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I assent,

MARCELLA LIBURD

*Governor-General*

28<sup>th</sup> March, 2023.

## SAINT CHRISTOPHER AND NEVIS

### No. 5 of 2023

**AN ACT** to define and create criminal offences of corrupt conduct and to create the office of a Special Prosecutor to receive complaints, investigate and prosecute acts of corrupt conduct of persons in public life in Saint Christopher and Nevis.

*[Published 20<sup>th</sup> April 2023, Official Gazette No. 20 of 2023.]*

**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:

#### **PART I PRELIMINARY**

##### **1. Short title and commencement.**

- (1) This Act may be cited as the Anti-Corruption Act, 2023.
- (2) This Act shall come into force on a day to be fixed by the Minister by Order published in the *Gazette*.

##### **2. Interpretation.**

In this Act,

“Acting Special Prosecutor” means the Acting Special Prosecutor appointed under section 12;

“ancillary legislation” means the following Laws of Saint Christopher and Nevis including any amendments thereto—

- (a) the National Assembly Elections Act, Cap. 2.01;
- (b) the Public Service Act, Cap. 22.09;
- (c) the Procurement and Contract (Administration) Act, Cap. 23.36;
- (d) the Finance Administration Act, Cap. 20.13;

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- (e) the Integrity in Public Life Act, Cap 22.18;
- (f) the Freedom of Information Act, 2018;
- (g) the Integrity in Public Life Ordinance, Cap 1.02 (N);
  - “Attorney-at-Law” means a person whose name is entered on the Roll under section 13 of the Legal Profession Act, Cap. 3.28;
  - “civil recovery” means the recovery, in criminal or civil proceedings, of money or property obtained by corrupt conduct;
  - “Constitution of Saint Christopher and Nevis” means the Constitution of Saint Christopher and Nevis set out as the Fourth Schedule to the West Indies Act, Cap. 1.01;
  - “corrupt conduct” includes—
    - (a) conduct specified in the Third Schedule;
    - (b) conduct specified as special offences in Part IV of this Act; and
    - (c) instigating, aiding, abetting, being an accessory after the fact in the commission or attempted commission of, or conspiring to commit, the conduct referenced in the immediately preceding paragraphs (a) and (b);
  - “Government” means the Federal Government of Saint Christopher and Nevis and includes the Nevis Island Assembly and the Nevis Island Administration;
  - “Integrity Commission” means either the Integrity Commission established pursuant to—
    - (a) the Integrity in Public Life Act, Cap. 22.18; or
    - (b) the Integrity in Public Life Ordinance, Cap 1.02 (N);
  - “Judicial and Legal Services Commission” means the Judicial and Legal Services Commission referenced in the Constitution of Saint Christopher and Nevis and administered by the Eastern Caribbean Supreme Court;
  - “Minister” means the Minister with responsibility for Legal Affairs;
  - “person in public life” means a public officer and public official as defined by this Act;
  - “public office” is the office held by a person in public life, as those terms are defined in this Act;
  - “public officer” means a person serving or acting in the roles listed in the Second Schedule;
  - “public official” means a person serving or acting in the roles listed in the First Schedule;
  - “public servant” means a person appointed by the Governor-General on advice of the Public Service Commission;
  - “Special Prosecutor”

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- (a) means an Attorney-at-Law appointed as the Special Prosecutor under section 4; and
- (b) includes an Attorney-at-Law appointed as Acting Special Prosecutor;  
“Statutory Corporation” means a body corporate created specifically by Statute passed in the National Assembly or the Nevis Island Assembly.

(2) A reference in this Act to a prosecution is a reference to a criminal prosecution or civil claim.

### **3. Objects of the Act.**

The objects of this Act are to—

- (a) establish the types of corrupt conduct that should be criminalised;
- (b) establish a dedicated Special Prosecutor’s Office to receive complaints, investigate and prosecute persons in public life and others who participate in corruption in the public sector;
- (c) ensure that all persons in public life are subject to measures that promote integrity and deter and combat corruption;
- (d) encourage and facilitate the reporting of corrupt activities; and
- (e) encourage the investigation and prosecution of corruption offences and the recovery and return of the proceeds of crime.

