



BELIZE

**PREVENTION OF CORRUPTION ACT
CHAPTER 105**

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CHAPTER 105

PREVENTION OF CORRUPTION

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CHAPTER 105

PREVENTION OF CURRUPTION

21 of 2007.

[31st December, 2007]

PART I

Preliminary

1. This Act may be cited as Prevention of Corruption Act.

Short title.

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

Interpretation.

“act” includes omission or failure to act and a reference to the doing or commission of an act includes a reference to the making of an omission, and any cognate words shall be construed accordingly;

“advantage” include,

- (a) money or any donation, gift, loan, fee, reward, valuable security, property or interest in property of any description, whether movable or immovable, over a value of \$2,500.00;
- (b) the avoidance of a loss, liability, penalty, forfeiture, punishment or other disadvantage;
- (c) any office, dignity, employment, contract of employment or services and any agreement to give employment or render services in any capacity;
- (d) any payment, release, discharge or liquidation of any loan, obligation or other liability, whether in whole or in part;
- (e) any valuable consideration or benefit of any kind or any discount, commission, rebate, bonus, deduction or percentage over a value of \$2,500.00;

- (f) any forbearance to demand any money or money's worth or valuable thing;
- (g) any other service or favour or advantage of any description, including protection from any penalty or disability incurred or apprehended or from any action or proceedings of a disciplinary, civil or criminal nature, whether or not already instituted, and includes the exercise or the forbearance from the exercise of any right or any official power or duty;
- (h) any right or privilege;
- (i) any aid, vote, consent or influence or pretended aid, vote, consent or influence;
- (j) any offer, undertaking or promise, whether conditional or unconditional, of any advantage within the meaning of paragraphs (a) to (i);

“agent” includes any person employed by or acting for another, any trustee of an insolvent estate, the assignee of an estate assigned for the benefit or with the consent of creditors, the liquidator of a company which is being wound up, the executor of the estate of a deceased person, the legal representative of any person who is of unsound mind or is a minor or is otherwise under disability, any public servant or an officer serving in or under or acting for any public body, a trustee, an administrator or a subcontractor and any person appointed as an agent in terms of any law;

“authorised officer” means a person duly authorized in writing by the Commission;

“Chairperson” means the Chairperson of the Commission;

“child” means a person under the age of eighteen years who is the child, step-child or lawfully adopted child of any person;

“corruptly” means in contravention of any law;

“declaration” means a declaration of assets, income and liabilities;

“income” includes all receipts by way of salary, fees, wages, perquisites, profits, gain, emoluments, rents and interest whether they are received as money or as money’s worth, commission, bonus, pension, annuity or benefit and whether received in Belize or elsewhere, and shall include,

- (a) details of contracts awarded by the Government or other public body;
- (b) leases or grants of land awarded by Government or any other body at the direction or nomination of Government;
- (c) private sector contracts of the amount of twenty-five thousand dollars or above;
- (d) details of any business interests; and
- (e) other benefits valued at more than five thousand dollars received from any source;

“person in public life” means,

- (a) Members of the House of Representatives including the Speaker;
- (b) Members of the Senate including the President of the Senate; and
- (c) Members of local authorities (City Councils and Town Councils);

“principal” includes,

- (a) any employer;
- (b) any beneficiary under a trust and any trust estate;

- (c) the estate of a deceased person and any person with a beneficial interest in the estate of a deceased person;
- (d) in the case of any person serving in or under a public body, the public body;
- (e) in the case of a legal representative referred to in the definition of “agent”, the person represented by such legal representative;

“public body” includes local and public authorities of all descriptions;

“public officer” has the meaning ascribed to it in section 131 of the Constitution;

“public servant” includes the Governor General, members of the National Assembly, members of the Belize Advisory Council, members of the Public Services Commission, members of the Elections and Boundaries Commission, public officers, members and officers of statutory corporations and government agencies, and members and employees of all public bodies, including local authorities;

“Secretariat” means the Secretariat to the Commission established under section 10;

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

PART II

Integrity Commission

3.-(1) There is established for the purposes of this Act, a body to be known as the Integrity Commission, which shall consist of a Chairperson, who shall be an attorney-at-law with not less than five years’ standing, and six other members who shall be persons of integrity and high national standing.

Establishment of
Integrity Commis-
sion.

(2) Two members of the Commission shall be appointed by the Governor-General, acting in accordance with the advice of the Prime Minister given with the concurrence of the Leader of the Opposition, and the other members of the Commission including the Chairperson, shall be appointed by the Governor-General, acting in accordance with the advice of the Prime Minister given after consultation with the Leader of the Opposition,

Provided that in the process of consultation with the Leader of the Opposition for the appointment of the Chairperson, the Prime Minister shall use his best endeavours to secure the agreement of the Leader of the Opposition.

(3) At least one member of the Commission shall be a member of the Institute of Chartered Accountants of Belize.

(4) The First Schedule shall have effect as to the term, the powers and practice of the Commission and otherwise in relation thereto.

4. The Commission shall,

Functions of the Commission.

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

5. In the exercise of its functions under this Act, the Commission is not subject to the direction or control of any other person or authority.

Commission not subject to control or direction.

Annual report of Commission to National Assembly.

6.—(1) Subject to subsection (2) of this section, the Commission shall, not later than 31st March in each year, make a report to the National Assembly of its activities in the preceding year and the report shall be tabled in the National Assembly not later than 31st May of the same year.

(2) The Commission shall make its first report to the Prime Minister not later than three months after the end of its first year of operation, and the report shall be tabled by the Prime Minister within three months of its making.

Establishment and functions of Secretariat.

7.—(1) There is established, for the purposes of this Act, a Secretariat to the Commission which shall consist of the following persons,

- (a) an Executive Director;
- (b) an Administrative Secretary;
- (c) a Senior Accounts Clerk;
- (d) an in-house Legal Advisor;
- (e) a Special (forensic) Investigator who is highly skilled and experienced to conduct investigations relating to financial crimes; and
- (f) any other personnel reasonably necessary to carry out the functions of the Commission.

(2) The Executive Director is accountable and answerable to the Commission and he shall carry out all directions given to him by the Commission in pursuance of its functions.

(3) The Office of the Secretariat is charged with the administrative responsibilities of the Commission and shall perform any duties reasonably incidental to the office of the Commission, and which are assigned to it by the Commission.

(4) Without prejudice to the generality of the foregoing, the Office of the Secretariat shall,

- (a) receive, record and lay before the Commission, all declarations required to be filed under the provisions of this Act;
- (b) prepare and keep an updated annual register of all declarations filed with its Office;
- (c) keep proper accounts of receipts, payments, assets and liabilities of the Commission;
- (d) attend the meetings of the Commission as the Commission may require;
- (e) record proceedings of meetings and keep all papers and records of the meetings of the Commission;
- (f) receive, record and lay before the Commission, complaints regarding non-compliance with, or breach of the provisions of this Act;
- (g) generally perform such duties connected with the work of the Commission as the Commission may require.

8.—(1) Subject to subsection (3) of this section, every member of the Commission and every other person having an official duty under this Act, or being employed in the administration of this Act, shall deal with all documents and information, and all other matters relating to a declaration, as secret and confidential, and shall make and subscribe a declaration to that effect before a Magistrate or a Justice of the Peace.

