

No. 3 of 2023.

*Integrity in Public Life (Amendment)
Act, 2023.*

Saint Christopher
and Nevis.

I assent,



MARCELLA LIBURD

Governor-General

28th March, 2023.

SAINT CHRISTOPHER AND NEVIS

No. 3 of 2023

AN ACT to amend the Integrity in Public Life Act, Cap. 22.18.

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BE IT ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the National Assembly of Saint Christopher and Nevis, and by the authority of the same as follows:

1. Short Title.

This Act may be cited as the Integrity in Public Life (Amendment) Act, 2023.

2. Interpretation.

In this Act, unless the context otherwise requires

“Act” means the Integrity in Public Life Act, Cap. 22.18.

3. Amendment of Section 2.

(1) The Act is amended in section 2 by inserting the following new definitions in the correct alphabetical order—

“child” means the child of a public official including a step-child, an adopted child or a child born out of wedlock of whom the father has been adjudged the father by a court of competent jurisdiction or of whom the father has acknowledged to be his own child who—

- (a) is under the age of eighteen years and is not married; or
- (b) is between the age of eighteen and twenty-five years, is not married and is in attendance at a recognized institution of learning after his or her eighteenth birthday and is fully supported by the public official;

“spouse” in relation to a public official, means a person to whom the public official is married or living with in a common law relationship for a period of five years immediately preceding the period that a declaration is required to be filed, but does not include -

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- (a) a spouse who is living separate and apart from the person in public life for a period exceeding three years; and
- (b) a spouse who ceased to live with the person in public life and proceedings have been instituted for a divorce or judicial separation during the period in which a declaration is required to be filed; ”.

4. Amendment of section 3.

The Act is amended in section 3 by replacing section 3 with the following—

“This Act shall apply to a public official as defined by the provisions of this Act.”.

5. Amendment of section 4.

The Act is amended in section 4 by—

- (a) replacing subsection (1) with the following—
 - “A public official shall observe, abide and conduct himself in accordance with the Code of Conduct set out in the Second Schedule to this Act.”; and
- (b) repealing subsections 4(2) and 4(3).

6. Amendment of section 5.

The Act is amended in section 5 by—

- (a) replacing subsection (1) with the following—
 - “(1) A person who, on or after the coming into force of this Act, is or becomes a public official shall,
 - (a) in accordance with the provisions of subsection (4), complete and file a declaration with the Commission of his or her income; assets, liabilities, and private interests, and
 - (b) thereafter, within the period specified in subsection (4), the public official shall in each succeeding calendar year that he or she continues to be a public official, file further declarations of his or her income, assets, liabilities, and private interests. ”
- (b) replacing subsection (2) with the following—
 - “(2) The declaration shall be in the form set out in the Fourth Schedule, and the signed declaration may be made available for inspection only where the Commission is of the opinion that it is in the public interest to do so. ”
- (c) inserting new subsections (4), (5), (6), (7), (8), (9) and (10), as follows—
 - “(4) For the purposes of subsection 5(1)—
 - (a) a person who was appointed a public official prior to the 22nd day of April, 2023, shall file an initial declaration on or before the 31st day of July 2023;

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- (b) a person who is appointed as a public official on or after the 22nd day of April, in any year, shall file an initial declaration within 100 days of becoming a public official;
 - (c) a public official shall in each succeeding calendar year that he or she continues to be a public official, file further declarations on or before the 30th day of April.
- (5) A public official shall file a declaration either in hard copy or by electronic copy on the world wide web using the designated confidential portal on the Commission's website.
- (6) The declaration of a public official shall continue to be filed for a period of two succeeding calendar years after a person has ceased to be a public official, otherwise than by reason of his or her death.
- (7) A member of the Integrity Commission appointed in accordance with section 11 prior to the 22nd day of April, 2023, shall complete and file an initial declaration with the Governor-General of his or her income, assets, liabilities and private interests on or before the 31st day of July 2023.
- (8) A member of the Commission appointed in accordance with section 11 on or after the 22nd day of April, in any year, shall complete and file an initial declaration with the Governor-General of his or her income, assets, liabilities and private interests within 100 days of his or her appointment.
- (9) A member of the Commission appointed in accordance with section 11 shall in each succeeding year that he or she continues to be a member of the Integrity Commission file further declarations of his or her income, assets, liabilities and private interest with the Governor-General.
- (10) The declaration of a member of the Commission shall be in the form set out in the Fourth Schedule, and the signed declaration may be made available for inspection only where the Governor-General is of the opinion that it is in the public interest to do so.”.

7. Amendment of section 6.

The Act is amended in section 5 by inserting a new subsection (5), as follows—

- “(5) The declarant shall provide copies of pertinent documents as part of his declaration such as—
- (a) land title documents;
 - (b) vehicle ownership documents;
 - (c) copies of insurance policies or certificates;
 - (d) bank statements containing the account holders name;
 - (e) at least two government-issued identification documents.”.

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8. Amendment of section 7.

The Act is amended in section 7 by replacing the expression “person in public life” with the expression “public official”.