### **4. Authority not affected.**

This Act does not affect the authority of—

- (a) the Director of Public Prosecutions under section 65 of the Constitution of Saint Christopher and Nevis;
- (b) the Attorney-General to prosecute a civil claim or to discontinue or withdraw a civil claim on behalf of the Government;
- (c) the Ombudsman under the Ombudsman Act, Cap. 3.22;
- (d) the Information Commissioner under the Freedom of Information Act, 2018;
- (e) the Integrity Commission under the Integrity in Public Life Act, Cap. 22.18;
- (f) the Financial Intelligence Unit under the Financial Intelligence Unit Act, Cap. 21.09; or
- (g) the Integrity Commission under the Integrity in Public Life Ordinance, Cap 1.02 (N).

## **PART II THE SPECIAL PROSECUTOR**

### **5. Appointment of the Special Prosecutor.**

(1) Subject to subsection (2), the Governor-General may, acting in accordance with the recommendation of the Public Service Commission, appoint an Attorney-at-Law as the Special Prosecutor.

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(2) The Public Service Commission shall consult with the Judicial and Legal Services Commission prior to making any recommendation as to the exercise of the power to appoint a person under this section.

(3) An Attorney-at-Law appointed pursuant to subsection (1) shall have at least seven years of experience in the practice of law.

(4) The Special Prosecutor is a public servant.

**6. Disqualification from being the Special Prosecutor.**

An Attorney-at-Law is disqualified from being the Special Prosecutor and is not eligible to be appointed the Special Prosecutor or, having been appointed, is not eligible to continue to be the Special Prosecutor if the Attorney-at-Law

- (a) has filed for bankruptcy in a court or is declared by a court to be a bankrupt;
- (b) is unable to discharge the functions of his or her office whether arising from infirmity of body or mind or any other cause;
- (c) is found to have committed professional misconduct under the Legal Profession Act, Cap. 3.28;
- (d) is removed from the Roll in accordance with the provisions of the Legal Profession Act, Cap. 3.28;
- (e) is convicted of a criminal offence except if the offence—
  - (i) is a minor traffic offence, or
  - (ii) is spent in accordance with the Criminal Records (Rehabilitation of Offenders) Act, Cap. 3.25;
- (f) is a public officer or a public official under the Integrity in Public Life Act, Cap. 22.18;
- (g) is the current or former husband, wife or common law partner of a current or former public official;
- (h) is the current husband, wife or common law partner of a public officer; or
- (i) is the mother, father, sister, brother, child, aunt, uncle, niece or nephew, whether natural-born, adopted or otherwise, of a current or former public official.

**7. Functions of the Special Prosecutor.**

(1) Subject to subsection (2), the Special Prosecutor may investigate and prosecute a person in public life for—

- (a) a criminal offence of corrupt conduct;
- (b) a civil claim related to corrupt conduct;

and for this purpose the Special Prosecutor is deemed to have the authority to investigate, institute, carry on, or do any other thing and exercise any other function related to such power.

- (2) The functions of the Special Prosecutor are—
- (a) to receive complaints from any person, including the Integrity Commission, of corrupt conduct and investigate such corrupt conduct;
  - (b) to receive complaints from any person, including the Integrity Commission, of conduct related to offences created, from time to time, by the ancillary legislation;
  - (c) to report or facilitate the reporting of the complaints to the Director of Public Prosecutions;
  - (d) to institute and prosecute a criminal prosecution in any court against a person in public life if the conduct of the person in public life appears to the Special Prosecutor on reasonable grounds to involve corrupt conduct;
  - (e) to institute and take carriage of a civil claim in a court;
  - (f) to prosecute a criminal offence for corrupt conduct or conduct related to offences created by the ancillary legislation referred to him by the Director of Public Prosecutions; and
  - (g) to pursue, coordinate and supervise civil recovery arising from corrupt conduct or conduct related to offences created by the ancillary legislation referred to him by the Attorney-General.

#### **8. Signing of documents.**

Subject to the powers of the Director of Public Prosecutions under section 65 of the Constitution of Saint Christopher and Nevis, a document initiating, continuing or discontinuing proceedings under this Act shall be signed by the Special Prosecutor.