Duty as to secrecy and to make declaration.

(2) Every person required under subsection (1) of this section to deal with the matters specified therein as secret and confidential, who at any time communicates or attempts to communicate such information or anything contained in such documents to any person,

- (a) other than a person to whom he is authorized under this Act to communicate it; or
- (b) otherwise than for the purposes of this Act,

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

(3) A person who receives any information or anything contained in such documents as aforesaid, knowing or having reasonable ground to believe, at the time when he receives it, that it is communicated to him in contravention of this Act, commits an offence unless he proves that the communication to him of the information or of anything contained in any document was contrary to his or her desire.

(4) A person who commits an offence under subsection (3) of this section is liable on summary conviction,

- (a) if the information or anything contained in a declaration or other document is published, to a fine not less than ten thousand dollars or to imprisonment for a period not exceeding four years or to both fine and imprisonment; or
- (b) in any other case, to a fine not less than five thousand dollars or to imprisonment for a period not exceeding two years or to both fine and imprisonment.

(5) No prosecution for an offence under this section may be instituted after five years following the commission of the offence.

9. The records of the Commission and any information revealed by the evidence of a witness before the Commission shall not be produced or disclosed to any court other than to such extent as may be necessary for the purposes of proceedings relating to a charge under this Act or under the law relating to perjury.

Protection of disclosure of information.

PART III

Financial Disclosure

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

Duty to file declaration of financial affairs.

(2) A declaration shall be filed pursuant to subsection (1) of this section,

- (a) in the case of a person who is a person in public life at the commencement, in respect of his or her assets, income and liabilities for the year;
- (b) in the case of a person who becomes a person in public life after the date of commencement of this Act, within three months of his becoming a person in public life, in respect of his or her assets, income and liabilities for the year ended on the previous 31st December,

and thereafter on the 31st December in each year that the person is a person in public life, in respect of his assets, income and liabilities as at the 31st day of December in that year, so, however, that a declaration required to be furnished on the 31st day of December in any year shall be deemed to comply with the requirements of this subsection if it is furnished before the 1st day of March next following that date;

- (c) in the case of every person who ceases to be a person in public life, at any time after the commencement of this Act, on the first anniversary of the date on which he or she ceases to be a person in public life in respect of his assets, income and liabilities, covering the period from the date of his or her last declaration to the date on which he is required by this paragraph to furnish a declaration.

(3) Notwithstanding the provisions of this section, the Commission may in any particular case for good cause extend the time for the furnishing of

a declaration under this Act after the expiration thereof for a period not exceeding three months.

(4) Every declaration furnished pursuant to this section shall be verified by affidavit sworn before a Magistrate, Justice of the Peace, Commissioner of the Supreme Court, or the Registrar of the Supreme Court, as to the truth and accuracy of the contents of such declaration.

(5) The form of the declaration referred to in subsection (1) of this section may, at any time, be varied by the Prime Minister on the recommendation of the Commission by regulations made under this Act.

11.—(1) A declaration required under this Act shall include such particulars as are known to the declarant of the assets, income and liabilities of him/herself of his/her spouse and of his/her children,

Provided that,

- (a) if the spouse was not ordinarily living with the declarant for the entire period in relation to which the declaration is made; or
- (b) if a child of the declarant was not ordinarily living with the declarant at any time during the period in relation to which the declaration is made,

the particulars required to be furnished by this subsection shall be limited to assets held by the spouse or child, as the case may be, in trust for, or as agent of the declarant, so, however, that nothing in this subsection shall be construed as precluding the Commission from requiring from a declarant any additional particulars the Commission may think fit.

(2) A declaration furnished pursuant to section 10 of this Act may be accompanied by a statement of affairs certified by a chartered accountant if the declarant so thinks fit.

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

Contents of declaration.

(4) For the purposes of a declaration under this Act, the income, assets and liabilities of a person in public life include the income, assets and liabilities acquired, held or incurred by any person,

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

(5) For the purposes of a declaration under this Act, without prejudice to the generality of subsection (4) of this section,

- (a) assets include property, real and personal, including money, beneficially held in Belize or elsewhere by the declarant and his spouse and all rights or benefits enjoyed by the declarant and his spouse on a continuing basis; and
- (b) liabilities include all the declarant's and the declarant's spouse's obligations to pay money or to transfer money to others in Belize or elsewhere.

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

Examination and public disclosure of declarations.

(2) Where upon an examination under subsection (1) of this section, the Commission is satisfied that a declaration has been fully made, it shall publish or cause to be published a certificate in the *Gazette* in the form prescribed by Form 2 in the Second Schedule within sixty days thereafter.

(3) Where the Commission publishes or causes to be published a certificate under subsection (2) of this section, any person may make a written complaint to the Commission in relation to that certificate.

Commission may require further information and inquiry into declaration.

13.--(1) Where,

- (a) upon an examination under section 12 of this Act, the Commission is not satisfied that a declaration has been fully made and is of the opinion that further investigation is necessary; or
- (b) after a certificate has been published in the *Gazette* under section 12 (2) of this Act and any person makes a written complaint to the Commission in relation to that certificate and the Commission, after consideration of the complaint, is of the opinion that the complaint should be investigated,

the Commission may,

- (i) in writing request the person in public life concerned or the complainant to furnish such further information or documents as it may require, within such time as it may specify;
- (ii) in writing require the person in public life concerned to attend on the Commission at such time as may be specified by the Commission;
- (iii) make such independent inquiries and investigation relating to the declaration or complaint as it thinks necessary;
- (iv) summon witnesses, require the production of documents and do all such things as it considers necessary or expedient for the purpose of carrying out its functions; and
- (v) in respect of paragraph (b), in addition, summon the complainant, hear the complainant (who may be represented by an attorney) and any witnesses of the complainant in support of the complaint.

(2) Where a person in public life is required to attend on the Commission pursuant to subsection (1) of this section, he or she has the right to be accompanied and represented by an attorney for the purposes of such inquiry and may require the Commission to summon such witness as he or she thinks necessary.

(3) Where the Commission after conducting an inquiry in accordance with subsection (1) of this section into any complaint made under section 12(3) of this section, is satisfied that the complaint is groundless or has not been substantiated, it shall publish a statement in the *Gazette* to that effect, and in addition, where there is evidence of the commission of an offence under this Act either by the complainant or by the person in public life concerned, shall report the matter to the Director of Public Prosecutions.

(4) Notwithstanding the provisions of this section, the Commission may in any particular case for good cause, extend the time within which further information or documents are required by the Commission to be furnished pursuant to a request made under paragraph (i) of subsection (1) of this section.

14.—(1) Where a person in public life fails to file a declaration under section 10 of this Act without reasonable cause or fails to furnish particulars under section 13 of this Act, the Commission shall publish the fact in the *Gazette* and shall send a report to the Director of Public Prosecutions for further action.

Failure to file declaration.

(2) For purposes of this section, “knowingly failing to file a declaration” includes failure to make a disclosure of any material fact in the declaration.

15.—(1) Without prejudice to the generality of section 13 of this Act, 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) of this section, advise the Governor-General to appoint a Tribunal for the purpose.

Commission may hold formal inquiry.

