

**2020-07-21**

**Bill as amended**

### **OBJECTS AND REASONS**

This Bill would establish a regime, including an integrity commission, to promote the integrity of persons in public life and strengthen measures for the prevention, detection, investigation and prosecution of acts of corruption, alter the *Constitution* to the extent necessary for the purpose and provide for related matters.

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## **BARBADOS**

A Bill entitled

An Act to establish a regime, including an integrity commission, to promote the integrity of persons in public life and strengthen measures for the prevention, detection, investigation and prosecution of acts of corruption, alter the *Constitution* to the extent necessary for the purpose and provide for related matters.

ENACTED by the Parliament of Barbados in accordance with section 49 of the *Constitution* as follows:

PART I

PRELIMINARY

**Short title**

1. This Act may be cited as the *Integrity in Public Life Act, 2020*.

**Interpretation**

2. In this Act,

“appointed day” means the day on which this Act comes into operation;

“assets” means all property, including any right or interest in property, held by a person in Barbados or elsewhere;

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

“Chairman” means the chairman of the Commission appointed in accordance with the *First Schedule*;

“child”, in relation to a person, means any child of the person and includes a stepchild and an adopted child and, in respect of a man, includes a child

(a) in respect of whom the man has been adjudged the father by a court of competent jurisdiction; or

(b) who the man has acknowledged to be his child;

“Code of Conduct” means the Code of Conduct for Persons in Public Life referred to in section 25;

“Commission” means the Integrity Commission established by section 3;

“declaration” means a declaration filed or required to be filed pursuant to section 11 and includes any statement or other information filed or required to be filed with such a declaration;

“dependent child” means any child of a person, whether a minor or not, who is unmarried and is being maintained by the person;

“disclosure order” means an order made under section 42(1);

“document” includes

- (a) anything on which there is writing;
- (b) a map, plan, drawing or photograph; and
- (c) any information recorded or stored by means of any tape recorder, computer or other device, and any material subsequently derived from the information so recorded or stored;

“Head of Department” has the meaning assigned to it by section 2 of the *Public Service Act, Cap. 29*;

“income” includes

- (a) money or money’s worth derived from whatever source or acquired in Barbados or elsewhere, whether directly or indirectly; and
- (b) all receipts by way of salary, fees, wages, requisitions, profits, grants, emoluments, rents, interest, commissions, bonuses, pensions, annuities or benefits;

“investigative officer” means a person designated as such under section 10(1);

“liabilities” means all the obligations of a person to pay money or to provide goods or services in Barbados or elsewhere;

“Major Organised Crime, Anti-Corruption and Anti-Terrorism Agency” means the agency established by section 4 of the *Major Organised Crime, Anti-Corruption and Anti-Terrorism Agency Act, 2020* (Act 2020- );

“member of the House of Assembly or the Senate”, as the case may be, shall be construed to include, in relation to any period between a dissolution of Parliament and the day on which the next election of members of the House

of Assembly is held, a person who was a member of the House of Assembly or the Senate, as the case may be, before the dissolution of Parliament;

“Permanent Secretary” has the meaning assigned to it by section 2 of the *Public Service Act*, Cap. 29;

“persons exercising public functions” includes

- (a) all specified persons in public life;
- (b) public officers;
- (c) members, chief executive officers, managers, directors and employees of state-owned enterprises; and
- (d) all other persons who hold a legislative, executive, administrative or judicial office in the Government of Barbados, whether appointed or elected, permanent or temporary or paid or unpaid,

but does not include a judge of the Supreme Court;

“privileged material” means

- (a) communications between an attorney-at-law and his client, or any person representing his client, made in connection with the giving of legal advice to the client;
- (b) communications between an attorney-at-law and his client, or any person representing his client, or between such an attorney-at-law or his client, or any such representative, and any other person made in connection with or in contemplation of legal proceedings and for the purposes of such proceedings; and
- (c) material enclosed with or referred to in such communications and made
  - (i) in connection with the giving of legal advice; or
  - (ii) in connection with or in contemplation of legal proceedings and for the purposes of such proceedings,

when the communications or material are in the possession of a person who is entitled to such possession and are not held with the intention of furthering a criminal purpose;

“prohibited interest” means an interest in a contract with the Government or a state-owned enterprise, the acquisition of which by a specified person in public life is prohibited by rules made under section 22;

“property” includes money and all other property whether real, personal or things in action;

“public officer” has the meaning assigned to it by section 2 of the *Public Service Act*, Cap. 29;

“Register of Interests” means the register established pursuant to section 19;

“senior officer” means an employee of the Commission who is at or above the rank of Secretary to the Commission;

“specified person in public life” means a person who holds an office listed in Part I of the *Second Schedule*;

“spouse”, in relation to a specified person in public life, means a person

- (a) to whom the specified person in public life is married; or
- (b) with whom the specified person in public life is in a union other than marriage;

“statement of registrable interests” means a statement described in section 18(1);

“state-owned enterprise” means

- (a) a company within the meaning of section 2(1) of the *Companies Act*, Cap. 308; or
- (b) a statutory board,  
listed in Part II of the *Second Schedule*;

“union other than marriage” has the meaning assigned to it by section 39 of the *Family Law Act*, Cap. 214.

PART II

INTEGRITY COMMISSION

**Establishment of Integrity Commission**

- 3.(1) There is established a body corporate to be known as the Integrity Commission.
- (2) Section 21 of the *Interpretation Act*, Cap. 1 applies to the Commission.
- (3) The *First Schedule* has effect with respect to the constitution of the Commission and otherwise in relation thereto.
- (4) The members of the Commission are entitled to such remuneration and allowances as the Minister responsible for Finance determines.
- (5) Subject to this Act, the Commission may regulate its own procedure and may make rules for the purpose.

**Functions of Commission**

- 4.(1) The functions of the Commission are
- (a) to receive, keep on record, examine and inquire into all declarations, statements of registrable interests and reports of gifts filed under this Act;
- (b) to request such information and conduct such investigations and inquiries as may be necessary to verify or determine the accuracy of all such declarations, statements of registrable interests and reports of gifts;
- (c) to investigate, on its own initiative or upon receipt of a complaint
- (i) any alleged contravention of this Act or the Code of Conduct;
- (ii) any acquisition by any specified person in public life of a prohibited interest; and

- (iii) any alleged offence under this Act or any other enactment that assigns responsibility for the investigation of offences to the Commission;
  - (d) to examine the practices and procedures of public authorities to determine whether such practices and procedures are likely to facilitate the occurrence of acts of corruption and to recommend appropriate changes in such practices and procedures, except where there is a statutory duty on any other person to perform such functions; and
  - (e) to perform such other functions as may be required by this Act or any other enactment.
- (2) In the discharge of its functions, the Commission shall not be subject to the direction or control of any person or authority.
- (3) The Governor-General may in writing require the Commission to inquire into or investigate any matter within the scope of its functions.

### **Consultation**

5. The Commission may consult with any person in the discharge of its functions, including in the conduct of an investigation or inquiry.

### **Agreements and exchange of information with law enforcement agencies**

6.(1) The Commission may enter into such written agreements, arrangements or memoranda of understanding with a law enforcement agency as the Commission considers necessary or desirable for the discharge of its functions.

(2) The Commission shall be treated as a law enforcement agency for the purpose of receiving disclosures of information which are relevant to its functions from any law enforcement agency.

(3) Subject to section 51, the Commission may disclose to a law enforcement agency any information disclosed to the Commission.

(4) The Financial Intelligence Unit referred to in section 9(1) of the *Money Laundering and Financing of Terrorism (Prevention and Control) Act, 2011* (Act 2011-23) and foreign financial intelligence units, by whatever name called, shall be treated as law enforcement agencies for the purpose of this section, regardless of whether they operate as enforcement or administrative entities.

(5) In this section “law enforcement agency” includes a foreign law enforcement agency.

### **Funds of Commission**

7.(1) The Commission shall have such funds as may be voted by Parliament.

(2) The Commission shall keep proper accounts of its receipts, payments, assets and liabilities and those accounts shall be audited annually by the Auditor-General.

### **Annual reports**

8.(1) The Commission shall, before the commencement of each financial year, prepare and forward to the Prime Minister a report of its activities during the previous financial year, including a statement of its accounts audited in accordance with section 7(2).

(2) A copy of the report, together with the Auditor-General’s report, shall be laid in Parliament.

### **Staff of Commission**

9.(1) The Commission may employ such staff and retain the services of such persons as it requires for the discharge of its functions, on such terms and conditions as it determines appropriate.

(2) The *Statutory Boards (Pensions) Act, Cap. 384* applies to employees of the Commission with such modifications and adaptations as may be necessary.