#### **9. Powers of the Special Prosecutor.**

(1) Subject to the powers of the Director of Public Prosecutions under section 65 of the Constitution of Saint Christopher and Nevis, the Special Prosecutor may perform any function in relation to the institution, carrying on and withdrawal of a prosecution against a person in public life for—

- (a) any offence created by this Act; or
- (b) any offence under the ancillary legislation.

(2) Where the Special Prosecutor intends to institute or withdraw a prosecution against a public official, the Special Prosecutor must first seek consent in writing from—

- (a) the Director of Public Prosecutions; and
- (b) the Integrity Commission to whom the public official is mandated to present declarations;

and after receipt of such consent the Special Prosecutor may initiate and prosecute a matter pursuant to subsection (1) in the name of the Special Prosecutor.

(3) Where the Special Prosecutor intends to institute or withdraw a prosecution against a public officer, the Special Prosecutor must first seek consent in writing from the Director of

Public Prosecutions and after receipt of such consent the Special Prosecutor may initiate and prosecute a matter pursuant to subsection (1) in the name of the Special Prosecutor.

(4) Where the Special Prosecutor intends to institute or withdraw a prosecution against the Director of Public Prosecutions or any public officer within the Director of Public Prosecution's Office, the Special Prosecutor must first seek consent in writing from the Governor-General and after receipt of such consent the Special Prosecutor may initiate and prosecute a matter pursuant to subsection (1) in the name of the Special Prosecutor.

(5) The Special Prosecutor may, with the approval of the Director of Public Prosecutions, engage, under agreements in writing, persons having suitable qualifications and experience as consultants to perform services for the Special Prosecutor.

(6) Subject to the foregoing subsections, in the exercise of the powers vested in the Special Prosecutor under this section, the Special Prosecutor shall not be subject to the direction or control of any other person or authority.

#### **10. Duration of appointment.**

The Special Prosecutor holds office for a period not exceeding five years as is specified in the instrument of his appointment and is eligible for re-appointment, unless he resigns under section 11 or is removed under section 14.

#### **11. Resignation.**

The Special Prosecutor or Acting Special Prosecutor may resign his office by written notice to the Judicial and Legal Services Commission.

#### **12. Vacancy.**

The office of the Special Prosecutor shall become vacant on the expiry of his or her term of appointment or if he —

- (a) dies;
- (b) is disqualified under section 6;
- (c) resigns under section 11; or
- (d) is removed on the recommendation of the Judicial and Legal Services Commission under section 14.

#### **13. Appointment of the Acting Special Prosecutor.**

(1) Where the office of the Special Prosecutor is vacant under section 12 or if the Special Prosecutor is unable to exercise his or her functions, the Judicial and Legal Services Commission may, after consultation with the Public Service Commission, appoint an Attorney-at-Law with at least seven years of experience in the practice of law as the Acting Special Prosecutor.

- (2) An Attorney-at-Law appointed as the Acting Special Prosecutor ceases to act —
- (a) when the Special Prosecutor assumes office;
  - (b) when the Special Prosecutor resumes his or her duties;



- (c) at the time specified by the terms of his or her appointment; or
- (d) if the Acting Special Prosecutor resigns under section 11 or is removed under section 14.

(3) The Acting Special Prosecutor is a public servant.

#### **14. Removal of the Special Prosecutor.**

(1) The Special Prosecutor or the Acting Special Prosecutor may be removed from office for inability to exercise the functions of his or her office, whether arising from infirmity of body, mind or another cause, or for misconduct.

(2) The Special Prosecutor or Acting Special Prosecutor shall be removed from office if the question of his or her removal from office under subsection (1) is referred to the Judicial and Legal Services Commission by the Governor-General for investigation and determination and, if subsequent to the investigation, the Judicial and Legal Services Commission, in consultation with the Public Services Commission, recommends in writing that the Special Prosecutor or the Acting Special Prosecutor must be removed.

