

**NATIONAL ASSEMBLY OF PARLIAMENT OF GUYANA**

**REPORT**

**of the**

**SPECIAL SELECT COMMITTEE**

**on the**

**INTEGRITY COMMISSION BILL 1995**

**(Bill No. 17/1995)**

**Presented to the National Assembly  
By the Chairman of the Committee**

**on**

**10TH JULY, 1997**

**REPORT OF THE SPECIAL SELECT COMMITTEE OF THE NATIONAL ASSEMBLY  
ON THE INTEGRITY COMMISSION BILL 1995**

**Integrity Commission Act 1991**

In September, 1991, the Parliament of Guyana enacted legislation to provide for the establishment of an Integrity Commission.

2. The Act, cited as the Integrity Commission Act 1991 (Act No. 21 of 1991), was never brought into operation.

**Integrity Commission Bill 1995**

3. In 1995, the Government prepared a new Bill to replace the previous Act. This Bill was -

(i) introduced in the National Assembly and read the first time on 27th October, 1995,

and

(ii) published in the Gazette on 4th November, 1995.

**Committal of Bill to Select Committee**

4. The Bill was debated in the National Assembly and read the second time on 14th March, 1996, and was thereafter committed by the Assembly for consideration by a Special Select Committee.

**Members of the Select Committee**

5. At a Meeting on 6th May, 1996, the Committee of Selection nominated the following fourteen Members of the National Assembly to comprise the Special Select Committee to consider the Integrity Commission Bill 1995:-

**Members from the People's Progressive Party/Civic (8)**

The Hon. Bernard C. DeSantos, S.C., M.P.,  
Attorney General and Minister of Legal Affairs  
Mrs. Janet Jagan, O.E., M.P.  
The Hon. George E. Fung-On, M.P.,  
Minister in the Office of the President  
Mr. Komal Chand, C.C.H., J.P., M.P.  
Mrs. Una A. James, M.P.  
Dr. Moti Lall, M.P.  
Mr. Donald Ramotar, M.P.  
Mr. Winslow M. Zephyr, M.P.

**Members from the People's National Congress (4)**

Dr. Kenneth F.S. King, M.P.,  
Chief Whip  
Mrs. Clarissa Riehl, M.P.  
Mr. Dunstan Barrow, M.P.  
Mr. Arthur A. Alexander, M.P.,  
Deputy Speaker of the National Assembly

**Member from the Working People's Alliance (1)**

Dr. Rupert Roopnaraine, M.P.

**Member from The United Force (1)**

Mr. Manzoor Nadir, M.P.

**Changes in the Membership of the Committee**

6. Mrs. Janet Jagan was appointed Prime Minister and First Vice-President with effect from 17th March, 1997.

7. Dr. Kenneth King resigned as a Member of the National Assembly with effect from 1st January, 1997, and consequently vacated his seat in the Assembly and in the Select Committee.

8. On 19th February, 1997, the Committee of Selection nominated Mr. Winston Murray, C.C.H., M.P., to be a Member of the Select Committee in the place of Dr. King.

**First Meeting of the Committee - Election of Chairman**

9. At its first Meeting on 24th May, 1996, the Select Committee elected the Hon. Bernard C. DeSantos, S.C., M.P., Attorney General and Minister of Legal Affairs, to be Chairman of the Committee.

**Other Meetings of the Committee**

10. The Committee met on the following other twelve occasions:-

Monday, 3rd June, 1996  
Wednesday, 12th June, 1996  
Tuesday, 18th June, 1996  
Monday, 24th June, 1996  
Thursday, 4th July, 1996  
Wednesday, 10th July, 1996  
Tuesday, 16th July, 1996  
Friday, 6th December, 1996  
Friday, 13th December, 1996  
Monday, 30th December, 1996  
Monday, 13th January, 1997  
Friday, 24th January, 1997.

**Chief Parliamentary Counsel**

11. The Committee had the benefit of the advice and assistance of the Chief Parliamentary Counsel.

**Consideration of Bill.**

12. The Committee considered the **Clauses of and the Schedules to the Integrity Commission Bill 1995.**

13. Of the 44 Clauses of and the 3 Schedules to the Bill, the following 20 Clauses and Schedule were agreed to as printed:-

Clauses 1, 8, 10, 12, 14,  
15, 16, 18, 20, 23,  
24, 26, 27, 32, 33,  
34, 36, 38, 40, 41

Schedule II.

14. The following 24 Clauses and 2 Schedules were amended:-

Clauses 2, 3, 4, 5, 6, 7,  
9, 11, 13, 17, 19, 21,  
22, 25, 28, 29, 30, 31,  
35, 37, 39, 42, 43, 44

Schedules I and III.

15. A new Clause 45 was added to the Bill.

**Amendments made by the Committee**

16. A list of the amendments made, as drafted by the Chief Parliamentary Counsel and agreed to by the Committee, is attached. (Appendix I)

**Revised Bill with Amendments**

17. Also attached is a copy of the Bill showing the amendments incorporated therein as prepared by the Chief Parliamentary Counsel. (Appendix II)

**Report of the Select Committee**

18. At its Meeting on 24th January, 1997, the Special Select Committee on the Integrity Commission Bill 1995 agreed that a Report from the Committee on the Bill should be prepared and presented to the National Assembly.

19. This Report is accordingly hereby submitted to the National Assembly for adoption.

**Verbatim Records**

20. Verbatim Records of the Proceedings of the Meetings of the Committee have been prepared and can be seen at the Parliament Office.

**PARLIAMENT OFFICE,  
Public Buildings,  
Georgetown.**

**16th June, 1997**

**APPENDIX I**

**INTEGRITY COMMISSION BILL 1995**

**(Bill No. 17 of 1995)**

**Amendments Made By The Special Select Committee**

**Arrangement of  
sections**

**Section 7**

**Substitute the following-**

**" Interest in matter or proceedings before Commission by member."**

**PART VII**

**Insert below the heading the following-**

**"WIDER APPLICATION OF ACT"**

**Section 45**

**Insert after section 44 the following-**

**"45. Wider application of Act."**

**Clause 2**

**paragraph (a)**

**in the definition of "assets" substitute for the word "of" where it occurs for the second time the word "or" and delete the word "beneficially";**

**paragraph (b)**

**substitute the following definition for the definition of "chairman"**

**"(b) "chairman" means the chairman of the Commission appointed under section 3;"**

**paragraph (c)**

**in the definition of "child", insert the following words at the end before the semicolon -**

**"and, in respect of a man, includes a child born out of**

wedlock of whom the man had been adjudged the father by a court of competent jurisdiction or whom the man had acknowledged to be his own child”;

paragraph (g) in the definition of “liabilities”, for the word “money” substitute “money or to provide goods or services in Guyana or elsewhere”;

paragraph (h) substitute for the definition of “member” the following -  
“(h) “member” means a member of the Commission appointed under section 3 and includes the chairman;”;

paragraph (i) in the definition of “person in public life”, insert the following words at the end before the semicolon-  
“ and includes a person mentioned in section 45 whether or not mentioned in Schedule I”.

Clause 3

subclause (1) for the words “two other members” substitute the words “not less than two nor more than four other members”;

subclause (2) substitute for subclause (2) the following -  
“(2) The Chairman shall be a person who is or who was, or who is qualified to be, appointed as, a Puisne Judge of the High Court or any other fit and proper person.”.

subclause (3) delete the word “two” and insert before the full stop at the end the following words -  
“or any other discipline”;



subclause (6) insert before the full stop at the end the words "and in a daily newspaper".

