

SAINT CHRISTOPHER AND NEVIS

No. of 2022

ARRANGEMENT OF SECTIONS

Sections

**PART I
PRELIMINARY**

1. Short title and commencement
2. Interpretation
3. Authority not affected

**PART II
OFFICE OF THE SPECIAL PROSECUTOR**

4. Appointment of the Special Prosecutor
5. Disqualification of the Special Prosecutor
6. Functions of the Special Prosecutor
7. Signing of documents
8. Powers of the Special Prosecutor
9. Duration of appointment
10. Resignation
11. Vacancy
12. Appointment of the Acting Special Prosecutor
13. Removal of the Special Prosecutor
14. Appearance of the Special Prosecutor
15. Staff of the Special Prosecutor
16. Appointment of Attorneys-at-Law
17. Appointment of investigators, administrative and ancillary staff
18. Oaths or affirmations
19. Disclosure of interests
20. Funds for the Special Prosecutor
21. Administrative arrangements
22. Annual report

**PART III
PREVENTION OF CORRUPT CONDUCT**

23. Prohibition of corrupt conduct
24. Duty to report
25. Complaint to the Special Prosecutor
26. Whistleblowers
27. Rejection of complaint by the Special Prosecutor
28. Investigation of breach
29. Institution of prosecution

**PART IV
SPECIAL OFFENCES**

30. Abuse of Office
31. Fraud on the Government and Statutory Corporations
32. Contractor subscribing to election fund
33. Selling or purchasing public office
34. Influencing or negotiating appointments or dealing in offices

PART V

MISCELLANEOUS

- 35. Amendment of Schedule
- 33. Regulations

FIRST SCHEDULE
SECOND SCHEDULE
THIRD SCHEDULE
FOURTH SCHEDULE

FIRST DRAFT

SAINT CHRISTOPHER AND NEVIS

No. of 2022

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

BE IT ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the National Assembly of Saint Christopher and Nevis, and by the authority of the same as follows:

**PART I
PRELIMINARY****1. Short title and commencement**

- (1) This Act may be cited as the Anti-Corruption Act, 2022.
- (2) This Act shall come into force on a day to be fixed by the Minister by Order published in the Gazette.

2. Interpretation

- (1) In this Act—

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

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

- (a) the National Assembly Elections Act, Cap. 2.01
- (b) the Public Service Act, Cap. 22.09;
- (c) the Procurement and Contract (Administration) Act, Cap. 23.36
- (d) the Financial Administration Act, Cap. 20.13
- (e) the Integrity In Public Life Act, Cap 22.18
- (f) the Freedom of Information Act, 2018

“Attorney-at-Law” means a person whose name is entered on the Roll under section 13 of the Legal Profession Act, Cap. 3.28;

“civil recovery” means the recovery, in criminal or civil proceedings, of money or property obtained by corrupt conduct;

“Constitution of Saint Christopher and Nevis” means the Constitution of Saint Christopher and Nevis set out as the Fourth Schedule to the West Indies Act, Cap. 1.01;

“corrupt conduct” means—

- (a) conduct specified in the Third Schedule;
- (b) conduct specified as special offences in Part IV of this Act; and
- (c) instigating, aiding, abetting, being an accessory after the fact in the commission or attempted commission of, or conspiring to commit, the conduct referenced in the immediately preceding subsections (a) and (b).

“Court” means—

- (a) the Eastern Caribbean Supreme Court or any Court with similar jurisdiction established in succession to that Court; or
- (b) the Magistrate's Court or any Court with similar jurisdiction established in succession to that Court.

“Government” means the Federal Government of Saint Christopher and Nevis and does not include the Nevis Island Assembly or Nevis Island Administration;

“Judicial and Legal Services Commission” means the Judicial and Legal Services Commission referenced in the Constitution of Saint Christopher and Nevis and administered by the Eastern Caribbean Supreme Court;

“person in public life” means a public officer and public official as defined by this Act;

“public office” is the office held by a person in public life, as those terms are defined in this Act;

“public officer” means a person serving or acting in the roles listed in the Second Schedule.