(3) Where the question of removing the Special Prosecutor or Acting Special Prosecutor has been referred to the Judicial and Legal Services Commission under this section, and the Judicial and Legal Services Commission, in consultation with the Public Services Commission, recommends in writing that the Special Prosecutor or Acting Special Prosecutor be suspended from the exercise of his or her functions pending the outcome of the investigation, the Governor-General may suspend the Special Prosecutor.

(4) A suspension under subsection (3) may be revoked by the Governor-General and ceases to have effect if the Special Prosecutor or Acting Special Prosecutor is not removed from office.

#### **15. Appearance of the Special Prosecutor.**

The Special Prosecutor may appear in person or may be represented by an Attorney-at-Law who works with the Special Prosecutor in proceedings instituted or carried on by the Special Prosecutor.

#### **16. Staff of the Special Prosecutor's Office.**

- (1) The staff of the Special Prosecutor's Office may consist of—
- (a) Attorneys-at-Law;
  - (b) investigators;
  - (c) administrative personnel; and
  - (d) other ancillary staff

required for the efficient discharge of the functions of the Special Prosecutor.

- (2) The staff of the Special Prosecutor's Office shall be public servants.

**17. Appointment of Attorneys-at-Law.**

(1) Subject to subsection (2), the Governor-General acting in accordance with the recommendation of the Public Service Commission, may appoint an Attorney-at-Law to work with the Special Prosecutor.

(2) The Public Service Commission shall consult with the Judicial and Legal Services Commission prior to making any recommendation to the Governor-General in accordance with the provisions of subsection (1).

(3) Subject to subsection (4) the power to exercise disciplinary control over persons holding or acting in offices to which this section applies, and the power to remove such persons from office shall vest in the Governor-General, acting in accordance with the recommendation of the Judicial and Legal Services Commission.

(4) The Judicial and Legal Services Commission shall consult with the Public Service Commission prior to making any recommendation in accordance with the provisions of subsection (3).

**18. Appointment of investigators, administrative and ancillary staff.**

The Public Service Commission may appoint investigators, administrative and ancillary staff to work with the Special Prosecutor.

**19. Oaths or affirmations.**

Prior to commencement of duties, the Special Prosecutor, Acting Special Prosecutor, and staff of the Special Prosecutor's Office shall take the oaths or affirmations of appointment and secrecy contained in the Fourth Schedule to this Act.

**20. Disclosure of interests.**

The Special Prosecutor, Acting Special Prosecutor and staff of the Special Prosecutor's Office shall immediately give written notice to the Governor-General of a direct or indirect personal or pecuniary interest adverse to his functions under this Act.

**21. Funds for the Special Prosecutor's Office.**

Parliament shall allocate funds for the Special Prosecutor's Office.

**22. Administrative arrangements.**

(1) The Special Prosecutor may, in consultation with the Commissioner of Police, seek the assistance of the Royal Saint Christopher and Nevis Police Force in the investigation of any matter concerning corrupt conduct under this Act.

(2) Without limiting the generality of subsection (1), an inspector, subordinate officer or constable may be seconded to work with the Special Prosecutor by the Commissioner of Police.

(3) The Attorney-General may make an arrangement with a Minister of a country under which the country will, from time to time as agreed under the arrangement, make available a member of the police force or an employee of the Government or of a Statutory Corporation to perform a service for the Special Prosecutor.

(4) A person engaged to perform a service under subsection (3) is deemed to have the requisite authority to act in Saint Christopher and Nevis.

(5) An arrangement under subsection (3) may provide for the Government to reimburse a country with respect to the services of a person to whom the arrangement relates.

### **23. Annual report.**

(1) The Special Prosecutor shall, within four months after each calendar year, prepare and deliver to the Attorney-General a report of the work of the Special Prosecutor and the staff of the Special Prosecutor's Office during that calendar year.

(2) The Attorney-General shall cause a copy of the report under subsection (1) to be laid before the National Assembly within sixty days of receipt.

## **PART III PREVENTION OF CORRUPT CONDUCT**

### **24. Prohibition of corrupt conduct by persons in public life.**

(1) A person in public life shall not engage in corrupt conduct, including any offence specified in Part 1 of the Third Schedule.

