**SAINT CHRISTOPHER AND NEVIS**

**No. of 2023**

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**SAINT CHRISTOPHER AND NEVIS**

No. of 2023

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 and Nevis.

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, 2023.
   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—

1. the National Assembly Elections Act, Cap. 2.01
2. the Public Service Act, Cap. 22.09;
3. the Procurement and Contract (Administration) Act, Cap. 23.36;
4. the Financial Administration Act, Cap. 20.13;
5. the Integrity in Public Life Act, Cap 22.18;
6. 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 Order of Saint Christopher and Nevis as set out in the Fourth Schedule of the West Indies Act, Cap. 1.01;

“corrupt conduct” includes—

1. conduct specified in the Second Schedule;
2. conduct specified as special offences in Part IV of this Act; and
3. 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).

“Government” means the Federal Government of Saint Christopher and Nevis and the 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;

“Minister” means the Minister with responsibility for Legal Affairs;

“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.

“public servant” means a person appointed by the Governor-General on advice of the Public Service Commission.

“Special Prosecutor”

1. means an Attorney-at-Law appointed as the Special Prosecutor under section 4; and
2. 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.

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

1. **Authority not affected**

This Act does not affect the authority of—

1. the Director of Public Prosecutions under section 81 of the Constitution of Saint Christopher and Nevis;
2. the Attorney-General to prosecute a civil claim or to discontinue or withdraw a civil claim on behalf of the Government;
3. the Ombudsman under the Ombudsman Act, Cap. 3.22;
4. the Information Commissioner under the Freedom of Information Act, 2018;
5. the Integrity Commission under the Integrity in Public Life Act, Cap. 22.18; or
6. the Financial Intelligence Unit under the Financial Intelligence Unit Act, Cap. 21.09.

**PART II**

**SPECIAL PROSECUTOR**

1. **Appointment of the Special Prosecutor**
2. Subject to subsection (2), the Governor-General may, acting in accordance with the recommendation of the Public Service Commission, appoint an Attorney-at-Law as the Special Prosecutor.
3. The Public Service Commission shall consult with the Judicial and Legal Services Commission prior to making any recommendation as to the exercise of the power to appoint a person under this section.
4. An Attorney-at-Law appointed pursuant to subsection (1) shall have at least seven years of experience in the practice of law.
5. The Special Prosecutor is a public servant.
6. **Disqualification from being 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—

1. has filed for bankruptcy in a court or is declared by a court to be a bankrupt;
2. is unable to discharge the functions of his or her office whether arising from infirmity of body or mind or any other cause;
3. is found to have committed professional misconduct under the Legal Profession Act, Cap. 3.28;
4. is removed from the Roll in accordance with the provisions of the Legal Profession Act, Cap. 3.28;
5. is convicted of a criminal offence except if the offence—
   1. is a minor traffic offence, or
   2. is spent in accordance with the Criminal Records (Rehabilitation of Offenders) Act, Cap. 3.25;
6. is a public officer or a public official under the Integrity in Public Life Act, Cap. 22,18;
7. is the current or former husband, wife or common law partner of a current or former public official under the Integrity in Public Life Act, Cap. 22,18;
8. is the current husband, wife or common law partner of a public officer; or
9. 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 under the Integrity in Public Life Act, Cap. 22.18.
10. **Functions of the Special Prosecutor**
11. Subject to subsection (2), the Special Prosecutor may investigate and prosecute a public officer for

(a) a criminal offence of corrupt conduct;

(b) a civil claim related to corrupt conduct;

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.

1. The functions of the Special Prosecutor are—
2. to receive complaints from any person, in relation to alleged corrupt conduct and investigate such corrupt conduct;
3. to receive complaints from any person, of conduct related to offences created, from time to time, by the ancillary legislation;
4. to report or facilitate the reporting of the complaints to the Director of Public Prosecutions;
5. subject to the consent of the Director of Public Prosecutions, to institute and prosecute a criminal prosecution in any court against a public officer if the conduct of the public officer appears to the Special Prosecutor on reasonable grounds to involve corrupt conduct;
6. subject to the consent of the Attorney General, to institute and take carriage of a civil claim in a court;
7. to prosecute a criminal offence for corrupt conduct or conduct related to offences created by the ancillary legislation referred to him or her by the Director of Public Prosecutions; and
8. to pursue, coordinate and supervise civil recovery arising from corrupt conduct or conduct related to offences created by the ancillary legislation referred to him or her by the Attorney General.
9. **Signing of documents**

