declarant

Date: _____

PARTICULARS OF ASSETS HELD BY DECLARANT, SPOUSE AND CHILDREN

BANKS ACCOUNTS

1. TO BE SUPPORTED BY BANK STATEMENT OR LETTER FROM BANK CONFIRMING BALANCES.

Name and Address of Banks	In whose Name held	Balance in Account

2. CASH IN EXCESS OF.....DOLLARS HELD OTHER THAN IN BANK BY DECLARANT, SPOUSE AND CHILDREN.

Where held	In whose Name held	Amount

3. BONDS, STOCKS, SHARES, AND SIMILAR INVESTMENTS INCLUDING ANY SUCH PROPERTY OVER WHICH A RIGHT OF DISPOSITION RESIDES IN THE DECLARANT, SPOUSE AND CHILDREN.

No. and Description	Organization in which held	In whose name held	Face value	Cost of acquisition where know or market value

Signature of Declarant

Date: _____

4. IMMOVABLE PROPERTY (e.g. HOUSE, LAND AND FARM BUILDINGS) HELD BY DECLARANT, SPOUSE AND CHILDREN

Description

General	Vol.	Fol.	Where situated	In whose name held	Purchase price	Estimated current market value

Signature of Declarant

Date: _____

5. MONIES INVESTED IN MORTGAGE OR BUSINESS VENTURE (INCLUDING CROPS AND LIVESTOCK) BY DECLARANT, SPOUSE AND CHILDREN

Type of Investment	In whose name	Amount invested in project	Terms	Interest rate	Annual Income

6. PARTICULARS OF MOTOR VEHICLES OWNED BY, OR ON HIRE FOR ANY PERIOD TO, OR ON LOAN FOR A PERIOD IN EXCESS OF TWO MONTHS TO THE DECLARANT, SPOUSE OR CHILDREN

Description	Owner's Name	Age of Vehicle	Terms of Hireage (if hired)	Purchase Price

7. VALUES HELD IN SAFETY DEPOSIT BOXES BY DECLARANT,
SPOUSE AND CHILDREN

Where held	Owner's Name	Contents	\$ Value

8. INSURANCE POLICIES HELD BY DECLARANT, SPOUSE AND
CHILDREN

Insurance Company	Type of Policy	Date Insured	Date maturity	Name of Insured	Annual Premium	Face Value	Surrender Value

9. ANY OTHER PROPERTY OWNED BY DECLARANT, SPOUSE AND
CHILDREN

Description	Owner's Name	By whom being held	In what capacity being held	Estimate

12. PARTICULARS OF LIABILITIES (INCLUDING GUARANTEES) OF DECLARANT, SPOUSE AND CHILDREN

CERTIFICATE FROM CREDITORS OR PARTY TO WHICH GUARANTEE GIVEN SHOULD BE PROVIDED

Nature of Liability	Person Liable	To whom Liable	Amount

Signature of Declarant

Date: _____

13. PARTICULARS OF ANY PROPERTY ACQUIRED OR DISPOSED OF BY DECLARANT, SPOUSE AND CHILDREN DURING PERIOD OF 12 MONTHS (OR OTHER PERIOD WHERE APPROPRIATE) ENDING ON.....

Description of Property	Acquisition of Disposal	Cost of Acquisition	Price of Disposal

I do solemnly and sincerely declare that the particulars given by me herein are, to the best of my knowledge, true, accurate and complete and I hereby authorize my bankers and/or other financial advisors to provide such information to the Commission as may be reasonably requested by the Commission to verify the contents of this Declaration.

Signature of Declarant

Date: _____

Signed at.....

Thisday of before

Commissioner of Oaths

FORM III

(Section 19)

INTEGRITY IN PUBLIC LIFE ORDINANCE, CAP. 1.02 (N)

CERTIFICATE OF COMPLIANCE

The Integrity Commission certifies that it has examined the declaration filed with the Commission and is satisfied that full disclosure has been made by (Name and address of Declarant) in accordance with the Ordinance.

Dated this _____ day of _____ 20....

Chairman, Integrity Commission