“public official” means a person serving or acting in the roles listed in the First Schedule.

“Special Prosecutor”

(a) means an Attorney-at-Law appointed as the Special Prosecutor under section 4; and

(b) includes an Attorney-at-Law appointed as Acting Special Prosecutor;

“Statutory Corporation” means a body corporate created specifically by Statute passed in the National Assembly;

“whistleblower” means a person who discloses information under section 27;

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

3. Authority not affected

This Act does not affect the authority of—

- (a) the Director of Public Prosecutions under section 81 of the Constitution of Saint Christopher and Nevis;
- (b) the Attorney-General to prosecute a civil claim or to discontinue or withdraw a civil claim on behalf of the Government;
- (c) the Ombudsman under the Ombudsman Act, Cap. 3.22;
- (d) the Integrity Commission under Integrity in Public Life Act, Cap. 22.18; or
- (e) the Financial Intelligence Unit under the Financial Intelligence Unit Act, Cap. 21.09.

PART II SPECIAL PROSECUTOR

4. Appointment of the Special Prosecutor

- (1) The Judicial and Legal Services Commission may, in consultation with the Attorney-General, appoint an Attorney-at-Law as the Special Prosecutor.
- (2) An Attorney-at-Law appointed under subsection (1) shall have at least seven years of experience in the practice of law.
- (3) The Special Prosecutor is a public officer.

5. Disqualification of the Special Prosecutor

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

- (a) has filed for bankruptcy in a Court or is declared by a Court to be a bankrupt;
- (b) is unable to discharge the functions of his office whether arising from infirmity of body or mind or any other cause;

- (c) is found to have committed professional misconduct under the Legal Profession Act, Cap. 3.28;
- (d) is removed from the Roll in accordance with the provisions of the Legal Profession Act, Cap. 3.28;
- (e) is convicted of a criminal offence except if the offence—
 - i. is a minor traffic offence, or
 - ii. is spent in accordance with the Criminal Records (Rehabilitation of Offenders) Act, Cap. 3.25;
- (f) is a public official;
- (g) is the current or former husband, wife or common law partner of a current or former public official;
- (h) is the current husband, wife or common law partner of a public officer; or
- (i) is the mother, father, sister, brother, child, aunt, uncle, niece or nephew, whether natural-born, adopted or otherwise, of a current or former public official.

6. Functions of the Special Prosecutor

(1) The functions of the Special Prosecutor are—

- (a) to receive complaints, from any person, of corrupt conduct and investigate such corrupt conduct;
- (b) to receive complaints, from any person, of conduct related to offences created, from time to time, by the ancillary legislation and investigate such conduct;
- (c) to investigate corrupt conduct and conduct related to offences created, from time to time, by the ancillary legislation on his own motion;
- (d) to institute a criminal prosecution or a civil claim in any Court against a person in public life if the conduct of the public officer or public official appears to the Special Prosecutor on reasonable grounds to involve corrupt conduct or conduct related to offences created by the ancillary legislation;
- (e) to prosecute a criminal offence or a civil claim instituted by him in any Court;
- (f) to prosecute a criminal offence for corrupt conduct or conduct related to offences created by the ancillary legislation referred to him by the Director of Public Prosecutions; and
- (g) to pursue, coordinate and supervise civil recovery arising from corrupt conduct or conduct related to offences created by the ancillary legislation.

(2) The Special Prosecutor may investigate and prosecute a person in public life for—

- (a) a criminal offence of corrupt conduct;
- (b) a civil claim related to corrupt conduct; or
- (c) a criminal offence created by the ancillary legislation;

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

7. Signing of documents

A document initiating, continuing or discontinuing proceedings under this Act shall be signed by the Special Prosecutor.

8. Powers of the Special Prosecutor

(1) Subject to the powers of the Director of Public Prosecutions under section 81 of the Constitution of Saint Christopher and Nevis, the Special Prosecutor may perform any function in relation to the institution, carrying on and withdrawal of a prosecution for—

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

and may prosecute a matter in the name of the Special Prosecutor.

