

## SAINT LUCIA

No. 6 of 2004

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I ASSENT

[L.S.] PEARLETTE LOUISY,  
Governor-General.

27th April, 2004.

SAINT LUCIA

No. 6 of 2004

AN ACT to provide for measures for establishing probity, integrity and accountability in public life and for related matters.

[ ON ORDER ]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the House of Assembly and the Senate of Saint Lucia, and by the authority of the same, as follows :

**PART I**  
**PRELIMINARY**

**Short title and commencement**

**1.**— (1) This Act may be cited as the Integrity In Public Life Act, 2004.

(2) This Act shall come into force on such day as the Minister may by Order in the *Gazette* appoint.

**Interpretation**

**2.** In this Act —

“Commission” means the Integrity Commission established under section 4;

“financial year” means any period of twelve months beginning on 1st January in any year;

“Government Company” means a company set up under an enactment or registered under the Companies Act No. 19 of 1996 being a company whose policy the Government or an agency of Government, whether by the holding of shares or by financial input, is in a position to determine;

“Minister” means the Minister responsible for Justice;

“person in public life” means a person mentioned in the First Schedule except as defined in section 31;

“Public function” means any activity performed a single time or continually, whether or not payment is received for it, 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;
- (c) a Member of the House of Assembly or of the Senate in that capacity;
- (d) a member of the Integrity Commission in his or her capacity as a member of the Commission.

“Public Servant” means any person —

- (a) employed
  - (i) in the civil service of Saint Lucia;
  - (ii) in the service of a statutory body or authority or a government company
- (b) who is an official of the State in any of its agencies;
- (c) appointed, elected, selected or otherwise engaged to perform a public function.

“Public Service Commission” means the commission established under section 85 of the Constitution of Saint Lucia.

“Spouse” includes a common law husband or common law wife.

**PART II**  
**INTEGRITY COMMISSION**

**Establishment of Integrity Commission**

**3.**— (1) There is established an Integrity Commission consisting of a Chairperson, and not less than two nor more than four other members.

(2) The Commission shall be appointed by the Governor-General on the advice of the Prime Minister.

(3) The Prime Minister shall consult the Leader of the Opposition before tendering any advice under subsection (2).

(4) The Commission shall have at least —

- (a) one member who is a chartered or a certified accountant;
  - (b) one member who is an attorney-at-law.
- (5) A person shall not be appointed a member of the Commission if he or she —
- (a) is a Senator or a member of the House of Assembly; or
  - (b) has at any time during the three years preceding his or her appointment, been a public servant.

**Resignation of Members**

4.—(1) A member other than the Chairperson may at any time resign his or her office by instrument in writing addressed to the Governor-General and transmitted through the Chairperson and, from the date of the receipt of the instrument by the Governor-General, that person ceases to be a member.

(2) The Chairperson may at any time resign his or her office by instrument in writing addressed to the Governor-General and, from the date of receipt of the instrument by the Governor-General that person ceases to be Chairperson and a member of the Commission.

**Vacancy in membership**

5. A vacancy in the membership of the Commission occurs —

- (a) on the death, resignation or revocation of the appointment, of a member;
- (b) on the absence of a member from six consecutive meetings of the Commission, unless the Governor-General decides otherwise;
- (c) at the expiration of three years from the date of the appointment of a member.

**Publication in the Gazette**

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

**Function of the Commission**

7. The Commission shall —

- (a) receive, examine and retain all declarations filed with it under this Act;
- (b) make such enquiries as it considers necessary in order to verify or determine the accuracy of the declaration filed under this Act;
- (c) receive and investigate complaints regarding non-compliance with or breach of this Act; and
- (d) perform such other functions it is required by this Act to perform.

**Commission, not subject to control or direction**

8. In the performance of its functions, the Commission is not subject to the control or direction of any person or authority.

**Secrecy and confidentiality**

9. The declarations 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, except where a particular declaration or record is required to be produced for the purpose of, or in connection with any court proceedings against, or enquiry in respect of a declarant under this Act, the Exchange Control Ordinance (Cap 180), the Commissions of Inquiry Ordinance (Cap 5) or perjury under the Criminal Code.

**Information, not to be communicated to unauthorised persons**

10.—(1) Every member of the Commission and every person performing any function in the service or as an employee of the Commission shall treat all declarations, records or information relating to such declarations as secret and confidential and shall not disclose or communicate to any unauthorised person or allow any such person to have access to any such records, information or declarations.