Clause 4

subclause (1) delete the words "nor more than three years" and insert before the full stop at the end the following words -  
"after consultation with the Minority Leader".

Clause 5

subclause (1)(c) substitute for paragraph (c) the following -

"(c) is guilty of misconduct inconsistent with his membership of the Commission;"

subclause (1) for the full stop at the end of the proviso substitute a colon and immediately thereafter insert the following as a further proviso -

" Provided further that where an appointment is terminated a concise report thereof shall with all convenient speed be laid before the National Assembly."

Clause 6

substitute for clause 6 the following -

(6) The chairman or other member shall not enter upon the duties of his office unless he has taken and subscribed the oath of office set out in the Constitution before a magistrate or a justice of the peace and such oath shall be deposited by the chairman or other member with the Head of the Presidential Secretariat."

Clause 7

substitute for clause 7 the following -

"Interest 7.(1) Where the Chairman or any other  
in matter member is interested in any matter before  
or pro- the Commission or any person who is a

ceedings a party to any proceedings before the  
 before Commission the Chairman or other member  
 Commission so interested shall disclose the nature of his  
 by member. interest to the Commission and shall not  
 participate in its sittings in relation to the  
 said matter or person.

(2) Where in the opinion of the President  
 or of the Commission the chairman or any  
 other member is interested in any matter  
 before the Commission or any person who is  
 a party to any proceedings before the  
 Commission, the President or the Commission,  
 as the case may be, shall direct the chairman or  
 other member not to participate in the sittings  
 of the Commission in relation to the said  
 matter or person.

(3) Where the chairman or any other  
 member acts in contravention of this section  
 he shall be guilty of misconduct under  
 section 5(1)(c).”.

**Clause 9**

subclause (2)

by the substitution for subclause (2) of the following as subclause (2)-

“ (2) Where the chairman cannot for any reason attend any  
 sitting of the Commission the members present and forming a  
 quorum may elect one of their number to act as chairman for  
 that meeting.”;

**subclause (3)**

**paragraph (a)**

**paragraph (c)**

**subclause (4)**

delete the proviso;

for the words "performance of its functions" substitute the words "convening or conduct of any meeting thereof";

insert as subclause (4) immediately after subclause (3) the following -

"(4) Three members of the Commission shall constitute a quorum."

**Clause 11**

substitute for clause 11 the following -

" 11. The funds of the Commission shall consist of such funds as shall be provided to the Commission by or under any appropriation law."

**Clause 13**

**subclause (1)(a)**

substitute for subparagraph (a) the following -

"(a) each year, on or before 30th June; and";

**subclause (3)**

delete and re-number paragraphs (4) and (5) as paragraphs (3) and (4);

**subclause (3)**

**(as re-numbered)**

(a) for the words "(1),(2) or (3)" substitute the words "(1) or (2)";

(b) for the full stop at the end substitute a colon and immediately thereafter insert the following proviso -

Form 2 "Provided that as regards assets referred to in paragraph 2 in Form 2 it shall be sufficient to comply with the requirements regarding the description and value thereof as stated in paragraph 2.";

- subclause (4) for the words “(1),(2) or (3)” substitute the words ‘(1) or (2)’;
- subclause (5)(i) for the words “date specified by the Commission “ substitute the  
“30th June”;
- subclause (5)(ii) (a) substitute for the words “the date” the words “means the date”;  
  
(b) for the semicolon at the end substitute a full stop;
- subclause (5)(iii) delete.
- Clause 17(a)** for the word “declarations” substitute the words “declarations and  
documents”.
- Clause 19** insert before the full stop at the end the words “and in a daily  
newspaper”.
- Clause 21**
- subclause (1) for the words “person in public life or his spouse” substitute the  
words “a fit and proper person”;
- subclause (5) for the words “publish a statement to that effect in the Gazette”  
substitute the words “forthwith publish a statement to that effect  
in the Gazette and in a daily newspaper”.
- subclause (6) for the words “incurred by him in connection with the inquiry”  
substitute the words “reasonably incurred by him in connection  
with the inquiry within three months of the tribunal’s findings”.

Clause 22

subclause (1)(a) in the opening part, delete the words "being a person in public life,-"

subclause (1) for the words beginning with the words "the magistrate convicting the person may" to the end of the subsection, substitute the words "the magistrate convicting the person shall order the person to make full disclosure of the property within a given time and on failure to comply with the order of the magistrate within given time, the said offence shall be deemed to be a continuing offence and the person shall be liable to a further fine of ten thousand dollars for each day on which the offence continues."

subclause (2) delete and re-number subclause (3) as subclause (2).

Clause 25 for the words "in addition in" substitute the words "in addition to".

Clause 28(3) insert as subclause (3) the following immediately after subclause (2) -

"(3) A person who makes a complaint which is frivolous, mischievous or spiteful shall be guilty of an offence and shall be liable on summary conviction to fine of twenty-five thousand dollars and two months imprisonment and the nature of the complaint for which the person is convicted shall be published in a daily newspaper at the expense of such person."

Clause 29 for the word "complaint" where it appears for the third time in the opening part substitute the word "complainant".

**Clause 30**

subclause (1) for the word “may” substitute the word “shall”;

subclause (3) for the word “against” substitute the words “in respect of” and for the word “notice” substitute the words “reasonable notice”.

**Clause 31**

subclause (1) insert before the full stop at the end the words “if the Commission considers this necessary”;

subclause (3) for the word “other” substitute the words “the supporting”;

subclause (4) insert as subclause (4) immediately after subclause (3) -

“ (4) Where on the conclusion of an inquiry under section 30 the Commission finds it necessary to submit a report to the Director of Public Prosecutions, it may transmit where the circumstances so warrant, a report to the relevant authority charged with the exercise of disciplinary control over the person in respect of whom the complaint was made for whatever action that body may think necessary.”.

**Clause 35**

subclauses 2 and 3 renumber as clause 35(1);  
insert as subclauses (2) and (3) immediately after subclause (1) the following -

“(2) Any member, or any officer or other employee of the Commission who contravenes the provisions of

subsection (1) shall, on summary conviction, be liable to a fine of twenty-five thousand dollars and to imprisonment for two months.

(3) Any person who receives any information or anything contained in such documents as aforesaid, knowing or having reasonable ground to believe at the time when he receives it, that it is communicated to him in contravention of this section shall, unless he proves that the communication to him of the information or any thing contained in any document was contrary to his desire, be guilty of an offence and shall be liable on summary conviction to a fine of twenty-five thousand dollars and to imprisonment for two months.”.

**Clause 37**

subclause (1) for the word “Minister” substitute the word “President”;

subclause (2) substitute for subclause (2) the following-

“ (2) The report, with any explanation in regard to any matter stated in the report, shall be laid before the National Assembly within a period of sixty days.”.

**Clause 39(1)**

for the words “The Minister may” substitute the words “The Minister may, after consultation with the Commission,”.

**PART VII**

Insert below the headings the following-

“WIDER APPLICATION OF ACT”

Clause 42

subclause 1

insert immediately before the words "shall be liable" the words " he shall be guilty of an offence and".

subclause 2

insert immediately before the full stop at the end the words "and such fine shall be equivalent to one and one half times the value of the aforesaid property or pecuniary resource found to be in the possession of the said person".

Clauses 43(b)  
and 44(c)(ii)

by the substitution for the word "1993" wherever they occur of the words "1997".