(2) Where the Special Prosecutor institutes a prosecution against a person, the Special Prosecutor may withdraw the matter and the Court shall discharge the defendant.

(3) The Special Prosecutor shall not withdraw a matter instituted or referred to him by the Director of Public Prosecutions unless the Director of Public Prosecutions consents in writing.

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

(5) Subject to subsection (1), in the exercise of the powers vested in the Special Prosecutor under this section, the Special Prosecutor shall not be subject to the direction or control of any other person or authority.

9. Duration of appointment

The Special Prosecutor holds office for a period not exceeding five years as is specified in the instrument of his appointment and is eligible for re-appointment, unless he resigns under section 10 or is removed under section 13.

10. Resignation

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

11. Vacancy

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

- (a) dies;
- (b) is disqualified under section 5;
- (c) resigns under section 10; or
- (d) is removed on the recommendation of the Judicial and Legal Services Commission under section 13.

12. Appointment of the Acting Special Prosecutor

(1) Where the office of the Special Prosecutor is vacant under section 11 or if the Special Prosecutor is unable to exercise his functions, the Judicial and Legal Services Commission may, after consultation with the Attorney-General, appoint an Attorney-at-Law with at least seven years of experience in the practice of law as the Acting Special Prosecutor.

(2) An Attorney-at-Law appointed as the Acting Special Prosecutor ceases to act —

- (a) when the Special Prosecutor assumes office;
- (b) when the Special Prosecutor resumes his duties;
- (c) at the time specified by the terms of his appointment; or
- (d) if the Acting Special Prosecutor resigns under section 10 or is removed under section 13.

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

13. Removal of the Special Prosecutor

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

- (2) The Special Prosecutor shall be removed from office if the question of his removal from office under subsection (1) is referred to the Judicial and Legal Services Commission by the Attorney-General for investigation and determination and, if subsequent to the investigation the Judicial and Legal Services Commission recommends in writing that the Special Prosecutor must be removed.
- (3) Where the question of removing the Special Prosecutor has been referred to the Judicial and Legal Services Commission under this section, and the Judicial and Legal Services Commission recommends in writing that the Special Prosecutor be suspended from the exercise of his functions pending the outcome of the investigation, the Special Prosecutor shall be suspended.
- (4) A suspension under subsection (3) may be revoked by the Judicial and Legal Services Commission and ceases to have effect if the Judicial and Legal Services Commission recommends that the Special Prosecutor must not be removed from office.

14. Appearance of the Special Prosecutor

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

15. Staff of the Special Prosecutor

(1) The staff of the Special Prosecutor may consist of—

- (a) Attorneys-at-Law;
- (b) investigators;
- (c) administrative personnel; and
- (d) other ancillary staff

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

(2) The staff of the Special Prosecutor are public officers.

16. Appointment of Attorneys-at-Law

The Judicial and Legal Services Commission may, after consultation with the Attorney-General, appoint an Attorney-at-Law to work with the Special Prosecutor.

17. Appointment of investigators, administrative and ancillary staff

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

18. Oaths or affirmations

Prior to commencement of duties, the Special Prosecutor, Acting Special Prosecutor, Attorneys-at-Law, investigators, administrative and ancillary staff shall take the oaths or affirmations of appointment and secrecy contained in the Fourth Schedule to this Act.

19. Disclosure of interests

The Special Prosecutor, Acting Special Prosecutor, Attorneys-at-Law and investigators shall immediately give written notice to the Attorney-General of a direct or indirect personal or pecuniary interest adverse to his functions under this Act.

20. Funds for Special Prosecutor

Parliament shall allocate funds for the Office of the Special Prosecutor.

