

THE INTEGRITY IN PUBLIC LIFE ACT, 2000

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and Tobago

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REPUBLIC OF TRINIDAD AND TOBAGO

**Act No. 83 of 2000**

[L.S.]

AN ACT to provide for the establishment of the Integrity Commission; to make new provisions for the prevention of corruption of persons in public life by providing for public disclosure; to regulate the conduct of persons exercising public functions; to preserve and promote the integrity of public officials and institutions, and for matters incidental thereto.

*[Assented to 27th October, 2000]*

Preamble

WHEREAS it is enacted *inter alia* by subsection (1) of section 13 of the Constitution that an Act of Parliament to which that section applies may expressly declare that it shall have effect even though inconsistent with sections 4 and 5 of the Constitution and, if any Act does so declare, it shall have effect accordingly:

And whereas it is provided by subsection (2) of the said section 13 of the Constitution that an Act of Parliament to which that section applies is one the Bill for which has been passed by both Houses of Parliament and at the final vote thereon in each House has been supported by the votes of not less than three-fifths of all the members of that House:

And whereas it is necessary and expedient that the provisions of this Act shall have effect even though inconsistent with sections 4 and 5 of the Constitution.

Enactment

ENACTED by the Parliament of Trinidad and Tobago as follows:

## PART I

### PRELIMINARY

Short title,  
commencement and  
inconsistency with  
the Constitution

**1.** (1) This Act may be cited as the Integrity in Public Life Act, 2000.

(2) This Act comes into operation on such date as is fixed by the President by Proclamation.

(3) This Act shall have effect even though inconsistent with sections 4 and 5 of the Constitution.

Interpretation

**2.** In this Act—

“assets” means all property, including money, beneficially held in Trinidad and Tobago or elsewhere and all rights and benefits enjoyed on a continuing basis;

“Commission” means the Integrity Commission established under section 4;

“Chairman” means the Chairman of the Commission;

“dependent child” means the child of a person, including a child of the family, step-child or adopted child, whether of full age or not, who is unmarried and being maintained by such person;

“income” means all income, from whatever source derived acquired in or out of Trinidad and Tobago, whether directly or indirectly, as money or money’s worth and includes all receipts by way of salary, fees, wages, perquisites, profits, gains, emoluments, rents, interest, commissions, bonus, pension, annuity or benefit and all income within the meaning of the Income Tax Act;

Chap. 75:01

“investigating officer” means a person authorised by the Commission to exercise the powers of an investigating officer under this Act;

“liability” includes any obligation to pay or transfer money or money’s worth in Trinidad and Tobago or elsewhere;

“person in public life” means a person referred to or listed in the Schedule;

“persons exercising public functions” includes all persons holding office under the Public Service, Judicial and Legal Service, Police Service, Teaching Service and Statutory Authorities’ Service Commission, as well as Senators, members of the Diplomatic Service and Advisers to the Government;

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

“public officer” has the meaning ascribed to it in section 3 of the Constitution;

“spouse” in relation to a person in public life means a person to whom the person in public life is married or living with in a

conjugal relationship outside of marriage, but does not include a person with whom the person in public life has made a separation agreement, or if their support obligations and family property have been dealt with by a court order;

“tribunal” means a tribunal established under section 15.

Application

**3.** This Act applies to every person in public life and to persons exercising public functions.

## PART II

### ESTABLISHMENT, POWERS AND FUNCTIONS OF INTEGRITY COMMISSION

Establishment of Integrity Commission

**4.** (1) There is established an Integrity Commission consisting of a Chairman, Deputy Chairman and three other members who shall be persons of integrity and high standing.

(2) At least one member of the Commission shall be an attorney-at-law of at least ten years experience.

(3) At least one member of the Commission shall be a chartered or certified accountant.

(4) The Chairman and other members of the Commission shall be appointed by the President after consultation with the Prime Minister and the Leader of the Opposition.