(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 three 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.

16. In conducting an inquiry under section 15, a Tribunal shall have and exercise the powers of a Commission of Inquiry, under the Commissions of Inquiry Act, Cap. 127 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 may be as prescribed in Part II of the Third Schedule.

Findings of Tribunal.

17. Where, from an inquiry under section 15, 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*.

18. 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 Revenue Fund, for all expenses reasonably incurred.

Indemnity.

19.--(1) A person who, without reasonable cause,

Declaration of-fences.

- (a) fails to file with the Commission, a declaration which he is required to file in accordance with the provisions of this Act;
- (b) fails to give such information or explanation as the Commission may require under section 12 or 13 of this Act;
- (c) fails to give such information as a Tribunal may require under section 15 of this Act,

commits a first offense and is liable on summary conviction to a fine not less than three thousand dollars. On a second or subsequent offence to a fine of not less than five thousand dollars or to imprisonment for a period of one year, or to both fine and imprisonment.

(2) Without prejudice to subsection (1) of this section, every person who, without reasonable cause,

- (a) fails to file a declaration in accordance with the provisions of this Act;
- (b) has not yet filed his declaration in the previous year in accordance with the provisions of this Act;
- (c) fails to give such information or explanation as the Commission may require under section 12 or 13 of this Act within the time specified for submission;
- (d) fails to give such information as a Tribunal may require under section 15,

is liable to pay to the Commission, an administrative fine of one hundred dollars for each day that the declaration or information or explanation, as the case may be, remains outstanding.

- (3) A person who,
- (a) knowingly makes any false statement in such declaration;
 - (b) after a certificate in respect of a declaration has been published in the *Gazette* pursuant to section 12, publishes any statement whatever, whether orally or in writing, challenging the accuracy of that certificate or the honesty or credibility of the declarant, otherwise than by way of a complaint to the Commission; or
 - (c) having been granted access to a declaration under section 13, discloses or makes known to any person any information contained in such declaration otherwise than for the purpose of an inquiry under section 13;
 - (d) makes any frivolous, vexatious or groundless complaint to the Commission in relation to a declaration or a certificate in respect of such declaration; or
 - (e) fails without reasonable cause to attend an inquiry being conducted by the Commission under section 15, or knowingly gives any false information in such inquiry,

commits an offence and is liable on summary conviction to a fine not less than one thousand dollars and not more than five thousand dollars or to imprisonment for a period not exceeding six months, or to both fine and imprisonment.

(4) Where the offence under this section involves the non-disclosure of property corruptly acquired while in public life, the Court shall, in addition to the penalty specified in this section,

- (a) where the property involved is situated in Belize, declare that it be forfeited to the Government;
- (b) where the property involved is situated outside Belize, order that an amount equivalent to the value of the property (the value to be assessed as directed by the Court), be paid by the person in public life to the Government.

(5) Property acquired from a person referred to under subsection (4) 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 Government.

(6) Payment of all sums due to the Government pursuant to paragraph (b) of subsection (4) or to subsection (5) may be enforced in like manner as a debt due to the Government and any proceedings thereon on behalf of the Government may be taken.

(7) It shall be a defence for a person in public life to show that the failure envisaged in paragraphs (a), (b) and (c) of subsection (1), and paragraph (e) of subsection (3), 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.

20. No prosecution for an offence under this Act, other than an offence under section 8, may be instituted,

Prosecutions.

- (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 Prosecutions; or

- (b) after three 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.

Application of Act.

21.—(1) Subject to the provisions of this Act, the National Assembly may, by resolution passed in that behalf, apply this Act to any public servant or any class of public servants.

(2) Before passing the resolution referred to in subsection (1) of this section, the National Assembly,

- (a) shall carry out consultations with representatives of civil society organizations and other interested persons and bodies as is considered appropriate, with an aim to seeking public opinion on applying the provisions of this Act to persons other than persons in public life; and
- (b) shall give a reasonable opportunity to public servants affected thereby to express their views, which shall be given due consideration.

(3) Where, by this section, the National Assembly is required to perform any function after consultation with any persons or authority, it shall consider any representations or objections which are duly made and not withdrawn but it shall not be obliged to exercise that function in accordance with the advice of those persons or that authority.

(4) Any person to whom this Act is applied under this section shall, from the date of such application, become a person in public life within the meaning of section 2 of this Act and the provisions of this Act regarding the furnishing of declarations to the Commission and other matters relating to a person in public life shall apply to him in like manner.

(5) All expenses incurred in carrying this section into effect shall be defrayed out of moneys provided by the National Assembly.

PART IV

Corruption Offences

22.—(1) A person who, by himself or in conjunction with any other person, or an agent, engages or attempts to engage in any of the acts specified in Part I of the Third Schedule commits an act of corruption.

Act of corruption.

(2) Any person 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 less than ten thousand dollars; and
 - (ii) in the case of a second or subsequent offence, to a fine not less than twenty thousand dollars or to imprisonment for a period not exceeding two years or to both fine and imprisonment,
- (b) on conviction on indictment,
 - (i) in the case of a first offence, to a fine not less than twenty-five thousand dollars or to imprisonment for a period not exceeding two years or to both fine and imprisonment; and
 - (ii) in the case of a second or subsequent offence to a fine not less than fifty thousand dollars or to imprisonment for a period not exceeding three years or to both fine and imprisonment.

23.—(1) Where in any proceedings against a person for an offence under Part IV, it is proved that an advantage has been paid or given to or received by a public servant by or from a person or agent of a person who has or had a material interest in the performance by that public servant of

Presumption of corruption in certain cases.

a function of his or her office or position, that advantage shall be deemed to have been paid or given and received corruptly as an inducement or reward unless the contrary is proved.

(2) For the purposes of subsection (1) of this section, a person has a material interest in the performance by a public servant of a function of his or her office or position if the consequence or effect,

- (a) of the performance of that function; or
- (b) of any decision made in relation to or in the course or as a result of the performance of such a function,

may be to confer on or withhold from the person a significant benefit (including the award or grant of a contract, licence, permission, designation or any other valuable benefit or advantage), without also conferring it on or withholding it from persons in general or a class of persons which is of significant size having regard to all the circumstances and of which the person is a member.

Contracts corrup-
tion offences.

24.—(1) A person who, directly or indirectly,

- (a) accepts or agrees or offers to accept any advantage from any other person, whether for the benefit of himself or herself or for the benefit of that other person or of another person; or
- (b) gives or agrees or offers to give to any other person any advantage, whether for the benefit of that other person or for the benefit of another person,
 - (i) in order to improperly influence, in any way
 - (aa) the promotion, execution or procurement of any contract with a public body, private organization, corporate body or any other organization or institution;

- (bb) the fixing of the price, consideration or other moneys stipulated or otherwise provided for in any such contract; or
- (ii) as a reward for acting as contemplated in paragraph (a),

commits an offence of corrupt activities relating to contracts and is liable on summary conviction to a fine of not less than twenty thousand dollars or to imprisonment for a period of one year or to both fine and imprisonment.

