

THE CORRUPTION (PREVENTION) ACT

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SCHEDULES

## THE CORRUPTION (PREVENTION) ACT

Acts  
18 of 2000,  
42 of 2002.

[1st May 2001.]

1. This Act may be cited as the Corruption (Prevention) Act.

Short title.

2.—(1) In this Act—

Interpre-  
tation.

“appointed day” means the 1st day of May, 2001.

“Commission” means the Commission for the Prevention of Corruption established under section 3;

“document” includes, in addition to a document in writing—

- (a) any map, plan, graph or drawing;
- (b) any photograph;
- (c) any disc, tape, sound track or other device in which sounds or other data (not being visual images) are embodied so as to be capable (with or without the aid of some other equipment) of being reproduced therefrom;
- (d) any film (including microfilm), negative; tape or other device in which one or more visual images are embodied so as to be capable (with or without the aid of some other equipment) of being reproduced therefrom;

“government company” means a company registered under the Companies Act being a company whose policy the Government or an agency of Government, whether by the holding of shares or by financial input, is in a position to influence;

“public function” means any activity performed a single time or continually, whether or not payment is received therefor, which is carried out by—

- (a) a person for, or on behalf of or under the direction of a Ministry, Department of Government, a statutory body or authority, a Parish Council, the Kingston and St. Andrew Corporation or a government company;
- (b) a body, whether public or private, providing public services;
- (c) a Member of the House of Representatives or of the Senate in that capacity;

“public servant” means any person—

- (a) employed—
  - (i) in the public, municipal or parochial service of Jamaica;
  - (ii) in the service of a statutory body or authority or a government company;
- (b) who is an official of the State or any of its agencies;
- (c) appointed, elected, selected or otherwise engaged to perform a public function.

(2) For the purposes of paragraph (b) of the definition of “public function”, “public services” includes the provision of electricity, water and communication.

(3) References in this Act to an act of corruption shall be construed in accordance with section 14.

Establishment  
of Commission.

**3.—(1)** There is hereby established for the purposes of this Act, a body to be known as the Commission for the Prevention of Corruption.

First  
Schedule.

(2) The provisions of the First Schedule shall have effect as to the constitution of the Commission and otherwise in relation thereto.

Duty of  
public  
servant to  
furnish  
statutory  
declaration.  
Second  
Schedule  
Form A.

4.—(1) Every person who, on or after the appointed day, is a public servant shall, subject to subsections (2), (3) and (4), furnish to the Commission a statutory declaration of his assets and liabilities and his income in the form set out as Form A in the Second Schedule.

(2) Every member of the Commission shall furnish a statutory declaration referred to in subsection (1) to the Integrity Commission established under section 3 of the Parliament (Integrity of Members) Act.

- (3) Subsection (1) shall not apply to a public servant—
- (a) to whom the Parliament (Integrity of Members) Act applies; or
  - (b) who is in receipt of total emoluments less than the prescribed amount.

(3A) Notwithstanding subsection (3)(b), regulations made under section 13 may contain provisions requiring public servants who occupy such posts as are prescribed to furnish a statutory declaration pursuant to subsection (1).

(4) A declaration pursuant to subsection (1) shall include such particulars as are known to the declarant of the assets, liabilities and income of the spouse and children, where applicable, of the declarant:

Provided that—

- (a) if the spouse was not living with the declarant at any time during the period in relation to which the declaration is made; or
- (b) if a child of a declarant—
  - (i) has attained the age of eighteen years; or
  - (ii) is married and under the age of eighteen years,

and was not living with the declarant at any time during the period in relation to which the declaration is made,

the particulars required to be furnished by this subsection shall

be limited to assets held by the spouse or child (as the case may be) in trust for, or as agent of, the declarant; so, however, that nothing in this subsection shall be construed as precluding the Commission from requiring from a declarant any additional particulars the Commission may think fit.

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(5) Subject to subsection (5A), a statutory declaration pursuant to subsection (1) shall be furnished—

- (a) within three months after the date of commencement of regulations made under section 13, in the case of a person who is a public servant on that date, including public servants referred to in subsection (3A);
- (b) within three months after the date of appointment of a person as a public servant; or
- (c) within three months after the date on which the emoluments of a public servant become equivalent to or in excess of the prescribed amount.

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(5A) The Commission may—

- (a) at any time in writing require a public servant to furnish a statutory declaration;
- (b) by notice published in the *Gazette*, require such categories of public servants as are specified in the notice, to furnish a statutory declaration within the period so specified, and the powers conferred by this paragraph may be exercised subject to such exceptions or conditions as the Commission may specify in the notice.

(6) Where a person ceases to be a public servant, he shall furnish a statutory declaration at the end of twelve months from the date on which he so ceases.

(7) A statutory declaration required to be made on the 31st day of December in any year shall be deemed to comply with the requirements of this section if it is made on or before the 31st March next following that date.

(8) A statutory declaration furnished pursuant to subsection (1) may, if the declarant so desires, be accompanied by a statement of affairs certified by a registered public accountant.