(5) A person shall not be qualified to hold office as a member of the Commission where he is a person in public life or a person exercising a public function or a person who is not a citizen of Trinidad and Tobago.

(6) Three members of the Commission of whom one shall be the Chairman or Deputy Chairman, shall constitute a quorum.

5. (1) The Commission shall—
- Functions of the  
Commission
- (a) carry out those functions and exercise the powers specified in this Act;
  - (b) receive, examine and retain all declarations filed with it under this Act;
  - (c) make such enquiries as it considers necessary in order to verify or determine the accuracy of a declaration filed under this Act;
  - (d) compile and maintain a Register of Interests;
  - (e) receive and investigate complaints regarding any alleged breaches of this Act or the commission or any suspected offence under the Prevention of Corruption Act;
  - (f) investigate the conduct of any person falling under the purview of the Commission which, in the opinion of the Commission, may be considered dishonest or conducive to corruption;
  - (g) examine the practices and procedures of public bodies, in order to facilitate the discovery of corrupt practices;
  - (h) instruct, advise and assist the heads of public bodies of changes in practices or procedures which may be necessary to reduce the occurrence of corrupt practices;
  - (i) carry out programs of public education intended to foster an understanding of standard of integrity;
  - (j) perform such other functions and exercise such powers as are required by this Act.
- (2) In the exercise of its powers and performance of its functions under this Act, the Commission—
- (a) shall not be subject to the direction or control of any other person or authority;
  - (b) may in all cases where it considers it appropriate to do so, make use of the services or draw upon the expertise of any law enforcement agency or the Public Service;
- No. 11 of 1987

(c) shall have the power to authorise investigations, summon witnesses, require the production of any reports, documents, other relevant information, and to do all such things as it considers necessary or expedient for the purpose of carrying out its functions.

Resignation

**6.** (1) A member of the Commission may at any time resign his office by instrument in writing addressed to the Chairman who shall forthwith cause it to be forwarded to the President; and the Chairman may resign his office by instrument in writing addressed to the President.

(2) A person shall cease to be a member of the Commission from the date of the receipt of the instrument by the President.

Registrar

**7.** (1) There shall be a Registrar to the Commission who shall be a public officer.

(2) The duties of the Registrar shall be—

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

Vacancy in membership

**8.** (1) A vacancy in the membership of the Commission occurs—

- (a) on the death, resignation or revocation of the appointment of a member;
- (b) on the absence of a member from three consecutive meetings of the Commission, unless the absence is approved by the President after consultation with the Chairman;
- (c) on the expiration of the term specified in a member's instrument of appointment.



(2) A member of the Commission may be removed from office by the President acting in his discretion for inability to discharge the functions of his office whether arising from infirmity of mind or body or any other cause, or for misbehaviour.

(3) The appointment of a member of the Commission and the termination of his appointment whether by death, resignation or otherwise shall be published in the *Gazette*.

**9.** (1) The salaries and allowances of the Chairman, <sup>Remuneration and staff</sup> other members of the Commission and the Registrar shall be determined by the Salaries Review Commission.

(2) The Commission shall be provided with adequate staff for the prompt and efficient discharge of its functions under the Act.

(3) The staff of the Commission shall be public officers appointed in accordance with section 121 of the Constitution and the President may create such different grades of investigating officers as he thinks fit.

(4) All expenses incurred by the Commission for the purposes of this Act shall be a charge on the Consolidated Fund.

(5) The Commission shall appoint or employ, on such terms and conditions as it thinks fit, any such other officers and employees as it thinks necessary for the proper carrying out of its functions under this Act;

(6) The appropriate Service Commission may approve the transfer of any officer in the Public Service to any office within the Commission and any public officer so transferred shall, in relation to gratuity, pension or other allowances, be treated as continuing in the service of the Government.