(2) Any person who, in order to obtain or retain a contract with a public body or as a term of such contract, directly or indirectly, gives or agrees or offers to give any advantage to any other person, whether for the benefit of that other person or for the benefit of another person,

- (a) for the purpose of promoting, in any way the election of a candidate or a category or party of candidates to the legislative authority: or
- (b) with the intent to influence or affect, in any way, the result of an election conducted for the purpose of electing persons to serve as members of the legislative authority,

commits an offence and is liable on conviction on indictment to a fine of not less than fifty thousand dollars.

25.—(1) Every person who, subject to subsection (2), acquires or holds a private interest in any contract, agreement or investment emanating from or connected with the public body in which he or she is employed or which is made on account of that public body, commits an offence of corrupt activities and is liable on summary conviction to a fine of not less than ten thousand dollars.

Offence for acquisition of private interest in contract, agreement, etc. of public body.

(2) Subsection (1) does not apply to a person,

- (a) who acquires or holds such interest as a shareholder of a listed company;

- (b) whose conditions of employment do not prohibit him or her from acquiring or holding such interest; or
- (c) in the case of a tender process, a public officer who acquires a contract, agreement or investment through a tender process and whose conditions of employment do not prohibit him from acquiring or holding such interest and who acquires or holds such interest through an independent tender process; or
- (d) unless the person makes a disclosure of such interest to the relevant public body within thirty days of acquiring or holding such interest.

Bribing Members
of National As-
sembly.

26. A person who,

- (a) offers any advantage to a Member of the National Assembly as an inducement or reward for such Member's doing or forbearing to do any act in his capacity as such Member; or
- (b) being a Member of the National Assembly, solicits or accepts any advantage as an inducement or a reward for his doing or forbearing to do any act in his capacity as such Member,

commits an offence of corrupt activities and is liable on conviction on indictment to a fine not less than twenty-five thousand dollars or to imprisonment for a period not exceeding one year or to both fine and imprisonment.

Bribing members
of public bodies.

27. A person who,

- (a) offers any advantage to any member of a public body as an inducement or reward for
 - (i) the member's voting or abstaining from voting at any meeting of the public body in favour of or against any measure, resolution or question

submitted to that public body;

(ii) the member's performing, or abstaining from performing, or his aid in procuring, expediting, delaying, hindering or preventing the performance of, any official act;

(iii) the member's aid in procuring or preventing the passing of any vote or the granting of any contract or advantage in favour of any person; or

(b) who, being a member of a public body, solicits or accepts any advantage as an inducement or a reward for any such, or any such abstaining, as is referred to in paragraph (a) (i), (ii) and (iii), commits an offence and is liable on conviction on indictment to a fine not less than twenty-five thousand dollars or to imprisonment for a period not exceeding one year or to both fine and imprisonment.

28.—(1) An agent or any other person who,

Corrupt acts of agents.

(a) corruptly accepts or obtains; or

(b) corruptly agrees to accept or attempts to obtain, for himself, or for any other person;

any gift, consideration or advantage as an inducement to, or reward for, or otherwise on account of, the agent doing any act in relation to his office or position or his principal's affairs or business, commits an offence.

(2) A person who,

(a) corruptly gives or agrees to give; or

(b) corruptly offers, any gift, consideration or advantage,

to an agent or any other person, whether for the benefit of that agent, person or another person, as an inducement to, or reward for, or otherwise on account of, the agent doing any act in relation to his office or position or his principal's affairs or business commits an offence.

(3) A person who knowingly gives to any agent, or an agent who knowingly uses with intent to deceive his principal, any receipt, account or other document in respect of which the principal is interested, and which contains any statement which is false, erroneous or defective in any material particular, and which to his knowledge is intended to mislead the principal commits an offence.

(4) In subsections (2) and (3) of this section, an agent does an act in relation to his office or position or his principal's affairs or business if it relates to,

- (a) any function of his office or position or of his principal;
- (b) any business or administration relating to the performance of such a function; or
- (c) any matter or transaction whatsoever, actual or proposed, in which such agent, by virtue of his office or position, or his principal is or may be concerned.

(5) Any person who commits an offence under this section is liable,

- (a) on summary conviction,
 - (i) in the case of a first offence, to a fine not less than five thousand dollars; and
 - (ii) in the case of a second or subsequent offence, to a fine not less than ten thousand dollars or to imprisonment for a period not

exceeding six months or to both fine and imprisonment;

- (b) on conviction on indictment
 - (i) in the case of a first offence, to a fine not less than ten thousand dollars; and
 - (ii) in the case of a second or subsequent offence to a fine not less than twenty thousand dollars or to imprisonment for a period not exceeding one year or to both fine and imprisonment.

29.—(1) Where an offence under this Act is committed by a body corporate and is proved to have been so committed with the consent or connivance of, or to be attributable to any willful neglect on the part of any person, being a director, manager, secretary or other officer of the body corporate, or a person who was purporting to act in any such capacity, that person, as well as the body corporate, commits an offence and is liable to be proceeded against and punished as if the person and the body corporate commit an offence and are liable to be proceeded against and punished as if the person and the body corporate were guilty of that offence.

Offence by body corporate.

(2) Where the affairs of a body corporate are managed by its members, subsection (1) of this section shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director or manager of the body corporate.

30.—(1) A person exercising any public function who is offered or receives an advantage in circumstances which may constitute an offence under this Act, or the offence of bribery, shall disclose as soon as reasonably practicable and in the prescribed manner,

Obligation to disclose advantage received or offered.

- (a) the existence and nature of the advantage, or the offer of it; and

- (b) the name, if known, of the person by whom it was given or procured or offered or who agreed to give or procure it.

(2) A person exercising any public function who knows or reasonably suspects, or ought reasonably to have known or reasonably to have suspected, that any person has committed, is committing or is about to commit an offence under this Act, or the offence of bribery, must disclose, as soon as reasonably practicable and in the prescribed manner, that knowledge or suspicion, and the information on which it is based, or cause such knowledge or suspicion to be so disclosed.

(3) For the purposes of subsections (1) and (2) of this section, “the prescribed manner” means an information, complaint or declaration under oath in writing,

- (a) to a constable;
- (b) to the Commission; or
- (c) where the employer of the person exercising the public function has established a procedure for that person to make disclosures of the kind mentioned in subsections (1) or (2) of this section, in accordance with that procedure.

31.—(1) A person who fails to comply with section 30 commits an offence and is liable on summary conviction to a fine not less than ten thousand dollars or to imprisonment for a period not exceeding one year.

(2) It is a defence for a person charged with an offence under subsection (1) of this section to prove that he reasonably believed that if he made the disclosure required to be made by him under that section, physical harm would be done to him or to another person or to his or their property.

Offence for failure to disclose advantages.

32. A person who threatens or takes any action harmful to any person, including interference with a person's lawful employment or occupation, on the ground that a person has made or may make a disclosure in accordance with section 30 of this Act commits an offence and is liable on summary conviction to a fine not less than twenty-five thousand dollars or to imprisonment for a period not exceeding one year, or to both fine and imprisonment.

Threats, interferences, etc., with disclosure, an offence.

33.—(1) Where upon examination of a complaint made under section 34 of this Act, or otherwise, the Commission, in the course of an investigation under section 37 of this Act is of the view that a public servant, or any other person on his behalf is in possession of property or pecuniary resource disproportionate to his 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.

Possession of unaccounted property or pecuniary resource.