(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 imprisonment for two years.

(3) An unauthorised person is a person other than a person authorised to receive information —

- (a) under this Act in relation to the financial affairs of persons in public life; or
  - (b) by reason of an order of a Judge of the Supreme Court.
- (4) Where an unauthorised person publishes information which comes to his or her knowledge under subsection (1), he or she commits an offence and is liable on summary conviction to a fine of ten thousand dollars or two years imprisonment or both.
- (5) No prosecution for an offence under this section may be instituted after one year following the commission of the offence.

**PART III**  
**FINANCIAL DISCLOSURE**

**Declaration of financial affairs**

11.—(1) A person in public life shall, in accordance with this Act, file a declaration of income, assets and liabilities with the Commission in the manner prescribed in Form 2 of the Third Schedule.

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

(3) Where upon an examination under subsection (2), the Commission is satisfied that a declaration has been fully made, it shall publish a certificate in the Gazette in the manner prescribed in Form 3 of the Third Schedule.

**Commission may require further particulars of financial affairs**

12. A Declarant may be required by the Commission to furnish such further particulars relating to his or her financial affairs as may be considered necessary for the purposes of paragraph (b) of section 7 or section 11.

**Filing of declarations**

13.—(1) A person in public life shall, as soon as possible after the expiration of each financial year but within one month after the end of the financial year, file in respect of the financial year immediately preceding, the declaration required under this Act.

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

(3) Notwithstanding subsection (1), where on the day this Act comes into operation a person is in public life, the person shall complete and file with the Commission a declaration in the prescribed form within three months of that day.

(4) Notwithstanding subsection (1), a person who becomes a person in public life after the commencement of this Act shall, not later than

three months of his or her becoming a person in public life, file a declaration in the prescribed form with the Commission.

(5) Where a person in public life dies, the declaration which he or she would have been required to file, had he or she lived, shall not be filed.

**Income**

14. For purposes of this Act, the income of a person in public life is that which —

(a) he or she acquired in or out of Saint Lucia and includes all perquisites or benefits direct or indirect and all income within the meaning of “income” under the Income Tax Act No. 1 of 1989,

(b) a spouse acquired in or out of Saint Lucia and includes all perquisites or benefits direct or indirect and all income within the meaning of “income” under the Income Tax No. 1 of 1989.

**Assets**

15. For the purposes of this Act, the assets of a person in public life are all property including money, beneficially held in Saint Lucia or elsewhere —

(a) by him or her and all rights or benefits enjoyed by him or her on a continuing basis;

(b) by a spouse and all rights or benefits enjoyed by the spouse on a continuing basis.

**Liabilities**

16. For the purposes of this Act, the liabilities of a person in public life are —

(a) all his or her obligations to pay money or to transfer money to others in Saint Lucia or elsewhere;

(b) all the spouse’s obligations to pay money or to transfer moneys to others in Saint Lucia or elsewhere.

**Trust Property**

17. Where a person in public life holds money or other property in trust for another person, he or she shall so state in the declaration but shall not be required to disclose the terms of the trust.

**Income, assets and liabilities of agent acting as agent**

**18.** 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 any other person —

- (a) as his or her agent or on his or her behalf;
- (b) as a spouse's agent or on behalf of a spouse.

**Blind trusts**

**19.**— (1) A person in public life may place his or her assets or part thereof in a blind trust for the purposes of this Act and 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 when a person in public life enters into an agreement with a qualified trust company whereby —

- (a) all or part of his or her 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) should the assets be converted into other assets, that fact is 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 where —
- (a) it is incorporated in Saint Lucia and is carrying on business in Saint Lucia;
  - (b) no more than five per cent 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) A company is the affiliate of another where it holds more than five per cent of the issued shares in that other or where that other holds more than five per cent of the issued shares in it.

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

- (a) the spouse, child, brother or sister of the person; or
- (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.

(7) In subsection (6) —

(a) "child" means a son or daughter of a person including a step-child, illegitimate child, a child held out by a person as a child of that person or a child adopted under the Adoption Ordinance (Cap 19);

(b) "control" shall be construed within the meaning of "controlled company" under subsection (3) of section 40 of the Income Tax Act 1989, No. 1;

**Failure to file declaration**

**20.**— (1) Where a person in public life fails to file a declaration under section 11 or fails to furnish particulars under section 12, the Commission shall publish the fact in the *Gazette* and shall —

- (a) in the case of a public servant, send a report to the Public Service Commission for further action;
- (b) in any other case, send a report to the Director of Public Prosecutions for further action.