### **Investigative officers**

**10.(1)** The Commission may designate such staff as it determines appropriate as investigative officers and may issue to such officers an identification card, which shall be *prima facie* evidence of the designation of the officers.

(2) An investigative officer may conduct an investigation into any matter, whether or not involving an alleged offence, in respect of which the Commission discharges functions under this Act or any other enactment.

(3) Notwithstanding subsections (1) and (2), the Commission may, where it considers it appropriate to do so, require the Major Organised Crime, Anti-Corruption and Anti-Terrorism Agency to conduct an investigation on its behalf.

## PART III

### DECLARATIONS

#### **Declaration of financial affairs**

**11.(1)** A person who

- (a) is a specified person in public life shall, within 90 days of the appointed day and on or before the biennial anniversary of the appointed day;
- (b) becomes a specified person in public life shall, within 90 days from the date on which he becomes a specified person in public life;
- (c) ceases to be a specified person in public life shall, within 90 days from the date on which he ceases to be a specified person in public life,

file in accordance with subsection (3), a declaration containing the particulars set out in subsection (5).

(2) Notwithstanding subsection (1)(a), a person who files a declaration under subsection (1)(b) in a particular year is not required to file another declaration in the same year.

- (3) A specified person in public life shall file his declaration with
- (a) the Commission, where he is not a member or senior officer of the Commission; and
  - (b) the Governor-General, where he is a member or senior officer of the Commission.
- (4) The Commission may, in exceptional circumstances, grant to a specified person in public life required to file a declaration with it, an extension of the period for filing the declaration of up to 6 months, beginning on the day that the declaration is required to be filed.
- (5) A declaration shall be in the Form 1 set out in the *Third Schedule* and shall give full, true and complete particulars of
- (a) the income, assets and liabilities of the specified person in public life; and
  - (b) the income, assets and liabilities of his spouse and dependent children.
- (6) A declaration may be accompanied, where a specified person in public life so desires, by a statement giving details of his income, assets and liabilities, certified by an accountant.
- (7) Where a specified person in public life dies, there is no obligation on the personal representative of his estate to file the declaration which the specified person in public life would have been required to file, had he lived.
- (8) For the avoidance of doubt, this Part applies to a person who ceases to be a specified person in public life but is required to file a declaration pursuant to subsection (1)(c) as it applies to any other specified person in public life.
- (9) The Governor-General has, in respect of a specified person in public life who is required to file a declaration with him and any declaration so filed, the same functions that the Commission has in this Act in respect of a specified person in public life who is required to file a declaration with it and any declaration so filed.

**Full disclosure**

**12.** A specified person in public life shall disclose in his declaration such details in respect of his income, assets and liabilities and those of his spouse and dependent children as, by the exercise of reasonable care, should be known to him including

- (a) any benefit accruing to his income and assets and those of his spouse and dependent children; and
- (b) any income, assets and liabilities acquired, held or incurred by any other person as agent or on behalf of himself and his spouse and dependent children or any of them.

**Trust property**

**13.** Where a specified person in public life holds any money or other property in trust for a person who is not his spouse or child or another specified person in public life, he shall so state in his declaration but he shall not be required to disclose the terms of the trust.

**Blind trusts**

**14.(1)** A specified person in public life may place all or part of his assets in a blind trust for the purpose of this Act and file a copy of the trust deed with

- (a) the Commission, where he is not a member or senior officer of the Commission; or
- (b) the Governor-General, where he is a member or senior officer of the Commission.

(2) Where the Commission has reasonable grounds to believe that a specified person in public life who is required to file a declaration with it is likely to

contravene or has contravened this Act, the Commission may direct the person to

- (a) place all or part of his assets in a blind trust on such terms and conditions as the Commission considers appropriate; and
  - (b) file a copy of the trust deed in accordance with subsection (1).
- (3) Where a specified person in public life places assets in a blind trust, he shall not be required to provide in his declaration more particulars of the assets than the amount and description of the assets and the date they were placed in the trust.
- (4) Notwithstanding any other law relating to the duties of trustees, a qualified trust company which manages the assets of a specified person in public life by way of a blind trust shall reply fully to any inquiries of the Commission relating to the nature and management of the assets.
- (5) A blind trust is created where a specified person in public life enters into an agreement with a qualified trust company whereby
  - (a) all or any part of his assets or those of his spouse or his children are conveyed to the qualified trust company for the management, administration and control thereof, in its absolute discretion without recourse or report to the person beneficially entitled to the assets;
  - (b) income derived from the management of the assets is to be distributed, in accordance with the agreement, to him, his spouse or his children until he ceases to be a specified person in public life; and
  - (c) after he ceases to be a specified person in public life, proper and full accounting is to be made to him, his spouse or his children as the circumstances of the management of the trust require.

- (6) For the purpose of this section
- (a) a trust company is a qualified trust company where
    - (i) it is incorporated in or outside Barbados and is carrying on business in Barbados;
    - (ii) no more than 5 per cent of the stated capital in the trust company or its affiliate is held or controlled by the specified person in public life who enters into an agreement referred to in subsection (5) with it, or by any other person associated with him; and
    - (iii) neither the specified person in public life nor his spouse nor any of his children hold any directorship or office in the trust company or its affiliate;
  - (b) a company is an affiliate of another company where it holds more than 5 per cent of the stated capital in that other company or where that other company holds more than 5 per cent of the stated capital in the first mentioned company;
  - (c) a person is associated with another where that other person is
    - (i) the spouse or child of the person;
    - (ii) the partner of the person in a profession, trade or commercial undertaking; or
    - (iii) a corporation, and the first mentioned person or any person mentioned in subparagraph (i) controls the corporation, its holding corporation or a corporation affiliated with either.

### **Examination of declarations**

**15.(1)** The Commission shall examine every declaration it receives in order to determine whether the declaration is a complete and accurate statement of the financial affairs of the specified person in public life who filed it.

- (2) Where the Commission
- (a) is satisfied that the declaration
- (i) has been fully made and all questions satisfactorily answered; or
  - (ii) is incomplete but the specified person in public life cannot reasonably obtain the information required to complete it,
- the Commission shall forward to the specified person in public life a certificate of compliance in the Form 2 set out in the *Third Schedule* and, at the request of the person, publish a statement regarding its satisfaction with the declaration in the *Official Gazette* and in a daily newspaper in general circulation in Barbados; or
- (b) is not satisfied with any aspect of the declaration, the Commission may report the matter to the appropriate Service Commission, board or other authority and to the Director of Public Prosecutions, setting out such details as it considers appropriate.

**Publication of failure to file declaration or furnish information**

**16.** Where a person who is required to do so fails to file a declaration in accordance with this Part or to furnish particulars or other information or documents in accordance with section 31, the Commission shall

- (a) publish that fact in the *Official Gazette* and in a daily newspaper in general circulation in Barbados; and
- (b) report the matter to the appropriate Service Commission, board or other authority and to the Director of Public Prosecutions, setting out such details as it considers appropriate.

**Offences in respect of declarations**

- 17.(1)** A person who
- (a) without reasonable cause, fails to file a declaration that he is required to file;

- (b) knowingly files a declaration that is incomplete or false in any material particular; or
- (c) without reasonable cause, fails to comply with a direction given under section 14(2) within the time specified therefor, or knowingly gives any false or incomplete information in a trust deed filed under section 14,

is guilty of an offence and is liable, on summary conviction, to a fine of \$50 000 or to imprisonment for one year or to both.

(2) Where an offence referred to in subsection (1)(a) or (b) involves the non-disclosure, by a specified person in public life, of property, which should have been disclosed in a declaration, the magistrate shall order the specified person in public life to make full disclosure of the property within a specified period.

(3) Where a specified person in public life fails to comply with an order made under subsection (2) within the specified period, the offence shall be deemed to be a continuing offence and the specified person in public life shall be liable to a further fine of \$3 000 for each day on which the offence continues.

## PART IV

### REGISTRABLE AND PROHIBITED INTERESTS

#### **Filing of statements of registrable interests**

**18.(1)** Every member of the House of Assembly and of the Senate shall file with the Commission, in addition to his declaration, a statement that contains the following information in respect of the member, his spouse and his children:

- (a) particulars of any directorships held in any company or other body corporate;
- (b) particulars of any contract made with the Government or a state-owned enterprise;

- (c) the name and description of any company, partnership or association in which the person is an investor;
  - (d) a concise description of any trust in respect of which the person is a beneficiary or trustee;
  - (e) any beneficial interest held in land;
  - (f) any fund to which the person contributes;
  - (g) particulars of any political, trade or professional association to which the person belongs;
  - (h) particulars of any sources of income; and
  - (i) any other substantial interest, whether of a pecuniary nature or not, which the member considers may appear to raise a material conflict between his private interests and his public duty.
- (2) Every member of the House of Assembly and of the Senate shall file his statement of registrable interests in the Form 3 set out in the *Third Schedule* within 90 days after
- (a) the day on which he becomes a member, in respect of his interests on the day on which he becomes a member; and
  - (b) the 31<sup>st</sup> day of December in each year during any part of which he is a member, in respect of his interests on the 31<sup>st</sup> day of December in that year.
- (3) Notwithstanding subsection (2)(b), a member who files a statement of registrable interests in the period of 6 months preceding the 31<sup>st</sup> day of December in a particular year is not required to file another such statement for that same year.
- (4) Where a member dies, the personal representative of his estate is not required to file the statement of registrable interests which the member would have been required to file, had he lived.