(2) A person in public life who contravenes subsection (1) commits an offence and is liable on summary conviction, to a fine not exceeding thirty thousand dollars or to imprisonment for a term of one year or to both.

(3) A person in public life shall not engage in corrupt conduct, including any offence specified in Part 2 of the Third Schedule.

(4) A person in public life who contravenes subsection (3) commits an offence and is liable on conviction on indictment, to a fine not exceeding one hundred thousand dollars or to imprisonment for a term of three years or to both.

(5) Notwithstanding subsections (2) and (4), the court may make an order for civil recovery and the provisions of the Proceeds of Crime Act, Cap. 4:28 shall apply.

(6) A person who gives or offers to a person in public life any advantage or other benefit, with intent that the person in public life should engage in corrupt conduct, commits an offence and is liable on summary conviction to a fine not exceeding one hundred thousand dollars or to a term of imprisonment not exceeding three years.

(7) Where the offence under this section involves the acquisition of property the Court may, in addition to the penalty specified under this section,

- (a) where the property in question is in Saint Christopher and Nevis declare that it be forfeited to the State;
- (b) the property is outside of Saint Christopher and Nevis, order that the amount equivalent to the value of the property be paid by the person in public life to the State.

**25. Duty to report.**

(1) A person in public life to whom any advantage or other benefit is given, promised or offered for the purposes of engaging in corrupt conduct or in anticipation of corrupt conduct, shall report the incident to the Special Prosecutor within twenty-eight days and shall, include the name of the person who made the offer, if known.

(2) A person in public life who contravenes the provisions of subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding thirty thousand dollars or to a term of imprisonment not exceeding one year or to both.

(3) A person from whom any advantage or benefit was solicited or obtained in contravention of the provisions of this Act shall, within twenty-eight days thereafter, report such soliciting or obtaining to the Special Prosecutor and shall, if known, include the name of the person in public life.

(4) A person who contravenes the provisions of subsection (3) commits an offence and is liable on summary conviction to a fine not exceeding thirty thousand dollars or to a term of imprisonment not exceeding one year or to both.

**26. Complaint to the Special Prosecutor.**

(1) A person who has reasonable grounds to believe that a person in public life—  
(a) has engaged in corrupt conduct;  
(b) has engaged in conduct related to offences created by the ancillary legislation;  
may make a complaint in writing to the Special Prosecutor.

(2) The complaint under subsection (1) must state—  
(a) the particulars of the conduct;  
(b) the particulars, as far as known, of the person in public life against whom the complaint is made; and  
(c) any other prescribed particulars.

**27. Rejection of complaint by the Special Prosecutor.**

The Special Prosecutor may on receipt of a report or complaint made under sections 24 or 25 and after examining the complaint, reject the complaint if the Special Prosecutor is of the opinion that the complaint—

- (a) is frivolous; or
- (b) does not pertain to a matter the Special Prosecutor is empowered to deal with under this Act.

**28. Investigation of breach.**

Where on examination of a report or complaint made under sections 25, 26 or otherwise, the Special Prosecutor is of the view that an investigation is necessary to ascertain whether a person in public life has committed a breach of this Act or the ancillary legislation, he shall investigate the matter.

**29. Institution of prosecution.**

On the conclusion of an investigation under section 29 and where the Special Prosecutor is satisfied that a person in public life must be prosecuted for an offence under this Act, the Special Prosecutor shall obtain consent from the Director of Public Prosecutions and, thereafter, shall institute and undertake proceedings against the person in public life.

**PART IV  
SPECIAL OFFENCES**

**30. Abuse of Office.**

(1) A person in public life commits an offence if he or she directly or indirectly solicits, accepts or obtains, or agrees to accept or obtain, for himself or herself or any other person, any bribe, valuables, loan, reward, advantage or other benefit with intent—

- (a) to interfere with the administration of justice;
- (b) to procure or facilitate the commission of an offence under any enactment;
- (c) to protect from detection or punishment a person who has committed or who intends to commit an offence.

(2) Any person who gives or offers to a person in public life any loan, reward, advantage or other benefit, with intent that the person in public life should do anything mentioned in subsection (1) commits an offence.