9. Amendment of section 8.

The Act is amended in section 8 by replacing the expression “person in public life” with the expression “public official”.

10. Amendment of section 9.

The Act is amended in section 9 by replacing the expression “person in public life” with the expression “public official”.

11. Amendment of section 10.

The Act is amended in section 10 by replacing the expression “person in public life” with the expression “public official”.

12. Amendment of section 11.

The Act is amended in section 11 by—

- (a) replacing subsection (2)(b) with the following—

“(2)(b) two other persons appointed by the Governor-General after consultation with the Prime Minister and the Leader of the Opposition, as follows—

 - (i) one member appointed on the recommendation of the Prime Minister who must be a person who practices or has retired from practicing as a lawfully licenced professional subject to a code of confidentiality, code of conduct, code of ethics or other similar regulations for at least a period of 15 years; and
 - (ii) one member appointed on the recommendation of the Leader of the Opposition who must be a person with the same qualifications listed in paragraph (i).”.
- (b) Inserting new subsections (5), (6) and (7) as follows—

“(5) The members of the Commission shall select a Deputy Chairperson from among themselves.

(6) The meetings of the Commission shall be chaired by the Chairperson or in his or her absence by

 - (a) the Deputy Chairperson; or
 - (b) a member selected by the remaining members if both the Chairperson and Deputy Chairperson are absent.

(7) The Chairperson, or Deputy Chairperson when presiding, shall have a casting vote in decisions of the Commission.”.

13. Amendment of section 12.

The Act is amended in section 12(1) by—

- (a) replacing paragraph (d) with the following—

“(d) is a former or current spouse of a current or former public official;
- (b) inserting new subsections (e) and (f), as follows—

“(e) is a parent, sister, brother, child, aunt, uncle, niece or nephew, whether natural-born, adopted or otherwise, of a current or former public official;

(f) would otherwise be disqualified, in accordance with the Constitution, to be a member of the National Assembly.”.

14. Amendment of section 19.

The Act is amended in section 19 —

- (a) in subsection (1), by replacing it as follows—

“The Commission shall meet at least once a month and at such other times as may be expedient for the Commission to carry out its functions.”
- (b) by adding the following new subsection (4)—

“(4) The meetings of the Commission may be held in person or by means of a secure and confidential virtual platform, telephone or other secure audio or visual means.”.

15. Amendment of section 20.

The Act is amended in section 20 subsection (1) by replacing it as follows—

- “(1) There shall be a Secretary to the Commission who shall be appointed by the Commission and who shall take the Oath of Secrecy set out in the Sixth Schedule.”.

16. Amendment of section 24.

The Act is amended in section 24—

- (a) in subsections (2) and (3), by replacing the expression “public authority” with the expression “public body”.
- (b) in subsection (4), by replacing the expression “a warrant” with the expression “a warrant, in accordance with the provisions of the Magistrate Code of Procedure Act, Cap. 3.17”.

17. Amendment of section 25.

The Act is amended in section 25 subsection (14), by

- (a) replacing the expression “ten thousand dollars” with the expression “twenty thousand dollars”; and
- (b) by replacing the expression “one year” with the expression “two years”.

18. Repeal of Section 27.

Section 27 of the Act is hereby repealed.

19. Repeal of Section 28.

Section 28 of the Act is hereby repealed.

20. Amendment of section 29.

The Act is amended in section 29 by

- (a) replacing the expression “fifteen thousand dollars” with the expression “one hundred thousand dollars”; and
- (b) replacing the expression “two years” with the expression “five years”.

21. Amendment of section 30.

The Act is amended in section 30 subsection (1) by replacing the expression “five years” with the expression “three years”.

22. Amendment of section 36.

The Act is amended in section 36(1) by replacing it as follows—

“36(1) The Commission shall, by the 30th day of June in each year, prepare and forward to the Minister a report of its activities during the previous calendar year, including a statement of its accounts audited in accordance with section 35.”

23. Amendment of section 37.

The Act is amended in section 37 by replacing the expression “Director of Public Prosecutions” with the expression “the Special Prosecutor appointed pursuant to the Anti-Corruption Act”.

24. Amendment of section 41.

The Act is amended in section 41 by

- (a) replacing the expression “ten thousand dollars” with the expression “one hundred thousand dollars”; and
- (b) replacing the expression, “one year” with the expression, “five years”.

25. Amendment of section 42.

The Act is amended in section 42 by replacing it as follows—

“42. Members of the Commission and staff of the Commission shall not enter upon the duties of their office until they have taken the Oath of Office and Oath of Secrecy set out in the Sixth Schedule.”.

