

WHAT IS CORRUPTION?

A simple definition of corruption is the misuse of public office for private gain for the benefit of the holder of the office or some third party.

WHAT IS THE CORRUPTION (PREVENTION) ACT 2000?

The Corruption (Prevention) Act 2000 was established to eliminate bribery and corruption within the government services. The act requires that certain categories of public servants make statutory declarations of their assets, liabilities and income. It makes provisions for the investigation of those government employees whose declared assets are not in keeping with their total emoluments.

The Act is administered and enforced by the Commission for the Prevention of Corruption.

WHO FILES STATUTORY DECLARATIONS?

All public servants who fall outside of the Parliamentary (Integrity of Members) Act whose total emoluments are Two Million Dollars or above, or those whose posts are listed in the regulations to file statutory declarations. Also any public servant or category of public servants, which the Commission requests in writing or by notice published in the gazette.

WHO ARE CONSIDERED AS PUBLIC SERVANTS?

Under the Act “public servant” means any person:

- (a) Employed –

- i) in the public, municipal or parochial service of Jamaica;
- ii) in the service of a statutory body or authority or a government company;

- (b) who is an official of the state or any of its agencies;
- (c) appointed, elected, selected or otherwise engaged to perform a **public function**.

“Public Function” means any activity performed a single time or continually, whether or not payment is received therefor, which is carried out by–

- (a) a person for, or on behalf of or under the direction of a Ministry, Department of Government, a statutory body or authority, a Parish Council, the Kingston and St. Andrew Corporation or a government company;
- (b) a body, whether public or private, providing public services;
- (c) a Member of the House of Representatives or of the Senate in that capacity.

WHEN ARE THE DECLARATIONS TO BE FILED?

All statutory declarations become due three months after the Regulations come into effect, or three months after the date of appointment of the public servant to a post, which requires the filing of a declaration. Also within three months after a

public servant’s emoluments increase to Two Million dollars or more.

N.B. The Regulation became effective 31st JANUARY 2003.

Each successive declaration should cover the year ending 31st December and must be filed by the 31st March of the following year.

A statutory declaration is also required whenever a public servant demits office. This is due at the end of twelve months from the last day in office.

WHERE ARE DECLARATIONS TO BE FILED?

All declarations must be delivered to the Office of the Commission during normal office hours.

Declarations may also be submitted by registered mail, post dated before the final filing date.

WHAT IS TO BE FILED IN THE DECLARATIONS?

The statutory declarations should include information on all assets, liabilities and income of the declarant, his/her spouse and children if they live with the declarant at any time during the period of declaration and should include all assets whether held **locally or abroad**. In addition all assets held on behalf of the declarant by his/her spouse or children who were not living with him/her during the period of the declaration.

The declaration should not include information in relation to any gift received from relatives of the declarant, valuing less than \$20,000.00.

WHAT HAPPENS IF: A DECLARATION IS NOT FILED OR IF FALSE STATEMENTS ARE MADE ON THE DECLARATIONS?

Any intentional violation of the Corruption (Prevention) Act with regards to the failure to file or a misstatement is an offence under the Act, and is punishable by imprisonment for not more than two years or by a fine of up to Two Hundred Thousand Dollars or both.

Intentional violations will also be reported to the appropriate Service Commission, Board or Authority for disciplinary action.

CAN THE PUBLIC SEE THE DECLARATIONS?

The statutory declarations, letters and other documents submitted with them are regarded as secret and confidential under the Act.

Any communication or attempted communication of a declarant's information to an unauthorized person is punishable by imprisonment for not more than three years or by a fine of up to Five Hundred Thousand Dollars or both.

These materials are intended as a general guide and should not be considered as a part of the Corruption (Prevention) Act or Regulation.

For more information contact the Commission for the Prevention of Corruption.

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MEMBERS OF THE COMMISSION

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The Very Rev. Canon The Hon. Weeville Gordon C.D.