(2) On the conclusion of any inquiry under subsection (1) of this section, 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) of this section and other relevant evidence, that any person ought to be prosecuted for an offence under Part IV, the Director of Public Prosecutions shall institute and undertake criminal proceedings against the person.

(4) Where the Commission has forwarded to the Director of Public Prosecutions a report under subsection (2) of this section, 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) 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.

Complaint to
Commission.

34.—(1) Any person who has reasonable grounds to believe that a person, is in breach of a provision of this Act,

(a) has committed an act of corruption, or of corrupt activities 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 Commission.

Protection of persons making complaint.

35.—(1) Subject to subsection (2) of this section, where a person makes a complaint to the Commission pursuant to section 34 of this Act,

(a) in good faith;

(b) reasonably believing that the complaint made and any allegations contained in it, are substantially true, and in the circumstances 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) of this section shall not apply where it is shown that the complaint is frivolous or vexatious.

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

Rejection of complaint by Commission.

- (a) is frivolous or vexatious; or
- (b) does not pertain to a matter this 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.

37.—(1) Where upon examination of a complaint made under section 34, or otherwise, the Commission is of the view that an investigation is necessary to ascertain whether any person has committed a breach of any provision of the Act, it shall inquire into the matter.

Investigation of breach of Act.

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

(3) The complainant and the person 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.

38.—(1) On the conclusion of any inquiry under section 37, 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.

Report to Director of Public Prosecutions or Attorney-General.

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

(3) Where the Attorney-General is satisfied, on the examination of the report referred to in subsection (1) of this section and other relevant evidence, that the Director of Public Prosecutions ought to be prosecuted for an offence under Part IV, 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 V

Miscellaneous

39.—(1) The Commission acting under this Act has the power to summon witnesses and to call for the production of books, plans and documents, and to examine witnesses and parties concerned on oath.

(2) No member of the Commission shall be liable to any action or suit for any matter or thing done by him as such member.

(3) Oaths may be administered by any member of the Commission or by the Secretary.

40.—(1) In any case relating to the commission of an offence under this Act, the Commission, or the special investigator may, without the order of the Commissioner of Police, exercise all or any of the powers in relation to police investigations.

Power to summon and examine witnesses.

Powers of investigation, appointment of *ad hoc* investigator, etc.

(2) In any case relating to the investigation of an offence under this Act, the Commission may appoint an *ad hoc* special investigator to perform specific duties assigned to it by the Commission.

(3) Where an *ad hoc* special investigator has been appointed under subsection (2) of this section, he shall have only those powers in relation to police investigations which the Commission specifically confers upon him in writing.

41.—(1) Notwithstanding anything in any other law, the Commissioner of Police, if satisfied that there are reasonable grounds for suspecting that an offence under this Act has been committed, may, on the recommendation of the Director of Public Prosecutions, by Order, authorize the Chairperson or any police of or above the rank of Assistant Superintendent named in such order or the special investigator to the Commission, so named, to make an investigation into the matter in such manner or mode as may be specified in that Order.

Special powers of investigation.

(2) An Order made pursuant to subsection (1) of this section may authorize the investigation of any bank account, share account, purchase account, expense account or any other account, or any safety deposit box in any bank or other financial institution, Government Department, Ministry or other Government Office, and shall be sufficient authority for the disclosure or production by any person of all or any information or accounts or documents or articles as may be required by the officer so authorised.

(3) A person who fails to disclose such information or to produce such accounts or documents or articles to the person so authorized commits an offence and is liable on summary conviction to a fine not exceeding ten thousand dollars or to imprisonment for a period not exceeding two years or to both fine and imprisonment.

(4) Where there is failure by any person, corporation, company, office, department or other authority, to disclose the production of documents in accordance with an Order under subsection (1) of this section, the Commission may refer the matter to the Supreme Court for determination.

Power of investigation authorized by the Commissioner of Police.

42. The Commissioner of Police may, by Order, authorize the Chairperson or the Special Investigator to the Commission, or any other person deemed fit, to exercise, in the case of an offense under this Act, all or any of the powers in relation to police investigations given under the law.

Retaining legal counsel.

43.—(1) If deemed necessary for the performance of the duties of the Commission under the provisions of this Act, the Commission may retain legal counsel to serve as legal advisor to the Commission.

(2) Legal Counsel retained pursuant to subsection (1) is entitled to appear at any inquiry conducted by the Commission under this Act and may, at the request of the Commission,

- (a) question any person who is being examined on oath;
- (b) make a legal submission to the Commission.

(3) Section 8 of this Act relating to duty as to secrecy applies to legal counsel in like manner.

Penalties on witnesses.

44.—(1) Every person summoned to attend and give evidence or to produce books, plans or documents at any sitting of the Commission shall be bound to obey the summons served upon him.

(2) Every person who,

- (a) refuses or omits, without sufficient cause, to attend at the time and place mentioned in the summons served on him;
- (b) attends at the time and place aforesaid, but leaves the Commission without the permission of the Commission;
- (c) refuses to take an oath of affirmation when required to do so;

- (d) refuses without sufficient cause to answer, or to answer fully and satisfactorily, to the best of his knowledge and belief, all questions put to him by or with the concurrence of the Commission;
- (e) refuses or omits without sufficient cause to produce any books, plans or documents in his possession or under his control, and mentioned or referred to in the summons served on him; or
- (f) at any sitting of the Commission wilfully insults any member of the Commission, or the Secretary, or wilfully interrupts the proceedings of the Commission or otherwise misbehaves during any hearing of the Commission,

commits an offence and is liable on summary conviction to a fine, not exceeding five hundred dollars or to imprisonment for a period not exceeding six months, or to both fine and imprisonment.

45. No person giving evidence before the Commission shall be compelled to incriminate himself and every such person shall in respect of any evidence given by him before the Commission be entitled to all the privileges to which a witness giving evidence before the Supreme Court is entitled in respect of evidence given by him before such Court.

Protection of witnesses.

46. The Commission acting under this Act is hereby authorized and empowered to order payment to any witnesses who may appear and give, evidence before it of such sums of money, not exceeding those which the Prime Minister may from time to time by Order prescribe, as the Commission thinks reasonable and sufficient to reimburse to such witnesses the travelling or other expenses which they have severally incurred in attending the said Commission and to compensate them for their trouble and loss of time therein, but it shall be lawful for the Commission to abate or wholly disallow payment to any witness.

Payment to witnesses.

Legal obligation to give information.

47.—(1) Every person required by the Commission or by a special investigator duly appointed under this Act, or other authorized officer, in pursuance of the objectives and powers of this Act, to give any information on any subject which it is the duty of the Commission, or of that officer to inquire into under this Act and which it is in his power to give, is legally bound to give that information.

(2) A request to give information under subsection (1) of this section, includes the disclosure or production by any person of all or any information or accounts or documents or articles as may be required by the officer so authorized, whether it is a natural person or a body corporate.

(3) The failure by any person or body to comply with the provision of this Act is an offence punishable on summary conviction by a fine of ten thousand dollars or imprisonment to a period of three years, or to both fine and imprisonment.

(4) Notwithstanding subsection (3) of this section, a Court shall order the disclosure of information or the production of documents, as the case may be, in relation to the investigation for which the same was required.