26. Amendment of the First Schedule.

The First Schedule of the Act is amended by replacing it as follows—

PUBLIC OFFICIALS

1. Representatives in the National Assembly;
2. Senators in the National Assembly;
3. Speaker in the National Assembly;
4. Deputy Speaker in the National Assembly;
5. Representative in the Nevis Island Assembly;
6. Senators in the Nevis Island Assembly;
7. President of the Nevis Island Assembly;
8. Members of the Constituency Boundaries Commission;
9. Supervisor of Elections;
10. Electoral Commissioners;
11. Clerk of the National Assembly;
12. Prime Minister;
13. Leader of the Opposition;
14. Ministers in the Cabinet;
15. Ministers in the Nevis Island Assembly;
16. Parliamentary Secretaries;
17. Attorney-General;
18. Solicitor-General;
19. Senior Legal Officer in the Attorney-General's Chambers;
20. Director of Public Prosecutions;
21. Deputy Director of Public Prosecutions;
22. Director of Audit;
23. Public Service Commissioners;
24. Members of the Public Service Board of Appeal;
25. Police Service Commissioners;
26. Magistrates;
27. Registrars of the High Court;
28. Deputy Registrars of the High Court;
29. Registrars of Land;
30. Deputy Registrar of Land;
31. Head of the Civil Service;
32. Chief Personnel Officer of the Civil Service;
33. Financial Secretary;

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34. Permanent Secretaries of the Civil Service;
35. Ombudsman;
36. Information Commissioner;
37. Assistant Secretaries at or above the level of grade K40;
38. Comptroller of Inland Revenue;
39. Head of the Central Purchasing Unit;
40. Commissioner of Police;
41. Deputy Commissioner of Police;
42. Assistant Commissioner of Police;
43. Director of Public Works;
44. Head of the Citizenship by Investment Unit;
45. Accountant General;
46. Comptroller of Customs;
47. Deputy Comptroller of Customs;
48. Ambassadors;
49. High Commissioners;
50. Chairpersons, Deputy Chairpersons, Managing Directors, Chief Executive Officers, and General Managers of:
 - (a) corporations established by an Act of Parliament for a public purpose or as a subsidiary company of that corporation registered under the Companies Act, including but not limited to:
 - (i) Development Bank of Saint Kitts and Nevis;
 - (ii) Social Security Board;
 - (iii) St Kitts Investment Promotion Agency;
 - (iv) Financial Services Regulatory Commission;
 - (v) Medical Cannabis Authority;
 - (vi) National Disaster Management Agency;
 - (vii) National Housing Corporation;
 - (viii) Clarence Fitzroy Bryant College;
 - (ix) WhiteGate Development Corporation;
 - (x) Frigate Bay Development Corporation;
 - (xi) Saint Christopher Air and Sea Ports Authority;
 - (xii) Saint Christopher Tourism Authority;
 - (xiii) Saint Christopher and Nevis Solid Waste Management Corporation;
 - (xiv) National Handicraft and Cottage Industries Development Board,
 - (xv) Agricultural Land Development Authority;
 - (xvi) National Carnival Committee;

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- (xvii) Saint Christopher National Trust;
 - (xviii) Nevis Solid Waste Management Authority;
 - (xix) Nevis Air and Sea Ports Authority;
 - (xx) Nevis Cultural Development Foundation;
 - (xxi) Nevis Electricity Company Ltd.;
 - (xxii) Nevis Tourism Authority;
 - (xxiii) Nevis Housing and Land Development Corporation;
- (b) a bank or corporation owned by the Government of Saint Christopher and Nevis or in which the Government of Saint Christopher and Nevis has a controlling interest including but not limited to:
- (i) St. Kitts-Nevis-Anguilla National Bank Limited;
 - (ii) ZIZ Broadcasting Corporation;
 - (iii) Urban Development Corporation;
 - (iv) St Kitts Electricity Company;
 - (v) St. Kitts-Nevis Cable Communications Limited;
 - (vi) La Vallee Greens Limited; and
- (c) a commission, statutory board, public authority or other body of any description, whether its members are paid or unpaid.”.

27. Amendment of the Second Schedule.

The Second Schedule of the Act is amended by replacing the expression “public authority” with the expression “public body”.

28. Amendment of the Fourth Schedule.

The Fourth Schedule of the Act is amended as follows—

In table 7, by replacing the expression “VALUES HELD IN SAFETY DEPOSIT BOXES BY DECLARANT, SPOUSE AND CHILDREN” with the following expression “VALUES HELD IN SAFETY DEPOSIT BOXES OR PERSONAL SAFES, BY DECLARANT, SPOUSE AND CHILDREN”.

29. Amendment of Act inserting the Sixth Schedule.

The Act is amended by inserting the following new Sixth Schedule—

“

SIXTH SCHEDULE

(Section 42)

PART 1

OATH (OR AFFIRMATION) OF OFFICE

I,do swear (or solemnly affirm) that I will faithfully discharge my duties as a member of the Commission (or an employee of this office) and comply with the Laws of the Federation of Saint Christopher and Nevis.

So help me God. *(To be omitted in affirmation).*

PART 2

OATH (OR AFFIRMATION) OF SECRECY

I,, do swear (or solemnly affirm) that except as I may be legally required, which may include the discharge of my duties in relation to seeking advice I will not disclose or give to any person information or any document that comes into my possession by reason of my being a member of the Commission (or an employee in this office).

So help me God. *(To be omitted in affirmation).* ”.

LANEINK BLANCHETTE
Speaker

Passed by the National Assembly this 22nd day of February, 2023.

TREVLYN STAPLETON
Clerk of the National Assembly