

**SAINT VINCENT AND THE GRENADINES
PREVENTION OF CORRUPTION ACT, 2004
ARRANGEMENT OF SECTIONS
PART I
PRELIMINARY**

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SAINT VINCENT AND THE GRENADINES

BILL NO. OF 2004
| ASSENT

Governor-General

AN ACT to make provision for the Prevention of Corruption in the performance of public functions and to give effect to the provisions of the Inter American Convention Against Corruption and to provide for matters incidental thereto or connected therewith.

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

1. This Act shall be cited as the Prevention of Corruption Act, 2004. Short Title

2. In this Act, unless the context otherwise requires; Interpretation

"benefit" includes any property, service or advantage whether direct or indirect;

"Government company" means a company registered under the Companies Act, being a company whose policies the Government or an agency of Government, whether by holding shares or by financial input, is in a position to influence;

"Government official of another State" means a public official of a State other than Saint Vincent and the Grenadines;

"lawful earnings" includes any property inherited by will or on intestacy;

"property" includes money and all property, real or personal and things in action;

"public body" includes

- (a) the Senate and the House of Representatives (House of Assembly), Cabinet and Cabinet Committees;
- (b) Ministry or Department of Government;
- (c) A corporation established by an Act of Parliament or a subsidiary company of that Corporation;
- (d) a commission, statutory board, public authority or other body of any description, whether its members are paid or unpaid;

"public officer" has the meaning given to it under the Constitution;

"public official" means a person who is a member of a public body or a public officer;

Application of
Integrity Commission

3. (1) The Commission referred to in this Act is the Integrity Commission established under the Integrity in Public Life Act, 2004.

(2) In addition to the functions and powers of the Integrity Commission under section 11 of the Integrity in Public Life Act, the Commission may consult with any person, institution or organization in the exercise of its powers of -

- (a) investigating an act of corruption reported to the Integrity Commission;
- (b) conducting an inquiry into a complaint received by the Integrity Commission.

Acts of Corruption

4. A person commits an act of corruption if he -

- (a) solicits or accepts, whether directly or indirectly, any article, money or other benefit or advantage for himself or another person for doing an act or for omitting to do an act in the performance of his functions as a public official;

- (b) in the performance of his duty as a public official, performs or omits to perform any of his duties in a public body for the purpose of obtaining any benefit for himself or any other person;
- (c) offers or grants directly or indirectly to a public official any article, money, or other benefit, for doing or omitting to do any act in the performance of his duties as a public official;
- (d) allows his private interest to conflict with his public duties or to improperly influence his conduct in the performance of his duties as a public official;
- (e) improperly uses for his benefit or that of a third party any classified or confidential information that he has obtained in his duties as a public official;
- (f) communicates to an unauthorised person any classified or confidential information obtained in the performance of his duties as a public official with a view to assisting that person to obtain a benefit;
- (g) improperly uses for his benefit or that of a third party, any property belonging to the Government or any Statutory body or government company to which he has access as a result of or in the course of the performance of his functions;
- (h) hinders or delays the performance of a duty of a public official with a view to obtaining a benefit for himself or another person;
- (i) aids, assists or is an accessory after the fact or participates in any manner in the commission of, or conspires to commit any act of corruption under this section.

5. (1) A public official who, in relation to a contract for performing any work, providing a service or supplying articles or material.

Offence in respect of
procuring tenders

- (a) accepts, agrees or offers to accept whether directly or indirectly any benefit for himself or for another person for awarding a tender to a particular person;
- (b) gives, agrees or offers to give whether directly or indirectly any benefit to another person for the

13. A person who maliciously makes a false allegation or maliciously provides false information related to an act of corruption commits an offence and is liable

Making of false allegation

- (a) on conviction on indictment to a fine of \$30,000.00 or to imprisonment for a term of five years or to both fine and imprisonment;
- (b) on summary conviction to a fine of \$15,000.00 or to a term of imprisonment not exceeding three years or to both fine and imprisonment.

14. (1) A person who has reasonable grounds to believe that a person in public life has committed an act of corruption may complain in writing to the Integrity Commission stating

Complaint to the integrity Commission

- (a) the particulars of the breach;
- (b) the nature of the evidence that the person proposes to produce in support of the complaint;
- (c) other particulars as may be prescribed in regulations by the Minister.

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

15. (1) Where the Integrity Commission receives a complaint, the Integrity Commission on examination of the complaint may (a) reject the complaint if it considers it is frivolous, or that it does not relate to a matter the Commission is empowered to deal with;

Inquiry by the Integrity Commission

- (b) hold an inquiry into the complaint giving an opportunity to the person in public life to be heard;
- (c) on conclusion of an inquiry, forward the complaint, and any documents to the Director of Public Prosecutions if it considers that there is sufficient evidence to support a criminal charge.

(2) Where a person in public life has been exonerated following an inquiry into an allegation of corruption, the Integrity Commission -

- (a) shall in writing inform the person who made the complaint of the finding of the inquiry;

- (b) shall in writing inform the person in public life of the finding of the inquiry;
- (c) publish the finding of the inquiry in the Gazette.
- Action by Director of Public Prosecutions 16. The Director of Public Prosecutions shall inform -
- (a) the Integrity Commission of any action taken following the receipt of a complaint from the Integrity Commission against a person in public life;
- (b) the appropriate Service Commission where a complaint relates to a public officer or a legal officer;
- (c) the appropriate board, authority or body with which the person in public life is employed.
- Where public allegation is made 17. Where a public allegation is made that a person in public life has committed an act of corruption, a person desiring to make a complaint to the Integrity Commission relative to that act of corruption must lodge
- (a) a complaint with the Integrity Commission not later than three months from the date on which that public allegation was first made;
- (b) a complaint with the Integrity Commission not later than three months from the commencement date of this Act.
- Regulations 18. The Minister for Legal Affairs, after consultation with the Integrity Commission, may make regulations as may be necessary for giving effect to the provisions of this Act.
- Commencement 19. This Act shall come into operation on a date to be fixed by Proclamation by the Governor-General.

Passed in the House of Assembly this day of 2004.

Clerk of the House of Assembly