

JAMAICA

No. 1-2001

I Assent,

[L.S.]

H. F. COOKE,
Governor-General.

14th day of February, 2001.

AN ACT to Amend the Parliament (Integrity of Members)
Act.

[The date notified by the Minister
bringing the Act into operation]

BE IT ENACTED by The Queen's Most Excellent Majesty,
by and with the advice and consent of the Senate and House
of Representatives of Jamaica, and by the authority of the
same, as follows:—

1. This Act may be cited as the Parliament (Integrity of Members) (Amendment) Act, 2001, and shall be read and construed as one with the Parliament (Integrity of Members) Act (hereinafter referred to as the principal Act) and all amendments thereto, and shall come into operation on a day to be appointed by the Minister by notice published in the *Gazette*.

Short title,
construction and
commence-
ment.

2. Section 2 of the principal Act is amended in the definition of “child” by deleting the words “, an illegitimate child”.

Amendment
of section
2 of prin-
cipal Act.

Amendment
of section
4 of prin-
cipal Act.

3. Section 4 of the principal Act is amended by inserting next after subsection (3) the following as subsection (3A)—

“(3A) The first declaration furnished pursuant to subsection (3)(b) shall include particulars of the assets, liabilities and income of the Parliamentarian as at the date of his election or appointment, as the case may be.”.

Amendment
of section 5
of principal
Act.

4. Subsection (1) of section 5 of the principal Act is amended by deleting the full stop at the end of paragraph (c) and substituting therefor a semicolon and by adding next thereafter the following as paragraph (d)—

“(d) to receive and investigate any complaint against a Parliamentarian regarding an act of corruption within the meaning of section 14 of the Corruption Prevention Act, 2000.

Amendment
of section 6
of principal
Act.

5. Section 6 of the principal Act is amended—

(a) by deleting from subsection (2) the words “five thousand” and the word “two” and substituting therefor the words “five hundred thousand” and the word “three”, respectively;

(b) by deleting subsections (3) and (4).

Amendment
of section 8
of principal
Act.

6. Section 8 of the principal Act is amended—

(a) by deleting from subsection (1) the words “notified to” and substituting therefor the words “served on”;

(b) by deleting from subsection (2) the word “may”; and substituting therefor the word “shall”;

(c) by deleting all the words after the word “thereof” and substituting therefor the words “or by substituted service as may be ordered by the Commission”.

Amendment
of section 10
of principal
Act.

7. Subsection (2) of section 10 of the principal Act is amended by deleting the words “five hundred” and substituting therefor the words “one hundred thousand”.

8. Section 11 of the principal Act is amended by deleting the words “6 or section 15” and substituting therefor the words “6, 10 or 15”. Amendment
of section 6
of principal
Act.

9. Section 12 of the principal Act is amended— Amendment
of section 12
of principal
Act.

(a) by inserting next after subsection (1) the following as subsection (1A)—

“ (1A) Any Parliamentary Leader may, without prejudice to subsection (2), refer the report made pursuant to subsection (1) to the Committee of Privileges of the House of Representatives or the Senate as the case may be, in accordance with Standing Orders.”;

(b) by inserting next after subsection (2) the following as subsections (3) and (4)—

“ (3) The Commission may send a copy of the report referred to in subsection (1) to the Director of Public Prosecutions or the Commissioner of Police who may—

(a) take such action in relation thereto as he thinks appropriate in any particular case; and

(b) without prejudice to the generality of paragraph (a), authorize any person having an official duty under this Act or being employed in the administration of this Act to furnish information to any officer of the court, the police or any other person specified by the Director of Public Prosecutions or the Commissioner of Police, as the case may be.

(4) The Commission shall report any act of corruption to the Parliamentary Leaders and the Director of Public Prosecutions.”.

Amendment
of section 13
of principal
Act.

10. Section 13 of the principal Act is amended—

- (a) by inserting in subsection (1) immediately after the word “Leader” wherever it appears the words “, the Director of Public Prosecutions or the Commissioner of Police, as the case may be,”;
- (b) by inserting in subsection (2) immediately after the words “section 12” the words “or any extract from or abstract of any information published by order or under the authority of the Director of Public Prosecutions or the Commissioner of Police, pursuant to that section”.

Amendment
of section 15
of principal
Act.

11. Section 15 of the principal Act is amended—

- (a) by deleting from subsection (1) the words “ten thousand” and substituting therefor the words “two hundred thousand”;
- (b) by inserting next after subsection (2) the following as subsections (3), (4), (5) and (6)—

“ (3) In considering whether an order for forfeiture of a Parliamentarian’s property should be made under subsection (1)(i), the Court shall have regard to the right and interests, if any, of third parties in that property.

(4) A person who claims an interest in any property referred to in subsection (3) may—

- (a) during the proceedings for the offence referred to in subsection (1); or
- (b) within a period of six months after the day on which a forfeiture order is made in respect of that property or such longer period as the Court may, having regard to all the circumstances allow,

apply to the Court for an order under subsection (5).

(5) Where an application is made under subsection (4) the Court shall take account of the representations made by the applicant in relation to the property and shall make an order declaring the nature and extent of the applicant's interest, if any, in the property.

(6) The Court may—

- (a) where subsection (4) (a) applies, decide that the property or the part thereof which the applicant's interest relates should not be forfeited to the Crown;
- (b) where subsection (4) (b) applies, order that—
 - (i) the property or the part thereof to which the applicant's interest relates, be returned to the applicant; or
 - (ii) an amount equal to the value of the applicant's interest, as declared in the order under subsection (5), be paid to the applicant.”.

12. Section 16 of the principal Act is repealed.

Repeal of
section 16
of principal
Act.

Amendment
of First
Schedule to
principal
Act.

13. The First Schedule to the principal Act is amended—

- (a) by renumbering paragraph 12 as sub-paragraph (1) thereof and inserting next thereafter the following as sub-paragraphs (2) and (3)—

“ (2) The Commission shall submit to the Prime Minister an annual report relating generally to the execution of its functions.

(3) The Prime Minister shall cause a copy of the report referred to in sub-paragraph (2) to be laid on the Table of the House of Representatives and of the Senate.”;

- (b) by deleting from the proviso to paragraph 13 (1) the words “five thousand” and substituting therefor the words “seven hundred and fifty thousand”.

Amendment
of Second
Schedule
to prin-
cipal Act.

14. Form A of the Second Schedule to the principal Act is amended—

- (a) by deleting from item I of the column headed “Account Number”;

- (b) by deleting from item 2 the numerals “1,000” and substituting therefor the numerals “500,000”.