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No. 13

THE CORRUPTION (PREVENTION) ACT

THE CORRUPTION (PREVENTION) REGULATIONS, 2002

In exercise of the power conferred on the Minister by section 13 of the Corruption (Prevention) Act and after consultation with the Commission the following Regulations are hereby made:—

1. These Regulations may be cited as the Corruption (Prevention) Regulations, 2002.
2. In these Regulations “emoluments” means any remuneration paid to a public servant in connection with his performance of a public function.
- 3.—(1) Subject to paragraph (2), the statutory declaration required by section 4(1) of the Act shall not be furnished by a public servant who is in receipt of total emoluments of less than two million dollars per annum.

(2) A public servant who is specified in Part I of the Schedule or who occupies a post specified in Part II of the Schedule shall furnish a statutory declaration in accordance with section 4(1) of the Act.

(3) A statutory declaration pursuant to paragraph (1) or (2) shall be furnished—

- (a) in the case of a person who is a public servant on the date of commencement of these Regulations, within three months after that date; or
- (b) within three months after the date of appointment of a public servant to a post—
 - (i) the emoluments of which are equivalent to or in excess of the amount specified in paragraph (1); or
 - (ii) specified in Part I or II of the Schedule,
- (c) within three months after the date on which the emoluments of a public servant become equivalent to or in excess of the amount specified in paragraph (1),

and thereafter, on the 31st day of December in each year or at such other intervals as the Commission may determine.

(4) A declaration furnished under paragraph (3) is hereinafter referred to as an initial declaration.

(5) The Commission may, in any year subsequent to the year in which an initial declaration is furnished, require public servants specified in paragraph (6) to furnish statutory declarations in accordance with section 4(1) of the Act and paragraph (1) of this regulation.

(6) Paragraph (5) applies to public servants who are members of a Board of a government company, statutory body or authority, the functions of which include—

- (a) the procurement of goods for that company body or authority;
- (b) the issue of licences or permits.

(7) Where a post specified in Part II of the Schedule is abolished and is replaced by a new post, the public servant who occupies that new post shall furnish a statutory declaration in accordance with section 4(1) of the Act.

4. A statutory declaration shall not contain any information in relation to any gifts received, during the year to which the declaration relates, of a value not exceeding twenty thousand dollars, by a public servant from the following relatives of the public servant—

- (a) spouse;
- (b) children (including adopted and step children);
- (c) parents and grandparents;

- (d) sister (including half and step sister) and brother (including half and step brother);
- (e) aunt and uncle;
- (f) niece or nephew.

5.—(1) Where the Commission receives information alleging an act of corruption against a public servant, it may carry out such investigations into the matter as it deems necessary.

(2) In carrying out an investigation under paragraph (1), the Commission may—

- (a) consult with such person as it considers proper and desirable;
- (b) require any person to produce to it any document in his possession or under his control, relating to the matter being investigated;
- (c) as far as is practicable, work in co-operation with law enforcement agencies, including the Financial Crimes Unit.

6.—(1) If the Commissioner is satisfied during an investigation that a hearing ought to be held into the allegation of an act of corruption against the public servant, the Commission shall forthwith notify the public servant—

- (a) of the nature of the allegation and of its intention to hold a hearing;
- (b) of his right to make written representations and the time within which to make such representations.

(2) Where a public servant submits written representations in relation to an investigation, the Commission shall consider such representations in order to determine whether to proceed with a hearing.

7. Where the Commission decides to hold a hearing it shall notify the public servant, not less than fourteen days before the date of the hearing, of—

- (a) the date, time and place of the hearing;
- (b) his right to be represented at the hearing by an attorney-at-law or a registered public accountant or by both.

8.—(1) The public servant shall, not less than three days before the date of the hearing—

- (a) subject to paragraph (2), notify the Commission of the names of any witnesses that he wishes to be summoned to give evidence at the hearing; and
- (b) furnish to the Commission, copies of any documentary evidence on which he intends to rely.

(2) The Commission may, in the interest of justice, allow the public servant to submit the names of witnesses at any time before or during the hearing.

9. If the public servant who is notified under regulation 7 fails, without reasonable cause, to attend or to be represented at a hearing, the Commission may proceed with the hearing into the matter.

10.—(1) The Commission may discontinue any investigation if it is of the opinion that the matter does not justify further action.

(2) Where the Commission discontinues an investigation of which the public servant has knowledge, it shall notify the public servant accordingly and, where applicable, the person who made the allegation against the public servant.