Clause 45

Insert after clause 44 the following clause as clause 45-

"Wider applic-  
ation of Act.  
45.(1) Notwithstanding anything in this Act, a person in public life whether or not mentioned in Schedule I shall include-

public officers;

officers of Regional Democratic Councils;

●officers of the Bank of Guyana;

officers of public corporations and other bodies corporate and agencies (including companies and bodies established by or under any statute) owned by the State or in which the controlling interest is vested in the State or any agency on behalf of the State;



members of Tender Boards,  
and the aforesaid persons, if not mentioned in  
the Schedule I, shall, subject to subsection (2)  
not be required to file a declaration under Part  
III.

(2) Where a complaint is made under section 28  
in respect of any of the aforesaid persons not  
mentioned in Schedule I, Part III shall mutatis  
mutandis apply to such person and he shall supply to  
the Commission such information if required to do so  
by the Commission or make such declaration, in  
respect of such year or years, in such form within such  
time as the Commissioner shall specify including-

(a) under section 13, a declaration regarding  
his assets and liabilities in accordance with  
section 15;

(b) under sections 14 and 16, declarations  
regarding trusts and blind trusts,  
respectively;

(c) under section 18, such further information  
as may be required by the Commission,  
in addition to any information such person is bound to  
supply or in addition to any declaration he is bound to  
make under the other provisions of this Act.”.

**SCHEDULES**

**Schedule I**

the underlined offices have been included.

**Schedule III**

**Form 2**

(a) in paragraph 1, delete the words "gifts in kind or";

(b) in paragraph 2(a), delete the words-

    "Location:

        Rents (state from whether house or land)."

(c) in paragraph 2(c), insert immediately before the word "value" the words "if any";

(d) in paragraph 2(d), insert at the end before the bracket of the following words "in the opinion of the declarant";

(e) in paragraph 2(f) by the substitution for the word "Other" of the words-

    "Gifts

    Trusts

    Other".

**APPENDIX II**

**Bill with the Amendments made by the Special Select Committee**

**GUYANA**

**BILL NO. 17 OF 1995**

**INTEGRITY COMMISSION BILL 1995**

**ARRANGEMENT OF SECTIONS**

**PART I**

**PRELIMINARY**

**SECTION**

1. Short title.
2. Interpretation.

**PART II**

**INTEGRITY COMMISSION**

3. Establishment of Integrity Commission.
4. Terms and conditions of appointment of chairman and other members.
5. Termination of appointment and resignation.
6. Oath of office.
7. Interest in matter or proceedings before Commission
8. Functions of Commission.
9. Sittings of Commission.
10. Procedure of Commission.

11. Funds of Commission.
12. Officers and employees of Commission.

PART III  
FINANCIAL DISCLOSURE

13. Declaration of financial affairs.
14. Trust property.
15. Full disclosure.
16. Blind trusts.
17. Receipt and examination of declarations.
18. Commission or the President may require further particulars.
19. Failure to file declaration or furnish particulars.
20. Commission may hold formal inquiry.
21. Further information from members of Commission in respect of their declarations.

3.

- 22. Offences and penalties.
- 23. Prosecutions.
- 24. Expenses incurred in preparation of declarations tax deductible.

PART IV  
CODE OF CONDUCT

- 25. Provisions of this Part in addition to and not in derogation of certain Acts...
- 26. Powers of appropriate disciplinary authority preserved.
- 27. Code of Conduct.
- 28. Complaint to Commission.
- 29. Commission may reject complaint.
- 30. Investigation of breach of Code of Conduct.
- 31. Report to Director of Public Prosecutions.

4.

**PART V**

**GIFTS**

- 32. Report to Commission of gifts.
- 33. Penalty for contravening section 32.

**PART VI**

**MISCELLANEOUS**

- 34. Assistance by Commissioner of Police.
- 35. Confidentiality of information.
- 36. Amendment of Schedules.
- 37. Annual report by Commission.
- 38. Power of Commission to make rules.
- 39. Power of the Minister to make regulations.
- 40. Constitutional privileges and immunities not affected.
- 41. Repeal of Integrity Commission Act 1991.

PART VII

CREATION OF A NEW OFFENCE

AMENDMENT OF CERTAIN ENACTMENTS

WIDER APPLICATION OF ACT

42. Possession of unaccounted property or pecuniary resource.

43. Amendment of Evidence Act.

44. Amendment of Criminal Law (Offences) Act.

45. Wider application of Act.

SCHEDULE I

Specified Offices

SCHEDULE II

Code of Conduct

SCHEDULE III

Forms

6.  
A BILL  
INTITULED

AN ACT to provide for the establishment of an Integrity Commission and to make provisions for the purpose of securing the integrity of persons in public life.

A.D. 1995

Enacted by the Parliament of Guyana:-

PART I  
PRELIMINARY

- Short title. 1. This Act may be cited as the Integrity Commission Act 1995.
- Inter-pretation. 2. In this Act -  
(a) "assets" of a person means all property, including <sup>any</sup> right or interest in property and money, held by the person in Guyana or elsewhere;



(b) "chairman" means the chairman of the Commission appointed under section 3;

(c) "child", in relation to a person, means the person's child who has not attained the age of eighteen years and is not married and includes a step-child or an adopted child

includes  
and, in respect of a man, a child born out of wedlock of whom the man had been adjudged the father by a court of competent jurisdiction or whom the man had acknowledged to be his own child;

Sche-  
dule II

(d) "Code of Conduct" means the body of rules contained in Schedule III;

(e) "Commission" means the Integrity Commission established by section 3;

Sche-  
dule III

(f) "Form" means a form in Schedule III;

(g) "liabilities" of a person means all the obligations of the person to pay money or to provide goods or services in Guyana or elsewhere;

8.

(h) "member" means a member of the Commission appointed under section 3 and includes the chairman;

(i) "person in public life" means a person who holds any specified office and includes a person mentioned in section 45 whether or not mentioned in Schedule I;

(j) "specified office" means an office listed in Schedule I;

Sche-  
dule I

(k) "spouse" includes reputed wife and reputed husband;

(l) "tribunal" means any person appointed as a tribunal under section 21;

PART II  
INTEGRITY COMMISSION

Estab- 3. (1) There is hereby established a commission  
lish- to be known as the Integrity Commission which  
ment of shall consist of a chairman and not less than two  
Integrity nor more than four other members.  
Commission.

(2) The Chairman shall be a person who is or who was, or  
who is qualified to be, appointed as, a Puisne Judge of the  
High Court or any other fit and proper person.

(3) The other members shall be appointed from among persons appearing in the President to be qualified as having had experience of, and shown capacity in, law, administration of justice, public administration, social service, finance or accountancy or any other discipline.

10.

(4) The chairman and other members shall be appointed by the President after consultation with the Minority Leader.

(5) The chairman and other members may be appointed either full time or part time.

(6) The names of the chairman and other members of the Commission as first constituted and every change in the membership thereof shall be published in the Gazette and in a daily newspaper.

(7) The Commission shall be a body corporate.

Terms and 4. (1) Subject to the provisions of section 5,  
condit- the chairman <sup>any</sup> or/other members shall be appointed  
ions of for such period, being not less than one year  
chair- , as may be specified by the  
man and President when appointing him and the emolument  
other ments and other terms and conditions of appoint-  
members. ment of the chairman and other member shall be  
such as may be determined by the President after  
consultation with the Minority Leader.

(2) Except where the appointment of the chairman or other member is terminated under section 5 (1), the chairman or other member shall be eligible for re-appointment on the expiry of his term.

Termination of appointment and resignation.