(3) A person who commits an offence under this section is liable on conviction on indictment to imprisonment for a term of one hundred thousand dollars or to a term of imprisonment not exceeding three years.

**31. Fraud on the Government or Statutory Corporations.**

(1) A person commits an offence where—

- (a) directly or indirectly—
  - (i) he gives, offers or agrees to give or offer to a person in public life; a member of the family of a person in public life; or any person for the benefit of a person in public life; or
  - (ii) being a person in public life, he or she demands, accepts or offers or agrees to accept from any other person for himself or herself or another person a loan, reward, advantage or other benefit as consideration for cooperation, assistance, exercise of influence or an act or omission in connection with—
    - (A) the transaction of business with or any matter or business relating to the Government or a Statutory Corporation; or
    - (B) a claim against the Government or any benefit that the Government is authorised or is entitled to bestow;

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(C) a claim against a Statutory Corporation or any benefit that a Statutory Corporation is authorised or is entitled to bestow, whether or not, in fact, the person in public life is able to cooperate, render assistance, exercise influence or do or omit to do what is proposed, as the case may be;

- (b) having dealings of any kind with the Government or a statutory corporation, he or she pays a commission or reward to or confers an advantage or benefit of any kind on—
  - (i) a person in public life with which he or she deals or a family member of a person in public life; or
  - (ii) any other person for the benefit of the person in public life, with respect to those dealings

unless he or she has the consent in writing of an authorised person of the Government entity or statutory corporation with which he deals, the proof of which shall lie on him or her;

- (c) being a public officer, he or she demands, accepts or offers or agrees to accept from a person who has dealings with the Government or a Statutory Corporation a loan, reward, advantage or other benefit directly or indirectly,
  - (i) by himself or herself or
  - (ii) through a member of his or her family; or
  - (iii) through any one for his or her benefit,

unless he or she has the consent in writing of an authorised officer of the Government entity or Statutory Corporation that employs him or her or of which he or she is an official, the proof of which shall lie on him;

- (d) having or pretending to have influence with the Government or Statutory Corporation or with a person in public life, he or she demands, accepts or offers or agrees to accept for himself or herself or another person a loan, reward, advantage or other benefit as consideration for cooperation, assistance, exercise of influence or an act or omission in connection with—
  - (i) anything mentioned in paragraph (a)(ii); or
  - (ii) the appointment of any person, including himself, to any office;
- (e) he or she gives, offers or agrees to give or offer to a person in public life a loan, reward, advantage or other benefit of any kind as consideration for cooperation, assistance, exercise of influence or an act or omission in connection with—
  - (i) anything mentioned in paragraph (a)(ii); or
  - (ii) the appointment of any person, including himself or herself, to any office; or

- (f) having made a tender to obtain a contract with the Government or a Statutory Corporation—
  - (i) he or she gives, offers or agrees to give or offer to another person who has made a tender or to a member of that person's family, or to another person for the benefit of that person, a reward, advantage or other benefit as consideration for the withdrawal of the tender of that person; or
  - (ii) he or she demands, accepts offers or agrees to accept from another person who has made a tender, a loan, reward, advantage or other benefit as consideration for the withdrawal of his or her tender.

(2) A person who commits an offence under this section is liable on conviction on indictment to a fine of one hundred thousand dollars or to imprisonment for a term of three years.

### **32. Contractor subscribing to election fund.**

- (1) A person commits an offence who, in order to obtain or retain a contract with the Government or a Statutory Corporation, or as a term of any such contract, whether express or implied, directly or indirectly subscribes or gives, or agrees to subscribe or give, to any person any loan, reward, advantage or other benefit
  - (a) for the purpose of promoting the election of a candidate or a class or party of candidates to the National Assembly; or
  - (b) with intent to influence or affect in any way the result of an election conducted for the purpose of electing persons to serve in the National Assembly.

(2) A person who commits an offence under this section is liable on conviction on indictment to a fine of one hundred thousand dollars or to imprisonment for a term of three years.