**10.** The Commission shall not later than 31st March <sup>Annual Report to Parliament</sup> in each year, make a report to Parliament of its activities in the preceding year and the report shall be tabled in the Senate and the House of Representatives

not later than 31st May, so, however, that the reports shall not disclose particulars of any declaration filed with the Commission.

### PART III

#### FINANCIAL DISCLOSURE

Duty to furnish  
declaration

**11.** (1) A person shall, within three months of becoming a person in public life, complete and file with the Commission in the prescribed form, a declaration of his income, assets and liabilities in respect of the previous year and, thereafter, on 31st May in each succeeding year that he is a person in public life, he shall file further declarations of his income, assets and liabilities.

(2) Notwithstanding the provisions of subsection (1), the Commission may, in any particular case, for good cause, extend the time for the furnishing of a declaration for a period not exceeding six months.

(3) The declaration shall be in such form as the Commission may from time to time prescribe and may be accompanied, if the declarant so wishes, by a statement relating to his net worth as indicated by details of his income, assets and liabilities.

(4) The declaration shall be filed irrespective of the fact that during the year in respect of which the declaration is required, or in the following year, the declarant ceased to be a person in public life.

(5) Where a person in public life dies, there shall be no obligation on the administrator of his estate to file the declaration which he would have been required to file, had he lived.

(6) Where a person who is required to do so fails to file a declaration in accordance with this section or without reasonable cause, fails to furnish particulars in accordance with section 13 or fails to file the statement of registrable interests under section 14, the Commission shall publish such fact in the *Gazette* and at least one daily newspaper in circulation in Trinidad and Tobago.

(7) The Commission may, at anytime after the publication referred to in section (6), make an *ex parte* application to the High Court for an order directing such person to comply with the Act and the Court may, in addition to making such an order, impose such conditions as it thinks fit.

(8) A person who fails to comply with the directions of the Court, commits an offence and is liable on conviction to a fine of one hundred and fifty thousand dollars.

**12.** (1) A declaration required under this Act, shall <sup>Contents of</sup> include such particulars as are known to the declarant, <sub>declaration</sub> of the income, assets and liabilities of himself, his spouse and his dependent children.

(2) Notwithstanding subsection (1), where—

(a) the spouse was not ordinarily living with the declarant for a continuous period of six months during the period in relation to which the declaration was made; or

(b) a dependent child was not ordinarily living with the declarant at any time during the period in relation to which the declaration was made,

the particulars required to be furnished by subsection (1) shall be limited to assets held by the spouse or child in trust for, or as agent of the declarant, except that nothing in this section shall be construed as precluding the Commission from requiring from a declarant, any additional particulars.

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

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

(5) Where, in a declaration filed with the Commission, a person in public life discloses an income which is insufficient to support the accretion in value of the net assets disclosed so as to raise the inference that there must have been other income to account for the extent of the acquisition of such assets, the person in public life will be deemed to have been in possession of such income which has not been disclosed and the onus shall be on him to establish the source of that further income.

Request for further particulars

**13.** (1) The Commission shall examine every declaration that is filed and ensure that it complies with the requirements of the Act, and may request from a declarant, any information or explanation relevant to a declaration made by him and which would assist in its examination.

(2) The Commission may require that—

(a) a declarant furnish such particulars relating to his financial affairs as may be considered necessary;

(b) a declarant or his duly appointed agent attend at the offices of the Commission in order to verify his declaration;

(c) a declaration be certified by a chartered or certified accountant.

(3) Where, upon an examination under subsection (1), the Commission is satisfied that a declaration has been fully made, it shall forward to the person in public life, a Certificate of Compliance.

**14.** (1) A person in public life shall file with his Register of Interest declaration under section 11, an additional statement of registrable interests in the prescribed form, which shall contain the information required by subsection (3).

(2) The Registrar of the Commission shall compile and cause to be entered in a Register of Interests, all information furnished pursuant to subsection (1) and shall at the request of any member of the public, permit the inspection of such Register.