11.—(1) Where the Commission requires any person to furnish any information required by it in relation to an investigation, the person shall, subject to paragraph (2), furnish the information within fourteen days of receipt of the request for that information.

(2) The Commission may, if satisfied that the circumstances so warrant, extend the period specified in paragraph (1).

12.—(1) In the exercise of its functions the Commission shall observe reasonable standards of procedural fairness act in a timely fashion, observe the rules of natural justice and give reasons in writing for each decision.

(2) In holding hearings the Commission shall not be bound by the rules of evidence and may inform itself on any matter in such manner as it considers appropriate.

(3) The Commission shall exercise its functions with as little formality and technicality as is possible, and, in particular—

- (a) the Commission shall accept written submissions as far as is possible; and
- (b) hearings shall be conducted with as little emphasis on an adversarial approach as is possible.

13. Where any article is delivered into the custody of the Commission during the course of an investigation or hearing, the Commission shall take such steps as are necessary to ensure the safety of that article and shall forthwith return it to the person who produced it when it is no longer needed for the purpose of the investigation or hearing.

14. The Corruption (Prevention) Regulations, 2002 published on May 24, 2002 in the Jamaica Gazette Supplement Proclamations, Rules and Regulations are hereby repealed.

SCHEDULE (Regulation 3(2), (3)(b)(ii) and (7))

PART I

Posts in respect of which statutory declarations are required

- Parish Councillors and Councillors of the Kingston and St. Andrew Corporation
- Office Managers
- Property Officers
- Property Services Managers
- Property Maintenance Officers
- Procurement Managers
- Procurement Officers
- Office Services Managers
- All members of the Jamaica Constabulary Force
- All members of the Island Special Constabulary Force
- All members of the Jamaica Defence Force

PART II

Posts in the following Departments, Bodies and Ministries in respect of which a statutory declaration is required

<u>Departments</u>	<u>Posts</u>
Customs Department	<ul style="list-style-type: none"> Customs Tariff Manager Branch Manager Enforcement Officer 3 Enforcement Officer 2 Enforcement Officer Director Warehouse Operations Customs Administrator Customs Officer 4 Customs Officer 3 Customs Officer 2 Customs Officer 1 Revenue Collection Officer Assessing Officer Customs and Excise Assistant 4

<u>Departments</u>	<u>Posts</u>
Customs Department, <i>contd</i>	Customs and Excise Assistant 3
	Customs and Excise Assistant 2
	Warehouseman
	Director Operations
	Manager
	Assessor
	Assistant Commissioner, Customs
	Customs/Excise Officer
	Export Branch Manager
	Invoice Inspector
	Customs Inspector
	Senior Customs Officer
	Director Queens Warehouse
	Entry Examiner
	Collector of Customs
	Excise Inspector
	Excise Officer 2
Immigration, Passport and Citizenship Services	Director 1
	Senior Immigration Officer
	Immigration Officer
Inland Revenue Department	Assistant Regional Inspector
	Collector of Taxes 4
	Collector of Taxes 3
	Collector of Taxes 2
	Collector of Taxes 1
	Revenue Field Officer 2
	Revenue Field Officer 1
	Assistant Collector of Taxes
	Chief Inspector
Island Traffic Authority	Inspector
	Inspector 2
	Administrator 3
	Administrator

<u>Departments</u>	<u>Posts</u>
Kingston and St. Andrew Corporation	Deputy Superintendent
	Assistant Superintendent
	Works Overseer
Ministry of Transport and Works	Assistant Superintendent
	Works Overseer 2
	Chief Project Officer
	Senior Superintendent
	Superintendent
	Works Overseer 3
Parish Councils	Quantity Surveyor Technician
	Deputy Superintendent
	Assistant Superintendent
	Works Overseer
Revenue Protection Department	Senior Investigator
	Investigator
	Intelligence Officer
	Tax Auditor 3
Taxpayer Audit and Assessment Department	Perforator Verifier
	Perforator Operator
	Valuation Surveyor
	Stamper
	Valuer 2
	Valuer 1
	Assessor
	Revenue Agent 2
	Revenue Agent 1
	Senior Assessor
	Assistant Assessor
	Senior Special Investigator
	Special Investigator
	Senior Intelligence Officer

<u>Departments</u>	<u>Posts</u>
Taxpayer Audit and Assessment Department, <i>contd.</i>	Intelligence Officer Senior Tax Auditor Tax Auditor 3 Tax Auditor 2 Tax Auditor Senior Revenue Agent Revenue Agent 2.

Dated this 31st day of January, 2003.

A. J. NICHOLSON,
Minister of Justice.