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

1. **Powers of the Special Prosecutor**
2. Subject to the powers of the Director of Public Prosecutions under section 65 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—
3. any offence created by this Act; or
4. any offence under the ancillary legislation.
5. Where the Special Prosecutor intends to institute a prosecution against a person, the Special Prosecutor must first seek consent in writing from the Director of Public Prosecutions, and after receipt of such consent the Special Prosecutor may initiate and prosecute a matter pursuant to subsection (1) in the name of the Special Prosecutor.
6. Where the Special Prosecutor intends to withdraw any prosecution initiated against a person pursuant to subsection (1) or referred to him or her by the Director of Public Prosecutions, the Special Prosecutor must first seek consent in writing from the Director of Public Prosecutions, and after receipt of such consent the Special Prosecutor may withdraw the matter and the court shall discharge the defendant.
7. 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.
8. Subject to subsection (1), (3) and (4), 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 or her appointment and is eligible for re-appointment, unless he or she resigns under section 10 or is removed under section 13.

1. **Resignation**

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

1. **Vacancy**

The office of the Special Prosecutor shall become vacant on the expiry of his or her term of appointment or if he or she —

1. dies;
2. is disqualified under section 5;
3. resigns under section 10; or
4. is removed on the recommendation of the Judicial and Legal Services Commission under section 13.
5. **Appointment of the Acting Special Prosecutor**
6. Where the office of the Special Prosecutor is vacant under section 11 or if the Special Prosecutor is unable to exercise his or her 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.
7. An Attorney-at-Law appointed as the Acting Special Prosecutor ceases to act —
8. when the Special Prosecutor assumes office;
9. when the Special Prosecutor resumes his or her duties;
10. at the time specified by the terms of his or her appointment; or
11. if the Acting Special Prosecutor resigns under section 10 or is removed under section 13.
12. The Acting Special Prosecutor is a public officer.
13. **Removal of the Special Prosecutor**
14. The Special Prosecutor or the Acting Special Prosecutor may be removed from office for inability to exercise the functions of his or her office, whether arising from infirmity of body, mind or another cause, or for misconduct.
15. The Special Prosecutor or Acting Special Prosecutor shall be removed from office if the question of his or her removal from office under subsection (1) is referred to the Judicial and Legal Services Commission by the Governor-General for investigation and determination and, if subsequent to the investigation, the Judicial and Legal Services Commission, in consultation with the Public Services Commission, recommends in writing that the Special Prosecutor or the Acting Special Prosecutor must be removed.
16. Where the question of removing the Special Prosecutor or Acting Special Prosecutor has been referred to the Judicial and Legal Services Commission under this section, and the Judicial and Legal Services Commission, in consultation with the Public Services Commission, recommends in writing that the Special Prosecutor or Acting Special Prosecutor be suspended from the exercise of his or her functions pending the outcome of the investigation, the Governor General may suspend the Special Prosecutor.
17. A suspension under subsection (3) may be revoked by the Governor-General and ceases to have effect if the Special Prosecutor or Acting Special Prosecutor is not removed from office.
18. **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.

1. **Staff of the Special Prosecutor’s Office**
2. The staff of the Special Prosecutor’s Office may consist of—
3. Attorneys-at-Law;
4. investigators;
5. administrative personnel; and
6. other ancillary staff

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

1. The staff of the Special Prosecutor’s Office shall be public officers.
2. **Appointment of Attorneys-at-Law**
3. Subject to subsection (2), the Governor-General acting in accordance with the recommendation of the Public Service Commission, may appoint an Attorney-at-Law to work with the Special Prosecutor.
4. The Public Service Commision shall consult with the Judicial and Legal Services Commission prior to making any recommendation to the Governor-General in accordance with the provisions of subsection (1).
5. Subject to subsection (4) the power to exercise disciplinary control over persons holding or acting in offices to which this section applies, and the power to remove such persons from office shall vest in the Governor-General, acting in accordance with the

recommendation of the Judicial and Legal Services Commission.

