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CHAPTER P170

**PUBLIC SERVICE
INTEGRITY BOARD ACT**

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PUBLIC SERVICE INTEGRITY BOARD ACT

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PUBLIC SERVICE INTEGRITY BOARD ACT**Interpretation****1.** In this Act—

“Board” means the Public Service Integrity Board established by this Act;

“conflict of interest” means a direct or indirect interest of a public officer in a commercial undertaking or direct or indirect involvement of a public officer in private work if such interest or work clashes or is incompatible with his official duties, and without prejudice to the generality of the foregoing, any interest or work which—

- (a) impairs or is likely to impair an officer’s efficiency;
- (b) brings or is likely to bring the Government, the public service or the officer into disrepute;
- (c) impinges or is likely to impinge on his official work or responsibilities;
- (d) makes or is likely to make him unavailable for responsible official duties outside normal working hours; or
- (e) puts him, or gives the appearance of putting him, or is likely to put him, or give the appearance of putting him, in a position where he is able to use his official position for private gain.

Establishment of the Board

2. (1) There shall be a Public Service Integrity Board, which shall consist of 3 members appointed by the Governor.

(2) The Governor shall appoint one of the members of the Board to be Chairman of the Board.

(3) No person shall be qualified for appointment or to continue as a member of the Board after such appointment—

(a) if he is or becomes a member of the House of Assembly; or

(b) if he is or becomes a public officer.

(4) The Governor may remove any member of the Board from office without reason stated.

(5) Every member of the Board shall, unless he earlier dies or vacates his office by resignation or removal, hold office for a period of 2 years, and be eligible for re-appointment.

(6) If any member is temporarily unable to discharge the duties of his office by reason of illness or other infirmity or absence from Anguilla, the Governor may appoint another person to act as member in his place.

Remuneration of members of the Board

3. The members of the Board may be remunerated in such manner at such rates as the Executive Council may determine.

Meetings of the Board

4. (1) The Chairman of the Board shall preside at all meetings of the Board and the quorum for any such meeting shall be 2 members inclusive of the Chairman of the Board.

(2) The Board may regulate its procedure in regard to the meetings of the Board and transaction of business at such meetings.

Duties of the Board

5. (1) It shall be the duty of the Board—

(a) to examine requests for permission from public officers to acquire or hold any interest in a commercial undertaking or to engage in private work;

(b) to report to the Governor whether any grant of such permission as is referred to in paragraph (a) would constitute or is likely to constitute a conflict of interest;

(c) to investigate any alleged conflict of interest of any public officer as may be directed by the Governor; and

(d) to examine from time to time the file maintained by the Establishments Department listing public officers who—

(i) hold any interest in commercial undertakings, or

(ii) are engaged in private work.

(2) Where the Board carries out any investigation under the provisions of paragraph (1)(c), the Board shall, as soon as possible, forward to the Governor—

- (a) all documents relevant to the investigation;
- (b) all statements recorded during the investigation; and
- (c) a report of the Board stating whether the merits of the facts found in the investigation justify further action regarding the matter which has been investigated according to law and administrative procedure.

(3) Where the Board carries out any examination as is referred to in paragraph (1)(d), the Board shall forward to the Governor its recommendations regarding the matters examined.

Governor to direct Board

6. The Governor may in writing direct the Board to investigate any alleged conflict of interest of any public officer.

Investigation by Board

7. (1) The Board shall have power to hold such investigations as may be directed by the Governor for the purpose of this Act.

(2) The Board shall, for the purpose of performing its duties under section 5(1), have all the powers of the Magistrate—

- (a) to summon and compel the attendance of witnesses;
- (b) to compel the production of documents; and
- (c) to administer any oath or affirmation to witnesses.

Offences and penalties

8. Any person who—

- (a) fails to comply with any order of the Board made under the powers conferred by section 7(2); or
- (b) insults or intimidates the members of the Board during the performance of their duties under this Act;

commits an offence and is on summary conviction liable to imprisonment for a term of 6 months or to a fine of \$4,000.

Citation

9. This Act may be cited as the Public Service Integrity Board Act, Revised Statutes of Anguilla, Chapter P170.