

**ANTI-CORRUPTION AND ANTI-TERRORISM AGENCY BILL, 2020**

**EXPLANATORY MEMORANDUM**

The Bill would provide for the establishment of an Anti-Corruption and Anti-Terrorism Agency.

**PART I**

*Preliminary*

- Clause 1:** states the short title by which the Act shall be cited.
- Clause 2:** provides for the definitions which aid in the interpretation of the Act.

**PART II**

*Anti-Corruption and Anti-Terrorism Agency*

- Clause 3:** provides for the principal objects of the Act.
- Clause 4:** provides for the establishment of the Agency.
- Clause 5:** states the functions of the Agency.
- Clause 6:** provides that the same person shall not perform the functions of investigation and prosecution.
- Clause 7:** states that the Commissioner of Police or the head of a law enforcement agency may refer an investigation to the Agency for the Director-General to determine whether to accept responsibility for the investigation.

- Clause 8:** confers investigatory powers on the Agency and creates offences where persons fail to comply with requirements made by the Director-General or give false or misleading information.
- Clause 11:** provides for the co-operation of the Agency with other bodies.
- Clause 12:** provides that the Agency shall be subject to the authority of the Anti- Corruption and Anti-Terrorism Agency Oversight Committee and the Committee shall have oversight of the Agency.
- Clause 13:** provides for Ministerial direction.

### PART III

#### *Administration*

- Clause 14:** provides for the appointment of the Director General of the Agency.
- Clause 15:** provides for the disqualification for appointment as Director General.
- Clause 16:** provides for the functions of the Director General.
- Clause 17:** states that the Director General may delegate any function to officers of the Agency.
- Clause 18:** states the procedure for the removal of the Director General .
- Clause 19:** provides for the resignation of the Director General.
- Clause 20:** states the procedure for the filling of a vacancy in the office of the Director General.

- Clause 21:** provides for the appointment of staff and persons contracted *ad hoc*.
- Clause 22:** makes provision *inter alia* for positive vetting procedures before appointment.
- Clause 23:** provides for the obligation of secrecy.

#### PART IV

##### *Financial Provisions, Plans and Reports*

- Clause 24:** states that the funds and resources of the Agency shall consist of funds appropriated by Parliament.
- Clause 25:** states that the Agency shall keep proper records of receipts, expenditure, assets and liabilities and the accounts shall be audited annually.
- Clause 26:** provides for the expenses and remuneration of the Agency to be paid from the funds of the Agency.
- Clause 27:** states that the Director General shall submit an annual plan to the Minister setting out how the Director General intends that the functions of the Agency are to be exercised during the year.
- Clause 28:** provides that the Director General shall consult with the strategic partners and others in preparing the annual plan.
- Clause 29:** states that the Agency shall in each financial year submit estimates of income and expenditure and the annual plan to the Minister.
- Clause 30:** provides for the Agency to furnish returns to the Minister.

- Clause 31:** provides for a copy of the annual report and audited financial statement of the Agency to be submitted to the Minister.
- Clause 32:** provides that the Director General submit a report relating to the execution of the functions of the Agency.

## PART V

### *Agreements and Arrangements*

- Clause 33:** states that the Agency may enter into an agreement with strategic partners or law enforcement agencies whether within or outside Barbados regarding the exchange of information relating to the investigation or prosecution of offences relating to corruption and terrorism.

## PART VI

### *Anti-Corruption and Anti-Terrorism Agency Oversight Committee*

- Clause 34:** provides for the establishment and objectives of the Anti-Corruption and Anti-Terrorism Agency Oversight Committee.
- Clause 35:** provides for the function of the Committee.
- Clause 36:** provides for the powers of the Committee.
- Clause 37:** states the procedure for the making of a complaint and the conduct of an investigation.
- Clause 38:** provides for the steps to be taken after conducting an investigation.

PART VII

*Protection of Officers*

- Clause 39:** provides for the protection of intelligence officers.
- Clause 40:** provides that no suit may be brought personally against an officer in respect of a lawful act done or omission made in the course of carrying out the provision of the Act.

PART VIII

*Offences*

- Clause 41:** provides for offences.
- Clause 42:** provides a general penalty for offences under section 21 or 39.
- Clause 43:** provides for offences committed by a body corporate.

PART X

*General*

- Clause 44:** provides for a Code of Conduct.
- Clause 45:** provides for the Director General to require a person to keep documents.
- Clause 46:** makes provision for the Minister to amend monetary fines and the Schedules.
- Clause 47:** makes provision for the Minister to make regulations.
- Clause 48:** makes provision for savings of certain enactments.

Anti-Corruption and Anti-Terrorism  
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***Clause 49:*** provides for the Act to come into operation on a date to be fixed by proclamation.