### **33. Purporting to sell or purchase public office.**

A person who—

- (a) purports to accept funds or other benefit in order to procure—
  - (i) an appointment to or resignation from a public office;
  - (ii) a consent to any such appointment or resignation; or
- (b) receives or agrees to receive a reward or profit from the purported sale of the public office; or
- (c) purports to pay for or gives a loan, reward, advantage or other benefit for the purported purchase of any such appointment, resignation or consent, or agrees or promises to do so

commits an offence and is liable on conviction on indictment to a fine of one hundred thousand dollars or to imprisonment for a term of three years.

**34. Influencing or negotiating appointments etc.**

A person who—

- (a) receives, agrees to receive, gives or procures to be given, directly or indirectly, a loan, reward, advantage or other benefit as consideration for cooperation, assistance or exercise of influence to secure the appointment of any other person to a public office;
- (b) solicits, recommends or negotiates in any manner with respect to an appointment to or resignation from a public office, in expectation of a direct or indirect loan, reward, advantage or other benefit; or
- (c) keeps without lawful authority, the proof of which lies on him, a place for transacting or negotiating any business relating to—
  - (i) the filling of vacancies in public offices;
  - (ii) the sale or purchase of public offices; or
  - (iii) appointments to or resignations from public offices,

commits an offence and is liable on conviction on indictment to a fine of one hundred thousand dollars or to imprisonment for a term of three years.

**PART V  
MISCELLANEOUS**

**35. Amendment of Schedules.**

The Minister may, by Order published in the Gazette, amend the Schedules.

**36. Regulations.**

(1) The Minister may make Regulations for giving effect to this Act.

(2) Without limiting the generality of subsection (1), the Minister may make Regulations prescribing matters necessary or convenient for carrying out the purposes of this Act including—

- (a) the forms required under this Act; and
- (b) the procedure for administrative arrangements under section 22.

**FIRST SCHEDULE**

**(section 2, 6)**

**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;
34. Permanent Secretaries of the Civil Service;
35. Ombudsman;
36. Information Commissioner;
37. Assistant Secretaries at or above the level of grade K40;

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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.

**SECOND SCHEDULE****(section 2, 6)****PUBLIC OFFICERS**

1. A person—
  - (a) employed on contract in;
  - (b) appointed in;
  - (c) acting in a position in; or
  - (d) otherwise providing continuous or repeated service to—  
the Public Service as it is defined in the Constitution of Saint Christopher and Nevis, including but not limited to Government Ancillary Employees, including any person employed by the Nevis Island Administration.
2. A person—
  - (a) employed on contract in;
  - (b) appointed in;
  - (c) acting in a position in; or

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(d) otherwise providing continuous or repeated service to—  
 corporations established by an Act of Parliament for a public purpose  
 or as a subsidiary company of that corporation registered under the  
 Companies Act, Cap. 21.03 or the Companies Ordinance, Cap. 7.06 (N).

## 3. A person—

- (a) employed on contract in;
- (b) appointed in;
- (c) acting in a position in; or
- (d) otherwise providing continuous or repeated service to—

a commission, statutory board, public authority or other body of any  
 description, whether its members are paid or unpaid.

## 4. A person engaged, appointed, serving or acting in the following roles—

- (a) Chairperson;
- (b) Deputy Chairperson;
- (c) Director;
- (d) Board Member;
- (e) Managing Director;
- (f) Chief Executive Officer;
- (g) General Manager;

with respect to 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.

**THIRD SCHEDULE****(section 2, 24)****CORRUPT CONDUCT – PART 1**

## 1. Corrupt conduct, triable summarily, includes—

- (a) a person in public life misbehaving in public office, such that there is  
 an intentional action or an intentional inaction in the course of his  
 official function, in breach of the public trust and without reasonable  
 excuse or justification, that causes financial or other damage to any  
 person such that any reasonable person would conclude that the  
 person in public life has abused his public office;
- (b) a person in public life fraudulently using or concealing Government or  
 Statutory Corporation property;

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- (c) a person in public life allowing his private interest to conflict with his public duties or to improperly influence his conduct in the performance of his public duties;
- (d) a person in public life failing to act impartially, or giving undue preferential treatment to a person or group of persons;
- (e) a person in public life misusing information acquired in the course of his duties to obtain a personal or private benefit of any nature for
  - (i) himself or herself;
  - (ii) members of his or her family; or
  - (iii) any other person associated with the person in public life;
- (f) a person in public life fraudulently making others deliver personal property or a third person's property under cover of legal authority.