- (5) Nothing in this section shall be taken to require disclosure of the actual amount or extent of any financial benefit, contribution or interest.
- (6) The Commission shall examine every statement of registrable interests it receives in order to determine whether it is complete and accurate.

**Register of Interests**

- 19.(1) The Commission shall keep a register, to be called the Register of Interests, containing all information furnished by members of the House of Assembly and of the Senate under this Part.
- (2) Every member of the House of Assembly and of the Senate shall notify the Commission of any change which occurs in his interests, or those of his spouse or children, within 6 weeks of the change.
- (3) The Commission shall make the Register of Interests available for public inspection.

**Offences in respect of statements of registrable interests**

- 20.(1) A member of the House of Assembly or the Senate who
  - (a) without reasonable cause, fails to file a statement of registrable interests that he is required to file; or
  - (b) knowingly files with the Commission a statement of registrable interests that is incomplete or false in any material particular,

is guilty of an offence and is liable, on summary conviction, to a fine of \$50 000 or to imprisonment for one year or to both.

- (2) Where an offence referred to in subsection (1)(a) or (b) involves the non-disclosure, by a member of the House of Assembly or the Senate, of information which should have been disclosed in a statement of registrable interests, the magistrate shall order the member to make full disclosure of the information within a specified period.

(3) Where a member of the House of Assembly or the Senate fails to comply with an order made pursuant to subsection (2) within the specified period, the offence referred to in subsection (1) shall be deemed to be a continuing offence and the member shall be liable to a further fine of \$3 000 for each day on which the offence continues.

### **Disqualification of member from holding public office**

**21.** A member of the House of Assembly or the Senate who is convicted of an offence under section 17 or 20 is liable, in addition to any other penalty prescribed by law, to be disqualified from holding any public office for a period of 5 years from the date of conviction for the offence.

### **Prohibited interests**

**22.(1)** The Commission shall make rules prescribing the circumstances in which the acquisition by a specified person in public life of an interest in a contract with the Government or a state-owned enterprise is prohibited.

(2) The Commission shall not issue a determination that a specified person in public life has acquired a prohibited interest where the person notifies the Commission of the interest and the Commission is of the opinion that the interest

- (a) is unlikely to affect the person's obligations under the Code of Conduct; or
- (b) is likely to affect the person's obligations under the Code of Conduct but that the person, his spouse or child, as the case may be, has divested himself of the interest or has placed it in a blind trust on such terms and conditions as the Commission considers appropriate.

PART V

GIFTS

**Reports on gifts**

**23.(1)** A specified person in public life, other than a member or senior officer of the Commission, who receives a gift worth more than \$2 500, or whose spouse or child receives such a gift, shall make a report of that fact to the Commission in the Form 4 set out in the *Third Schedule* and shall state in the report

- (a) the name and address of the donor;
- (b) the description and approximate value of the gift; and
- (c) whether, in the opinion of the recipient, the gift is a personal gift or an official gift.

(2) A specified person in public life who is a member or senior officer of the Commission shall, in the circumstances referred to in subsection (1) make the report referred to in that subsection to the Governor-General.

(3) This section does not apply to a personal gift received by a specified person in public life from a relative or friend.

(4) A specified person in public life who is unsure whether a gift received from a relative or friend is a personal gift or an official gift may apply to the Commission seeking an opinion as to the proper classification of the gift.

(5) A specified person in public life shall make a report or an application under subsection (1), (2) or (4) within 30 days of the receipt of the gift.

(6) The Commission shall determine whether the gift is a personal gift or an official gift and such decision shall be final.

- (7) Where the Commission finds that
- (a) a gift was given to a specified person in public life personally and
    - (i) was trivial; or
    - (ii) was not trivial but was not intended to be a motive or reward for doing or forbearing to do anything in the course of the discharge of his official functions or for causing any other person to do or forbear from doing anything,
 the Commission shall allow the specified person in public life to retain the gift; or
  - (b) a gift was not of the kind described in paragraph (a), the Commission shall in writing direct the specified person in public life to deliver the gift or its value to the Minister responsible for Finance within a specified period not exceeding 30 days, and the specified person in public life shall comply with the direction within the time so specified.
- (8) Nothing in this Part shall be taken to alter any law, rule or decision which prohibits a particular specified person in public life or class of specified persons in public life from receiving gifts in the course of discharging official functions.
- (9) The Governor-General has, in respect of a specified person in public life who is required to make a report to him under subsection (2) and any report so made, the same functions that the Commission has in this Act in respect of a specified person in public life who is required to make a report to it under subsection (1) and any report so made.

#### **Offences in respect of gifts**

- 24.(1)** A specified person in public life who
- (a) without reasonable excuse, fails to comply with section 23(1) or (2), as the case may be;
  - (b) knowingly makes a report pursuant to section 23(1) or (2) that is incomplete or false in any material particular; or

- (c) without reasonable excuse, fails to comply with a direction given under section 23(7),

is guilty of an offence and is liable, on summary conviction, to a fine, which shall not be more than three times the value of the gift involved in the commission of the offence, or to imprisonment for 6 months or to both.

- (2) No prosecution for an offence under subsection (1) shall be instituted after 5 years from the date when the person alleged to have committed the offence ceased to be a specified person in public life.

## PART VI

### CONDUCT IN PUBLIC LIFE AND CONTRAVENTIONS OF ACT

#### **Code of Conduct**

**25.(1)** Every person exercising public functions shall comply with the Code of Conduct for Persons in Public Life set out in the *Fourth Schedule*.

- (2) The Commission shall, where it has reasonable grounds to suspect, or it receives a complaint, that the Code of Conduct has been contravened, inquire into or investigate the matter.

(3) Where the Commission determines that a person has contravened the Code of Conduct, it may include in its report any recommendations as to punishment or disciplinary measures that it considers appropriate.

(4) Subsection (1) does not derogate from the obligations of a public officer under the Code of Conduct and Ethics established by section 11 of the *Public Service Act*, Cap. 29.

**Complaint to Commission regarding contravention of Act**

**26.** A person who has reasonable grounds to believe that another person has contravened this Act may make a complaint to the Commission stating

- (a) the particulars of the contravention;
- (b) the nature of the evidence that he proposes to produce in support of the complaint; and
- (c) such other particulars as may be prescribed.

**Duty of persons exercising public functions to report contravention of Act**

**27.(1)** A person exercising public functions who knows or suspects that another person has been, is or is likely to be engaged in a contravention of this Act shall report his knowledge or suspicion to the Commission.

(2) A person exercising public functions who, without reasonable excuse, fails to report his knowledge or suspicion as required by subsection (1) is guilty of an offence and is liable, on conviction on indictment, to a fine of \$50 000 or to imprisonment for one year or to both.

**Oral complaints to be put into writing**

**28.** The Commission shall ensure that any oral complaint it receives is put into writing by one of its employees.

**Examination of complaints**

**29.** The Commission may, upon examination of a complaint

- (a) reject the complaint where it considers that the complaint is frivolous or does not relate to a matter the Commission is empowered to address;  
or
- (b) conduct an inquiry into the complaint.

**Offences in respect of false complaints**

**30.** A person who knowingly makes a false allegation or maliciously provides false information related to a contravention of this Act is guilty of an offence and is liable

- (a) on conviction on indictment to a fine of \$100 000 or to imprisonment for two years or to both;
- (b) on summary conviction to a fine of \$50 000 or to imprisonment for one year or to both.

PART VII

POWER TO REQUIRE FURTHER INFORMATION AND TO CONDUCT  
INQUIRIES

**General powers of Commission to investigate or inquire**

**31.(1)** The Commission may, where it considers it necessary in order to determine whether

- (a) a declaration is a complete and accurate statement of the financial affairs of the specified person in public life who filed it;
- (b) a statement of registrable interests is complete and accurate;
- (c) a specified person in public life has acquired a prohibited interest;
- (d) a gift given to a specified person in public life is a personal gift or an official gift;
- (e) a person exercising public functions has contravened the Code of Conduct; or
- (f) a person has otherwise contravened this Act,

take any action specified in subsection (2).