(3) A statement of registrable interests filed under subsection (1) shall contain information relating to a person in public life in respect of—

- (a) particulars of any directorships held in any company or other corporate body;
- (b) particulars of any contract made with the State;
- (c) the name or description of any company, partnership or association in which the person is an investor;
- (d) a concise description of any trust to which the person is a beneficiary or trustee;
- (e) beneficial interest held in any 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 relating to sources of income; and
- (i) any other substantial interest whether of a pecuniary nature or not, which he considers may appear to raise a material conflict between his private interests and his public duty.

(4) A person in public life shall notify the Registrar of any changes which may occur in his registrable interests, within six weeks of such change occurring.

(5) Nothing in this section shall be taken to require disclosure of the actual amount or extent of any financial benefit, contribution or interests.

Further enquiry into  
declarations

**15.** Where upon the examination referred to in section 13, the Commission is of the opinion that it should enquire further into any declaration so as to ascertain whether there has been a full disclosure, it may advise the President to appoint a tribunal of two or more of its members to conduct an enquiry to verify the contents of the declaration or the statement filed with the Commission.

Powers of the  
tribunal

**16.** (1) A tribunal appointed under section 15 may—

(a) request in writing, that a person in public life or any other person who the tribunal reasonably believes has knowledge of the matters to be enquired into in accordance with this Act, attend before the tribunal and furnish such further information and documents as it may require, within such time as may be specified;

(b) subject to section 17(2), require the Commissioner of Police or any other public officer, to make available to it, any information received in the course of any investigation carried out into the subject matter of an enquiry under this Act, and may direct the Commissioner of Police or such other officer to make such further enquiries and investigations as it thinks necessary; and

(c) summon witnesses, require the production of documents and do all such things as it considers necessary or expedient for the purpose of carrying out its functions.

(2) In conducting an enquiry under section 15, the tribunal shall have and exercise the powers of a Commission of Enquiry under the Commissions of Enquiry Act, save that its proceedings shall be held in private. Chap. 19:01

(3) An enquiry under section 15 shall not be commenced after five years from the date a person ceases to be a person in public life.

**17.** (1) Where the Commission is satisfied, on the basis of an enquiry conducted under section 15 that— Matters to be referred to Director of Public Prosecutions

(a) a breach of any of the provisions of this Act has been committed, it shall take such action as it deems appropriate; or

(b) an offence has been committed, it shall—

(i) forthwith refer the matter to the Director of Public Prosecutions together with a certified copy of the declaration in question and a report of its findings; and

(ii) forward to the President, a report of its findings.

(2) Where the Commission determines that the subject matter of an enquiry under section 15 is—

(a) under investigation by the police or that a charge has been laid; or

(b) the subject matter of any proceedings in a court of law,

the Commission shall hold its own enquiry in abeyance, pending final disposition of that investigation and those proceedings.

Findings of tribunal **18.** Where, from an enquiry under section 15, a tribunal finds that a declarant had in fact made full disclosure in his declaration, it shall, if so requested in writing by the declarant, publish a statement to that effect in the *Gazette*.

Indemnity **19.** Where upon an enquiry a tribunal finds that the declaration which gave rise to the enquiry was in fact full and proper, the declarant is entitled to be indemnified in respect of all reasonable expenses as approved by the tribunal.

Duty as to secrecy **20.** (1) Declarations filed with the Commission and the records of the Commission in respect of those declarations are secret and confidential and shall not be made public, except where a particular declaration or record is required to be produced for the purpose of or in connection with any court proceedings against, or enquiry in respect of a declarant under this Act, the Perjury Act, the Prevention of Corruption Act, the Exchange Control Act or the Commissions of Enquiry Act.

Chap. 11:14  
No. 11 of 1987  
Chap. 79:50  
Chap. 19:01

(2) Where a declaration filed with the Commission is required to be produced for the purpose of any proceedings under subsection (1), a copy of the declaration certified by the Registrar may be delivered to the Director of Public Prosecutions upon an application being made by way of affidavit.

