

No. of 2024

VIRGIN ISLANDS

INTEGRITY IN PUBLIC LIFE (AMENDMENT) BILL, 2024

ARRANGEMENT OF SECTIONS

SECTION

1. Short title
2. Section 2 amended
3. Section 4 amended
4. Section 5 amended
5. Section 14A inserted
6. Section 15 amended
7. Section 22 amended
8. Section 26 amended
9. Section 38 repealed
10. Section 42 repealed
11. Schedule 1 amended
12. Schedule 3 amended

I ASSENT

Governor.
, 2024

VIRGIN ISLANDS

No. of 2024

A BILL FOR

AN ACT TO AMEND THE INTEGRITY IN PUBLIC LIFE ACT, NO. 43 OF 2021.

[Gazetted , 2024]

ENACTED by the Legislature of the Virgin Islands as follows:

Short title

1. This Act may be cited as the Integrity in Public Life (Amendment) Act, 2024.

Section 2 amended

2. The Integrity in Public Life Act, No. 43 of 2021 (hereafter referred to as the “principal Act”) is amended in section 2

(a) in the definition of “public body”

(i) in paragraph (a) by deleting the words “House of Assembly and”;

(ii) in paragraph (a) by inserting immediately after the word “Cabinet” the words “and Junior Ministers”;

(iii) by deleting paragraph (b);

(b) by deleting the definition of “public officer”;

(c) in the definition of “public official” by deleting the words “or a public officer”;

(d) by inserting in the appropriate order, the following definitions:

““child” means a son or daughter of any age and includes a child born out of wedlock, an adopted child, a step-child or a child of the family;

“spouse” in relation to a person means the husband or wife of that person or a person of the opposite sex who is living

with that person in the circumstances of husband and wife at the time the act or commission constituting the offence occurs.”;

- (e) in the definition of “family”
 - (i) in paragraph (a) by deleting the word “and”;
 - (ii) by inserting immediately after paragraph (b) the word “and”;
 - (iii) by inserting immediately after paragraph (b) the following new paragraph:
 - “(c) parents and siblings;”.

Section 4 amended

3. The principal Act is amended in section 4 by inserting immediately after subsection (7) the following new subsection:

“(8) The persons appointed under subsection (3) shall be paid such remuneration as the Minister may with the approval of Cabinet determine and the payment shall be made out of the funds of the Commission.”.

Section 5 amended

4. The principal Act is amended in section 5(1)

(a) by inserting immediately after paragraph (d) the following:

“(e) make inquiries and carry out investigations as is necessary in order to verify and determine the accuracy of any declaration or statement of registrable interest; and

(f) examine the practices and procedures of public bodies in order to facilitate the discovery of corrupt practices, except where there is a statutory duty on any person to perform that function;”;

(b) by renumbering paragraph “(e)” as “(g)”.

Section 14A inserted

5. The principal Act is amended by inserting immediately after section 14 the following new section:

“Power to impose fines for breach or non-compliance with Act

14A. (1) The Commission shall, in the performance of its functions under this Act impose on any person in public life who breaches any provision of this Act, for which no specific penalty is prescribed, a fine not exceeding \$5,000.

(2) The fine referred to in subsection (1) shall be issued by the Chairperson of the Commission.”

Section 15 amended

6. The principal Act is amended in section 15(1) by deleting the words “or any other person exercising a public function”.

Section 22 amended

7. The principal Act is amended in section 22 by
- (a) deleting subsection (2); and
 - (b) renumbering subsection “(3)” as “(2)”.

Section 26 amended

8. The principal Act is amended in section 26(3) by deleting the words “in the case of a public officer to the Deputy Governor”.

Section 38 repealed

9. The principal Act is amended by deleting section 38.

Section 42 repealed

10. The principal Act is amended by deleting section 42.

Schedule 1 amended

11. The principal Act is amended in Schedule 1
- (a) by deleting paragraphs 1 and 3
 - (b) by inserting a new paragraph 1 as follows:
“1. Members of the Cabinet and Junior Ministers”.

Schedule 3 amended

12. The principal Act is amended in Schedule 3 in Part IV paragraph 18, by deleting the words “This paragraph does not apply to a member of the House of Assembly”.

Passed by the House of Assembly this day of 2024.

Speaker.

Clerk of the House of Assembly.

OBJECTS AND REASONS

The Bill seeks to amend the Integrity in Public Life Act, No. 43 of 2021 (hereafter referred to as the “principal Act”).

Clause 1 would set out the short title.

Clause 2 would provide for amendment of section 2 of the principal Act by deleting the reference to the House of Assembly in the definition of the word “public body” and to include “Junior Ministers” in the definition of “public body” as well as to delete the reference to Ministries and Departments of Government.

Clause 3 would provide for amendment of section 4 of the principal Act to provide for payment of remuneration to the members of the Commission.

Clause 4 would provide for amendment of section 5 of the principal Act to expand the powers of the Integrity Commission in accordance with recommendations emanating from the Independent Review of Mr. Denniston Fraser.

Clause 5 would provide for insertion of section 14A in the principal Act which empowers the Commission to impose fines for the breach or non-compliance with the Act.

Clause 6 would provide for amendment of section 15 of the principal Act to narrow the scope of application to persons in public life under the Act

Clause 7 would provide for amendment of section 22 of the principal Act to remove references to public officers.

Clause 8 would provide for amendment of section 26 of the principal Act to remove references to public officers.

Clause 9 would provide for deletion of section 38 in the principal Act as matters relating to integrity in public life relating to the House of Assembly are expected to be addressed in a separate piece of legislation.

Clause 10 would provide for deletion of section 42 in the principal Act as matters relating to integrity in public life relating to the House of Assembly are expected to be addressed in a separate piece of legislation.

Clause 11 would provide for amendment of Schedule 1 in the principal Act by listing the persons in public life who will be regulated under this Act.

Clause 12 would provide for amendment of Schedule 3 in the principal Act by removing references to the House of Assembly as matters relating to integrity in public life relating to the House of Assembly are expected to be addressed in a separate piece of legislation.

Premier