(2) The Commission may in its discretion send a report to the Director of Public Prosecution for further action in the case of a public servant.

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(3) For purposes of this section, "failure to file a declaration" includes failure to make a disclosure of any material fact in the declaration.

#### **Commission may hold formal inquiry**

**21.—**(1) Where the Commission considers it necessary or expedient to enquire into the accuracy or fullness of a declaration filed with it, the Commission may, under subsection (2), advise the Governor-General to appoint a Tribunal for the purpose.

(2) The Governor-General shall, on the advice of the Commission, appoint as a Tribunal one or more members of the Commission to conduct an inquiry to verify the contents of a declaration or other statement filed with the Commission.

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

(a) attend before the Tribunal to give such information as it may require to satisfy itself that it is in possession of all the material facts;

(b) furnish such information or documents as would assist the Tribunal in verifying the declaration.

(4) An inquiry may 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.

(5) Where from the inquiry made by a Tribunal under this section, the Commission is of the view that a breach of any of the provisions of this Act may have been committed, the Commission shall refer the matter to the Director of Public Prosecutions for further action.

#### **Powers of Tribunal**

**22.** In conducting an inquiry under section 21, a Tribunal shall have and exercise the powers of a Commission of Inquiry, under the Commission of Inquiry Ordinance (Cap 5) except that —

(a) the proceedings shall be held in private; and

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(b) the form of summons for the attendance of witnesses or other persons or production of documents may be as in Form 1 of the Third Schedule.

#### **Findings of Tribunal**

**23.** Where, from an inquiry under section 21, a Tribunal finds that a declarant had in fact made full disclosure in his or her declaration, it shall, if so requested in writing by the declarant, publish a statement to that effect in the *Gazette*.

#### **Indemnity**

**24.** Where upon an inquiry a Tribunal finds that the declaration which gave rise to the inquiry was in fact full and proper, the declarant is entitled to full indemnity and shall be reimbursed from the Consolidated Fund, for all expenses reasonably incurred.

#### **Offences**

**25.—**(1) A person who —

(a) fails to furnish to the Commission a declaration or further particulars thereof which he or she is required to furnish in accordance with this Act;

(b) knowingly makes a declaration which is false in some material particular;

(c) fails to give such information as a Tribunal may require under section 21;

(d) fails to attend an inquiry being conducted under section 21 or gives any false information at such inquiry,

commits an offence, and is liable on summary conviction to a fine not exceeding fifty thousand dollars or to imprisonment for a term not exceeding five years or both.

(2) Where the offence under section (1) involves the non-disclosure of property acquired while in public life, the Court shall, in addition to the penalty specified under subsection (1) —

(a) where the property involved is situated in Saint Lucia, declare that it be forfeited to the State;

(b) where the property involved is situated outside Saint Lucia, order that an amount equivalent to the value of the property

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(the value to be assessed as directed by the Court), be paid by the person in public life to the State.

(3) Property acquired from a person referred to under subsection (2) 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 State.

(4) Payment of all sums due to the State pursuant to paragraph (b) of subsection (2) or to subsection (3), may be enforced in like manner as a debt due to the State and any proceedings thereon on behalf of the State may be taken.

(5) It shall be a defence for a person in public life to show that the failure envisaged in subsection (1) (a), (c) and (d) was due to reasonable causes and the court shall, in each case, make a determination as to reasonable causes taking into account the circumstances of each case.

#### **Prosecutions**

26. No prosecution for an offence under this Act, other than an offence under section 10, may be instituted —

- (a) without the written consent of the Director of Public Prosecutions, or that of the Attorney General where the prosecution is to be instituted against the Director of Public Prosecution; or
- (b) after five years from the date when the person in respect of whose declaration on financial affairs the alleged offence was committed, ceased to be a person in public life.

#### **Deductible income tax expenses**

27. For the purposes of the Income Tax Act, No. 1 of 1989, all outgoings and expenses reasonably incurred in a year of income by a person in public life in connection with the preparation of a statutory declaration required to be furnished by him or her for the purposes of this Act are deemed to be incurred by him or her wholly, exclusively and necessarily in the production of his or her income for that year of income.

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#### **PART IV GIFTS**

##### **Report to the Commission of gifts**

28.—(1) Every person in public life who receives a gift worth more than five hundred EC dollars shall make a report of that fact to the Commission stating the name and address of the donor and the description and approximate value of such gift.