(3) The copy referred to in subsection (2) shall be admissible in any proceedings under subsection (1) and shall be *prima facie* evidence of the contents thereof.

(4) Every member of the Commission and every person performing any function in the service of, or as an employee of the Commission shall treat all declarations and records and information relating to such declarations and information as secret and confidential and shall make and subscribe to an oath of secrecy to that effect before a Justice of the Peace.



(5) Every person required under subsection (4) to deal with matters specified therein as secret and confidential who at anytime communicates or attempts to communicate such information or anything contained in such documents to any person other than a person to whom he is authorised under this Act, shall be guilty of an offence and be liable on summary conviction to a fine of two hundred and fifty thousand dollars and ten years imprisonment.

**21.** (1) A person in public life who—

Offences relating to  
declarations

- (a) fails, without reasonable cause, to furnish to the Commission a declaration, or further particulars which he is required to furnish in accordance with the provisions of the Act;
- (b) knowingly makes a declaration that is false;
- (c) fails, without reasonable cause to give such information or explanation as the Commission or a tribunal may require;
- (d) fails, without reasonable cause to attend an enquiry being conducted by a tribunal appointed under section 15 or knowingly gives false information in such enquiry,

is guilty of an offence, and liable on summary conviction to a fine of two hundred and fifty thousand dollars and to imprisonment for a term of ten years.

(2) Where, a person in public life is deemed to have been in possession of undisclosed income or assets and fails to account for such further income or assets, or where upon an enquiry, it is determined that such other income or assets have existed and the person in public life deliberately omitted to disclose such information in the declaration filed with the

Commission, he shall be liable on summary conviction to a fine of two hundred and fifty thousand dollars and imprisonment for a term of ten years, and where the offence involves the deliberate non-disclosure of property the Court may, in addition—

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

(3) Property acquired from a person referred to in subsection (1) by a *bona fide* purchaser for value without notice of any offence of that person as provided for in this section is not liable to forfeiture, but an amount equivalent to the value of the property or the price paid by the purchaser, whichever is greater, shall be paid by the person in public life to the State.

(4) Payment of all sums due to the State pursuant to paragraph (b) of subsection (1) or to subsection (2) may be enforced in like manner as a debt due to the State and any proceedings thereon on behalf of the State may be taken summarily.

(5) No prosecution of an offence under this Act other than an offence under section 20(5), may be instituted—

- (a) without the written consent of the Director of Public Prosecutions; or
- (b) after five years from the date when the person in respect of whose declaration or financial affairs the alleged offence was committed, ceased to be a person in public life.

**22.** (1) Where it appears to the Commission that a <sup>Blind trust</sup> breach of this Act may have been committed or a conflict of interest may have arisen, it shall order a person in public life to place his assets or part thereof in a blind trust for the purposes of this Act on such terms and conditions as the Commission considers appropriate and file a copy of the trust deed with the Commission.

(2) Where the assets of a person in public life are placed in a blind trust, he need not in his declaration give more particulars of those assets than the amount and description of these assets placed in that trust and the date of so doing.

(3) Notwithstanding any other law relating to the duties of trustees, a trust company managing the assets of a person in public life by way of a blind trust shall reply fully to any enquiries of the Commission relating to the nature and management of the assets in the blind trust.

(4) A blind trust is created when a person in public life enters into an agreement with a qualified trust company whereby—

- (a) all or any part of his assets are conveyed to the trust company for its management, administration and control, in its absolute discretion without recourse or report to the persons beneficially entitled to those assets;
- (b) income derived from the management of the assets is to be distributed to him as agreed;
- (c) should the assets be converted into other assets, that fact is not to be communicated to him, until he ceases to be a person in public life; and

(d) after he ceases to be a person in public life, proper and full accounting is to be made to him, as the circumstances of the management of the trust require.