- (2) For the purposes of subsection (1)(a) to (f), the Commission may
- (a) make such independent inquiries as it considers appropriate;
  - (b) in writing request any specified person in public life or other person exercising public functions involved to furnish such further particulars or other information or documents as it considers appropriate; or
  - (c) conduct an inquiry and require the person involved to attend before it to answer any questions and to be heard on any matter relating to the subject of the inquiry.
- (3) A person who receives a request pursuant to subsection (1)(b) shall comply with the request within the time the Commission specifies.

**Conduct of inquiries**

**32.(1)** The Commission shall conduct inquiries in private.

(2) A person whose conduct is the subject of an inquiry or who is in any way implicated or concerned in a matter under inquiry

(a) is entitled to be represented at the inquiry by an attorney-at-law or such other person as he chooses, and any other person who desires to be so represented may, by leave of the Commission, be represented in that manner; and

(b) may require the Commission to summon witnesses in relation to the inquiry,

and the Commission shall not take an adverse decision against such a person without giving the person an opportunity to be heard.

(3) An inquiry shall not be commenced after 5 years from the date on which a person ceases to be a specified person in public life or other person exercising public functions, as the case may be.



**Commission's powers to summon and examine witnesses**

**33.(1)** The Commission shall, in respect of an inquiry, have the powers of a judge of the Supreme Court to summon witnesses and to call for the production of documents.

(2) A summons to attend an inquiry to give evidence or to produce documents

(a) shall be

(i) in such form as the Commission may determine;

(ii) issued under the hand of the Chairman or another member of the Commission; and

(iii) served on a person by handing it to, or leaving it with, the person, or in such other manner as the Commission may direct to ensure that it is brought to the attention of the person; and

(b) may be served by a person authorised by the Commission for the purpose.

(3) The Commission may

(a) require that any facts, matters or things relating to the subject of an inquiry be verified or otherwise ascertained by the oral examination of witnesses; and

(b) cause any witnesses and parties concerned to be examined on oath.

(4) The Chairman or the Secretary of the Commission may administer an oath for the purpose of subsection (3).

(5) The Commission may, if it thinks fit, receive oral or written evidence, but it is not bound by the rules of evidence in the *Evidence Act*, Cap. 121, and it may take into account opinion evidence and such facts as it considers relevant and material.

**Duty of witnesses summoned**

**34.(1)** A person summoned to attend to give evidence or to produce documents at any sitting of the Commission is bound to obey the summons served upon him as fully in all respects as witnesses are bound to obey subpoenas issued from the Supreme Court.

(2) A person who

- (a) without sufficient cause, refuses or omits to attend at the time and place mentioned in the summons served on him;
- (b) attends but leaves the Commission without the permission of the Commission;
- (c) without sufficient cause, refuses 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;
- (d) without sufficient cause, refuses or omits to produce any document in his possession or under his control and mentioned or referred to in the summons served on him; or
- (e) at any sitting of the Commission, wilfully insults a member of the Commission or the Secretary of the Commission,

is guilty of an offence and is liable, on summary conviction, to a fine of \$10 000 or to imprisonment for 6 months or to both.

(3) A person who gives evidence before the Commission shall

- (a) notwithstanding subsection (2), not be compellable to incriminate himself; and
- (b) in respect of any evidence given by him before the Commission, be entitled to all privileges to which a witness giving evidence before the Supreme Court is entitled in respect of evidence given by the witness before the court.

**Witness expenses**

**35.(1)** A person summoned to attend to give evidence or to produce documents at any sitting of the Commission shall, where the Commission allows him expenses

- (a) be entitled to the same expenses as if he had been summoned to attend the Supreme Court on a criminal trial;
- (b) be paid
  - (i) at such time and in such manner as the Minister responsible for Finance may direct; and
  - (ii) as far as possible, by the same procedure as that for the payment of witnesses before the Supreme Court.

(2) The Commission may disallow the whole or any part of the expenses of a person referred to in subsection (1) in any case where the Commission thinks fit.

**Marshals to attend Commission**

**36.** The Chief Marshal may, where so required by the Commission, assign marshals to

- (a) attend proceedings of the Commission to preserve order;
- (b) perform such other duties as usually pertain to their office when in attendance upon the Supreme Court;
- (c) serve summonses on witnesses; and
- (d) perform such other duties as the Commission may direct.

**Inquiry reports etc.**

**37.(1)** The Commission shall prepare a written report of its findings and determinations in respect of each inquiry it conducts and send a copy of the report,

together with copies of any complaint and material documents submitted during the inquiry

- (a) to the person whose conduct was the subject of the inquiry; and
  - (b) where that person is,
    - (i) a public officer, to the Head of the Public Service, the appropriate service Commission and the Governor-General;
    - (ii) a member of the House of Assembly or the Senate, to the Governor-General and the Speaker of the House of Assembly or the President of the Senate, as the case may be;
    - (iii) the Head of the Public Service, to the Governor-General; and
    - (iv) concerned with any state-owned enterprise, to the state-owned enterprise and the Minister with responsibility for the enterprise; and
  - (c) to the Director of Public Prosecutions, where the Commission considers that an offence may have been committed.
- (2) Where a person is exonerated following an inquiry into an alleged contravention of this Act, the Commission shall
- (a) in writing inform the person who made the complaint and the person alleged to have contravened this Act of the finding of the inquiry; and
  - (b) at the request of the person whose conduct was the subject of the complaint, publish the finding of the inquiry in the *Official Gazette* and in a daily newspaper in general circulation in Barbados.

#### **Action by Director of Public Prosecutions**

**38.(1)** The Director of Public Prosecutions shall, as soon as practicable after receiving any complaint, report and other documents pursuant to this Act, in any

case in which he considers that a person ought to be prosecuted for an offence, institute and undertake criminal proceedings against the person and inform

- (a) the Commission of any action taken following the receipt of the information;
- (b) the appropriate Service Commission, where the complaint relates to a public officer; and
- (c) the appropriate board or other authority with which the person alleged to have contravened this Act is employed or in respect of which he is a member.

(2) Where criminal proceedings are commenced against a person exercising public functions, no disciplinary procedures shall be instituted pending the determination of the criminal proceedings.

(3) The Director of Public Prosecutions may authorise any person having an official duty under this Act to furnish information to any officer of the court or member of the Police Force or any other person the Director of Public Prosecutions specifies.

### **Offences in respect of requests for information and inquiries**

**39.** A person exercising public functions who

- (a) without reasonable cause, fails to comply with a request made under section 31(2)(b) within the time specified therefor or knowingly gives any false or incomplete information pursuant to such a request;
- (b) without reasonable cause, fails to attend an inquiry when summoned to do so; or
- (c) knowingly gives false or incomplete information at such an inquiry,

is guilty of an offence and is liable, on summary conviction, to a fine of \$50 000 or to imprisonment for one year or to both.

**Governor-General to appoint tribunal to perform functions**

**40.(1)** The Governor-General shall, after consultation with the Prime Minister and the Leader of the Opposition, appoint a person who has held the office of judge in a superior court of record in any part of the Commonwealth as a tribunal to discharge the functions of the Governor-General under this Act on his behalf.

(2) Without prejudice to the generality of sections 11(9) and 23(9), sections 11(4), 14(2) and (4), 15, 16, 22(2), 23(4) to (7), 25(2) and (3), 26, 28, 29 and 31 to 38 apply to the Governor-General and a specified person in public life required to file a declaration with or make a report to him under section 11(3)(b) or 23(2), with such modifications and adaptations as may be necessary, as those sections apply to the Commission and other specified persons in public life, and the Governor-General has the same functions as the Commission in those sections.

**PART VIII****INVESTIGATIONS***Powers of Investigative Officers***Power of arrest**

**41.(1)** An investigative officer has, in carrying out his functions, the powers of a constable to arrest any person whom he reasonably suspects has committed an offence punishable by imprisonment under this Act or any other enactment that assigns responsibility for investigations to the Commission.

(2) An investigative officer shall, after making an arrest, deliver the person arrested to the custody of a member of the Police Force who shall immediately bring the person before a magistrate.

**Disclosure orders**

**42.(1)** Where on an application made by an investigative officer, a judge in Chambers is satisfied that each of the requirements set out in subsection (3) is fulfilled, the judge may make an order authorising the officer to give to any person the officer considers has relevant information, notice in writing requiring the person, with respect to any matter relevant to the investigation for the purposes of which the order is sought, to

- (a) answer any question, either at a time specified in the notice or at once, at a place so specified;
- (b) provide any information specified in the notice, by a time and in a manner so specified;
- (c) produce any document, or any documents of a description, specified in the notice, either at or by a time so specified or at once, and in a manner so specified.