**CORRUPT CONDUCT – PART 2**

## 1. Corrupt conduct, triable on indictment, includes—

- (a) a person in public life soliciting, seeking, accepting, promising to take, or taking any bribe, valuables, loan, reward, advantage or other personal or private benefit for
  - (i) himself or herself;
  - (ii) members of his or her family; or
  - (iii) any other person associated with the person in public life;in return for promising to perform or performing, or promising to refrain from performing or refraining from performing, his or her official duties;
- (b) any person tendering, promising to give, or giving any bribe, valuables, loan, reward, advantage or other benefit to a person in public life for
  - (i) himself or herself;
  - (ii) members of his or her family; or
  - (iii) any other person associated with the person in public life;in return for the person in public life promising to perform or performing, or promising to refrain from performing or refraining from performing, his official duties;
- (c) a person in public life abusing his real or supposed influence to obtain a personal or private benefit of any nature for
  - (i) himself or herself;
  - (ii) members of his or her family; or
  - (iii) any other person associated with the person in public life;

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- (d) a person in public life using public funds or resources for private purposes, including political party purposes;
- (e) a person in public life offering or granting, directly or indirectly, to a person performing a public function in a foreign State, an article or money or other benefit, being a gift, favour, promise or advantage in connection with an economic or commercial transaction for an act to be performed or omitted to be performed by that person in the performance of the person's public functions;
- (f) a person in public life acquiring, directly or indirectly, property or pecuniary resource disproportionate to his legitimate sources of income;
- (g) a person in public life seeking to acquire or acquiring, through the use of undue influence or blackmail, a personal or private benefit of any nature for—
  - (i) himself or herself;
  - (ii) members of his or her family; or
  - (iii) any other person associated with the person in public life;
- (h) a public officer inflating the prices or quantities of, or taking kickbacks from, public works or procurement of services or goods under his charge;
- (i) a person in public life with the malicious intent to deprive any person of public funds or public property, or withholding public funds or public property which should be lawfully distributed, with the intent to personally or privately benefit—
  - (i) himself or herself;
  - (ii) members of his or her family; or
  - (iii) any other person associated with the person in public life;
- (j) a person in public life stealing or misappropriating Government or Statutory Corporation property or equipment;
- (k) a person in public life stealing or misappropriating private property or equipment that is in his or her possession due to his or her official position;
- (l) a person in public life acquiring valuables or property through the use of undue influence, blackmail, forced acquisition, forced seizure, or forced collection;
- (m) a person in public life using government vehicles to transport contraband or carry goods for tax evasion.

**FOURTH SCHEDULE**

**(section 18)**

**PART 1  
OATH (OR AFFIRMATION) OF OFFICE**

I,..... do swear (or solemnly affirm) that I will honour, uphold and preserve the Constitution of Saint Christopher and Nevis and the law, that I will conscientiously, impartially and to the best of my ability discharge my duties as ..... and do right to all manner of people without fear or favour, affection or ill-will.

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

**PART 2  
OATH (OR AFFIRMATION) OF SECRECY**

I,....., do swear (or solemnly affirm) that I will not on any account, at any time whatsoever, unless it is necessary to do so for the purposes of duly prosecuting a matter in a court of law by way of formal evidence necessary in such court proceedings, disclose any complaint, information, counsel, advice, opinion given to the Office of the Special Prosecutor for the purposes of the administration of the Anti-Corruption Act and the ancillary legislation and that I will not, except as aforementioned, directly or indirectly reveal the business or proceedings of the Office of the Special Prosecutor or any matter coming to my knowledge as a member of the Office of the Special Prosecutor.

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

LANEIN K BLANCHETTE  
*Speaker*

Passed by the National Assembly this 22<sup>nd</sup> day of February, 2023.

TREVLYN STAPLETON  
*Clerk of the National Assembly*