(5) A trust company is a qualified trust company where—

(a) it is incorporated in Trinidad and Tobago and is carrying on business in Trinidad and Tobago;

(b) no more than five per cent of the issued shares in the trust company or its affiliate is held by the person in public life entering into an agreement with it, or by any other person associated with him; and

(c) the person in public life holds no directorship or office in the trust company or its affiliates.

(6) A company is the affiliate of another where it holds more than five per cent of the issued shares in it.

(7) For the purposes of this section, a person is associated with another where that other is—

(a) the spouse or child of the person;

(b) the partner of the person in a profession, trade, or commercial undertaking; or

(c) a corporation and any person mentioned in paragraph (a) to (b) controls the corporation, its holding corporation or a corporation affiliated with either.

(8) In subsection (7)—

(a) “child” means a child whether of full age or not and includes a child of the family within the meaning of the Matrimonial Proceedings and Property Act;

(b) “control” shall be construed in accordance with Rule 3 of the Third Schedule of the Corporation Tax Act.

## PART IV

## CODE OF CONDUCT

**23.** This Part applies to a person in public life and to Application of Part IV all persons exercising public functions.

**24.** (1) A person to whom this Part applies shall Use of office ensure that he performs his functions and administers the public resources for which he is responsible in an effective and efficient manner and shall—

- (a) be fair and impartial in exercising his public duty;
- (b) afford no undue preferential treatment to any group or individual;
- (c) arrange his private interests whether pecuniary or otherwise in such a manner as to maintain public confidence and trust in his integrity.

(2) A person to whom this Part applies shall not—

- (a) use his office for the improper advancement of his own or his family's personal or financial interests or the interest of any person;
- (b) 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;
- (c) use public property or services for activities not related to his official work;
- (d) directly or indirectly use his office for private gain.

(3) No person to whom this Part applies shall be a party to or shall undertake any project or activity involving the use of public funds in disregard of the Financial Orders or other Regulations applicable to such funds.

- Insider information **25.** A person to whom this Part applies shall not use information that is gained in the execution of his office and which is not available to the general public to further or seek to further his private interests.
- Influence **26.** A person to whom this Part applies shall not use his office to seek to influence a decision made by another person or public body to further his own private interests.
- Gifts **27.** (1) A person to whom this Part applies shall not accept a fee, gift or personal benefit, except compensation authorised by law, that is connected directly or indirectly with the performance of his or her duties of office.
- (2) Subsection (1) does not apply to a gift or personal benefit that is received as an incident of the protocol or social obligations that normally accompany the responsibilities of office.
- (3) Where however a gift or personal benefit referred to in subsection (2) exceeds two thousand dollars in value or where the total value received directly or indirectly from one source in any twelve-month period exceeds two thousand dollars, a person in public life shall file with his declaration, a statement indicating the nature of the fee, gift or benefit, its source and the circumstances under which it was given or accepted.
- Confidentially **28.** Matters of a confidential nature in the possession of persons to whom this Part applies, shall be kept confidential unless the performance of duty or the needs of justice strictly require otherwise, and shall remain confidential even after separation from service.
- Conflict of interests **29.** (1) For the purposes of this Act, a conflict of interest is deemed to arise if a person in public life or any person exercising a public function 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.

(2) Where there is a possible or perceived conflict of interest, a person to whom this Part applies, shall disclose his interest in accordance with prescribed procedures and disqualify himself from any decision-making process.

**30.** (1) A person holding office under the Public Service, Judicial and Legal Service, Police Service, Teaching Service or Statutory Authorities' Service Commission, shall upon his appointment, and from time to time as may be required, declare to the appropriate Commission in such form as may be prescribed—

- (a) all business, commercial and financial interests and activities in which he is engaged; and
- (b) all personal property, assets and liabilities in respect of himself, his spouse and dependent children,

provided that all information so given shall be treated as confidential.