(2) The Commission shall determine whether the gift is a personal or a State gift.

(3) The decision of the Commission made under subsection (2) shall be final.

(4) A person in public life who is not sure whether a gift is a State gift or a personal gift shall apply to the Commission seeking its opinion as to the proper classification of the gift.

(5) A report made under subsection (1) or an application under subsection (4) shall be made to the Commission by the person in public life within thirty days of the receipt of the gift.

(6) Where the Commission finds through the inquiry that the gift was given to the person in public life personally and —

- (a) was trivial; or
- (b) was not trivial, but was not intended to be a motive or reward for doing or abstaining from doing anything in the course of the performance of his or her official functions or causing any other person from doing or forbearing to do anything.

the Commission shall allow the person in public life to retain the gift.

(7) Where the Commission finds through the inquiry that the gift was given to the person in public life as a State gift or was given to the person in public life personally but —

- (a) was not trivial; or
- (b) was intended to be a motive or reward for doing or abstaining from doing anything in the course of the performance of his or her official functions or causing any other person from doing or abstaining to do anything,



the Commission shall direct the person in public life in writing to deliver the gift to the Minister responsible for Finance within such period, not exceeding thirty days, as may be specified by the Commission, and the person in public life shall comply with the direction within the time so specified.

(8) A person in public life is entitled to notice of the proceedings of any inquiry under subsection (6) or (7) and is entitled to be represented at the inquiry, either in person or through an attorney-at-law.

(9) For the purpose of this section, the expression “trivial” means less than five hundred dollars, retail value.

#### **Penalty for contravening section 28**

**29.** Any person in public life who —

- (a) makes a report to the Commission under section 28(1) which is incomplete or false in any material particular;
- (b) fails to comply with section 28(5); or
- (c) fails to comply with a direction given by the Commission under section 28(7),

commits an offence, and is liable on summary conviction, to a fine, which shall not be less than the value of the gift involved in the commission of the offence and to imprisonment for three months.

#### **Possession of unaccounted property or pecuniary resource**

**30.**—(1) Where upon examination of a complaint made under section 32, or otherwise, the Commission, in the course of an investigation under section 35 is of the view that a person in public life, or any other person on his or her behalf is in possession of property or pecuniary resource disproportionate to his or her legitimate sources of income, the Commission shall conduct a separate inquiry to determine whether such person has committed a breach of the provisions of the Act in connection with that property or pecuniary resource.

(2) On the conclusion of any inquiry under subsection (1), the Commission shall submit a report to the Director of Public Prosecutions and the Governor-General.

(3) Where the Director of Public Prosecutions is satisfied, on the examination of the report referred to in subsection (2) and other relevant

evidence, that any person in public life ought to be prosecuted for an offence under section 31, the Director of Public Prosecution shall institute and undertake criminal proceedings against the person in public life.

(4) Where the Commission has forwarded to the Director of Public Prosecutions a report under subsection (2), the Director of Public Prosecution shall inform the Commission and the Governor-General, in writing, about the action taken in pursuance of the report.

(5) In imposing a fine on a person found guilty of an offence under this section, the court shall have regard to the value of the property or pecuniary resource in the possession of that person, which cannot be accounted for taking into account his or her legitimate sources of income.

### **PART V**

#### **PREVENTION OF CORRUPTION**

##### **Act of corruption**

**31.**—(1) A person in public life who commits any of the acts specified in the Second Schedule commits an act of corruption.

(2) Any person in public life who commits an act of corruption commits an offence and is liable —

(a) on summary conviction —

- (i) in the case of a first offence, to a fine not exceeding one hundred thousand dollars or to imprisonment for a term not exceeding five years, or to both such fine imprisonment; and
- (ii) in the case of a second or subsequent offence, to a fine not exceeding three hundred thousand dollars or to imprisonment for a term not exceeding seven years or to both such fine and imprisonment,

(b) on conviction on indictment —

- (i) in the case of a first offence, to a fine not exceeding five hundred thousand dollars or to imprisonment for a term not exceeding ten years or to both such fine and imprisonment; and
- (ii) in the case of a second or subsequent offence to a fine not exceeding one million dollars or to imprisonment for a

term not exceeding fifteen years or to both such fine and imprisonment.