1. The Judicial and Legal Services Commission shall consult with the Public Service Commission prior to making any recommendation in accordance with the provisions of subsection (3).
2. **Appointment of investigators, administrative and ancillary staff**

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

1. **Oaths or affirmations**

Prior to commencement of duties, the Special Prosecutor, Acting Special Prosecutor, and staff of the Special Prosecutor’s Office shall take the oaths or affirmations of appointment and secrecy contained in the Third Schedule to this Act.

1. **Disclosure of interests**

The Special Prosecutor, Acting Special Prosecutor and staff of the Special Prosecutor’s Office shall immediately give written notice to the Governor-General of a direct or indirect personal or pecuniary interest adverse to his or her functions under this Act.

1. **Funds for Special Prosecutor**

Parliament shall allocate funds for the Special Prosecutor’s Office.

1. **Administrative arrangements**
2. The Special Prosecutor may, in consultation with the Commissioner of Police, seek the assistance of the Royal Saint Christopher and Nevis Police Force in the investigation of any matter concerning corrupt conduct under this Act. 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.
6. **Annual report**
7. 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’s Office during the financial year.
8. The Attorney-General shall cause a copy of the report under subsection (1) to be laid before Parliament.

**PART III**

**PREVENTION OF CORRUPT CONDUCT**

1. **Prohibition of corrupt conduct by public officers**
2. A public officer shall not engage in corrupt conduct, including any offence specified in Part 1 of the Second Schedule.
3. A public officer who contravenes subsection (1) commits an offence and is liable on summary conviction, to a fine not exceeding thirty thousand dollars or to imprisonment for a term of 6 months or to both.
4. A public officer shall not engage in corrupt conduct, including any offence specified in Part 2 of the Second Schedule.
5. A public officer who contravenes subsection (3) commits an offence and is liable on conviction on indictment, to a fine not exceeding one hundred thousand dollars or to imprisonment for a term of three years or to both.
6. 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 shall apply to this Act.
7. A person who gives or offers to a public officer 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 one hundred thousand dollars or to a term of imprisonment not exceeding three years.
8. Where the offence under this section involves the acquisition of property the Court may, in addition to the penalty specified under this section,

(a) where the property in question is in Saint Christopher and Nevis declare that it be forfeited to the State;

(b) the property is outside of Saint Christopher and Nevis, order that the amount equivalent to the value of the property be paid by the public officer to the State.

1. **Duty to report**
2. A public officer to whom any advantage or other benefit is given, promised or offered for the purposes of engaging in corrupt conduct or in anticipation of corrupt conduct, shall report the incident to the Special Prosecutor within twenty-eight days and shall, include the name of the person who made the offer, if known.
3. A public officer who contravenes the provisions of subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding thirty thousand dollars or to a term of imprisonment not exceeding six months or to both.
4. 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.
5. A person who contravenes the provisions of subsection (3) commits an offence and is liable on summary conviction to a fine not exceeding thirty thousand dollars or to a term of imprisonment not exceeding six months or to both.
6. **Complaint to the Special Prosecutor**
7. A person who has reasonable grounds to believe that a public officer—
8. has engaged in corrupt conduct;
9. has engaged in conduct related to offences created by the ancillary legislation;

may make a complaint in writing to the Special Prosecutor.

1. The complaint under subsection (1) must state—
2. the particulars of the conduct;
3. the particulars, as far as known, of the public officer against whom the complaint is made; and
4. any other prescribed particulars.
5. **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—

1. is frivolous; or
2. does not pertain to a matter the Special Prosecutor is empowered to deal with under this Act.
3. **Investigation of breach**

Where on examination of a report or complaint made under sections 24, 25 or otherwise, the Special Prosecutor is of the view that an investigation is necessary to ascertain whether a public officer has committed a breach of this Act or the ancillary legislation, he or she shall investigate the matter.

