

# INSTRUCTIONS

## 1. PERSONS REQUIRED TO FILE

All persons in public life are required to file declarations of their income, assets and liabilities with the Commission. The Schedule to the Integrity in Public Life Act, 2000 (hereinafter referred to as “the Act”), lists the persons in public life as follows:

- (1) Members of the House of Representatives.
- (2) Ministers of Government.
- (3) Parliamentary Secretaries.
- (4) Members of Tobago House of Assembly.
- (5) Members of Municipalities.
- (6) Members of Local Government Authorities.
- (7) Senators.
- (8) Judges and Magistrates appointed by the Judicial and Legal Service Commission.
- (9) Members of the Boards of all Statutory Bodies and State Enterprises including those Bodies in which the State has a controlling interest.
- (10) Permanent Secretaries and Chief Technical Officers.

## 2. DISCLOSURE REQUIREMENTS

Section 12(1)–(5) of the Act specifies the information which should be disclosed in the declaration. The provisions of this section are reproduced below.

12. (1) A declaration required under this Act, shall include such particulars as are known to the declarant, of the income, assets and liabilities of himself, his spouse and his dependent children.

(2) Notwithstanding subsection (1), where—

- (a) the declarant’s spouse was not ordinarily living with the declarant for a continuous period of six months during the period in relation to which the declaration was made; or
- (b) a dependent child was not ordinarily living with the declarant at any time during the period in relation to which the declaration was made,

the particulars required to be furnished by subsection (1) shall be limited to assets held by the spouse or child in trust for, or as agent of the declarant, except that nothing in this section shall be construed as precluding the Commission from requiring from a declarant, any additional particulars.

(3) 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.

(4) For the purposes of a declaration under this Act, 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.

(5) Where, in a declaration filed with the Commission, a person in public life discloses an income which is insufficient to support the accretion in value of the net assets disclosed so as to raise the inference that there must have been other income to account for the extent of the

acquisition of such assets, the person in public life will be deemed to have been in possession of such income which has not been disclosed and the onus shall be on him to establish the source of that further income.

### 3. DEADLINES FOR FILING

Section 11(1) and (2) of the Act specifies the deadlines for the filing of the declarations.

Within three (3) months of becoming a person in public life, a person shall complete and file with the Commission, in the prescribed form, a declaration of his income, assets and liabilities in respect of the previous year.

Thereafter, on 31st May in each succeeding year that he is a person in public life, he shall file further declarations of his income, assets and liabilities.

The time for furnishing of a declaration may be extended by the Commission, in any particular case, for good cause, for a period not exceeding six (6) months.

### 4. REQUEST FOR FURTHER PARTICULARS

Under section 13 of the Act, the Commission may request from a declarant, any information or explanation relevant to a declaration made by him and which would assist in its examination.

The Commission may require that—

- (a) a declarant furnish such particulars relating to his financial affairs as may be considered necessary;
- (b) a declarant or his duly appointed agent attend at the offices of the Commission in order to verify his declaration;
- (c) a declaration be certified by a chartered or certified accountant.

### 5. DEADLINE FOR FURNISHING OF FURTHER PARTICULARS

The Integrity Commission requires that information requested, pursuant to section 13, shall be furnished or produced within fourteen days of receipt of the Commission's request.

### 6. OFFENCES RELATING TO DECLARATIONS *(Specified under section 21 of the Act)*

21. (1) A person in public life who—

- (a) fails, without reasonable cause, to furnish to the Commission a declaration, or further particulars which he is required to furnish in accordance with the provisions of the Act;
- (b) knowingly makes a declaration that is false;
- (c) fails, without reasonable cause to give such information or explanation as the Commission or a tribunal may require;
- (d) fails, without reasonable cause to attend an enquiry being conducted by a tribunal appointed under section 15 or knowingly gives false information in such enquiry,

is guilty of an offence, and liable on summary conviction to a fine of two hundred and fifty thousand dollars and to imprisonment for a term of ten years.

(2) Where, a person in public life is deemed to have been in possession of undisclosed income or assets and fails to account for such further income or assets, or where upon an enquiry, it is determined that such other income or assets have existed and the person in

public life deliberately omitted to disclose such information in the declaration filed with the Commission, he shall be liable on summary conviction to a fine of two hundred and fifty thousand dollars and imprisonment for a term of ten years, and where the offence involves the deliberate non-disclosure of property the Court may, in addition—

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

(b) where the property involved is situated outside of 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.

(3) 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 greater, shall be paid by the person in public life to the State.

(4) Payment of all sums due to the State pursuant to paragraph (b) 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.

## **INTEGRITY COMMISSION**

**12TH FEBRUARY, 2004**