5. (1) The appointment of the chairman or any other member may be terminated by the President if the chairman or other member -

- (a) is convicted for the breach of any provision of the Code of Conduct;
- (b) is convicted of any other offence;
- (c) is guilty of misconduct **inconsistent with his membership of the Commission;**
- (d) becomes of unsound mind or incapable of carrying out his duties;
- (e) becomes bankrupt or compounds with his creditors;

12.

(f) is absent, except on leave granted by the Commission, from all meetings of the Commission held during two consecutive months, or during any three months in any period of twelve months:

(g) fails to carry out all or any of of the duties or functions conferred or imposed on him by this Act:

Provided that the appointment of the chairman or other member shall not be terminated under this subsection unless he has been given a reasonable opportunity of being heard:

Provided further that where an appointment is terminated a concise report thereof shall with all convenient speed be laid before the National Assembly.

(2) The chairman or any other member may resign by letter addressed to the President.

**Oath of office.** 6. The chairman or other member shall not enter upon the duties of his office unless he has taken and subscribed the oath of office set out in the Constitution before a magistrate or a justice of the peace and such oath shall be deposited by the chairman or other member with the Head of the Presidential Secretariat.

**Interest in matter or proceedings before Commission by member.** 7.(1) Where the Chairman or any other member is interested in any matter before the Commission or any person who is a party to any proceedings before the Commission the Chairman or other member so interested shall disclose the nature of his interest to the Commission and shall not participate in its sittings in relation to the said matter or person.

(2) Where in the opinion of the President or of the Commission the chairman or any other member is interested in any matter before the Commission or any person who is a party to any proceedings before the Commission, the President or the Commission, as the case maybe, shall direct the chairman or other member not to participate in the sittings of the Commission in relation to the said matter or person.

(3) Where the chairman or any other member acts in contravention of this section he shall be guilty of misconduct under section 5(1)(c).

Func- 8. (1) The Commission shall perform the func-  
tions tions conferred on it by this Act.  
of

Commis- (2) The Commission shall have power to do  
sion. anything which in the opinion of the Commission  
is calculated to facilitate the proper performance  
of its functions or is incidental thereto.

(3) In the exercise and discharge of its  
functions, the Commission shall not be subject  
to the direction or control of any other person  
or authority.

Sitt- 9. (1) The headquarters of the Commission shall  
ings of be in Georgetown, but the Commission may hold its  
Commis- sittings at any other place in Guyana, <sup>and</sup> with the  
sion. permission of the President, at any place outside  
Guyana.



15.

(2) Where the chairman cannot for any reason attend any sitting of the Commission, the members present and forming a quorum may elect one of their number to act as chairman for that meeting.

(3) No sitting or decision of the Commission, or any other act or thing done in pursuance of the powers conferred on it, shall be deemed to be invalid or ineffective only on the ground that-

(a) there was a vacancy in the membership of the Commission or that any member did not participate in any particular sitting of the Commission;

16.

(b) there was any defect in the appointment or qualification of any person purporting to be a member thereof; or

(c) there was any minor irregularity (not calculated to cause any prejudice, or injustice or hardship to any person) in the convening or conduct of any meeting thereof.

(4) Three members of the Commission shall constitute a quorum.

Proce- 10. (1) Subject to the provisions of this Act  
dure of and any regulations made thereunder, the Commis-  
Commis- sion may regulate its own procedure and may make  
sion. rules for that purpose.

Cap.19:03 (2) For the purpose of the performance of  
its functions under this Act, sections 10, 11, 12,  
13, 14 and 17 of the Commissions of Inquiry Act  
shall mutatis mutandis apply to the Commission  
subject to the modifications that -

(a) a reference to the commissioners shall be deemed to be a reference to the Commission; and

(b) the form of summons for the attendance of witnesses or other persons or production of documents shall be in Form I.

Form I

Funds of Commission. 11. The funds of the Commission shall consist of such funds as shall be provided to the Commission by or under any appropriation law.

Officers and employees of Commission. 12. (1) The Commission may, acting within the funds and resources available to it -

(a) employ a secretary and such other officers and employees as are required for the proper performance of the functions of the Commission;

(b) retain the services of professional persons.

18.

(2) The remuneration and other terms and conditions of employment of the secretary and other officers and employees of the Commission employed under subsection (1) and of professional persons retained under that subsection shall be such as may be determined or varied by the Commission from time to time.

(3) For the purpose of the performance of the functions conferred on the Commission it may, with the consent of the appropriate authority, utilise the services of any public officer or other employee of Government.

No.21  
of 1988

(4) Section 28 of the Public Corporations Act 1988 shall mutatis mutandis apply to public officers, persons (not being public officers) holding appointments in the public service and

teachers referred to therein, who are seconded, temporarily transferred or transferred to the Commission as if the Commission were a public corporation.

(5) The Commission may, with the approval of the President, make such provisions as it deems appropriate for the payment of pension, gratuity or other allowances in respect of the service of its officers and other employees on their retirement from their employment with the Commission.

(6) In subsection (3) "appropriate authority", in relation to any public officer or other employee of the Government, means the person or authority vested by law with power to appoint such public officer or employee of the Government to the position he held in the Government at the time when his service is sought to be utilised by the Commission.

PART III  
FINANCIAL DISCLOSURE

Declar- 13. (1) Every person who is a person in public  
ation life, not being a member of the Commission, shall-  
of fin-  
ancial (a) each year, on or before  
affairs. 30th June; and

(b) where such person ceases to be a  
person in public life, within  
thirty days from the date on which  
the person ceases to be a person  
in public life,

file with the Commission a declaration containing  
the particulars referred to in subsection (4)  
with reference to the relevant date; and each of

21.

the members of the Commission shall file with the President similar declarations on or before the dates on which such declarations are required by other persons in public life.

(2) Without prejudice to the provisions of subsection (1), -

(a) every person who is a person in public life on the commencement of this Act shall, within thirty days from such commencement, file with the Commission a declaration containing the particulars referred to in subsection (4) with reference to the date of such commencement;

(b) every person who becomes a person in public life after the commencement of this Act shall, within

22.

thirty days from the date on which  
he becomes a person in public  
life -

(i) if he is not a member of the  
Commission, file with the  
Commission; or

(ii) if he is a member of the  
Commission, file with the  
President,

a declaration containing the parti-  
culars referred to in subsection  
(1) with reference to the date on  
which he becomes a person in  
public life.

and any person required to file a declaration  
under this subsection in any year is not  
required to file another declaration under sub-  
section (1) in the same year.



(3) A declaration under subsection (1) or (2) shall give full, true and complete particulars of the assets and liabilities as on the relevant date, and the income during a period of twelve months immediately prior to the relevant date, of the person filing the declaration (whether the assets were held by that person in his own name or in the name of any other person) and of the spouse and children of such person to the extent to which such person has knowledge of the same:

Provided that as regards assets referred to in paragraph 2 in Form 2 it shall be sufficient to comply with the requirements regarding <sup>the</sup> description and value thereof as stated in paragraph 2.

Form (4) A declaration under subsection (1) or  
2 (2) shall, as far as possible, be in Form  
2 2.

(5) In this section "relevant date" -

(i) for the purposes of subsection

(1), means the 30th June

for the

purposes of subsection (1) (a) or the date on which a person ceases to be a person in public life, as the case may be;

(ii) for the purposes of subsection (2), means

the date referred to in paragraph

(a) or (b) thereof.

Trust  
prop-  
erty.