21. Administrative arrangements

- (1) The Special Prosecutor may seek the assistance of the Royal Saint Christopher and Nevis Police Force in the investigation of any matter concerning corrupt conduct or conduct related to offences created by the ancillary legislation and the Commissioner of Police shall ensure that the assistance requested is provided.
- (2) Without limiting the generality of subsection (1), an inspector, subordinate officer or constable may be seconded to work with the Special Prosecutor by the Commissioner of Police.

- (3) The Attorney-General may make an arrangement with a Minister of a country under which the country will, from time to time as agreed under the arrangement, make available a member of the police force or an employee of the Government or of a Statutory Corporation to perform a service for the Special Prosecutor.
- (4) A person engaged to perform a service under subsection (3) is deemed to have the requisite authority to act in Saint Christopher and Nevis.
- (5) An arrangement under subsection (3) may provide for the Government to reimburse a country with respect to the services of a person to whom the arrangement relates.

22. Annual report

- (1) The Special Prosecutor shall, within four months after each calendar year, prepare and deliver to the Attorney-General a report of the work of the Special Prosecutor and the staff of the Special Prosecutor during the financial year.
- (2) The Attorney-General shall cause a copy of the report under subsection (1) to be laid before Parliament.

PART III PREVENTION OF CORRUPT CONDUCT

23. Prohibition of corrupt conduct

- (1) A person in public life or any other person shall not engage in corrupt conduct, including any behaviour specified in Part 1 of the Third Schedule.
- (2) A person in public life or any other person who contravenes subsection (1) commits an offence and is liable on summary conviction, to a fine not exceeding dollars or to imprisonment for a term of years or to both.
- (3) A person in public life or any other person shall not engage in corrupt conduct, including any behaviour specified in Part 2 of the Third Schedule.
- (4) A person in public life or any other person who contravenes subsection (3) commits an offence and is liable on conviction on indictment, to a fine not exceeding dollars or to imprisonment for a term of years or to both.
- (5) Notwithstanding subsections (2) and (4), the Court may make an order for civil recovery and the provisions of the Proceeds of Crime Act, Cap. 4.28 and any amendments thereto shall apply to this Act.
- (6) A person who gives or offers to a person in public life any advantage or other benefit, with intent that the public officer should engage in corrupt conduct, commits an offence and is liable on summary conviction to a fine not exceeding dollars or to a term of imprisonment not exceeding years.

24. Duty to report

- (1) A person in public life to whom any advantage or other benefit is given, promised or offered in contravention of the provisions of this Act or the ancillary legislation shall report the incident to the Special Prosecutor within twenty eight days and shall, if known, include the name of the person who made the offer.
- (2) A person in public life who contravenes the provisions of subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding dollars or to a term of imprisonment not exceeding years or to both.
- (3) A person from whom any advantage or benefit was solicited or obtained in contravention of the provisions of this Act shall, within twenty eight days thereafter, report such soliciting or obtaining to the Special Prosecutor and shall, if known, include the name of the public officer.

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

25. Complaint to the Special Prosecutor

- (1) A person who has reasonable grounds to believe that a person in public life—

- (a) has engaged in corrupt conduct;
- (b) has engaged in conduct related to offences created by the ancillary legislation;

may make a complaint in writing to the Special Prosecutor.

- (2) The complaint under subsection (1) must state—

- (a) the particulars of the conduct;
- (b) the particulars, as far as known, of the public officer or public official against whom the complaint is made; and
- (c) any other prescribed particulars.

26. Whistleblowers

- (1) A person may disclose information to the Royal Saint Christopher and Nevis Police Force, the Ombudsman, the Information Commissioner, the Director of Public Prosecutions, the Special Prosecutor or to any other lawful statutory Board, Authority, Committee, or Government agency on the wrongdoing by a public officer concerning—

- (a) a serious threat to the health or safety of an individual;
- (b) a serious threat to the public or the environment;
- (c) the commission of any criminal offence;
- (d) corrupt conduct;
- (e) conduct related to offences created by the ancillary legislation;
- (f) failure to comply with a legal obligation;
- (g) a miscarriage of justice;
- (h) dishonesty;
- (i) serious maladministration;
- (j) abuse of authority or neglect in the performance of official duty;
- (k) injustice to an individual;
- (l) unauthorised use of public funds;

and that person shall not be liable in any legal proceedings or to any sanction relating to his employment if the information was disclosed in good faith and in the reasonable belief that it was true.