(2) An application for a disclosure order shall be made without notice and shall state that a person specified in the application is subject to an investigation under this Act or any other enactment that assigns responsibility for investigations to the Commission.

(3) The requirements referred to in subsection (1) are that there are reasonable grounds for

- (a) suspecting that the person specified in the application has committed an offence under this Act or any other enactment that assigns responsibility for the investigation of offences to the Commission; and
- (b) believing that
  - (i) information which may be provided in compliance with the order is likely to be of substantial value, whether or not by itself, to the investigation for the purposes of which the order is sought; and

- (ii) it is in the public interest for the information to be provided, having regard to the benefit likely to accrue to the investigation if the information is obtained.

(4) A person is not bound to comply with a requirement imposed by a notice given under a disclosure order unless evidence of authority to give the notice is produced to him.

(5) A person who

- (a) without reasonable excuse, fails to comply with a requirement imposed on him under a disclosure order; or
- (b) in purported compliance with a requirement imposed on him under a disclosure order
  - (i) makes a statement which he knows to be false or misleading in a material particular; or
  - (ii) recklessly makes a statement which is false or misleading in a material particular,

is guilty of an offence.

(6) An offence under subsection (5) is punishable upon summary conviction by

- (a) a fine of \$10,000 or imprisonment for 2 years, or both, where the offender is an individual;
- (b) a fine of \$50,000, where the offender is a body corporate.

(7) Subject to subsection (8), a statement made by a person in response to a requirement imposed by a disclosure order may not be used in evidence against the person in criminal proceedings.

(8) Subsection (7) does not apply in the case of

- (a) proceedings for contempt of court;
- (b) a prosecution for an offence under subsection (6);



- (c) a prosecution for an offence under the *Perjury Act*, Cap. 142; or
  - (d) a prosecution for another offence where, in giving evidence, the person makes a statement inconsistent with the statement mentioned in subsection (7).
- (9) A statement may not be used by virtue of subsection (8)(d) against a person unless
- (a) evidence relating to it is adduced; or
  - (b) a question relating to it is asked,

by or on behalf of the person in the proceedings arising out of the prosecution.

(10) A disclosure order has effect notwithstanding any obligation as to confidentiality or any other restriction upon the disclosure of information imposed by any enactment, rule of law or otherwise.

(11) For the purposes of subsection (1), “relevant information” is information, whether or not contained in a document, which the investigative officer considers to be relevant to the investigation.

(12) Sections 145 and 148 of the *Proceeds and Instrumentalities of Crime Act, 2019* (Act 2019-17) apply in respect of a disclosure order made under this section as those sections apply to a disclosure order made under that Act and for the purpose of this Act, any reference in section 145 of that Act to a police officer shall be construed to include an investigative officer.

### **Search and seizure warrants**

**43.(1)** Where on an application made by an investigative officer, a judge in Chambers is satisfied of the circumstances set out in subsection (3), the judge may issue a warrant authorising the officer to

- (a) enter and search the premises specified in the application for the warrant; and

- (b) seize and retain any material found on the premises which is likely to be of substantial value, whether or not by itself, to the investigation for the purposes of which the application is made.
- (2) An application for a search and seizure warrant shall
  - (a) specify the person subject to investigation;
  - (b) state that the warrant is sought for the purposes of the investigation;
  - (c) specify the premises in respect of which the warrant is sought; and
  - (d) specify the material in respect of which the warrant is sought or, where the material cannot be identified at the time of the application, state that there are reasonable grounds for believing that there is material on the premises that
    - (i) relates to the person specified in the application or the question whether that person has committed an offence under this Act or any other enactment that assigns responsibility for the investigation of offences to the Commission; and
    - (ii) is likely to be of substantial value, whether or not by itself, to the investigation for the purposes of which the warrant is sought.
- (3) The circumstances referred to in subsection (1) are that
  - (a) a disclosure order in relation to material has not been complied with and there are reasonable grounds for believing that the material is on the premises specified in the application for the warrant; or
  - (b) there are reasonable grounds for suspecting that the person specified in the application for the warrant has committed an offence under this Act or any other enactment that assigns responsibility for investigations to the Commission and
    - (i) the conditions specified in subsection (4) are fulfilled; or
    - (ii) the conditions specified in subsection (5) are fulfilled.

- (4) The conditions referred to in subsection (3)(b)(i) are that
- (a) there are reasonable grounds for believing that
    - (i) any material on the premises specified in the application for the warrant is likely to be of substantial value, whether or not by itself, to the investigation for the purposes of which the warrant is sought; and
    - (ii) it is in the public interest for the material to be obtained, having regard to the benefit likely to accrue to the investigation if the material is obtained; and
  - (b) it would not be appropriate to make a disclosure order because
    - (i) it is not practicable to communicate with any person against whom the disclosure order could be made;
    - (ii) it is not practicable to communicate with any person who would be required to comply with an order to grant entry to the premises; or
    - (iii) the investigation might be seriously prejudiced unless an investigative officer is able to secure immediate access to the material.
- (5) The conditions referred to in subsection (3)(b)(ii) are that
- (a) there are reasonable grounds for believing where the material cannot be identified at the time of the application, that there is material on the premises specified in the application for the warrant that
    - (i) relates to the person specified in the application or the question whether he has committed an offence under this Act or any other enactment that assigns responsibility for investigations to the Commission; and
    - (ii) is likely to be of substantial value, whether or not by itself, to the investigation for the purposes of which the warrant is sought; and

- (b) there are reasonable grounds for believing that it is in the public interest for the material to be obtained, having regard to the benefit likely to accrue to the investigation if the material is obtained; and
  - (c) one of the following applies:
    - (i) it is not practicable to communicate with any person against whom a disclosure order could be made;
    - (ii) entry to the premises will not be granted unless a warrant is produced; or
    - (iii) the investigation might be seriously prejudiced unless an investigative officer arriving at the premises is able to secure immediate entry to them.
- (6) A search and seizure warrant does not confer the right to seize privileged material.

#### **Obstruction of investigative officer**

**44.** A person who resists or obstructs an investigative officer in the execution of his duty is guilty of an offence and is liable, on summary conviction, to a fine of \$10 000 or to imprisonment for 6 months or to both.

#### *Complaints regarding Investigative Officers*

#### **Complaints concerning conduct of investigative officers**

**45.(1)** A person may address a complaint in writing to the Commission in respect of the conduct of an investigative officer in the discharge of the officer's functions where the person

- (a) has been personally affected by the conduct;
- (b) has witnessed the conduct;
- (c) has a substantial and direct interest in the complaint; or

- (d) has been authorised by a person referred to in paragraph (a), (b) or (c) to make a complaint in that person's name.
- (2) The Commission shall refer a complaint made under subsection (1) to a panel appointed under section 46.

#### **Appointment of complaints panel**

- 46.** The Governor-General may appoint an *ad hoc* panel consisting of
- (a) a judge or magistrate or a retired judge or magistrate, who shall be the chairman;
  - (b) the Commissioner of Police, who shall hold office *ex officio*; and
  - (c) a person, other than a member or former member of the Police Force, to represent the public,

to hear and adjudicate a complaint made under section 45.

#### **Disposal of complaint without formal investigation**

- 47.(1)** A panel appointed under section 46 may direct that no investigation of a complaint be carried out where in its opinion
- (a) the complaint is trivial, frivolous, vexatious or made in bad faith; or
  - (b) having regard to all the circumstances, an investigation or further investigation is not necessary or reasonably practicable.
- (2) Where no direction is given under subsection (1), the panel and the Commission shall
- (a) consider whether the complaint can be disposed of informally; and
  - (b) with the consent of the complainant and the investigative officer whose conduct is the subject matter of the complaint, attempt to dispose of the complaint informally before a formal investigation is undertaken.

(3) Where a complaint is disposed of informally, the panel shall prepare and send the following documents to the complainant, the investigative officer and the Commission:

- (a) an overview of the facts that gave rise to the complaint;
- (b) the name of the person who conducted the informal disposition;
- (c) a statement of the manner in which the complaint was disposed of; and
- (d) evidence of agreement to the disposition of the complaint by the complainant and the investigative officer.

### **Formal investigation of complaint**

**48.(1)** Where a complaint is not disposed of informally, the Commission shall investigate the matter and send a complaint resolution report to the panel, the complainant and the investigative officer whose conduct is the subject matter of the complaint.

(2) The complaint resolution report shall contain

- (a) a summary of the complaint;
- (b) the results of the investigation;
- (c) a summary of any action that has been or will be taken with respect to resolution of the complaint; and
- (d) a statement that the complainant may refer the complaint to the panel for review within 28 days of the receipt of the complaint resolution report where he is not satisfied with the disposition of the complaint by the Commission.