(3) For purposes of this section and sections 32, 33, 34, 35 and 36, person in public life includes —

- (a) the Chairperson, Managing Director, Chief Executive Officer of a body whether public or private, performing a public function; and
- (b) any person performing a public function.

#### **Complaint to Commission**

**32.—**(1) Any person who has reasonable grounds to believe that a person in public life —

- (a) is in breach of a provision of this Act;
  - (b) has committed an act of corruption,
- may make a complaint in writing to the Commission.

(2) The complaint shall state —

- (a) the particulars of the breach or act of corruption;
- (b) the particulars, as far as they are known, of the person against whom the complaint is made;
- (c) the nature of the evidence that the complainant proposes to produce in respect of the complaint; and
- (d) such other particulars as may be prescribed in regulations made by the Minister.

(3) A complaint to the Commission under this section may be presented in person, or may be sent by registered post to the Chairperson of the Integrity Commission.

#### **Protection of persons making complaint**

**33.—**(1) Pursuant to section 32, where a person makes a complaint to the Commission —

- (a) in good faith;
- (b) reasonably believing that the complaint made and any allegations contained in it, are substantially true, and in the cir-

cumstances it is reasonable for him or her to make the complaint,

he or she shall not be liable to any form of reprisal or any suit whether civil or criminal.

(2) The provisions of subsection (1) shall not apply where it is shown that the complaint was made contrary to paragraphs (a) and (b) and that in the circumstances it is frivolous.

#### **Rejection of complaint by Commission**

**34.—**(1) The Commission may on receipt of a complaint pursuant to section 32 and after examining of same, reject the complaint if the Commission is of the opinion that the complaint —

- (a) is frivolous; or
- (b) does not pertain to a matter the Commission is empowered to deal with under this Act.

(2) No complaint shall be rejected by the Commission without giving the person who made the complaint a reasonable opportunity to be heard.

#### **Investigation of breach of Act**

**35.—**(1) Where upon examination of a complaint made under section 32, or otherwise, the Commission is of the view that an investigation is necessary to ascertain whether any person in the public life has committed a breach of any provision of the Act, it shall inquire into the matter.

(2) The sittings of the Commission to take evidence or hear arguments in the course of any inquiry under subsection (1) shall be held in private.

(3) The complainant and the person in public life against whom any inquiry is held under this section are entitled to notice of the proceedings of the inquiry and to be represented in the inquiry either personally or by an attorney-at-law.

#### **Report to Director of Public Prosecutions or Attorney-General**

**36.—**(1) On the conclusion of any inquiry under section 35, the Commission shall submit a report to the Director of Public Prosecutions and the Governor-General or where the inquiry concerns the Director of Public Prosecutions, to the Attorney-General and the Governor-General.

(2) Where the Director of Public Prosecutions is satisfied, on the examination of the report referred to in subsection (1) and other relevant evidence, that any person in public life ought to be prosecuted for an offence under section 31, the Director of Public Prosecutions shall institute and undertake criminal proceedings against the person in public life.

(3) Where the Attorney-General is satisfied, on the examination of the report referred to in subsection (1) and other relevant evidence, that the Director of Public Prosecutions ought to be prosecuted for an offence under section 31, the Attorney-General shall institute and undertake criminal proceedings against the Director of Public Prosecutions.

(4) Where the Commission has forwarded to the Director of Public Prosecutions a report under subsection (1), the Director of Public Prosecutions shall inform the Commission and the Governor-General, in writing, about the action taken in pursuance of the report.

(5) Where the Commission has forwarded to the Attorney-General a report under subsection (1), the Attorney-General shall inform the Commission and the Governor-General, in writing, about the action taken in pursuance of the report.

## PART VI MISCELLANEOUS PROVISIONS

### **Annual report of Commission to Parliament**

**37.—**(1) Subject to subsection (3), the Commission shall as soon as possible but not later than two months after the end of each financial year, make a report to Parliament of its activities in the preceding year and the report shall be tabled in the House of Assembly and the Senate not later than three months after receiving the report.

(2) The report under subsection (1) shall not disclose the particulars of any declaration filed with the Commission.

(3) The Commission shall make its first report to Parliament not later than one month after the end of its first year of operation and the report shall be tabled within three months of its submission to Parliament.

### **Staff of Commission**

**38.—**(1) The Commission shall be provided with a staff adequate for the prompt and efficient discharge of its functions under this Act.

(2) The staff of the Commission shall be public officers appointed in accordance with section 86 of the Constitution.