1. **Institution of prosecution**

On the conclusion of an investigation under section 28 and where the Special Prosecutor is satisfied that a public officer must be prosecuted for an offence under this Act, the Special Prosecutor obtain consent from the Director of Public Prosecutions and, thereafter, shall institute and undertake proceedings against the public officer.

**PART IV**

**SPECIAL OFFENCES**

1. **Abuse of Office**
2. A public officer who directly or indirectly solicits, accepts or obtains, or agrees to accept or obtain, for himself or herself or any other person, any bribe, valuables, loan, reward, advantage or other benefit with intent—
3. to interfere with the administration of justice;
4. to procure or facilitate the commission of an offence under any enactment;
5. to protect from detection or punishment a person who has committed or who intends to commit an offence,

commits an offence.

1. Any person who gives or offers to a public officer any loan, reward, advantage or other benefit, with intent that the public officer should do anything mentioned in subsection (1) commits an offence.
2. A person who commits an offence under this section is liable on conviction on indictment to a fine of one hundred thousand dollars or to a term of imprisonment for three years.
3. **Fraud on the Government or Statutory Corporations**
4. A person commits an offence where—
5. directly or indirectly—
6. he gives, offers or agrees to give or offer to a public officer; a member of the family of a public officer; or any person for the benefit of a public officer; or
7. being a public officer, he or she demands, accepts or offers or agrees to accept from any other person for himself or herself 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—

1. the transaction of business with or any matter or business relating to the Government or a Statutory Corporation; or
2. a claim against the Government or any benefit that the Government is authorised or is entitled to bestow,
3. 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 is able to cooperate, render assistance, exercise influence or do or omit to do what is proposed, as the case may be;

1. having dealings of any kind with the Government or a Statutory Corporation, he or she pays a commission or reward to or confers an advantage or benefit of any kind on—
2. a public officer with which he or she deals or his or her family member; or
3. any one for the benefit of the public officer, with respect to those dealings

unless he or she has the consent in writing of an authorised person of the Government entity or Statutory Corporation with which he or she deals, the proof of which shall lie on him or her;

1. being a public officer, he or she 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,
   1. by himself or herself or
   2. through a member of his or her family; or
   3. through any one for his or her benefit,

unless he or she has the consent in writing of an authorised officer of the Government entity or Statutory Corporation that employs him or her or of which he or she is an official, the proof of which shall lie on him;

1. having or pretending to have influence with the Government or Statutory Corporation, with a public officer, he or she demands, accepts or offers or agrees to accept for himself or herself 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—
2. anything mentioned in paragraph (a)(ii)(A), (B) or (C); or
3. the appointment of any person, including himself, to any office;
4. he gives, offers or agrees to give or offer to 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—
5. anything mentioned in paragraph (a)(ii)(A), (B) or (C); or
6. the appointment of any person, including himself, to any office; or
7. having made a tender to obtain a contract with the Government or a Statutory Corporation—
8. 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
9. he demands, accepts 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 or her tender.
10. A person who commits an offence under this section is liable on conviction on indictment to a fine of one hundred thousand dollars or imprisonment for a term of three years.
11. **Contractor subscribing to election fund**
12. A person commits and offence 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—
13. for the purpose of promoting the election of a candidate or a class or party of candidates to the National Assembly; or
14. 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.
15. A person who commits an offence under this section is liable on conviction on indictment to a fine of one hundred thousand dollars or to imprisonment for a term of three years.
16. **Purporting to sell or purchase public office**

A person who—

1. purports to accept funds or other benefit in order to procure—

(i) an appointment to or resignation from a public office;

(ii) a consent to any such appointment or resignation; or

(b) receives or agrees to receive a reward or profit from the purported sale of the public office; or

(c) purports to pay for 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 a fine of one hundred thousand dollars or to imprisonment for a term of three years.

1. **Influencing or negotiating appointments etc.**

A person who—

1. 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;
2. 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
3. keeps without lawful authority, the proof of which lies on him, a place for transacting or negotiating any business relating to—
4. the filling of vacancies in public offices;
5. the sale or purchase of public offices; or
6. appointments to or resignations from public offices,

commits an offence and is liable on conviction on indictment to a fine of one hundred thousand dollars or to imprisonment for a term of three years.