(3) A complainant who is not satisfied with a direction given under section 47(1) or with the disposition of his complaint by the Commission under subsection (1), may refer the complaint to the panel in writing within 28 days after the date on which he receives notice of the direction or the complaint resolution report, and the panel shall review every complaint so referred.

**Review of complaints by panel**

- 49.(1)** Where, after reviewing a complaint, the panel
- (a) is satisfied with the disposition of the complaint by the Commission, the panel shall send to
    - (i) the Commission, a complaint review report to that effect setting out such findings and recommendations with respect to the complaint as the panel sees fit; and
    - (ii) the complainant and the investigative officer whose conduct is the subject matter of the complaint, a report of the conclusion of the review together with any finding or recommendation referred to in subparagraph (i); or
  - (b) is not satisfied with the disposition of the complaint by the Commission or considers that further inquiry is warranted, the panel may take any or all of the following measures:
    - (i) send a report to the Commission indicating the reasons for its dissatisfaction;
    - (ii) request the Commission to conduct a further investigation into the complaint;
    - (iii) make such inquiries as it deems necessary in the circumstances;
    - (iv) investigate the complaint further;
    - (v) institute a hearing to inquire into the complaint.
- (2) The panel shall, on completion of any further investigation, inquiry or hearing that it orders under subsection (1)(b) send to
- (a) the Commission, a complaint review report setting out
    - (i) such findings with respect to the complaint as the panel sees fit; and

- (ii) such recommendations, including any disciplinary measures to be taken with regard to the investigative officer, as the panel sees fit; and
  - (b) the complainant and the investigative officer, a report of the conclusion of the review, together with any finding or recommendation referred to in paragraph (a).
- (3) The Commission shall give effect to any recommendations in a complaint review report sent to it.

## PART IX

### MISCELLANEOUS

#### **Commissioner of Police to assist Commission etc.**

**50.** The Commissioner of Police shall provide to the Commission such assistance as it requests in connection with the discharge of its functions.

#### **Confidentiality of information**

**51.(1)** Any information received by any member or employee of the Commission, in the discharge of the functions of such person under this Act, including information contained in any document received by that person by virtue of this Act, shall not be divulged by any such member or employee, except where the information is required to be produced for the purpose of complying with any other enactment or an order of any court or for the purpose of prosecution for an offence.

(2) A person who contravenes subsection (1) is guilty of an offence and is liable, on conviction on indictment, to a fine of \$100 000 or to imprisonment for 2 years.

(3) Any person who receives any information or anything contained in any document described in subsection (1), knowing or having reasonable ground to



believe at the time when he receives it, that it is communicated to him in contravention of this section, unless he proves that the communication to him of the information or anything contained in such document was contrary to his desire, is guilty of an offence and is liable, on conviction on indictment, to a fine of \$100 000 or to imprisonment for 2 years.

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

(5) A person who contravenes subsection (4) is guilty of an offence and is liable, on conviction on indictment, to a fine of \$100 000 or to imprisonment for 2 years or to both.

(6) This section applies to a person appointed as a tribunal by the Governor-General under section 40, as it applies to a member of the Commission.

### **Conflicts of interest**

**52.(1)** Where a member of the Commission is interested in a matter before the Commission or in a person who is a party to proceedings before the Commission, the member so interested shall disclose the nature of his interest to the Commission and shall not participate in its sittings in relation to the matter or person.

(2) Where a person appointed as a tribunal by the Governor-General is interested in a matter before the tribunal or in a person who is a party to proceedings before the tribunal, the person so interested shall disclose the nature of his interest to the Governor-General and shall not participate in its sittings in relation to the matter or person.

(3) Where, in the opinion of the Governor-General or of the Commission, a member of the Commission is interested in a matter before the Commission or in a person who is party to proceedings before the Commission, the Governor-

General or the Commission, as the case may be, shall direct the member not to participate in the sittings of the Commission in relation to the matter or person.

### **Protection from suit**

**53.** No member or employee of the Commission shall be liable to any action or suit for any matter or thing done by him in good faith as a member or employee of the Commission or in the exercise of his functions or the course of his employment, as the case may be.

### **Oaths**

**54.(1)** Every member of the Commission and every person appointed as a tribunal by the Governor-General under this Act shall, before assuming the functions of his office, take before the Governor-General the applicable oath of office and oath of secrecy in the forms set out in Parts I and III, respectively, of the *Fifth Schedule*.

(2) Every person performing functions in the service of or as an employee of the Commission shall, before assuming the functions of his office, take before the Chairman, or in his absence, another member of the Commission, the applicable oath of office and oath of secrecy set out in the forms in Part II of the *Fifth Schedule*.

### **Amendment of Second and Third Schedules**

**55.** The Minister may by order

- (a) amend Part II of the *Second Schedule*;
- (b) after consultation with the Commission, amend the *Third Schedule*.

### **Regulations**

**56.** The Minister may make Regulations generally for giving effect to this Act and, in particular, for any matter

- (a) required to be prescribed by this Act; and

(b) related to any report, investigation or inquiry under this Act.

**Alteration of *Constitution***

**57.** Section 112 of the *Constitution* is amended to the extent necessary to give effect to this Act.

**Commencement**

**58.** This Act shall come into operation on a day to be fixed by Proclamation.

**FIRST SCHEDULE***(Sections 2 and 3)***INTEGRITY COMMISSION****Members of Commission**

1. The Commission shall consist of
  - (a) a person who has held the office of judge in a superior court of record in any part of the Commonwealth, appointed by the Governor-General, after consultation with the Prime Minister and the Leader of the Opposition;
  - (b) an attorney-at-law with at least 10 years' standing whose name appears on the Roll of Attorneys-at-law pursuant to the *Legal Profession Act*, Cap. 370A, appointed by the Governor-General, after consultation with the Council of the Barbados Bar Association;
  - (c) a chartered or certified accountant of at least 7 years' standing appointed by the Governor-General after consultation with any body which in his opinion represents chartered or certified accountants in Barbados;
  - (d) a member of the clergy, appointed by the Governor-General, after consultation with the Prime Minister and the Leader of the Opposition;
  - (e) a person appointed by the Governor-General on the advice of the Prime Minister; and
  - (f) a person appointed by the Governor-General on the advice of the Leader of the Opposition.

**Disqualification from membership**

2. A person who
  - (a) is a member of the House of Assembly or the Senate;

- (b) would be disqualified in accordance with section 38 or 44 of the *Constitution*, as the case may be, from being a member of the House of Assembly or the Senate;
- (c) has, at any time during the period of 5 years preceding the proposed date of his appointment, held office in a political party; or
- (d) has, at any time during the period of 3 years preceding the proposed date of his appointment, been a public officer,

is not qualified to be appointed as a member of the Commission.

### **Tenure of office**

- 3.** A member of the Commission shall
- (a) be appointed by instrument in writing;
  - (b) subject to paragraphs 2, 5 and 6, hold office for a period of 3 years; and
  - (c) be eligible for re-appointment.

### **Appointment of Chairman**

- 4.(1)** The Governor-General shall, acting in his discretion, appoint a member of the Commission to be the Chairman.
- (2) The Chairman shall preside at all meetings of the Commission at which he is present.
- (3) Where the Chairman is absent from any meeting, the members present and forming a quorum shall elect one among them to preside at the meeting.

### **Vacancy in membership of Commission**

- 5.(1)** The office of a member of the Commission shall become vacant
- (a) at the expiration of the term specified in the member's instrument of appointment;

- (b) where he notifies the Governor-General in writing of his intention to resign his office, and the resignation shall take effect when the letter of resignation is received by the Governor-General;
  - (c) on the death, retirement or removal of a member; or
  - (d) on the absence of a member from 3 consecutive meetings of the Commission, unless such absence is approved by the Governor-General.
- (2) Where any vacancy occurs in the membership of the Commission, the vacancy shall be filled by the appointment of another person from the categories of persons in paragraph 1.

### **Removal of member**

- 6.(1)** A member of the Commission may be removed from office by the Governor-General for inability to discharge the functions of his office, whether arising from infirmity of mind or body or any other cause, or for misbehaviour, and shall not be removed except in accordance with this paragraph.
- (2) A member shall be removed from office by the Governor-General where the question of his removal is referred to a tribunal appointed under sub-paragraph (3) and the tribunal recommends to the Governor-General that the member should be removed for inability to discharge the functions of his office or for misbehaviour.
- (3) Where the Governor-General, after consultation with the Prime Minister and the Leader of the Opposition, considers that the question of removing a member ought to be investigated, the Governor-General shall appoint a tribunal to inquire into the matter, report on the facts thereof to him and recommend to him whether the member should be removed.
- (4) The tribunal referred to in subparagraph (3) shall consist of
- (a) a judge of the Supreme Court;

- (b) an attorney-at-law with at least 10 years' standing whose name appears on the Roll of Attorneys-at-law pursuant to the *Legal Profession Act*, Cap. 370A; and
  - (c) one other person of high integrity and appropriate qualifications.
- (5) The tribunal shall give the member an opportunity to be heard as to why he should not be removed.
- (6) Where the question of removing a member is referred to a tribunal, the Governor-General, after consultation with the Prime Minister and the Leader of the Opposition, may suspend the member from the exercise of the functions of his office.
- (7) A suspension may at any time be revoked by the Governor-General and shall in any case cease to have effect where the tribunal recommends to the Governor-General that the member should not be removed.