General offences.

48.—(1) Any person who,

- (a) wilfully hinders or deters any person from attending, giving evidence or producing any article or document;
- (b) threatens, insults or causes any loss to be suffered by any person who has attended before the Commission, on account of such attendance;
- (c) threatens, insults or causes a loss to be suffered by any member of the Commission at any time on account of the performances of his or her duties as a member of the Commission;

- (d) publishes or otherwise discloses any material which the Commission had prohibited him from publishing or disclosing;
- (e) publishes or otherwise discloses any material received by the Commission *in camera*; or
- (f) knowingly makes or publishes, whether to the Commission or otherwise, any false, frivolous or vexatious allegation or complaint that any person commits an offence under this Act;

commits an offence and is liable on summary conviction to a fine not exceeding three thousand dollars or to imprisonment for a period not exceeding one year, or to both fine and imprisonment.

(2) It shall be a defence in the case of a prosecution under paragraph (e) of subsection (1) of this section for the person charged to prove to the satisfaction of the court that he did not know nor had any reason of knowing that the material published or disclosed had been received by the Commission *in camera*.

49. A person who abets, attempts to commit, or conspires to commit an offence punishable under this Act shall be deemed to have committed the offence and is liable on conviction to be punished in accordance with the provision for that offence.

Abetment, attempt and conspiracy to commit offence.

50. At the request of the Commission, the Prime Minister may direct the Commissioner of Police to detail police officers to attend upon any meeting of the Commission for the following purposes,

Assistance by Commissioner of Police.

- (a) to preserve order during the proceedings of the Commission;
- (b) to perform such other duties as usually pertain to their office when in attendance upon the Supreme Court;

- (c) to serve summonses on witnesses; and
- (d) to perform such other duties as the Commission may direct.

Staff of Commission.

51.—(1) The power to appoint staff of the Commission (including the power to confirm appointments) and to exercise disciplinary control over such persons including the power to remove such persons from office shall vest in the Commission,

Provided that the persons who are members of the staff of the Commission immediately before the commencement of this Act are deemed to have been appointed under this section.

(2) It is lawful for the Chairperson to delegate in writing any of his powers of supervision and control over other members of the staff of the Commission to the Executive Director.

(3) An appeal shall lie to the Belize Advisory Council from any decision in relation to the staff of the Commission.

(4) The salaries and other terms and conditions of service of the staff of the Commission shall be kept broadly in line with those obtaining from the corresponding posts in the public service.

(5) The posts of Executive Director, Administrative Secretary, Senior Accounts Clerk, in-house Legal Advisor, Special Investigator and the posts of the administrative, technical, professional, clerical and secretarial staff of the Commission shall be pensionable under the Pensions Act, Cap. 30, notwithstanding anything to the contrary in that Act or any other enactment and persons holding ancillary posts of the semi-skilled or unskilled category are entitled to the retirement benefits under the Government (Open Vote) (Workers) Regulations, as amended from time to time.

(6) Where an officer of the public service is transferred to an office under the Commission and he or she retires or resigns on pension from, or dies while in the service of the Commission, his

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or her service in the public service ranks as qualifying service or pensionable service, as the case may be, for purposes of determining his or her eligibility for gratuity or pensions under the Pensions Act, Cap. 30.

(7) Notwithstanding anything to the contrary in the Pensions Act, Cap. 30, or in any other law amending or replacing that Act, where a person employed in a pensionable office by the Commission is transferred to a pensionable office in the public service, his or her service under the Commission ranks as qualifying service or pensionable service, as the case may be, for the purposes of determining his or her eligibility for a gratuity or pension under the Pensions Act, Cap. 30.

(8) When making payment for a pension or gratuity in respect of officers referred to in subsections (6) and (7) of this section, the Government shall pay the whole pension or gratuity, but the Commission shall contribute to the Government for the portion representing the number of years of pensionable service rendered by the officer in the employment of the Commission.

(9) The Commission may provide for the establishment and maintenance for the benefit of its officers and employees of a Pension Scheme, Medical Insurance Scheme or Provident Fund Scheme, and without prejudice to the generality of the foregoing, such Schemes may enable the Commission to,

- (a) contribute to the Government the monies referred to in subsection (8) of this section;
- (b) grant gratuities, pensions or superannuation allowances to, or to the widows, families or dependents of, its employees and officers;
- (c) establish contributory and superannuation schemes and establish and contribute to superannuation funds for the benefit of its employees and officers;

- (d) enter into and carry into effect medical insurance and other agreements for securing for any such employees or officers, widows, family or dependents such medical benefits, gratuities, pensions or allowances as are by this section allowed to be granted.

(10) The staff of the Commission shall retire on reaching the retirement age of 55 years, but may continue in office after attaining 55 years until such later age as may be determined by the Commission, which age shall not exceed 65 years.

Budget estimates of the Commission.

52.—(1) The Secretariat shall, in such form and by such dates as may be prescribed by the Financial Secretary, prepare and submit to the Prime Minister budget estimates for each financial year (including supplementary estimates), in respect of,

- (a) what remuneration shall be paid to members of the Commission acting under this Act and to the Secretary and to any other persons employed in or about the work of the Commission; and
- (b) payment of any other expenses attendant upon the carrying out of any other functions of the Commission, or upon any proceedings for any penalty under this Act,

and the Minister shall include the same in the Appropriation Bill for that financial year with such amendments, if any, as he may consider necessary upon prior consultation with the Commission, provided that the Financial Secretary shall use his best endeavours to secure the consent and agreement of the Commission on such amendments.

(2) The sums to be paid to the Commission in pursuance of this section shall be paid by the Accountant General out of the Consolidated Revenue Fund.

Constitutional privileges and immunities not affected.

53. 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, Cap. 4.

54. Subject to section 8 of this Act, 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.

Commission and staff to be immune.

55. The provisions of this Act shall not apply to persons who, whether nationals or not and whether resident or not, are accredited as ambassadors or honorary consuls by Belize to any country or international organization and who do not receive a salary paid out of the Consolidated Revenue Fund.

Non-application of Act.

56.—(1) No proceedings shall be commenced for any offence or penalty under this Act, except by the leave of the Director of Public Prosecutions, or of the Commission.

Proceedings for offences and penalties.

(2) The Commission may direct the Secretary, or such other persons as it may think fit, to commence and prosecute the proceedings for such offence or penalty.

57. Any person who commits an offence under this Act for which no penalty is prescribed is liable on summary conviction, to a fine not exceeding five thousand dollars or to imprisonment for a period not exceeding six months or to both fine and imprisonment.

General penalty clause.

58. Unless otherwise specified under the provisions of this Act, a prosecution for any offence or penalty under this Act shall be commenced within five years from the date when the cause of action accrued.

Limitation of time to commence proceedings.

59. Every person, whether a person in public life, or a prospective person in public life, shall take notice of the obligations, duties and responsibilities created and imposed by the provisions of this Act.

Notice of provisions to persons or prospective persons in public life.

60. For the purposes of the Income and Business Tax Act, Cap. 55, all out goings and expenses reasonably incurred in a year of assessment by a person in public life in connection with the preparation of a declaration required to be furnished by him for the purposes of this Act are deemed to be incurred by him wholly

Deductible income tax expenses.

and exclusively in the production of his income for that year of assessment and shall be deductible against his chargeable income for income tax purposes of his receipts for business tax purposes.

