
First Session Third Parliament Republic of Trinidad
and Tobago



REPUBLIC OF TRINIDAD AND TOBAGO

Act No. 8 of 1987

[L.S.]

AN ACT to provide for the establishment of an Integrity Commission for the purpose of receiving declaration as to the financial affairs of persons in public life and for matters incidental thereto.

[Assented to 11th May, 1987]

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

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

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

Enactment ENACTED by the Parliament of Trinidad and Tobago as follows:—

Short title and commencement 1. (1) This Act may be cited as the Integrity in Public Life Act, 1987.

(2) This Act shall come into operation on a day appointed by the President by Proclamation.

Act at variance with Chap. 1 of the Constitution

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

PART I

PRELIMINARY

Interpretation 2. In this Act—

First Schedule

“person in public life” means a person referred to or listed in the First Schedule;
“tribunal” means a person appointed by the President under section 23(2).

Application of Act 3. This Act applies to every person in public life.

PART II

THE INTEGRITY COMMISSION

Establishment of Integrity Commission

4. (1) There is established an Integrity Commission (hereinafter referred to as “the Commission”) consisting of a Chairman, a Deputy Chairman and three other members.

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

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

(4) Subject to section 6, a member shall hold office for the period specified in his instrument of appointment and is eligible for reappointment.

(5) A person may not be appointed a member of the Commission unless he is a citizen of Trinidad and Tobago, who is not a person in public life.

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

5. (1) A member other than the Chairman or Deputy Chairman may at any time resign his office by instrument in writing addressed to the President and transmitted through the Chairman and, from the date of the receipt of the instrument by the President, that person ceases to be a member. ^{Resignation of members}

(2) The Chairman or Deputy Chairman may at any time resign his office by instrument in writing addressed to the President and, from the date of receipt of the instrument by the President, that person ceases to be Chairman or Deputy Chairman, as the case may be, and a member of the Commission.

6. (1) A vacancy in the membership of the Commission occurs— ^{Vacancy in membership}

(a) on the death, resignation or revocation of the appointment, of a member;

(b) on the absence of a member from three consecutive meetings of the Commission, unless the absence is approved by the President;

(c) on the expiration of the term specified in a member's instrument of appointment.

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

(3) The Chairman, Deputy Chairman and other members of the Commission shall receive such remuneration as shall be determined by the Salaries Review Commission.

Publication in
the *Gazette*

7. The appointment, resignation, revocation of appointment or death of a member of the Commission shall be notified in the *Gazette*.

Receipt and
examination of
declarations

8. The Commission shall—

- (a) receive, examine and retain all declarations filed with it under this Act;
- (b) make such enquiries as it considers necessary in order to verify or determine the accuracy of the declaration filed under this Act;
- (c) perform such other functions it is required by this Act to perform.

Commission not
subject to control
or direction

9. In the performance of its functions the Commission is not subject to the control or direction of any person or authority.

Commission to
report to
Parliament

10. (1) Subject to subsection (2), the Commission shall, not later than 31st March in each year, make a report to Parliament of its activities in the preceding year and the report shall be tabled in the Senate and the House of Representatives not later than 31st May, so however that the report shall not disclose the particulars of any declaration filed with the Commission.

(2) The Commission shall make its first report to Parliament not later than three months after the end of its first year of operation and the report shall be tabled within three months of its making.

Secrecy and
confidentiality

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

Chap. 11:14
Chap. 11:11
Chap. 79:50
Chap. 19:01

Information
not to be
communicated to
unauthorised
persons

12. (1) Every member of the Commission and every person performing any function in the service or as an employee of the Commission shall treat all

declarations and records and information relating to such declarations as secret and confidential and shall not disclose or communicate to any unauthorised person or allow any such person to have access to any such records, information or declarations.

(2) A person who contravenes subsection (1) is guilty of an offence and liable on summary conviction to a fine of twenty thousand dollars and two years imprisonment.

(3) An unauthorised person is a person other than a person authorised to receive information—

- (a) under this Act in relation to the financial affairs of persons in public life for the purposes of this Act; or
- (b) by reason of an order of a Judge of the Supreme Court.