#### **Proceedings and meetings**

- 7.(1) Subject to subparagraph (4), the Commission shall meet at such times as it considers necessary or desirable for the discharge of its functions.
- (2) A quorum of the Commission shall be four.
- (3) The proceedings of the Commission shall not be affected by a vacancy among its members or a defect in the appointment of a member.
- (4) The Governor-General may in writing request the Commission to meet at such times as he thinks fit.

#### **Secretary to the Commission**

- 8.(1) There shall be a Secretary to the Commission.
- (2) The Secretary shall
  - (a) attend the meetings of the Commission;.

- (b) record the proceedings of the Commission and keep the minutes of each meeting in proper form; and
- (c) generally perform such duties connected with the work of the Commission as the Commission may require.

**Publication in the *Official Gazette***

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



**SECOND SCHEDULE**

*(Sections 2 and 55)*

**SPECIFIED PERSONS IN PUBLIC LIFE**

**PART I**

1. Members of the House of Assembly and the Senate
2. Members of the Cabinet
3. Permanent Secretaries
4. Heads of Departments within the Public Service and holders of public offices in the same grade as that of such Heads of Department
5. Chairpersons of the state-owned enterprises listed in Part II
6. Chief Executive Officers, General Managers and other executive heads of the state-owned enterprises listed in Part II
7. Magistrates
8. Director of Public Prosecutions
9. Auditor-General
10. Members and senior officers of the Commission

**PART II**

1. Air Transport Licensing Authority
2. Barbados Accreditation Council

3. Barbados Agency for Micro-Enterprise Development Ltd.
4. Barbados Agricultural Credit Trust Ltd.
5. Barbados Agricultural Development and Marketing Corporation
6. Barbados Agricultural Management Co. Ltd.
7. Barbados Conference Services Ltd.
8. Barbados Community College
9. Barbados Defence Force
10. Barbados International Business Promotion Corporation
11. Barbados Investment and Development Corporation
12. Barbados National Oil Co. Ltd.
13. Barbados National Standards Institute
14. Barbados National Terminal Ltd.
15. Barbados Port Inc.
16. Barbados Revenue Authority
17. Barbados Tourism Investment Inc.
18. Barbados Tourism Marketing Inc.
19. Barbados Vocational Training Board
20. Barbados Water Authority

21. Caribbean Aircraft Handling Co. Ltd.
22. Caribbean Airways International Ltd.
23. Caribbean Broadcasting Corporation
24. Caves of Barbados Ltd.
25. Child Care Board
26. Community Legal Services Commission
27. Cultural Industries Authority
28. Enterprise Growth Fund Ltd.
29. Fair Trading Commission
30. Financial Services Commission
31. Grantley Adams International Airport Inc.
32. Hotels and Resorts Ltd.- Gems of Barbados
33. Kensington Oval Management Inc.
34. National Assistance Board
35. National Conservation Commission
36. National Council on Substance Abuse
37. National Cultural Foundation
38. National Housing Corporation

- 39. National Insurance Board
- 40. National Petroleum Corporation
- 41. National Sports Council
- 42. Needham Point Development Inc.
- 43. Needham Point Holdings Ltd.
- 44. New Life Investment Company Inc.
- 45. Queen Elizabeth Hospital
- 46. Resolution Life Assurance Company Ltd.
- 47. Rural Development Commission
- 48. Sanitation Service Authority
- 49. Southern Meats Inc.
- 50. Student Revolving Loan Fund
- 51. Technical and Vocational Education and Training Council
- 52. Transport Authority
- 53. Transport Board
- 54. Urban Development Commission

**THIRD SCHEDULE**

*(Sections 11, 15, 18, 23 and 55)*

**FORMS FOR PARTS III, IV AND V**

**CONFIDENTIAL**



**Form 1**

*Integrity in Public Life Act, 2020  
(Act 2020- )*

**DECLARATION OF INCOME, ASSETS AND LIABILITIES  
FOR THE YEAR ENDED 31<sup>ST</sup> DECEMBER, 20...**

*(Pursuant to section 11 of the Integrity in Public Life Act, 2020)*

*(If there is insufficient space for the items falling under any PART of this Form, additional information may be provided on separate sheets.)*

**WARNING:** Under section 17 of the *Integrity in Public Life Act, 2020* it is an offence punishable by a fine of \$25 000 or imprisonment for 18 months or both to knowingly file a declaration that is incomplete or false in any material particular.

Third Schedule - (Cont'd)

**PART I**

**IDENTIFICATION SECTION**

1. DECLARANT

\_\_\_\_\_

NAME OF DECLARANT (*Surname, Other Names*)

DATE OF BIRTH OF DECLARANT (*yyyy/mm/dd*)

POSITION HELD

HOME ADDRESS OF DECLARANT

OFFICE ADDRESS OF DECLARANT

DECLARANT'S CONTACT INFORMATION

(a) Telephone \_\_\_\_\_(Home) \_\_\_\_\_(Office) \_\_\_\_\_(Mobile)

(b) Email \_\_\_\_\_

(c) Fax \_\_\_\_\_



Third Schedule - (Cont'd)

3. DECLARANT'S SPOUSE

\_\_\_\_\_  
NAME OF DECLARANT'S SPOUSE (*Surname, Other Names*)  
\_\_\_\_\_  
DATE OF BIRTH OF DECLARANT'S SPOUSE (*yyyy/mm/dd*)  
\_\_\_\_\_  
HOME ADDRESS OF DECLARANT'S SPOUSE  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
OFFICE ADDRESS OF DECLARANT'S SPOUSE  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SPOUSE'S CONTACT INFORMATION

(a) Telephone \_\_\_\_\_ (Home) \_\_\_\_\_ (Office) \_\_\_\_\_ (Mobile)  
(b) Email \_\_\_\_\_  
(c) Fax \_\_\_\_\_

NOTE: Under section 2 of the *Integrity in Public Life Act, 2020* "spouse" includes a person with whom the declarant is in a union other than marriage as defined by section 39 of the *Family Law Act, Cap. 314*.









Third Schedule - (Cont'd)

4. INTEREST INCOME

Name and Address of Organisation/ Persons from whom Interest Received	Recipient's Name <i>(Declarant/Spouse/Dependent Child)</i>	Annual Income \$

5. DIVIDED INCOME (*from shares and stock*)

Name and Address of Organisation from which Dividend Received	Recipient's Name <i>(Declarant/Spouse/Dependent Child)</i>	Annual Income \$

Third Schedule - (Cont'd)

6. GAINS/PROFITS

Description of Any Assets Sold	In Whose Name Held <i>(Declarant/Spouse/Dependent Child)</i>	Purchase Price and Additional Capital Expenditure <i>(a)</i> \$	Expenses Relative to Sale <i>(b)</i> \$	Proceeds of Sale <i>(c)</i> \$	Gains/Profits <i>[c - (a + b)]</i> \$

7. OTHER BENEFITS FROM EMPLOYMENT *(including Housing, Travelling)*

Name and Address of Employer	Recipient's Name <i>(Declarant/Spouse/Dependent Child)</i>	Description of Benefit	Value \$























Third Schedule - (Cont'd)

(c) GOVERNMENT AND CORPORATE BONDS

Issuing Organisation	In Whose Name Held <i>(Declarant/Spouse/Dependent Child)</i>	Date of Purchase	Interest Rate	Maturity Date	Face Value \$

(d) CREDIT UNIONS

Name and Address of Credit Union	Type of Account <i>(Shares/Savings/ Fixed Deposit)</i>	In Whose Name Held <i>(Declarant/Spouse/Dependent Child)</i>	Account Number	Balance as at Dec. 31, 20.... \$











**Form 2**

*Integrity in Public Life Act, 2020*  
(Act 2020- )

**CERTIFICATE OF COMPLIANCE**

*(Pursuant to section 15 of the Integrity in Public Life Act, 2020)*

This is to certify that the declaration required under section 11 of the *Integrity in Public Life Act, 2020* has been submitted by \_\_\_\_\_ and has been satisfactorily made.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_.

\_\_\_\_\_  
Chairman of the Integrity Commission/Governor-General

NOTE: The statement of registrable interests required under section 18 of the Act has/has not\*been filed.