### **Charge on Consolidated Fund**

**39.** All expenses incurred by the Commission for the purposes of this Act are a charge on the Consolidated Fund.

### **Assistance by Commissioner of Police**

**40.** Where the Commission requests any assistance from the Commissioner of Police in connection with the performance of its functions, the Commissioner of Police shall provide or ensure the provision of such assistance to the Commission.

### **Power to summon and examine witnesses etc.**

**41.—**(1) Section 17 of the Commissions of Inquiry Ordinance (Cap. 5), shall have effect in respect of the powers, rights and privileges of the Commission.

(2) The form of summons for the attendance of witnesses or other persons or production of documents may be as in Form 1 of the Third Schedule.

(3) A witness before the Commission is entitled to the same immunities and privileges as if he or she were a witness before a Commission of Inquiry set up under the Commissions of Inquiry Ordinance, (Cap. 5).

### **Constitutional privileges and immunities, not affected**

**42.** This Act shall not be construed to affect or modify in any way any privilege or immunity granted to a person in public life under the Constitution.

### **Commission and staff to be immune**

**43.** Subject to section 10, no action shall lie against the Commission, its staff or any person acting under the direction of the Commission, for anything done or omitted to be done in good faith and in the administration or discharge of any functions, duties or powers under this Act.

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#### **Non-application of Act**

44. The provisions of this Act shall not apply to persons who, whether nationals or not and whether resident or not, are accredited as ambassador or honorary council by Saint Lucia to any country or international organisation and who do not receive a salary paid out of the Consolidated Fund.

#### **General penalty clause**

45. Any person found guilty of an offence under this Act for which no penalty is prescribed shall be liable on conviction, to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding six months or to both.

#### **Amendment of Schedules**

46. The Minister may by Order, which shall be subject to a negative resolution of the House of assembly, amend any of the Schedules.

#### **Power of Commission to make rules**

47. Subject to this Act and to regulations made thereunder, the Commission may make rules to regulate its procedure.

#### **Power of Minister to make regulations**

48. The Minister may make regulations with respect to —

- (a) the procedure of the Commission;
- (b) the particulars that a complaint under section 32 should contain;
- (c) any other matter that is required to be prescribed by regulations under this Act; and
- (d) generally, for the effective implementation of this Act.

#### **Repeal**

49.— (1) The Integrity In Public Life Act No. 4 of 2002 is hereby repealed.

(2) Where anything has been commenced by or under the authority of the Commission under the Act repealed by subsection (1) such thing may be carried out and completed by or under this Act.

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#### **FIRST SCHEDULE**

(Section 2)

#### **PERSONS IN PUBLIC LIFE**

1. Member of the Senate and of the House of Assembly
2. Ministers of Governments
3. Parliamentary Secretaries
4. Chief Technical Officers in Government Ministries and Heads of Department
5. Speaker of the House of Assembly
6. President of the Senate
7. Secretary to the Cabinet
8. Attorney-General
9. Permanent Secretaries and Deputy Permanent Secretaries
10. Parliamentary Commissioner
11. Heads of Diplomatic Missions of Saint Lucia accredited to any country or any international organization
12. Commissioner of Police, Superintendent of Prisons, Chief Fire Officer and their deputies
13. Managing Directors and Managers of banks in which the State has a controlling interest.
14. Chairperson, Managing Director, General Manager, Chief executive Officer and departmental head of a public corporation, company or public institution in which the State has a controlling interest
15. Director of Audit
16. Director of Public Prosecutions

## SECOND SCHEDULE

(Section 31)

## ACTS OF CORRUPTION

A person in public life commits an act of corruption if —

- (1) (a) he or she solicits or accepts, whether directly or indirectly, any article or money or other benefit, being a gift, favour, promise or advantage for himself or herself or another person for doing any act or omitting to do any act in the performance of his or her official functions or causing any other person to do so or omit to do anything;
- (b) he or she in the performance of his or her public functions does any act or omits to do any act for the purpose of obtaining any illicit benefit for himself or herself or any other person;
- (c) he or she fraudulently uses or conceals any property or other benefit derived from any such act or omission to act under paragraph (a) or (b);
- (d) he or she offers or grants, directly or indirectly, to a public servant any article, money or other benefit being a gift, favour, promise or advantage to the public servant or another person, for doing any act or omitting to do any act in the performance of the public servant's public functions;
- (e) he or she allows his or her private interest to conflict with his or her public duties or improperly influence his or her conduct in the performance of his or her public duties;
- (f) he or she being a natural person or a corporation, either aggregate or sole, club, society or other body of one or more persons, offers or grants, directly or indirectly to a person performing a public function in a foreign State, any article or money or other benefit, being a gift, favour, promise or advantage in connection with any economic or commercial transaction for an act to be performed or omitted to be performed by that person in the performance of his or her public functions;
- (g) he or she improperly uses for his or her own benefit or that of a third party any property (including money) belonging to the Government or any statutory body or any government company or any body providing public utilities to which he or she has access as a result of or in the course of, the performance or his or her functions;
- (h) he or she, acting as an intermediary or through a third person seeks to obtain a decision from any Ministry or Department of the Govern-