PART III

FINANCIAL DISCLOSURE

13. (1) Every person in public life shall file a declaration of his income, assets and liabilities with the Commission. Declaration of financial affairs

(2) The declaration shall be in the form set out in the Second Schedule and may be accompanied, if the declarant so wishes, by a statement relating to the net worth of the declarant as indicated by details of his income, assets and liabilities certified by a chartered or certified accountant. Second Schedule

14. A declarant may be required by the Commission to furnish such further particulars relating to his financial affairs as may be considered necessary for the purposes of section 8(b). Commission may require further particulars of financial affairs

15. (1) A person in public life shall, on or before 31st May in each year, file in respect of the year immediately preceding the declaration required of him under this Act. Filing of declarations

(2) The declaration shall be filed irrespective of the fact that, during the year in respect of which

the declaration is required or in the following year, the declarant ceased to be a person in public life, otherwise than by reason of death.

(3) Where on the day this Act comes into operation a person is a person in public life, he shall complete and file with the Commission a declaration in the prescribed form within three months of that day.

(4) A person who becomes a person in public life after the commencement of this Act shall, not later than three months of his becoming a person in public life, file a declaration in the prescribed form with the Commission.

(5) Where a person in public life dies, the declaration which he would have been required to file, had he lived, shall not be filed.

Income

16. For the purposes of this Act the income of a person in public life is that which he acquired in or out of Trinidad and Tobago and includes all prerequisites or benefits direct or indirect and all income within the meaning of the Income Tax Act.

Chap. 75:01

Assets

17. For the purposes of this Act the assets of a person in public life are all property, including money, beneficially held in Trinidad and Tobago or elsewhere by him and all rights or benefits enjoyed by him on a continuing basis.

Liabilities

18. For the purposes of this Act, the liabilities of a person in public life are all obligations to pay money or to transfer moneys worth in Trinidad and Tobago or elsewhere.

Trust property

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

**Income, assets
and liabilities
of agent acting
as agent**

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

21. (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. Blind trusts

(2) Where the assets of a person in public life are placed in a blind trust, he need not in his declaration give more particulars of those assets than the amount and description of 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 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 are conveyed to the trust company for its management, administration and control, in its absolute discretion without recourse or report to the persons beneficially entitled to those assets;
- (b) income derived from the management of the assets is to be distributed to him as agreed;
- (c) should the assets be converted into other assets, that fact is not to be communicated to him, until he ceases to be a person in public life; and
- (d) after he ceases to be a person in public life proper and full accounting is to be made to him, as the circumstances of the management of the trust require.

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

- (a) it is incorporated in Trinidad and Tobago and is carrying on business in Trinidad and Tobago;
- (b) no more than five per cent of the issued shares in the trust company or its affiliate

is held by the person in public life entering into an agreement with it, or by any other person associated with him; and

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

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

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

- (a) the spouse or child of the person; or
(b) the partner of the person in a professional, trade, or commercial undertaking; or
(c) a corporation and any person mentioned in paragraph (a) or (b) controls the corporation, its holding corporation or a corporation affiliated with either.
- (8) In subsection (7)—
- (a) “child” means a child whether of full age or not and includes a child of the family within the meaning of the Matrimonial Proceedings and Property Act;
- (b) “control” shall be construed in accordance with rule 3 of the Third Schedule of the Corporation Tax Act.

Chap. 45:51

Chap. 75:02

PART IV

MISCELLANEOUS

Failure to file
declaration

22. Where a person who is required to do so fails to file a declaration in accordance with this Act or without reasonable cause fails to furnish particulars under section 14, the Commission shall publish the fact in the *Gazette*.

Commission
may hold
formal inquiry

23. (1) Where the Commission considers it necessary or expedient to enquire into the accuracy or fullness of a declaration filed with it, the Commission may, under subsection (2) advise the President to establish a tribunal for the purpose.

(2) The President shall on the advice of the Commission, appoint as a tribunal one or more members of the Commission to conduct an enquiry to verify the contents of a declaration or other statement filed with the Commission.

(3) For the purposes of any inquiry under this section a tribunal may, subject to subsection (4), 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 to give it such information as it may require to satisfy itself that it is in possession of all the material facts;

(b) furnish such information or documents as would assist the tribunal in verifying the declaration.

(4) An inquiry may not be commenced after five years from the date when the person in respect of whose declaration the inquiry is being conducted ceased to be a person in public life.