14. Where a person in public life holds any money or other property in trust for another person, not being his spouse or child or another person in public life, he shall so state in his declaration but shall not be required to disclose the terms of the trust.

Full  
disclos-  
ure.

15. (1) A person in public life is required to disclose in his declaration, under section 13, such details in respect of the income, assets and liabilities of himself and those of his spouse and his children, as by the exercise of reasonable care should be known to him.

(2) For the purposes of a declaration under section 13, the income, assets and liabilities of a person in public life, his spouse and his child shall include the income, assets, and liabilities acquired, held or incurred by any other person as agent or on behalf of all or any of them.

(3) Any direct or indirect benefit accruing to the income or assets of a declarant or his spouse or child must be disclosed in a declaration under section 13.

Blind trusts. 16. (1) A person in public life may place his assets or part thereof in a blind trust for the purposes of this Act 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 under section 13, give more

particulars of those assets than the amount and description of the 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 inquiries 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 or those of his spouse or children are conveyed to the trust company for the management, administration

27.

and control thereof, in its absolute discretion without recourse or report to the person or persons beneficially entitled to those assets;

(b) income derived from the management of the assets is to be distributed, in accordance with the agreement, to him, his spouse or his children 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, his spouse or children as the circumstances of the management of the trust require.

28.

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

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

(b) no more than five per cent of the nominal value 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 or his spouse or any of his children does not hold any directorship or office in the trust company or its affiliate.

29.

(6) For the purposes of this section, a company is the affiliate of another company where it holds more than five per cent of the nominal value of the issued shares in that other company or where that other company holds more than five per cent of the nominal value of the issued shares in the first mentioned company.

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

- (a) the spouse or child of the person; or
- (b) the partner of the person in a professional, trade, or commercial undertaking;  
or

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

Receipt and examination of declarations. 17. The Commission or the President, as the case may be, shall -

(a) receive, examine and retain all declarations **and documents** filed with it or him under this Act; and

(b) make such enquiries as it or he considers necessary in order to verify or determine the accuracy of the financial affairs, as stated in the declarations of persons who are required to file declarations under this Act.



Commis- 18. The Commission or the President, as the case  
 sion or may be, may in writing request a declarant to  
 the furnish such further particulars relating to his  
 Presi- financial affairs as may be considered necessary  
 dent for the purposes of section 17 (b) and the  
 may re- declarant shall comply with the request within  
 quire the time specified therefor by the Commission or  
 further the President, as the case may be.  
 parti-  
 culars.

Failure 19. Where a person who is required to do so fails  
 to file to file a declaration in accordance with this Act  
 declar- or to furnish particulars under section 18, the  
 ation or Commission or the President, as the case may be,  
 furnish shall publish the fact in the Gazette and in a daily  
 parti- newspaper.  
 culars.

Commis- 20. The Commission may in writing request a  
 sion may declarant to furnish such further information  
 hold or documents and may conduct an inquiry to verify  
 formal any declaration or other statement filed with  
 inquiry. it.

Further 21. (1) Where in the opinion of the President,  
 inform- further information or documents is required from  
 ation a member of the Commission in respect of his  
 from declaration, the President shall, after consulta-  
 members tion with the Minority Leader, appoint  
 of Com- a fit and proper person , as a tribunal to  
 mission require the declarant to furnish such further  
 in information or documents and to conduct any  
 respect inquiry, where found necessary, to verify the  
 of their declaration, document or other statement filed  
 declar- with the tribunal.  
 ations.

(2) For the purpose of any inquiry under this section a tribunal may request in writing, that the declarant or any other person who the tribunal reasonably believes has knowledge of the matters to be inquired into -

- (a) attend before the tribunal at such place, on such date and at such time as may be specified by the tribunal, to give it such information as it may require to satisfy itself that it is in possession of all the material facts; or
- (b) furnish such information or documents as may be specified by the tribunal, within the time specified therefor by the tribunal, so as to assist it in verifying the declaration.

34.

(3) An inquiry under this section shall not be commenced after five years from the date on which the person in respect of whose declaration the inquiry is being conducted ceased to be a person in public life.

Cap.  
19:03

(4) In conducting an inquiry under this section, a tribunal shall have and exercise all the powers of a commissioner appointed under the Commissions of Inquiry Act, save that the proceedings shall be held in private.

(5) Where after an inquiry under this section a tribunal finds that a declarant had in fact made full disclosure in his declaration, it shall forthwith publish a statement to that effect in the Gazette and in a daily newspaper.

(6) Where after an inquiry under this section a tribunal finds that the declaration which gave rise to the inquiry was in fact full and proper, the declarant shall be reimbursed from the Consolidated Fund for all expenses reasonably incurred by him in connection with the inquiry within three months of the tribunal's findings.

Offences 22. (1) Any person who -  
and  
penal-  
ties.

(a) (i) fails, without reasonable  
cause, to file with the  
Commission or the President,  
as the case may be, a declar-  
ation which he is required to  
file in accordance with the  
provisions of this Act: or

(ii) knowingly files with the  
Commission or the President a  
declaration that is not  
complete or is false in any  
material particular: or

(b) fails, without reasonable cause,  
to comply with a request made  
under section 18 or 21 (2) by the  
Commission, the President or a  
tribunal, within the time spec-

36.

ified therefor by the Commission, the President or the tribunal, as the case may be, or gives incomplete or false information pursuant to the request; or

- (c) fails, without reasonable cause, to attend an inquiry being conducted under section 21, pursuant to a request under section 21 (2), or to furnish any information the tribunal may request the declarant to furnish under that section or knowingly gives any false or incomplete information in such inquiry,

shall be liable, on summary conviction, to a fine of twenty-five thousand dollars and to imprisonment for a term of not less than six months nor more than one year, and where the offence involves

the non-disclosure, by the declarant, of property, which should have been disclosed in the declaration, the magistrate convicting the person shall order the person to make full disclosure of the property within a given time and on failure to comply with the order of the magistrate within the given time, the said offence shall be deemed to be a continuing offence and the person shall be liable to a further fine of ten thousand dollars for each day on which the offence continues.

(2) All sums due to the State pursuant to subsection (1) (ii) or subsection (2) may be recovered in like manner as a debt due to the State.

Prose- 23. No prosecution for an offence under section  
cutions. 22, shall 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 the alleged offence was committed, ceased to be a person in public life.

Expenses 24. For the purposes of the Income Tax Act, all incurred disbursements and expenses reasonably incurred in in prep- a year of assessment by a person in public life in aration connection with the preparation of a declaration of de- required to be furnished by him under this Act clara- shall be deemed to be incurred by him wholly and tions exclusively in acquiring his income for that year tax of assessment.

deduc-  
tible.

Cap.81:01



PART IV  
CODE OF CONDUCT

Prov- 25. The provisions of this Part shall be in  
isions addition to and not in derogation of the prov-  
of this isions of the Criminal Law (Offences) Act, the  
Part in Summary Jurisdiction (Offences) Act or any other  
addit- written law.  
ion to  
and not  
in  
derog-  
ation of  
certain  
Acts.

Cap.8:01

Cap.8:02

Powers 26. The provisions of this Part shall be without  
of prejudice to the powers conferred upon the approp-  
appro- riate disciplinary authority by the Constitution.  
riate

discip-  
linary  
authority  
preserved.

Code            27. (1) There is hereby established a Code of  
of                Conduct, being the body of rules contained in  
Conduct.        Schedule II, for every person in public life.  
Schedule  
II

(2) Any person in public life who is in breach of any provision of the Code of Conduct shall be liable, on summary conviction, to a fine of twenty-five thousand dollars and to imprisonment for a period of not less than six months nor more than one year.