- (2) A person who, pursuant to subsection (1), discloses information maliciously or without reasonable belief of the truthfulness of that information commits an offence and is liable on summary conviction to a fine not exceeding dollars or to imprisonment for a term not exceeding years or to both.
- (3) Where a person makes a report or complaint to the Special Prosecutor under section 24 or 25—

- (a) in good faith;
- (b) reasonably believing that the complaint made and any allegations contained in it, are substantially true; and
- (c) in the circumstances it is reasonable for him to make the complaint;

he is not liable to any form of reprisal or any suit whether civil or criminal.

- (4) A person shall not in the course of employment take reprisal against a person who makes a complaint under subsection (3).
- (5) A person who contravenes subsection (4) commits an offence and is liable—
 - (a) on summary conviction, to a fine of dollars or to imprisonment for a term of years or to both; or
 - (b) on conviction on indictment, to a fine of dollars or to imprisonment for a term of years or to both.
- (6) Where a person makes a report or complaint to the Special Prosecutor under section 24 or 25 or discloses to the Special Prosecutor or to an investigating officer information concerning corrupt conduct or the proceeds or suspected proceeds of a corrupt conduct, the disclosure shall not be treated as a breach of any restriction upon the disclosure of information by any enactment or otherwise and shall not give rise to any civil liability.
- (7) Except as provided in this section, no complaint as to an offence under this Act or the ancillary legislation shall be admitted in evidence in any civil or criminal proceeding and no witness shall be obliged or permitted to disclose the name or address of any whistleblower or state any matter which might lead to his discovery.
- (8) Where any books, documents or papers which are in evidence or liable to inspection in any civil or criminal proceeding whatsoever contains any entry in which any whistleblower is named or described or which might lead to his discovery, the Court before which the proceeding is held shall cause all such passages to be concealed from view or to be obliterated so far as is necessary to protect the whistleblower from discovery but no further.
- (9) Where, in any proceeding relating to an offence under this Act or the ancillary legislation, the Court, after full inquiry into the case—
 - (a) is of the opinion that the whistleblower willfully made in his complaint a material statement which he knew or believed to be false or did not believe to be true; or
 - (b) is of the opinion that justice cannot be fully done between the parties thereto without the discovery of the whistleblower,

the Court may require the production of the original complaint, if in writing, and permit inquiry and require full disclosure concerning the whistleblower.

27. Rejection of complaint by the Special Prosecutor

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

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

28. Investigation of breach

Where on examination of a report or complaint made under sections 24 or 25, or otherwise, the Special Prosecutor is of the view that an investigation is necessary to ascertain whether a person

in public life has committed a breach of this Act or the ancillary legislation, he shall investigate the matter.

29. Institution of prosecution

On the conclusion of an investigation under section 28 and where the Special Prosecutor is satisfied that: a person in public life must be prosecuted for an offence under this Act or an offence under the ancillary legislation, the Special Prosecutor shall institute and undertake proceedings against the public officer or public official.

PART IV SPECIAL OFFENCES

30. Abuse of Office

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

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

commits an offence.

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

(3) A person who commits an offence under this section is liable on conviction on indictment to imprisonment for a term of years.