**31.** (1) The Commission shall report any breach of this Part to the appropriate House of Parliament, Service Commission, Board, or other Authority and to the Director of Public Prosecutions setting out such details and particulars as it thinks fit.

(2) The appropriate House of Parliament, Service Commission, Board or other Authority may take such disciplinary action in relation to a report made pursuant to subsection (1) as it thinks appropriate in any particular case.

## PART V

## POWER OF INVESTIGATION

## Complaints

**32.** (1) A member of the public who wishes to allege or make a complaint that a person in public life or any person exercising a public function—

(a) is in contravention of this Act;

(b) in relation to the Register of Interests, has a conflict of interest; or

(c) is committing or has committed an offence under the Prevention of Corruption Act,

may do so in writing to the Commission.

(2) Any person who knowingly and mischevously makes or causes to be made a false report to the Commission or misleads the Commission by giving false information or by making false statements or accusations shall be guilty of an offence and liable on conviction to a fine of two hundred and fifty thousand dollars and a term of imprisonment not exceeding five years.

## Power of Commission to investigate

**33.** The Commission—

(a) may on its own initiative; or

(b) shall upon the complaint of any member of the public,

consider and enquire into any alleged breaches of the Act or any allegations of corrupt or dishonest conduct.

## Special powers of investigation

**34.** (1) In carrying out its function under section 33, the Commission may—

(a) authorise an investigating officer to conduct an enquiry into any alleged or suspected offence;

(b) require any person, in writing, to produce, within a specified time, all books, records, accounts, reports, data, stored electronically or otherwise, or any other documents relating to the functions of any public or private body;



- (c) require any person, within a specified time, to provide any information or to answer any question which the Commission considers necessary in connection with any enquiry or investigation which the Commission is empowered to conduct under this Act;
- (d) require that any facts, matters or documents relating to the allegations or breach, be verified or otherwise ascertained by oral examination of the person making the complaint;
- (e) cause any witness to be summoned and examined upon oath.

(2) Where, in the course of any enquiry the Commission is satisfied that there is a need to further expedite its investigations, it may exercise the following powers:

- (a) require any person to furnish a statement in writing—
  - (i) enumerating all movable or immovable property belonging to or possessed by him in Trinidad and Tobago or elsewhere, or held in trust for him, and specifying the date on which each such property was acquired and the consideration paid therefore, and explaining whether it was acquired by way of purchase, gift, inheritance or otherwise;
  - (ii) specifying any monies or other property acquired in Trinidad and Tobago or elsewhere or sent out of Trinidad and Tobago by him or on his behalf during a specified period;

- (b) require any person to furnish, notwithstanding the provisions of any other written law to the contrary, all information in his possession relating to the affairs of any suspected person being investigated and to produce or furnish any document or true copy of any document relating to the person under investigation and which is in the possession or under the control of the person required to furnish the information;
- (c) require the manager of any bank, or financial institution, in addition to furnishing information specified in paragraph (b), to furnish any information or certified copies, of the accounts or the statement of accounts at the bank or financial institution of any person being investigated.

(3) A person who fails or refuses to disclose any such information or to produce any such documents, commits an offence and is liable to a fine of one hundred and fifty thousand dollars and imprisonment for a term of three years.

(4) Any person who knowingly misleads the Commission, or an investigating officer of the Commission, by giving false information, commits an offence and is liable on conviction to a fine of two hundred and fifty thousand dollars and imprisonment for a term of five years.

(5) Where after the conduct of an investigation, the Commission is satisfied that there are reasonable grounds for suspecting that an offence has been committed, it shall make a report to the Director of Public Prosecutions who may take such action as he thinks appropriate.

**35.** The records of the Commission and any <sup>Protection of information</sup> information revealed by a witness or by the production of documents, shall not be disclosed, other than to such extent as may be necessary for the purpose of proceedings in any court relating to a charge under this Act, the Prevention of Corruption Act or any other written law.

