

**PUBLIC PERSONS (DECLARATION OF ASSETS, LIABILITIES
AND BUSINESS INTERESTS) (AMENDMENT) BILL, 2021**

(Bill No. 41 of 2021)

**EXPLANATORY STATEMENT OF THE OBJECTS OF AND
REASONS FOR THE BILL**

The President of the Republic, in his address to the Nation on 1 February, 2021 announced the restructuring of Government, statutory and other public bodies.

It was proposed that the function of the Public Persons (Declaration of Assets, Liabilities and Business Interests) Commissioner under this Act be entrusted to the Anti-Corruption Commission.

In consequence of the appointment of Commissioner under the Anti-Corruption Act, 2016, as amended by the Anti-Corruption (Amendment) Act, 2021, and to give effect to the said announcement, it is proposed to entrust the function of Public Persons (Declaration of Assets, Liabilities and Business Interests) Commissioner under this Act to the Commissioner to the Anti-Corruption Commission.

The Bill also seeks to —

- (a) remove the obligation of a public person to submit declaration in relation to his or her spouse and a member of his or her immediate family; and
- (b) make provision for the Commissioner to establish and maintain a secure electronic system for submission of declarations and matters relating thereto.

In consequence of the above, it is proposed to amend sections 2, 3, 8 and 20 of the Act, repeal sections 4 and 5 and Part IV of the Act and provide for other consequential provisions.

The Bill seeks to achieve the above objectives.

Dated this 13th day of September, 2021.

**FRANK D.R. ALLY
ATTORNEY-GENERAL**

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ARRANGEMENT OF SECTIONS

SECTIONS

1. Short title and amendment of Act 26 of 2016 as last amended by Act 3 of 2019
2. Commencement
3. Amendment of section 2
4. Amendment of section 3
5. Repeal of sections 4 and 5
6. Insertion of a new section 7A
7. Amendment of section 8
8. Repeal of Part IV
9. Substitution of section 19
10. Amendment to section 20
11. Transitional provisions

**PUBLIC PERSONS (DECLARATION OF ASSETS, LIABILITIES
AND BUSINESS INTERESTS) (AMENDMENT) BILL, 2021**

(Bill No. 41 of 2021)



A BILL

FOR

AN ACT to amend the Public Persons (Declarations of Assets, Liabilities and Business Interests Act (Act 26 of 2016).

ENACTED by the President and the National Assembly.

Short title and amendment of Act 26 of 2016 as last amended by Act 3 of 2019

1. This Act may be cited as the Public Persons (Declaration of Assets, Liabilities and Business Interests (Amendment) Act, 2021, and shall be read and construed as one with the Public Persons (Declaration of Assets, Liabilities and Business Interests Act, 2016 (Act 26 of 2016), that was last amended by Act 3 of 2019, and which as amended, is hereinafter referred to as the “principal Act” .

Commencement

2. This Act shall come into operation on such date as the Minister may, by Notice published in the *Gazette*, appoint.

Amendment of section 2

3. Section 2 of the principal Act is amended —

(a) by repealing in the definition of “liabilities” the words “, his or her spouse or member of his or her immediate family,”, wherever they appear throughout the definition.

(b) by repealing the definition of “member of immediate family”.

Amendment of section 3

4. Section 3 of the principal Act is amended as follows —

(a) by repealing subsections (3) and (4);

(b) by inserting immediately after subsection (2) a new subsection (3) —

“(3) The function of Commissioner under this Act shall be performed and discharged by the Commissioner to the Anti-Corruption Commission appointed under section 6 of the Anti-Corruption Act, 2016 (Act 2 of 2016).”

Repeal of sections 4 and 5

5. The principal Act is amended by repealing sections 4 and 5.

Insertion of a new section 7A

6. The principal Act is amended by inserting a new section 7A as follows —

“Submission of electronic declaration

7A.(1) This section shall apply notwithstanding anything to the contrary contained in this Act;

- (2) The Commissioner may establish and maintain a secure electronic system and make provision for —
 - (a) a public person to complete, sign and submit a declaration under this Act by electronic means that shall be exclusive, or in the alternative or in addition to the submission of declaration in printed form;
 - (b) the Commissioner to acknowledge receipt of electronic submission of a declaration;
 - (c) a public person to electronically access his or her declaration;
 - (d) a person applying to access declarations, to apply for and access declarations by remote electronic means;
 - (e) such other matters relating to electronic submission of declarations, authentications thereof and access thereto;

(3) Where a public person submits his or her declaration by electronic means, the Commissioner shall give the public person a copy of the declaration in printed form for his or her personal record or a secure means to electronically access his or her declaration on the electronic system;

(4) Notwithstanding anything contained in any law, where a declaration is submitted by electronic means, the declaration in such form shall have evidentiary value when it has been duly issued by the Commissioner.”

Amendment of section 8

7. Section 8 of the principal Act is amended as follows —
- (a) by repealing paragraph (a) and substituting therefor the following —
 - “(a) the name, surname, place of residence of the public person.”;
 - (b) by repealing in each of paragraphs (e)(i), (e)(ii), (e)(iii), (e)(iv), (f) and (g) the words “or any member of his or her immediate family”; and
 - (c) by repealing in each of paragraphs (e)(v), and (e)(vi) the words “member of his or her immediate family,”;

Repeal of Part IV

8. The principal Act is amended by repealing Part IV and sections 16, 17 and 18.

Substitution of section 19

9. The principal Act is amended by repealing section 19 and substituting therefor the following —

“Annual Report

19. The Commissioner shall, as soon as possible after the expiration of each calendar year and in any event not later than the 31st day of March in any year, make and submit to the President with a copy to the Speaker of the National Assembly and the Attorney General, a report on the exercise of the functions of the Commissioner under this Act during the preceding year.”

Amendment to section 20

10. The principal Act is amended by repealing section 20(1) and substituting therefor the following —

“(1) The seal of the Commissioner shall be such device as may be determined by the Commissioner.”

Transitional provisions

11. On the commencement of this Act, the Commissioner appointed under section 3 of the principal Act shall cease to be the Commissioner and shall vacate his or her office; and the Commissioner shall not be entitled to claim any compensation for the premature termination of the terms of his or her office or of any contract of service with the Commission;