31. Fraud on the Government or Statutory Corporations

(1) A person commits an offence where—

- (a) directly or indirectly—
 - (i) he gives, offers or agrees to give or offer to a public officer; a public official; a member of the family of a public officer; a member of the family of a public official; or any person for the benefit of a person in public life; or
 - (ii) being a person in public life, he demands, accepts or offers or agrees to accept from any other person for himself or another person

a loan, reward, advantage or other benefit as consideration for cooperation, assistance, exercise of influence or an act or omission in connection with—

- (A) the transaction of business with or any matter or business relating to the Government or a Statutory Corporation; or
- (B) a claim against the Government or any benefit that the Government is authorised or is entitled to bestow,
- (C) a claim against a Statutory Corporation or any benefit that a Statutory Corporation is authorised or is entitled to bestow,

whether or not, in fact, the public officer or public official is able to cooperate, render assistance, exercise influence or do or omit to do what is proposed, as the case may be;

(b) having dealings of any kind with the Government or a Statutory Corporation, he pays a commission or reward to or confers an advantage or benefit of any kind on—

- (i) a public official or his family member;
- (ii) a public officer with which he deals or his family member; or
- (iii) any one for the benefit of a public official or the public officer, with respect to those dealings

unless he has the consent in writing of the chief officer of the Government entity or Statutory Corporation with which he deals, the proof of which shall lie on him;

(c) being a person in public life, he demands, accepts or offers or agrees to accept from a person who has dealings with the Government or a Statutory Corporation a loan, reward, advantage or other benefit directly or indirectly, by himself or through a member of his family or through any one for his benefit, unless he has the consent in writing of the chief officer of the Government entity or Statutory Corporation that employs him or of which he is an official, the proof of which shall lie on him;

(d) having or pretending to have influence with the Government or Statutory Corporation, with a public official or with a public officer, he demands, accepts or offers or agrees to accept for himself or another person a loan, reward, advantage or other benefit as consideration for cooperation, assistance, exercise of influence or an act or omission in connection with—

- (i) anything mentioned in paragraph (a)(ii)(A), (B) or (C); or
- (ii) the appointment of any person, including himself, to any office;

(e) he gives, offers or agrees to give or offer to a public official or a public officer a loan, reward, advantage or other benefit of any kind as consideration for cooperation, assistance, exercise of influence or an act or omission in connection with—

- (i) anything mentioned in paragraph (a)(ii)(A), (B) or (C); or
- (ii) the appointment of any person, including himself, to any office; or

(f) having made a tender to obtain a contract with the Government or a Statutory Corporation—

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

(2) A person who commits an offence under this section is liable on conviction on indictment to imprisonment for a term of years.

32. Contractor subscribing to election fund

(1) A person who, in order to obtain or retain a contract with the Government or a Statutory Corporation, or as a term of any such contract, whether express or implied, directly or indirectly subscribes or gives, or agrees to subscribe or give, to any person any loan, reward, advantage or other benefit—

(a) for the purpose of promoting the election of a candidate or a class or party of candidates to the National Assembly; or

- (b) with intent to influence or affect in any way the result of an election conducted for the purpose of electing persons to serve in the National Assembly,

commits an offence.

- (2) A person who commits an offence under this section is liable on conviction on indictment to imprisonment for a term of years.

33. Selling or purchasing public office

A person who—

- (a) purports to sell or agrees to sell an appointment to or a resignation from a public office, or a consent to any such appointment or resignation, or receives or agrees to receive a reward or profit from the purported sale thereof; or

- (b) purports to purchase or gives a loan, reward, advantage or other benefit for the purported purchase of any such appointment, resignation or consent, or agrees or promises to do so,

commits an offence and is liable on conviction on indictment to imprisonment for a term of years.

34. Influencing or negotiating appointments or dealing in offices

A person who—

- (a) receives, agrees to receive, gives or procures to be given, directly or indirectly, a loan, reward, advantage or other benefit as consideration for cooperation, assistance or exercise of influence to secure the appointment of any other person to a public office;

- (b) solicits, recommends or negotiates in any manner with respect to an appointment to or resignation from a public office, in expectation of a direct or indirect loan, reward, advantage or other benefit; or

- (c) keeps without lawful authority, the proof of which lies on him, a place for transacting or negotiating any business relating to—

- (i) the filling of vacancies in public offices;
- (ii) the sale or purchase of public offices; or
- (iii) appointments to or resignations from public offices,

commits an offence and is liable on conviction on indictment to imprisonment for a term of years.