**PART V**

**MISCELLANEOUS**

1. **Amendment of Schedule**

The Minister may, by Order published in the Gazette, amend the Schedules.

1. **Regulations**
2. The Minister may make Regulations for giving effect to this Act.
3. Without limiting the generality of subsection (1), the Minister may make Regulations prescribing matters necessary or convenient for carrying out the purposes of this Act including
4. the forms required under this Act; and
5. the procedure for administrative arrangements under section 22.

**FIRST SCHEDULE**

**(Section 2)**

**PUBLIC OFFICERS**

1. A person—
2. employed on contract in;
3. appointed in;
4. acting in a position in; or
5. 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.

1. A person—
2. employed on contract in;
3. appointed in;
4. acting in a position in; or
5. otherwise providing continuous or repeated service to—

corporations established by an Act of Parliament for a public purpose or as a subsidiary company of that corporation registered under the Companies Act;

1. A person—
2. employed on contract in;
3. appointed in;
4. acting in a position in; or
5. 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;

1. A person engaged, appointed, serving or acting in the following roles—
2. Chairperson;
3. Deputy Chairperson;
4. Director;
5. Board Member;
6. Managing Director;
7. Chief Executive Officer;
8. General Manager;

with respect to a bank or corporation owned by the Government of Saint Christopher and Nevis or in which the Government of Saint Christopher and Nevis has a controlling interest.

**SECOND SCHEDULE**

**(Section 2)**

**CORRUPT CONDUCT – PART 1**

1. Corrupt conduct, triable summarily, includes—
2. a public officer 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;
3. a public officer misbehaving in public office, such that there is an intentional action or an intentional inaction in the course of his or her 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 has abused his or her public office;
4. a public officer fraudulently using or concealing Government or Statutory Corporation property;
5. a public officer allowing his or her private interest to conflict with his or her public duties or to improperly influence his or her conduct in the performance of his or her public duties;
6. a public officer failing to act impartially, or gives undue preferential treatment to a person or group of persons;
7. a public officer misusing information acquired in the course of his or her duties to obtain a personal or private benefit of any nature for
8. himself or herself;
9. members of his or her family;
10. or any other person associated with the public officer;
11. a public officer 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—
2. a public officer soliciting, seeking, accepting, promising to take, or taking any bribe, valuables, loan, reward, advantage or other personal or private benefit for
3. himself or herself;
4. members of his or her family;
5. or any other person associated with the public officer;

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

1. any person tendering, promising to give, or giving any bribe, valuables, loan, reward, advantage or other benefit to a public officer for
2. himself or herself;
3. members of his or her family;
4. or any other person associated with the public officer;

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

1. a public officer abusing his or her real or supposed influence to obtain a personal or private benefit of any nature for
2. himself or herself;
3. members of his or her family;
4. or any other person associated with the public officer;
5. a public officer using public funds or resources for private purposes, including political party purposes;
6. a public officer 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;
7. a public officer acquiring, directly or indirectly, property or pecuniary resource disproportionate to his or her legitimate sources of income;
8. a public officer seeking to acquire or acquiring, through the use of undue influence or blackmail, a personal or private benefit of any nature for—
9. himself or herself;
10. members of his or her family;
11. or any other person associated with the public officer;
12. a public office inflating the prices or quantities of, or taking kickbacks from, public works or procurement of services or goods under his or her charge;
13. a public officer withholding public funds or public property which should be lawfully distributed, with the intent to personally or privately benefit—
14. himself or herself;
15. members of his or her family;
16. or any other person associated with the public officer;

or with the malicious intent to deprive any person of such public funds or public property.

1. a public officer stealing or misappropriating Government or Statutory Corporation property or equipment;
2. a public officer stealing or misappropriating private property or equipment that is in his or her possession due to official position but not for official use;
3. a public officer acquiring valuables or property through the use of undue influence, blackmail, forced acquisition, forced seizure, or forced collection;
4. a public officer using government vehicles to transport contraband or carry goods for tax evasion;

**THIRD 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*).

……………………………..

Speaker

Passed by the National Assembly this day of , 2022.

……..………………………………….

Clerk of the National Assembly