ment or any body providing public utilities in order that he or she may improperly obtain for himself or herself or for another person any benefit or gain;

- (i) he or she for his or her own benefit or for that of a third person, improperly diverts any property belonging to Government or any other person, which is in his or her custody for the due administration of his or her duties;
  - (j) he or she acquires, or becomes a partner, associate or shareholder in, or a director of a firm or company which has a contract with the Government or with the public body of which such person is a member or employee unless the person makes a disclosure of such partnership, association, shareholding or other interest to the Commission;
  - (k) he or she improperly uses official influence in support of any scheme or in furtherance of any contract or proposed contract or other matter in regard to which he or she has an interest;
  - (l) he or she or any other person, on his or her behalf, acquires property or pecuniary resource disproportionate to his or her legitimate sources of income;
  - (m) he or she instigates, aids, abets or is an accessory after the fact or participates in whatsoever manner in the commission or attempted commission of or conspires to commit any act of corruption referred to in paragraphs (a) to (k).
- (2) Being aware of the commission of any act of corruption referred to in paragraphs (a) to (e) fails or neglects without reasonable excuse, to make a complaint to the Commission under section 32.

## THIRD SCHEDULE

FORMS  
FORM 1

(Sections 22 and 41)

## 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.F., of ..... whereof  
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..... at  
..... before the Commission in the said place,  
to testify what you know concerning the matter of the said complaint.

Dated, this ..... day of ..... 20 .....

.....  
*Chairperson of the Integrity Commission*

## FORM 2

(Section 11 [1])

## DECLARATION OF INCOME, ASSETS AND LIABILITIES

Declaration of income, assets and of liabilities at .....

(Declaration Date)

Note:

- (a) This declaration must be submitted by 31st January each year or within three (3) months of one's first appointment or election to office. Please ensure that every section is completed fully and state whether the information required is applicable or not..
- (b) Where any property is held by the declarant, or declarant's spouse in trust for any other person, this should be indicated by a note to that effect.
- (c) The declaration date should be the date on which one was appointed or elected to office and the 31st December thereafter.
- (d) Where a person is appointed or elected during the course of a year he/she should state the income that he/she earned in the previous calendar year.
- (e) Child means the son or daughter of a person including a stepchild, illegitimate child, a child held out by a person as a child of that person or a child adopted under the Adoption Ordinance (Cap. 19).
- (f) Where the space on this Form is inadequate a separate sheet of paper may be used and signed by the Declarant.

Name of Declarant:	Postal Address of Declarant:		
Position:	Telephone/Fax Number: E-mail address:		
Name of Declarant's spouse:	Address of Declarant's spouse:		
Marital status: Married <input type="checkbox"/> Single <input type="checkbox"/> Divorced <input type="checkbox"/> Separated <input type="checkbox"/>			
Names of Declarant's Children	Dates of Birth	Addresses	

No. 6 ] Integrity in Public Life Act [ 2004.

**PARTICULARS OF ASSETS HELD BY DECLARANT, AND SPOUSE****Cash in Financial Institutions****1. TO BE SUPPORTED BY A BANK STATEMENT OR LETTER FROM A FINANCIAL INSTITUTION CONFIRMING BALANCES**

Names and addresses of banks	In whose name held	Account number	Balance in account

**2. CASH IN EXCESS OF FIVE THOUSAND DOLLARS HELD OTHER THAN IN A FINANCIAL INSTITUTION BY DECLARANT AND SPOUSE**

Where held	In whose name held	Amount

**3. BONDS, TREASURY BILLS, STOCKS, DEBENTURES, MUTUAL FUNDS, OTHER FINANCIAL INSTRUMENTS INCLUDING ANY SUCH PROPERTY OVER WHICH A RIGHT OF DISPOSITION RESIDES IN THE DECLARANT AND SPOUSE**