\* Delete as applicable.



**Form 3**

*Integrity in Public Life Act, 2020*  
(Act 2020- )

**STATEMENT OF REGISTRABLE INTERESTS FOR THE YEAR ENDED 31<sup>ST</sup> DECEMBER, 20...**

*(Pursuant to section 18 of the Integrity in Public Life Act, 2020)*

Complete this Form and file it together with the Declaration of Income, Assets and Liabilities which you are required to file with the Integrity Commission under section 11 of the *Integrity in Public Life Act, 2020*.

**NOTE:** There is no requirement to disclose in this Statement the actual amount or extent of any financial benefit, contribution or interest. Please notify the Secretary to the Commission of any change which occurs in your interests as set out in this Statement within 6 weeks of the change occurring.

*(If there is insufficient space for the items falling under any section, additional information may be provided on separate sheets.)*

**WARNING:** Under section 20 of the *Integrity in Public Life Act, 2020* it is an offence punishable by a fine of \$50 000 or imprisonment for 2 years or both to knowingly file a statement of registrable interests that is incomplete or false in any material particular.









*Third Schedule - (Cont'd)*

6. I/MY SPOUSE/MY CHILD HAVE (HAS) BENEFICIAL INTERESTS IN THE FOLLOWING LANDS:

Location, Description and Area of Land	Beneficial Interest

7. I/MY SPOUSE/MY CHILD HAVE (HAS) BEEN MAKING CONTRIBUTIONS TO THE FOLLOWING FUNDS:

Name and Address of Fund	Controller of Fund



*Third Schedule - (Cont'd)*

10. I/MY SPOUSE/MY CHILD HAVE (HAS) THE FOLLOWING OTHER SUBSTANTIAL INTERESTS WHICH MAY APPEAR TO RAISE A MATERIAL CONFLICT BETWEEN MY PRIVATE INTEREST AND MY PUBLIC DUTY:

Name of Interest (Pecuniary or Non-Pecuniary)

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_.

Signature of Declarant: \_\_\_\_\_

**CONFIDENTIAL**



**Form 4**

*Integrity in Public Life Act, 2020*  
(Act 2020- )

**REPORT OF GIFT**

*(Pursuant to section 23 of the Integrity in Public Life Act, 2020)*

**WARNING:** Under section 24 of the *Integrity in Public Life Act, 2020*, it is an offence punishable by a fine or imprisonment for 3 months or both, to knowingly make a report pursuant to section 23 that is incomplete or false in any material particular.

*Third Schedule - (Concl'd)*

NAME OF DECLARANT (*Surname, Other Names*)

POSITION HELD

DESCRIPTION AND VALUE OF GIFT (\$)

IN YOUR OPINION, IS THE GIFT (*Tick one*)  A PERSONAL GIFT  AN OFFICIAL GIFT

NAME OF RECIPIENT (*Surname, Other Names*)

RELATIONSHIP TO DECLARANT (*Tick one*)  SPOUSE  CHILD  N/A

NAME OF DONOR (*Surname, Other Names*)

ADDRESS OF DONOR

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_.

Signature of Declarant: \_\_\_\_\_

**FOURTH SCHEDULE***(Section 25)***CODE OF CONDUCT FOR PERSONS IN PUBLIC LIFE****Use of office**

- 1.** A person exercising public functions
  - (a)* shall
    - (i) ensure that he performs his functions and administers the public resources for which he is responsible in an effective and efficient manner;
    - (ii) be fair and impartial in exercising his public functions; and
    - (iii) afford no undue preferential treatment to any person;
  - (b)* shall not
    - (i) use his office for the improper advancement of his own or his family's personal or financial interests or the interest of any other person;
    - (ii) engage in any transaction, acquire any position or have any commercial or other interest that is incompatible with his office, function and duty or the discharge thereof;
    - (iii) use or allow the use of public property or services for activities not related to his public functions;
    - (iv) directly or indirectly use his office for private gain; and
    - (v) use his official influence in support of any scheme or in furtherance of any contract or proposed contract with respect to which he or a member of his immediate family has an interest.

**Use of information**

2. A person exercising public functions shall not for his personal advantage, benefit or gain, communicate to anyone or make use of any information or the contents of any document acquired in his official capacity, which is not in the public domain.

**Private interests and conflicts of interest**

3.(1) A person exercising public functions shall not allow his private interest to conflict with, or interfere with the proper discharge of, his public functions or improperly influence his conduct in the discharge of his public functions.

(2) A conflict of interest is deemed to arise if a person exercising public functions were to make or participate in the making of a decision in the execution of his office and at the same time knows or ought reasonably to have known, that in the making of the decision, there is an opportunity either directly or indirectly to further his private interests or that of a member of his family or of any other person associated with him.

(3) Where there is a possible or perceived conflict of interest, the person exercising public functions involved shall disclose his interest in accordance with such procedures as may be appropriate and disqualify himself from any decision-making process.

**FIFTH SCHEDULE**

*(Section 54)*

FORM OF OATHS

PART I

MEMBERS OF INTEGRITY COMMISSION



**Form 1**

*Integrity in Public Life Act, 2020*  
(Act 2020- )

**OATH OF OFFICE**

I \_\_\_\_\_ do swear/affirm that I will exercise the functions of member of the Integrity Commission under the *Integrity in Public Life Act, 2020* (Act 2020- ) without fear or favour, affection or ill-will according to the Laws of Barbados. So help Me God.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
*Signature*



*Fifth Schedule - (Cont'd)*

PART I - (Concl'd)

MEMBERS OF INTEGRITY COMMISSION



**Form 2**

*Integrity in Public Life Act, 2020*  
(Act 2020- )

**OATH OF SECRECY**

I \_\_\_\_\_ member of the Integrity Commission do swear/affirm that I shall treat all declarations filed with the Integrity Commission under the *Integrity in Public Life Act, 2020* (Act 2020- ) and all records and information relating thereto as secret and confidential and I shall not disclose or communicate to any unauthorised person or allow any unauthorised person to have access to any such record, information or declaration. So help Me God.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
*Signature*

*Fifth Schedule - (Cont'd)*

PART II

EMPLOYEES AND OTHER PERSONS PERFORMING FUNCTIONS  
IN THE SERVICE OF THE INTEGRITY COMMISSION



**Form 3**

*Integrity in Public Life Act, 2020*  
(Act 2020- )

**OATH OF OFFICE**

I \_\_\_\_\_do swear/affirm that I will exercise my functions (in the service of/as employee of) the Integrity Commission under the *Integrity in Public Life Act, 2020* (Act 2020- ) without fear or favour, affection or ill-will according to the Laws of Barbados. So help Me God.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
*Signature*

*Fifth Schedule - (Cont'd)*

PART II - *(Concl'd)*

EMPLOYEES AND OTHER PERSONS PERFORMING FUNCTIONS  
IN THE SERVICE OF THE INTEGRITY COMMISSION



**Form 4**

*Integrity in Public Life Act, 2020*  
(Act 2020- )

**OATH OF SECRECY**

I \_\_\_\_\_employee/performing a function in the service of the Integrity Commission do swear/affirm that I shall treat all declarations filed with the Integrity Commission under the *Integrity in Public Life Act, 2020* (Act 2020- ) and all records and information relating thereto as secret and confidential and I shall not disclose or communicate to any unauthorised person or allow any unauthorised person to have access to any such record, information or declaration. So help Me God.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
*Signature*

*Fifth Schedule - (Cont'd)*

PART III

PERSONS APPOINTED AS TRIBUNALS



**Form 5**

*Integrity in Public Life Act, 2020*  
(Act 2020- )

**OATH OF OFFICE**

I \_\_\_\_\_ do swear/affirm that I will exercise my functions as a tribunal under the *Integrity in Public Life Act, 2020* (Act 2020- ) without fear or favour, affection or ill-will according to the Laws of Barbados. So help Me God.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
*Signature*

*Fifth Schedule - (Concl'd)*

PART III - *(Concl'd)*

PERSONS APPOINTED AS TRIBUNALS



**Form 6**

*Integrity in Public Life Act, 2020*  
(Act 2020- )

**OATH OF SECRECY**

I \_\_\_\_\_ appointed as a tribunal under the *Integrity in Public Life Act, 2020* (Act 2020- ) do swear/affirm that I shall treat all declarations filed with the Governor-General and all records and information relating thereto as secret and confidential and I shall not disclose or communicate to any unauthorised person or allow any unauthorised person to have access to any such record, information or declaration. So help Me God.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
*Signature*

Read three times and passed the House of Assembly this  
day of \_\_\_\_\_, 2020.

**Speaker**

Read three times and passed the Senate this \_\_\_\_\_ day of  
\_\_\_\_\_, 2020.

**President**