Regulations.

61.—(1) The Commission may, with the approval of the Prime Minister, make regulations,

- (a) prescribing the manner in which enquiries may be carried out and any matters incidental to or consequential on such inquiries;
- (b) amending the form specified in the Second Schedule;
- (c) prescribing the period within which any information or document required by the Commission should be furnished or produced;
- (d) prescribing the criteria for making appointments to the posts on the staff of the Commission;
- (e) fixing of salaries and privileges;
- (f) prescribing measures to ensure discipline and to govern the dismissal and retirement of the staff including the procedure to be followed; and
- (g) prescribing any matter or thing, whether similar to the above or not, in respect of which it may be expedient to make regulations for the purpose of carrying this Act into effect.

(2) The National Assembly Staff (Conditions of Service) Regulations shall apply to the Commission until such time that are made by the Commission governing same.

(3) All regulations made by the Commission under this Act shall be laid before the National Assembly as soon as may be after the making thereof, and shall be subject to negative resolution.

62. This Act comes into force on the 31st day of December, 2007. Commencement.

63.—(1) The Prevention of Corruption in Public Life Act, Cap. 12 is hereby repealed. Repeal.

(2) Anything done or required to be done under or pursuant to the repealed Act,

(a) shall, from the commencement of this Act be treated for all purposes as fully carried out and completed and shall not be done under or pursuant to this Act.

FIRST SCHEDULE

PREVENTION OF CORRUPTION ACT

Tenure and Procedure of the

Integrity Commission

[Section 3]

Tenure of office.

1. Subject to the provisions of this Schedule the appointment of a member of the Commission (including the Chairperson) shall be for a period not exceeding three years, and such member shall be eligible for re-appointment.

Resignation.

2.—(1) Any member of the Commission, other than the Chairperson, may at any time resign his office by instrument in writing addressed to the Governor-General and transmitted through the Chairperson, and from the date of the receipt by the Governor-General of such instrument such member shall cease to be a member of the Commission.

(2) The Chairperson may at any time resign his office by instrument in writing addressed to the Governor-General and such resignation shall take effect as from the date of receipt of such instrument by the Governor-General.

Revocation of appointment.

3. The Governor-General may on the advice of the Prime Minister given after consultation with the Leader of the Opposition at any time revoke the appointment of any member,

Provided that the appointment of a member who was appointed as such with the concurrence of the Leader of the Opposition shall not be revoked under this paragraph without the concurrence of the Leader of the Opposition.

Vacancies.

4.—(1) 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.

(2) Where any vacancy occurs in the membership of the Commission, such vacancy shall be filled by the appointment of another member who shall, subject to the provisions of this Schedule, hold office for the remainder of the period for which the previous member was appointed so, however, that such appointment shall be made in the same manner and from the same category of persons, if any, as the appointment of the previous member.

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

Publication in *Gazette*.

6. The validity of the proceedings of the Commission shall not be affected by any vacancy amongst the members thereof or by any defect in the appointment of a member thereof.

Validity of proceedings.

7. The Commission shall meet at such times as may be convenient or expedient for the transaction of business, and at such places as it may deem fit.

Meetings of the Commission.

8. The Chairperson shall preside at meetings of the Commission and in the case of his absence from any meeting the members present shall elect one from amongst their number to preside at that meeting.

Chairperson to preside.

9. The decisions of the Commission shall be by a majority of votes of the members present and voting and, in addition to an original vote, the Chairperson or any another person presiding at the meeting shall have a casting vote in any case in which the voting is equal.

Decisions to majority.

10. The quorum of the Commission shall be four members thereof.

Quorum.

Minutes. **11.** Minutes in proper form shall be kept of the proceedings of the Commission.

Delegation and regulation of proceedings. **12.** Subject to the provisions of this Schedule the Commission shall have power to regulate its own proceedings, and may delegate to any member or committee thereof the power and authority to carry out on behalf of the Commission such duties as the Commission may determine.

Expenses. **13.** Any expenses incurred by the Commission and other members of the Commission in the performance of their duties shall be paid out of money provided for the purpose by the National Assembly.

Seal and execution of document. **14.**—(1) The Seal of the Commission shall be kept in the custody of the Chairperson and shall be affixed to instruments pursuant to a resolution of the Commission in the presence of the Chairperson and any other member or the Secretary.

(2) The Seal of the Commission shall be authenticated by the signatures of the Chairperson and one other member or the Secretary.

(3) All documents other than those required by law to be under seal made by, and all decisions of, the Commission may be signified under the hand of the Chairperson or the Secretary.

Accounts and audit. **15.** The Commission shall keep proper accounts of its receipts, payments, assets and liabilities and such accounts shall be audited annually by an auditor appointed in each year by the Commission.

SECOND SCHEDULE

PREVENTION OF CORRUPTION ACT
Declaration of Assets and Liabilities Forms
[Sections 10 and 11]

FORM 1

- NOTES:
1. To be completed legibly in ink or typewritten.
 2. Complete all sections, leave no blank spaces.
 3. If space is insufficient under any section the required information may be supplied on a separate sheet and a note inserted under the section showing the total.

PLEASE FOLLOW ALL NOTES AND INSTRUCTIONS
CAREFULLY

DECLARATION

of Assets and Liabilities at
(Declaration date)

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

- NOTE:
- (a) Where any property is held by the declarant, the 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 indicated above.

Name and address of declarant

Name and address of declarant's spouse

Names and addresses of declarant's child or children (under age 18).

1. Particulars of Bank accounts and/or Credit Unions held by declarant, declarant's spouse, declarant's child or children (under age 18).

Name of Bank or Credit Union	Address of Bank	Name in which account held	Account No.	Type of Account	Balance \$

NOTE: Letters of verification from Banks and Credit Unions must be submitted showing balances on declaration date.

N.B ALL INTEREST EARNED FOR THE PERIOD FROM BANK ACCOUNTS AND CREDIT UNIONS MUST BE SHOWN IN SECTION 12 (INCOME)

2. Particulars of cash in excess of \$500 held other than in a Bank or Credit Union by

	Where held	Amount \$
(a) Declarant		
(b) Declarant's Spouse		
(c) Declarant's child or children		

3. Particulars of bonds, stocks, shares and similar investment [including, private limited liability companies] held by declarant, declarant's spouse, declarant's child or children (under age 18).

Description of investment	Name in which held	Date of acquisition or purchase	Cost of acquisition or purchase \$	Dividends received in the year \$	Estimated Market Value or Book Value \$

N.B. ALL INCOME DERIVED FOR THE PERIOD FROM THE ABOVE INVESTMENTS MUST BE SHOWN IN SECTION 12.

4. Particulars of immovable property such as houses and land held by declarant, declarant's child or children (under age 18).

Description/ Location (recording reference if available)	Name in which held	Whether leasehold or freehold	Date of acquisition or purchase	Purchase price and/or construction cost \$	Estimated Market Value \$

NOTE: Houses should be valued unfurnished and furniture included in section 5.

N.B. ANY INCOME DERIVED FROM THE ABOVE PROPERTIES FOR THE PERIOD MUST BE SHOWN IN SECTION 12.