**36.** (1) A person in public life or a person exercising a <sup>Request for opinion</sup> public function may, by application in writing, request the Commission to give an opinion and make recommendations on any matter respecting his own obligations under this Act.

(2) The Commission may make such enquiries as it considers appropriate and provide the person making the application with a written opinion and recommendations.

(3) The opinion and recommendations of the Commission shall be privileged information which may be released only with the consent of the person making the application.

**37.** The Commission may on its own initiative <sup>Commission to act in public interest</sup> consider any matter with respect to the duty or obligation of a person under this Act, where in its opinion it is in the public interest to do so.

**38.** No report concluding that a person to whom this <sup>Notice of adverse report</sup> Act applies has failed without reasonable justification to fulfill a duty or obligation under this Act shall be made until reasonable notice has been given to such person of the alleged failure and the person has been allowed full opportunity to be heard either in person or by counsel.

**39.** No member of the Commission shall be liable to <sup>Exemption from liability</sup> any action or suit for any matter or thing done by him under this Act.

Power to enter contracts

**40.** The Commission may for specific projects or investigations enter into contracts for the services of persons having technical or specified knowledge of any matter relating to the work of the Commission.

Regulations

**41.** (1) The Commission may make Regulations prescribing—

- (a) the manner in which enquiries may be carried out and any matters incidental to or consequential upon such enquiries;
- (b) the standard or criteria for the initiation of such enquiries;
- (c) the manner in which information received from the public would be assessed and verified;
- (d) the form of declaration to be submitted and any additional forms which have been prescribed or which may become necessary;
- (e) the period within which any information or document required by the Commission should be furnished or produced;
- (f) the fees that are payable by members of the public in respect of a certified copy of a public declaration statement and the manner in which such statements may be made available;
- (g) any matter or thing in respect of which it may be necessary to make Regulations for carrying this Act into effect.

(2) Regulations made under subsection (1) shall be subject to the affirmative resolution of Parliament.

Income Tax Act  
Chap. 75:01

**42.** For the purpose of the Income Tax Act, all outgoing expenses reasonably incurred in the year of income by a person in public life in connection with the preparation of a statutory declaration required to be furnished by him for the purposes of this Act, are deemed to be incurred by him wholly, exclusively and necessarily in the production of his income for that year of income.

**43.** The Integrity in Public Life Act, 1987 is hereby <sup>Repeal</sup> repealed. <sub>No. 8 of 1987</sub>

**44.** Where anything has been commenced by or <sup>Transitional</sup> under the authority of the Integrity Commission under <sub>provisions</sub> the Integrity in Public Life Act, 1987, repealed by this Act, such thing may be carried out and completed by or under the authority of the Integrity Commission.

#### SCHEDULE

(Section 2)

##### PERSONS IN PUBLIC LIFE

1. Members of the House of Representatives
2. Ministers of Government
3. Parliamentary Secretaries
4. Members of the Tobago House of Assembly
5. Members of Municipalities
6. Members of Local Government Authorities
7. Members of the Boards of Statutory Bodies and State Enterprises as prescribed in accordance with section 138(2) of the Constitution.

Passed in the Senate this 3rd day of October, 2000.

N. COX

*Clerk of the Senate*

IT IS HEREBY CERTIFIED that this Act is one the Bill for which has been passed in the Senate and at the final vote thereon in the Senate has been supported by the votes of not less than three-fifths of all the members of the Senate that is to say by the votes of 25 Senators.

N. COX

*Clerk of the Senate*

Passed in the House of Representatives this 6th day of October, 2000.

D. DOLLY

*Acting Clerk of the House*

IT IS HEREBY CERTIFIED that this Act is one the Bill for which has been passed in the House of Representatives and at the final vote thereon in the House has been supported by the votes of not less than three-fifths of all the members of the House, that is to say by the votes of 28 members of the House.

D. DOLLY

*Acting Clerk of the House*