PART V MISCELLANEOUS

35. Amendment of Schedule

The Attorney-General may, by Order published in the Gazette, amend the Schedules.

36. Regulations

- (1) The Attorney-General may make Regulations for giving effect to this Act.

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

- (a) the forms required under this Act; and

- (b) the procedure for administrative arrangements under section 22.

FIRST SCHEDULE
(Section 2)**PUBLIC OFFICIALS**

1. Representatives in the National Assembly;
2. Senators in the National Assembly;
3. Speaker in the National Assembly;
4. Deputy Speaker in the National Assembly;
5. Members of the Constituency Boundaries Commission;
6. Supervisor of Elections;
7. Electoral Commissioners;
8. Clerk of the National Assembly;
9. Prime Minister;
10. Leader of the Opposition;
11. Ministers in the Cabinet;
12. Parliamentary Secretaries;
13. Attorney-General;
14. Solicitor-General;
15. Chief Legal Advisor in the Attorney-General's Chambers;
16. Director of Public Prosecutions;
17. Director of Audit;
18. Public Service Commissioners;
19. Members of the Public Service Board of Appeal;
20. Police Service Commissioners;
21. Magistrates;
22. Registrars of the High Court;
23. Deputy Registrars of the High Court;
24. Registrars of Land;
25. Deputy Registrar of Land;
26. Head of the Civil Service;
27. Chief Personnel Officer of the Civil Service;
28. Financial Secretary;
29. Permanent Secretaries of the Civil Service;
30. Ombudsman;
31. Information Commissioner;
32. Assistant Secretaries at or above the level of grade K40;
33. Chairpersons, Deputy Chairpersons, Managing Directors, Chief Executive Officers, and General Managers of—
 - (a) Statutory Corporations, or subsidiary companies of Statutory Corporations registered under the Companies Act, including but not limited to—
 - (i) Development Bank of Saint Kitts and Nevis
 - (ii) Social Security Board
 - (iii) St Kitts Investment Promotion Agency
 - (iv) Financial Services Regulatory Commission
 - (v) Medical Cannabis Authority
 - (vi) National Disaster Management Agency
 - (vii) National Housing Corporation
 - (viii) Clarence Fitzroy Bryant College
 - (ix) WhiteGate Development Corporation
 - (x) Frigate Bay Development Corporation
 - (xi) Saint Christopher Air and Sea Ports Authority
 - (xii) Saint Christopher Tourism Authority
 - (xiii) Saint Christopher and Nevis Solid Waste Management Corp.
 - (xiv) National Handicraft and Cottage Industries Development Board
 - (xv) Agricultural Land Development Authority
 - (xvi) National Carnival Committee
 - (xvii) Saint Christopher National Trust

(b) a bank or corporation owned by the Government or in which the Government has a controlling interest including but not limited to—

- (i) St. Kitts-Nevis-Anguilla National Bank Limited
- (ii) ZIZ Broadcasting Corporation
- (iii) Urban Development Corporation
- (iv) St Kitts Electricity Company
- (v) St. Kitts-Nevis Cable Communications Limited
- (vi) La Vallee Greens Limited

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

SECOND SCHEDULE (Section 2)

PUBLIC OFFICERS

1. A person—

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

the Public Service as it is defined in the Constitution of Saint Christopher and Nevis, including but not limited to Government Ancillary Employees, excluding any person employed by the Nevis Island Administration.

2. A person—

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

Statutory Corporations or subsidiary companies of Statutory Corporations registered under the Companies Act;

3. A person—

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

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

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

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

with respect to a bank or corporation owned by the Government or in which the Government has a controlling interest.

