

# Conduct of Public Officers Bill, 2018

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### *SCHEDULES*

#### FIRST SCHEDULE

##### *Section 1*

#### SECOND SCHEDULE

##### *Declaration of Assets and Liabilities*

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**BILL**

ENTITLED

**CONDUCT OF PUBLIC OFFICERS ACT, 2018**

AN ACT to provide for the conduct of public officers in the performance of their functions and for related matters.

PASSED by Parliament and assented to by the President:

*Qualification*

**Qualification for holding public office**

1. (1) A person qualifies to hold a public office specified in the First Schedule if that person

- (a) has not been convicted of
  - (i) a serious offence,
  - (ii) an offence which involves fraud or dishonesty committed in this country or elsewhere;
- (b) has not been found by a commission of inquiry to be unsuitable to hold public office;
- (c) has not been found by a commission of inquiry to have
  - (i) acquired assets unlawfully,
  - (ii) defrauded the Republic or that person's employer,
  - (iii) misused or abused that person's office,during the course of service as a public officer or in a previous employment;

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- (d) has not acted in a manner prejudicial to the public interest or the interest of the employer of that person; or
- (e) is not under a death sentence.

**Effective date of adverse finding**

2. Where a commission of inquiry makes an adverse finding against a person in respect of paragraphs (b) and (c) of section 1, the finding shall not take effect unless

- (a) six months have passed since the finding was made and announced to the public, or
- (b) the Government issues a statement in the *Gazette* and in the national media that it does not intend to issue a White Paper on the report of the Commission

whichever is the earlier.

**Dispensation**

3. (1) Despite section 1, a person is qualified to hold a public office if

- (a) ten years or more have passed since the effective date of the adverse finding as specified in section 2; or
- (b) that person has been pardoned by the President.

(2) The dispensation granted under subsection (1) does not apply to a person seeking to hold office as President or Vice-President.

*Declaration of Assets and Liabilities*

**Declaration of assets**

4. (1) A public officer who holds an office specified in the First Schedule shall submit to the Auditor-General, a declaration of

- (a) assets owned directly or indirectly by the public officer, and
- (b) liabilities owed directly or indirectly by the public officer.

(2) The public officer shall submit the declaration to the Auditor-General in accordance with article 286 of the Constitution

- (a) before taking office,
- (b) at the end of each four year period, and
- (c) at the end of the term of office of that public officer.

(3) The public officer shall submit the declaration not later than thirty days after the occurrence of any of the events specified in paragraphs (b) and (c) of subsection (2).