Com-            28. (1) Any person who has reasonable grounds  
plaint            to believe that any person in public life is  
to Com-            guilty of breach of any provision of the Code  
mission.         of Conduct may make a complaint in writing to  
the Commission stating -

41.

- (a) the particulars of the breach;
- (b) the particulars, as far as they are known, of the person against whom the complaint is made;
- (c) the nature of the evidence that the complainant proposes to produce in respect of the complaint; and
- (d) such other particulars as may be prescribed by regulations by the Minister.

(2) A complaint to the Commission under this section may be presented in person, or may be sent by registered post to the chairman.

(3) A person who makes a complaint which is frivolous, mischievous or spiteful shall be guilty of an offence and shall be liable on summary conviction to a <sup>twenty-</sup> fine of ~~five~~ thousand dollars and two months imprisonment and the nature of the complaint for which the person is convicted shall be published in a daily newspaper at the expense of such person.

Commis- 29. Where a complaint has been made to the  
sion Commission under section 28, the Commission  
may after considering the complaint and, where found  
reject necessary, examining the complainant, may reject  
com- the complaint if the Commission is of the opinion  
plaint. that -

42.

.

(a) the complaint is frivolous or that it does not pertain to a matter the Commission is empowered to deal with under this Act; or

(b) there has been undue delay in making the complaint after the complainant has come to know of the commission of the breach complained of:

Provided that no complaint shall be rejected by the Commission without giving the person who made the complaint a reasonable opportunity of being heard.

Investi- 30. (1) Where upon examination of a complaint  
gation made under section 28, or otherwise, the  
of Commission is of the view that an investigation  
breach is necessary to ascertain whether any person in  
of Code public life is guilty of breach of any provision  
of of the Code of Conduct, it shall inquire into the  
Conduct. matter.

(2) The sittings of the Commission to take  
evidence or to hear arguments in the course of  
any inquiry under subsection (1) shall be held  
in public.

(3) The complainant and the person in public  
life <sup>in</sup> respect of whom any inquiry is held under this  
section shall be entitled to <sup>reasonable</sup> notice of the pro-  
ceedings of the inquiry and to be represented  
in the inquiry either personally or through an  
attorney-at-law.

Report 31. (1) On the conclusion of any inquiry under  
to section 30, the Commission shall submit a report  
Direc- to the Director of Public Prosecutions if the  
tor of Commission considers this necessary.  
Public  
Prose-  
cutions.

(2) A copy of the report referred to in  
subsection (1) shall be submitted to the  
President.

(3) Where the Director of Public Prose-  
cutions is satisfied, on the examination of the  
report referred to in subsection (1) and the supporting  
relevant evidence, that any person in public life  
ought to be prosecuted for an offence under  
section 27 (2), he shall institute and under-  
take criminal proceedings against the person  
in public life.

(4) Where on the conclusion of an inquiry under section 30 the Commission finds it necessary to submit a report to the Director of Public Prosecutions, it may transmit where the circumstances so warrant, a report to the relevant authority charged with the exercise of disciplinary control over the person in respect of whom the complaint was made for whatever action that body may think necessary.

(5) Where the Commission has forwarded to the Director of Public Prosecutions a report under subsection (1), he shall inform the Commission and the President, in writing, the action taken by him pursuant to the report.

## PART V

### GIFTS.

Report to Commission of gifts.

32. (1) Every person in public life who receives a gift worth more than ten thousand dollars shall make a report of that fact to the Commission stating the name and address of the donor, the description and approximate value of such gift and whether, in the opinion of the donee, the gift is a personal gift or a State gift.

(2) The Commission shall determine whether the gift is a personal gift or a State gift.

46.

(3) The decision of the Commission made in pursuance of subsection (2) shall be final.

(4) The provisions of this section shall not apply to any personal gift received by a person in public life from a relative or friend:

Provided that a person in public life who is unsure whether a gift received from a relative or friend is a State gift or a personal gift may apply to the Commission seeking its opinion as to the proper classification of the gift.

(5) A report under subsection (1) or an application under the proviso to subsection (4) shall be made to the Commission by the person in public life within thirty days of the receipt of the gift.



47.

(6) Where the Commission finds after inquiry that the gift was given to the person in public life personally and,

- (i) was trivial; or
- (ii) was not trivial, but was not intended to be a motive or reward for doing or forbearing to do anything in the course of the performance of his official functions or causing any other person from doing or forbearing to do anything.

the Commission shall allow the person in public life to retain the gift and in other cases shall direct the person in public life in writing to deliver the gift to the Minister assigned responsibility for finance within such period, not exceeding thirty days, as may be specified by the Commission and the person in public life shall comply with the direction within the time so specified.

(7) The person in public life shall be entitled to notice of the proceedings of any inquiry under subsection (6) and shall be entitled to be represented in the inquiry, either in person or through **an attorney-at-law.**

Penal-  
ty for  
contra-  
vening  
section

33. Any person in public life who -  
(a) makes a report to the Commission under section 32 (1) which is incomplete or false in any material particular;  
(b) fails to comply with the proviso to section 32 (4); or

(c) fails to comply with a direction given by the Commission under section 32 (6), shall be liable, on summary conviction, to a fine, which shall not be less than the value of the gift involved in the commission of the offence, and to imprisonment for three months.

PART VI  
MISCELLANEOUS

Assist- 34. Where the Commission requests the Commissioner  
ance by of Police for any assistance, in connection with  
Commis- the performance of its functions, either by the  
sioner Commissioner of Police or by any other member of  
of the Police Force, it shall be the duty of the  
Police. Commissioner of Police to provide or to ensure  
the provision of such assistance to the  
Commission.

Confidential- 35(1) Any information received by any member, or  
ity of by any officer or other employee of the Commis-  
inform- sion, in the course of the performance of the  
ation. functions of such person under this Act (includ-  
ing information contained in any document  
received by that person by virtue of the pro-  
visions of this Act) shall not be divulged by  
any such member, or by any such officer or  
employee, to any person except to the extent

necessary to exercise or discharge his functions as such member or officer or employee or to comply with the provision of any written law or the order of any court or for the purpose of prosecution for an offence.

(2) Any member, or any officer or other employee of the Commission who contravenes the provisions of subsection (1) shall, on summary conviction, be liable to a fine of  $\angle$  <sup>twenty-five</sup> thousand dollars and to imprisonment for two months.

(3) Any person who receives any information or anything contained in such documents as aforesaid, knowing or having reasonable ground to believe at the time when he receives it, that it is communicated to him in contravention of this section shall, unless he proves that the communication to him of the information or any thing contained in any document was contrary to his desire, be guilty of an offence and shall be liable on summary conviction to a fine of  $\angle$  <sup>twenty-five</sup> thousand dollars and to imprisonment for two months.

Amend- 36. The Minister may be order, which shall be  
 ment of subject to negative resolution of the National  
 Sche- Assembly, amend any of the Schedules.  
 dules.

Annual 37. (1) The Commission shall, before the expiry  
 report of three months after the expiry of each calendar  
 by Com- year, submit to the President a report containing  
 mission. an account of the activities of the Commission  
 throughout the preceding calendar year and the  
 difficulties, if any, experienced by the  
 Commission in the performance of its functions.

(2) The report, with any explanation in  
 regard to any matter stated in the report, shall  
 be laid before the National Assembly within a period  
 of sixty days.

Power of Commission to make rules. 38. Subject to the provisions of this Act and regulations made thereunder, the Commission may make rules to regulate its procedure.