THIRD SCHEDULE
(Section 2)**CORRUPT CONDUCT – PART 1**

1. Corrupt conduct, triable summarily, includes—

- (a) a person in public life demanding, accepting or receiving gifts, favours, hospitality or any other benefit for himself or herself, his or her family, close relatives and friends or persons or organizations with whom he or she has or had a business or political relationship which may influence or appear to influence the impartiality with which he or she carries out his or her duties or may be or appear as a reward relating to his or her duties. Such gifts, favours, hospitality or any other benefit do not include conventional and good faith hospitality or minor gifts, favours or other benefits the rejection of which will cause embarrassment to the offeror or grantor;
- (b) a person in public life misbehaving in public office, such that there is an intentional action or an intentional inaction in the course of his official function, in breach of the public trust and without reasonable excuse or justification, that causes financial or other damage to any person such that any reasonable person would conclude that the public officer or public official has abused his public office;
- (c) a person in public life fraudulently using or concealing Government or Statutory Corporation property;
- (d) a person in public life allowing his private interest to conflict with his public duties or to improperly influence his conduct in the performance of his public duties;
- (e) a person in public life failing to act impartially, or gives undue preferential treatment to a person or group of persons;
- (f) a person in public life misusing information acquired in the course of his duties to obtain a personal or private benefit of any nature for
 - (i) himself;
 - (ii) members of his family;
 - (iii) or any other person associated with the public officer or public official;
- (g) a person in public life fraudulently making others to deliver personal property or a third person's property under cover of legal authority;

CORRUPT CONDUCT – PART 2

1. Corrupt conduct, triable on indictment, includes—

- (a) a person in public life soliciting, seeking, accepting, promising to take, or taking any bribe, valuables, loan, reward, advantage or other personal or private benefit for
 - (i) himself;
 - (ii) members of his family;
 - (iii) or any other person associated with the public officer or public official;

in return for promising to perform or performing, or promising to refrain from performing or refraining from performing, his official duties;
- (b) any person tendering, promising to give, or giving any bribe, valuables, loan, reward, advantage or other benefit to a person in public life for
 - (i) himself;

- (ii) members of his family;
- (iii) or any other person associated with the public officer or public official;

in return for the public officer or public official promising to perform or performing, or promising to refrain from performing or refraining from performing, his official duties;

- (c) a person in public life abusing his real or supposed influence to obtain a personal or private benefit of any nature for
 - (i) himself;
 - (ii) members of his family;
 - (iii) or any other person associated with the public officer or public official;
- (h) a person in public life using public funds or resources for private purposes, including political party purposes;
- (i) a person in public life offering or granting, directly or indirectly, to a person performing a public function in a foreign State, an article or money or other benefit, being a gift, favour, promise or advantage in connection with an economic or commercial transaction for an act to be performed or omitted to be performed by that person in the performance of the person's public functions;
- (j) a person in public life acquiring, directly or indirectly, property or pecuniary resource disproportionate to his legitimate sources of income;
- (k) a person in public life seeking to acquire or acquiring, through the use of undue influence or blackmail, a personal or private benefit of any nature for—
 - (i) himself;
 - (ii) members of his family;
 - (iii) or any other person associated with the public officer or public official;
- (l) a person in public life inflating the prices or quantities of, or taking kickbacks from, public works or procurement of services or goods under his charge;
- (m) a person in public life withholding public funds or public property which should be lawfully distributed, with the intent to personally or privately benefit—
 - (i) himself;
 - (ii) members of his family;
 - (iii) or any other person associated with the public officer or public official;or with the malicious intent to deprive any person of such public funds or public property.
- (n) a person in public life stealing or misappropriating Government or Statutory Corporation property or equipment;
- (o) a person in public life stealing or misappropriating private property or equipment that is in his possession due to official position but not for official use;
- (p) a person in public life acquiring valuables or property through the use of undue influence, blackmail, forced acquisition, forced seizure, or forced collection;
- (q) a person in public life using government vehicles to transport contraband or carry goods for tax evasion;

FOURTH SCHEDULE
(Section 18)

PART 1
OATH (OR AFFIRMATION) OF OFFICE

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

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

PART 2
OATH (OR AFFIRMATION) OF SECRECY

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

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

.....
Lanein Blanchette
Speaker

Passed by the National Assembly this day of , 2022.

.....
Trevlyn Stapleton
Clerk of the National Assembly