5. Particulars of personal property such as furniture, appliances, clothing, jewelry, coins, stamps, works of art etc., owned by the declarant, declarant's spouse, declarant's child or children (under age 18).

NOTE: An aggregate sum should be shown for personal property. Any individual item or collection of items valued at \$2000.00 or more must be listed separately. (List motor vehicles, boats, and aircrafts under Section 8).

ITEM	OWNER	VALUE \$

6. Particulars of investment held in mortgages or business ventures other than investments shown in paragraph 3, by declarant, declarant's spouse, declarant's child or children (under age 18).

Type of investment	Owner of investment and percentage of ownership	Term of investment	Interest rate (if applicable) %	Amount of investment \$	Net Income for period \$

N.B. ALL INCOME SHOWN ABOVE MUST ALSO BE ENTERED IN SECTION 12.

NOTE: If money invested under item 6 is invested in a firm (in which any of the above is a partner), then state the estimated market value of that person's investment therein.

7. Other accounts receivable by the declarant, declarant's spouse, declarant's child or children (under age 18).

To whom owed	Date due	Due from	Purpose	Original amount \$	Interest earned \$	Balance outstanding at end of declaration period \$

N.B. IF ANY INTEREST WAS EARNED DURING THE PERIOD IT MUST BE SHOWN AS INCOME IN SECTION 12.

8. Particulars of motor vehicles, boats, and aircraft owned by the declarant, declarant's spouse, declarant's child or children (under age 18).

Name of owner	Description (include age)	Date of acquisition	Purchase price \$	Market value \$

N.B. IF ANY OF THE ABOVE MOTOR VEHICLES, BOATS OR AIRCRAFTS WERE INVOLVED IN THE PRODUCTION ON INCOME SUCH INCOME MUST BE SHOWN IN SECTION 12.

9. Particulars of Life or Endowment insurance policies held by the declarant, declarant's spouse, declarant's child or children (under age 18).

Name of insured person	Name of beneficiary	Insurance Company and date of issue	Description of policy	Date of maturity	Face Value \$	Amount of premium	Cash surrender value \$

10. Particulars of safety deposit box (not disclosed in Section 2 or 5).

	Where held	Contents	Estimated Value \$
(a) Declarant's			
(b) Declarant's spouse			
(c) Declarant's children			

11. Particulars of any other property held in trust or otherwise for the declarant's spouse or the declarant's child or children (under age 18).

Description of property	Name of beneficial owner	By whom being held and in what capacity	Date of acquisition or transfer	Estimate Value \$

- 12.** Particulars of income in respect of the relevant 12 month period ended on the 31st day of December or other period where appropriate (including perquisites such as house, entertainment, travel on official business and constituency allowance etc.) of delcarant, declarant's spouse, declarant's child or children (under age 18).

Source of income (salary, realty, securities and any other income)	By whom earned	Period for which earned		Amount from each source
		From	To	Gross \$
		Total from all sources \$		

- 13.** Particulars of secured debts payable by declarant, declarant's spouse, declarant's child or children (under age 18).

To whom owed	By whom owed	Date debt was incurred	Date due	How secured	Original amount \$	Repayment terms	Balance owing at end of declaration period

NOTE: Letters of verification from lending institutions or creditors must be submitted showing balances at declaration date.

- 14.** Particulars of other liabilities of declarant, declarant's spouse, declarant's child or children (under age 18).

Description of liability	Date debt incurred	To whom owed	By whom owed	Original amount \$	Repayment terms	Balance owing at end of declaration period.

- 15.** Particulars of any (property, business or investment) acquired OR disposed of including real estate, bonds, stocks, shares, motor vehicles, boats, and aircrafts etc. during the relevant period ending on the 31st day of December in respect of which a declaration is made by declarant, declarant's spouse, declarant's child or children (under age 18).

Description of each Asset (property, business or investment)	By whom acquired or by whom disposed	Price paid on acquisition \$	Price received on disposal \$

N.B. LIST ALL ACQUISITIONS UNDER THE RELEVANT SECTIONS.

- 16.** Explanation of contents of this declaration (if declarant considers it necessary).

(See note No.3 on page 1)

I do hereby swear solemnly and sincerely declare that the particulars given by me herein are, to the best of my knowledge, true and accurate.

Signed at

this day of

before

(please print name)

(Signature of declarant)

(Magistrate/Justice of the Peace/Notary Public/
Commissioner of the Supreme Court.)

FORM 2

PREVENTION OF CORRUPTION ACT
Examination and Public Disclosure
of Declaration
[Section 12]

NAME OF DECLARANT:.....

Total Assets and Liabilities of the Declarant, his spouse and children
(if applicable) as at
.....

A. TOTAL INCOME	\$ _____
Assets	
Personal Property	_____
Free hold Property	_____
Leasehold Property	_____
Investment	_____
B. TOTAL ASSETS	\$ _____
Liabilities	_____
Due after 12 months	_____
Due within 12 months	_____
C. TOTAL LIABILITIES	\$ _____
D. NET WORTH (B-C)	\$ _____

The Commission, having examined the Declaration of the above-named person in public life, hereby certifies that, as far as it can determine, from the information provided, a full disclosure has been made in accordance with the provisions of the Act.

Any person may make a written complaint to the Commission in relation to this Certificate (Section 12 (3)).

Chairman/Executive Director
INTEGRITY COMMISSION

DATED this _____ day of _____, 20_____.

THIRD SCHEDULE

PREVENTION OF CORRUPTION ACT
Acts of Corruption and Summons to Witness.*[Section 22]*

A person commits an act of corruption if

1.

- (a) he in the performance of his public functions does any act or omits to do any act for the purpose of obtaining any illicit benefit for himself or any other person;
- (b) he fraudulently uses or conceals any property or other benefit derived from any such act or omission to act under paragraph (a) or (b);
- (c) he 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;
- (d) he allows his private interests to conflict with his public duties or to improperly influence his conduct in the performance of his public duties;
- (e) he 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 advantages 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 public functions;
- (f) he illegally uses for his 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 has access as a result of or in the course of, the performance of his functions;
- (g) he, for his own benefit or for that of a third person, illegally diverts any property belonging to Government or any other person, which is in his custody for the due administration of his duties;
- (h) he acquires, or becomes a partner, associate or shareholder in, or a director of a firm or company which has 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;
- (i) he illegally 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 has an interest;
- (j) he or any other person, on his behalf, illegally acquires property or pecuniary resources disproportionate to his legitimate sources of income;
- (k) he 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).

THIRD SCHEDULE

PART II

PREVENTION OF CORRUPTION ACT

Summons to Witness

[Sections 16 and 39]

SUMMONS TO WITNESS BEFORE THE INTEGRITY COMMISSION

A.B., Complainant

C.D., (name of person in public life).

TO E.F., ofwhereof

A complaint has been made before the Integrity Commission that C.D. (state concisely the substances 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 Complaint/person in public life in this behalf: This is to require you to be and appear ato'clock *a.m/p.m. on the day of20..... at before the Commission in the said place to testify concerning the matter of the said complaint.

Dated, this day of 20.....

..... Chairperson of the Integrity Commission

*Delete whichever is inapplicable