Power of the Minister to make regulations. 39. (1) The Minister may, after consultation with the Commission, make regulations to carry out the purposes of this Act.

(2) Without prejudice to the generality of the foregoing, and in particular, such regulations may provide for all or any of the following matters -

- (a) the procedure of the Commission;
- (b) particulars that a complaint under section 28 should contain;
- (c) any other matter that is required to be, or may be, prescribed by regulations under this Act.

Consti- 40. For the removal of doubts it is hereby  
tution- declared that this Act shall not be deemed to  
al priv- affect or modify in any way any privilege or  
ileges immunity granted to the holder of any office by  
and the Constitution.  
immuni-  
ties not  
affected.

Repeal 41. The Integrity Commission Act 1991 is hereby  
of repealed.

Integrity  
Commission  
Act 1991.  
No. 21 of  
1991

## PART VII

## CREATION OF A NEW OFFENCE

## AMENDMENT OF CERTAIN ENACTMENTS

WIDER APPLICATION OF ACT

Posses- 42. (1) Where a person who is or was a person in  
 sion of public life, or any other person on his behalf, is  
 unac- found to be in possession of property or pecuniary  
 counted resource disproportionate to the known sources of  
 property income of the first mentioned person, and that  
 or pec- person fails to produce satisfactory evidence to  
 uniary prove that the possession of the property or  
 resource. pecuniary resource was acquired by lawful means,  
~~he shall be guilty of an offence and~~  
~~he~~ shall be liable, on summary conviction, to a  
 fine and to imprisonment for a term of not less  
 than six months nor more than three years.

(2) In imposing a fine under subsection (1)  
 on a person found guilty of an offence under that  
 subsection, the court shall have regard to the  
 value of the property or pecuniary resource in the  
 possession of that person, which cannot be  
 accounted for by his known sources of income or  
 other lawful means of acquisition of the property  
 or pecuniary resource and such fine shall be



equivalent to one and one half times the value of  
the aforesaid property or pecuniary resource found  
to be in the possession of the said person.

Amend- 43. The Evidence Act is hereby amended in the  
ment of following respects -

Evi-

dence

Act.

Cap.5:03

(a) in the definition of "banker's book  
in section 2, by the insertion, after  
the words "business of a bank". of the  
words "and any electronic equipment or  
object on which particulars of any  
transaction made by the bank are  
stored ;

(b) **in section 11, by the insertion, after  
the words "special cause". of the words  
"or pursuant to a summons issued by the  
Integrity Commission established by the  
Integrity Commission Act 1997".**

No. of 1997

Amend- 44. Section 332 (1) of the Criminal Law  
ment of (Offences) Act is hereby amended -  
Criminal (a) by the substitution, for the  
Law words "(1) In this Title", of the  
(Offences) words "In this Title";  
Act.  
Cap.8:01 (b) by the substitution, for the words  
'"public servant"', of the words  
'(1) "public servant"';  
(c) in the definition of "public  
servant" -  
(i) by the substitution, for the  
full stop at the end of para-  
graph (m), of a semicolon;  
(ii) by the insertion, after para-  
graph (m), of the following  
paragraph as paragraph (n) -  
"(n) every person, other than  
a person falling under  
any of the descriptions  
in the preceding subpara-  
graphs, who holds an  
office listed in Schedule  
I of the Integrity Com-  
mission Act 1997;".

Under  
application  
of Act.

45.(1) Notwithstanding anything in this Act,  
a person in public life whether or not mentioned in  
Schedule I shall include -

public officers;

officers of Regional Democratic  
Councils;

officers of the Bank of Guyana;

officers of State owned and  
controlled Banks;

officers of public corporations and  
other bodies corporate and agencies  
(including companies and bodies  
established by or under any statute)  
owned by the State or in which the  
controlling interest is vested in  
the State or any agency on behalf  
of the State;

members of Tender Boards,

and the aforesaid persons, if not mentioned in Schedule  
I, shall, subject to subsection (2) not be required  
to file a declaration under Part III.

(2) Where a complaint is made under section  
28 in respect of any of the aforesaid persons not  
mentioned in Schedule I, PART III shall mutatis

mutandis apply to such person and he shall supply to the Commission such information if required to do so by the Commission or make such declaration, in respect of such year or years, in such form within such time as the Commission shall specify including -

(a) under section 13, a declaration regarding his assets and liabilities in accordance with section 15;

(b) under sections 14 and 16, declaration regarding trusts and blind trusts respectively;

(c) under section 18, such further information as may be required by the Commission,

in addition to  
any information such person is bound to supply or  
in addition to any declaration he is bound to make  
under the other provisions of this Act.

SCHEDULE I  
SPECIFIED OFFICES

s.2(j)

The President of Guyana

The Speaker of the National Assembly

Ministers including Ministers of State

Secretary to the Cabinet.

Parliamentary Secretaries

Members of the ~~National Assembly~~

~~Members of the National Congress of Local Democratic Organ~~

~~Members of the Regional Democratic Councils~~

Clerk of the National Assembly

Attorney-General (if not a Member of the Cabinet)

Head of the Presidential Secretariat

Director of Protocol, Office of the President

Chief of Protocol, Ministry of Foreign Affairs

Permanent Secretaries and Deputy Permanent

Secretaries

Ombudsman

Director of Public Prosecutions

~~Deputy Director of Public Prosecutions~~

~~Solicitor-General~~

~~Deputy Solicitor-General~~

Chief Parliamentary Counsel

Deputy Chief Parliamentary Counsel.

Auditor General

~~Deputy Auditor General~~

~~Secretary to the Treasury~~

~~Deputy Secretary to the Treasury~~

~~Commissioner of Police~~

~~Deputy Commissioner of Police~~

Chief of Staff, Guyana Defence Force

Director General, Guyana National Service

Commandant, Guyana People's Militia

Members, Elections Commission

Members, Judicial Service Commission

Members, Public Service Commission

Members, Police Service Commission

Members, Teaching Service Commission

Members, Public Service Appellate Tribunal

Police Complaints Authority

Heads of Diplomatic Missions of Guyana accredited

to any other country or any international

organisation

Governor, Deputy Governor and Heads of Division

of the Bank of Guyana

Managing Directors and Managers of State owned

or controlled banks

Heads of all Government Departments

Commissioner of Lands and Surveys  
Deputy Commissioner of Lands and Surveys  
Commissioner of Geology and Mines  
Deputy Commissioner of Geology and Mines  
Commissioner of Forests  
Deputy Commissioner of Forests  
Commissioner of Inland Revenue  
Deputy Commissioner of Inland Revenue  
Comptroller of Customs and Excise  
Deputy Comptroller of Customs and Excise  
Judges of the Supreme Court  
Presidential Advisors  
Magistrates

Commissioner of Title

Registrar of the Supreme Court

Registrar of Deeds

**State Solicitor, Official Receiver and**

Public Trustee

**Chief Planning Officer**

Chief Executive Officer, Deputy Chief Executive

Officer and Heads of Departments, Public

Corporations Secretariat

Chairmen, Managing Directors, Chief Executive

Officers, General Managers and Heads of

Departments of all public corporations,

and other bodies corporate and agencies

(including companies and bodies established

by or under any statute) owned by the State

or in which the controlling interest is  
vested in the State or in any agency on  
behalf of the State

Vice Chancellor, Registrar, and Deans of Faculties  
of the University of Guyana

Registrar ~~General~~

Chief Elections Officer and Commissioner of  
Registration

Mayors and Deputy Mayors and Town Clerks of the  
City of Georgetown, Town of New Amsterdam  
and other towns

Members of the Integrity Commission

Regional Executive Officer and Heads of Depart-  
ments of Regional Democratic Councils

NOTE: Where not less than twenty per cent of the  
nominal value of the issued shares of a  
company is held by the Government or any  
agency on behalf of the Government, for the  
purposes of this Act it shall be deemed that  
the company is controlled by, or the control-  
ling interest in the company is vested in,  
the Government or an agency on behalf of the  
Government.