(5) Where the Commission is of the view that a breach of any of the provisions of this Act may have been committed, the Commission shall take such action as it deems appropriate in any particular case and may without prejudice to the generality of the foregoing, furnish such information as it deems fit to the Director of Public Prosecutions.

24. In conducting an inquiry under section 23, a tribunal shall have and exercise the powers of a Commission of Enquiry, under the Commissions of Enquiry Act save that the proceedings shall be held in private. Powers of Tribunal
Chap. 19:01

25. Where, from an inquiry under section 23, a tribunal finds that a declarant had in fact made full disclosure in his declaration, it shall, if so requested in writing by the declarant publish a statement to that effect in the *Gazette*. Findings of Tribunal

Indemnity

26. Where upon an inquiry a tribunal finds that the declaration which gave rise to the inquiry was in fact full and proper, the declarant is entitled to full indemnity and shall be reimbursed from the Consolidated Fund, for all expenses incurred.

Offences

27. (1) A person who—

- (a) fails, without reasonable cause, to furnish to the Commission a declaration or further particulars thereof which he is required to furnish in accordance with the provisions of this Act,
- (b) knowingly makes a declaration that is false in some material particular,
- (c) fails, without reasonable cause, to give such information as a tribunal may require under section 23,
- (d) fails, without reasonable cause, to attend an inquiry being conducted under section 23 or knowingly gives any false information in such inquiry,

is guilty of an offence, and liable on summary conviction to a fine of twenty thousand dollars and to imprisonment for a term of two years, and where the offence involves the deliberate non-disclosure of property the Court may, in addition—

(i) where the property involved is situated in Trinidad and Tobago, declare that it be forfeited to the State;

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

(2) Property acquired from a person referred to in subsection (1) by a *bona fide* purchaser for value without notice of any offence of that person as provided for in this section is not liable to forfeiture but

an amount equivalent to the value of the property or the price paid by the purchaser, whichever is the greater, shall be paid by the person in public life to the State.

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

28. No prosecution for an offence under this Act, ^{Prosecutions} other than an offence under section 12(2), may be instituted—

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

29. For the purposes of the Income Tax Act, all outgoings and expenses reasonably incurred in a year of income by a person in public life in connection with the preparation of a statutory declaration required to be furnished by him for the purposes of this Act are deemed to be incurred by him wholly, exclusively and necessarily in the production of his income for that year of income. ^{Deductible income tax expenses Chap. 75:01}

30. (1) The Commission shall be provided with a ^{Staff of Commission} staff adequate for the prompt and efficient discharge of its functions under this Act.

(2) The staff of the Commission shall be public officers appointed in accordance with section 121(3) of the Constitution.

31. All expenses incurred by the Commission for the purposes of this Act are a charge on the Consolidated ^{Charge on Consolidated Fund} Fund.

FIRST SCHEDULE

(Section 2)

PERSONS IN PUBLIC LIFE

1. Members of the House of Representatives
2. Ministers of Government
3. Parliamentary Secretaries
4. Permanent Secretaries
5. Chief Technical Officers

SECOND SCHEDULE

[(Section 13(2)]

DECLARATION OF INCOME, ASSETS AND LIABILITIES

NAME OF DECLARANT.....

ADDRESS.....

1. INCOME :

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

2. ASSETS :

(a) Real Property

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).

Location :

Rents (state from whether house or land).

(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 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).

(e) Directorships and partnerships
(Identify enterprise, nature of its business, date
of appointment as director).

(f) Other Assets

Motor Vehicles

Boat

Government Bonds

Other

3. LIABILITIES

(a) Mortgages

(b) Judgments Debts

(c) Other Debts

Dated this day of , 1987 .

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Declarant

Passed in the House of Representatives this 27th day
of February, 1987.

J. E. CARTER
Clerk of the House

IT IS HEREBY CERTIFIED that this Act is one the Bill for
which has been passed by the House of Representatives
and at the final vote thereon in the House has been
supported by the votes of not less than three-fifths
of all the members of the House, that is to say by the
votes of 27 members of the House.

J. E. CARTER
Clerk of the House

Passed in the Senate this 24th day of March, 1987

R. L. GRIFFITH
Clerk of the Senate

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

R. L. GRIFFITH

Clerk of the Senate

Senate amendments were agreed to in the House of Representatives on Friday, 3rd April, 1987.

J. E. CARTER

Clerk of the House