No. and description	Organisation in which held	In whose name held	Face value	Cost of acquisition where known or market value

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

Block and parcel number	Where situated	In whose name held	Purchase price	Description	
				Year and value of improvement	Estimated current market value

**5. SHAREHOLDINGS IN COMPANIES AND HOLDINGS IN PARTNERSHIPS AND JOINT VENTURES**

Name of enterprise	Nature of business	No. of shares held	In whose name held	Current valuation	Profit for current year

**6. VALUES HELD IN SAFETY DEPOSIT BOXES BY DECLARANT AND SPOUSE**

Where held	Owner's Name	Contents	\$ Value

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[ 2004.

## 7. LIFE INSURANCE POLICIES HELD BY DECLARANT AND SPOUSE

Insurance Company	Date issued	Date of maturity	Name of insured	Annual premium	Face value	Surrender value

## 8. ANY OTHER PROPERTY OWNED BY DECLARANT AND SPOUSE

Description	Owner's name	By whom being held	In what capacity being held	Estimated Value

## 9. OTHER PROPERTY OWNED BY DECLARANT AND SPOUSE, BEING HELD BY A PERSON OTHER THAN OWNER, WHETHER IN TRUST OR OTHERWISE

Description	Owner's name	By whom being held	In what capacity being held	Estimated Market Value in what capacity being held

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[ 2004.

## 10. PARTICULARS OF INCOME FROM ALL SOURCES, OF DECLARANT AND SPOUSE (INCLUDING PERQUISITES SUCH AS HOUSE, ENTERTAINMENT ALLOWANCES, RENTALS, ETC.)

Type of income	Recipient's name	Source	Gross amount for period under review

## 11. PARTICULARS OF LIABILITIES (INCLUDING GUARANTEES) OF DECLARANT AND SPOUSE

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

Name of person/institution	Nature of Liability	Original amount	Amount payment	Balance outstanding

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

Description of property	Acquisition or 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.

.....  
*Signature of Declarant*



**FORM 3**

(Section 11 (3))

**CERTIFICATE**

NAME OF DECLARANT \_\_\_\_\_

The Commission hereby certifies that it has examined the declaration submitted by the Declarant and is satisfied that the disclosure has been made in accordance with this Act.

---

*Chairperson, Integrity Commission*

Dated, this                      day of                      20 .....

Passed in the House of Assembly this 30th day of March , 2004.

**BADEN J. ALLAIN,**  
*Speaker of the House of Assembly.*

Passed in the Senate this 14th day of April, 2004.

**HILFORD DETERVILLE,**  
*President of the Senate.*

## THIRD SCHEDULE

## FORMS

## FORM 1

(Sections 22 and 41)

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

TO E.F., of ..... whereof  
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 (state concisely the substance of the complaint) and it has been made to appear  
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 Complaint/person in public life in this behalf.

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 ..... before the Commission in the said place,  
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*Chairperson of the Integrity Commission*

## FORM 2

(Section 11 (1))

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Position:	Telephone/Fax Number: E-mail address:		
Name of Declarant's spouse:	Address of Declarant's spouse:		
Marital status: Married <input type="checkbox"/> Single <input type="checkbox"/> Divorced <input type="checkbox"/> Separated <input type="checkbox"/>			
Names of Declarant's Children	Dates of Birth	Addresses	

## Cash in Financial Institutions

Names and addresses of banks	In whose name held	Account number	Balance in account

Where held	In whose name held	Amount

[illegible][illegible][illegible][illegible]

No. 6 ] *Integrity in Public Life Act* [ 2004.

## 7. LIFE INSURANCE POLICIES HELD BY DECLARANT AND SPOUSE

Insurance Company	Date issued	Date of maturity	Name of insured	Annual premium	Face value	Surrender value

## 8. ANY OTHER PROPERTY OWNED BY DECLARANT AND SPOUSE

Description	Owner's name	By whom being held	In what capacity being held	Estimated Value

## 9. OTHER PROPERTY OWNED BY DECLARANT AND SPOUSE, BEING HELD BY A PERSON OTHER THAN OWNER, WHETHER IN TRUST OR OTHERWISE

Description	Owner's name	By whom being held	In what capacity being held	Estimated Market Value in what capacity being held

No. 6 ] *Integrity in Public Life Act* [ 2004.

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