63.

SCHEDULE II

s.2(d)

CODE OF CONDUCT

No person in public life shall-

- (a) in return for anything done, or to be done, or omitted to be done in the execution of his duties, ask for or accept for himself or any person, any money, property, benefit or favour of any kind over and above that which he is lawfully entitled to receive for the performance of his duties;
  
- (b) in the course of the performance of his official functions discriminate against any person with respect to terms, conditions and privileges of employment or other official matters because of such person's race, place of origin, political opinions, colour, creed or gender;

64.

- (c) for himself or for anyone else accept any gift, benefit or advantage from any one, save personal gifts from a relative or friend, or personal gifts given otherwise than as a motive or reward for doing or forbearing to do anything in the performance of his official functions or causing any other person from doing or forbearing to do anything:

Provided that this provision shall not apply to gifts received on behalf of the State by any person in public life in the course of the performance of his official functions;

- (d) allow private interest to conflict with his public duties or improperly influence his conduct in the performance of his public duties;

65.

- (e) allow the pursuit of his private interests to interfere with the proper discharge of his public duties:

Provided that any conflict between his private interests and his public duties shall be resolved in favour of his public duties;

- (f) use his official influence in support of any scheme or in furtherance of any contract or proposed contract or other matter in regard to which he has an interest;

- (g) for his personal advantage, benefit or gain, make use of, or communicate to anyone except in the performance of his official duties, the contents of any document, or any information or matter acquired in the course of his official duties which are not available to the public;

- (h) use or allow the use of public property (including money), equipment, supplies or services for any purpose other than for officially approved purposes;
- (i) during the performance of his official duties, pursue a course of conduct which amounts to offensive sexual comments, gestures or physical contact or other conduct of that kind;
- (j) in the course of the performance of his official duties pursue a course of conduct by which he exploits his position or authority for his sexual gratification;
- (k) in the course of the performance of his official duties, aid, abet, counsel, procure or command any other person to commit a breach of any of the provision of this Code of Conduct.

SCHEDULE III  
FORMS  
FORM I  
SUMMONS TO WITNESS  
BEFORE THE INTEGRITY COMMISSION

A.B., Complainant

C.D., (Name of Person in public life alleged to be  
in breach of the Code of Conduct).

To E.F., of

Whereas complaint has been made before the Integrity  
Commission for that

C.D.....

(State concisely the substance of the complaint) and it has  
been made to appear to that Commission that you are likely  
to give material evidence on behalf of the complainant/  
person in public life in this behalf:-

This is to require you to be and appear at .....  
o'clock.....on .....day,  
the.....day of.....19.....  
at.....before the Commission in the said  
place, to testify what you know concerning the matter of the  
said complaint.

Dated this            day of            19..

(Signed).....

Chairman of the Integrity Commission.

FORM 2

DECLARATION OF INCOME, ASSETS AND LIABILITIES

Name of Declarant.....

Address.....

Name and address of spouse and children of Declarant.....

1. Income:

Income-- received or receivable (state name and address of each source) as salary, fees as director or consultant, commission, bonus, dividends, professional fees, rents, cash and any other receipts or transfers.

2. Assets:

(a) Description, and value in the opinion of the declarant, including a copy of the latest valuation thereof, if any, and the purchase price or other consideration for its acquisition (where land and buildings thereon are owned by declarant, this should be shown separately from land owned without buildings).

(b) Cash in Bank:

(Identify each bank separately and state amount)

(c) Life Insurance Policies:

(Identify each company separately, state annual premiums, cash surrender value <sup>if any</sup> of policy and date of maturity).

(d) Shareholdings in companies and holdings in partnership and joint ventures:

(List each enterprise separately, the nature of its business and the number of shares held and their current value in the opinion of the declarant).

(e) Directorship and partnerships:

(Identify enterprise, nature of its business and date of appointment as director or partner).

(f) Other Assets:

Motor Vehicles

Boat

Government Bonds

Gifts

Trusts

Other.



3. Liabilities:

- (a) Mortgages
- (b) Judgment Debts
- (c) Other Debts

Dated this            day of            , 19..

Declarant.

I.....hereby declare that this declaration gives full, true and complete particulars of the assets and liabilities as on the relevant date, that is.....and the income during a period of twelve months immediately prior to that date, of myself, and of my spouse and children to the extent to which I have knowledge of the same.

.....

Declarant

**EXPLANATORY MEMORANDUM**

This Bill seeks to achieve a high level of integrity among persons in public life and seeks to replace the Integrity Commission Act 1991 (No. 21 of 1991) enacted by the previous Parliament, but never enforced. Persons in public life, under the Bill, are those holding any of the offices listed in Schedule I.

2. Part II of the Bill seeks to establish an Integrity Commission and to make provisions, in respect of related matters like terms and conditions of appointment of members, funds, etc.

3. Part III of the Bill seeks to make provisions relating to disclosure of assets, liabilities and annual income of persons in public life. Persons in public life, who are not members of the Integrity Commission, are required by the Bill to submit annual declarations in regard to the above matters to the Integrity Commission, and members of the Integrity Commission are required by the Bill

to make similar declarations to the President. Clause 22 of the Bill seeks to prescribe penalties for failing to submit the declaration, submitting an incomplete declaration or submitting a declaration which is false in any material particular, etc.

4. Part IV of the Bill seeks to establish a Code of Conduct which every person in public life is required to comply with. The Code of Conduct is set out in Schedule II. This Part also seeks to lay down procedures for making a complaint to the Integrity Commission when a person in public life commits a breach of the Code of Conduct and to prescribe the penalty for breach of the Code of Conduct.

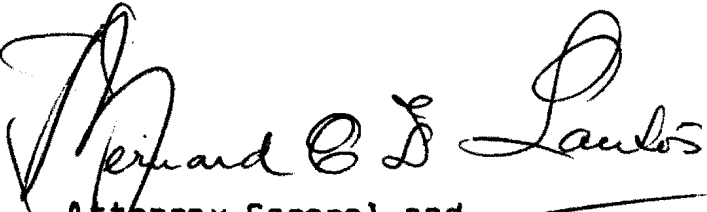
5. Part V of the Bill seeks to make provisions in regard to gifts on behalf of the State and personal gifts received by persons in public life.

6. Clause 42 in Part VII of the Bill creates a new offence. The basic element of this new offence is possession of property or pecuniary resource

disproportionate to the known sources of income of a person in public life. The penalty sought to be prescribed for this offence is fine and imprisonment for a term of not less than six months nor more than three years.

7. Clause 43 of the Bill seeks to make clarificatory amendments in sections 2 and 11 of the Evidence Act, Cap. 5:03, and clause 44 of the Bill seeks to make a consequential amendment in section 332 of the Criminal Law (Offences) Act, Cap. 8:01.

8. The Integrity Commission Act 1991 (No. 21 of 1991) is sought to be repealed by clause 41 of the Bill.

  
Bernard D. Lauko  
Attorney General and  
Minister of Legal Affairs.