



TURKS AND CAICOS ISLANDS

CHAPTER 6
LEGISLATIVE COUNCIL
(REGISTRATION OF
INTERESTS) ORDINANCE
and Subsidiary Legislation

Revised Edition
showing the law as at 15 May 1998

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Revised Edition of the Laws Ordinance 1997.

This edition contains a consolidation of the following laws—

	Page
LEGISLATIVE COUNCIL (REGISTRATION OF INTERESTS) ORDINANCE	3
Ordinance 6 of 1993 .. in force 24 June 1994 (L.N. 42/1994)	
Amended by Ordinance 15 of 1994 .. in force 24 June 1994	
LEGISLATIVE COUNCIL (REGISTRATION OF INTERESTS) REGULATIONS – Section 11	13
Legal Notice 44/1994 .. in force 24 June 1994	

CHAPTER 6

LEGISLATIVE COUNCIL
(REGISTRATION OF INTERESTS) ORDINANCE

ARRANGEMENT OF SECTIONS

SECTION

1. Short title
2. Interpretation
3. Establishment of Register; Registrar's duties and powers
4. Duty of members to furnish declarations
5. Contents of declaration
6. Maintenance, and public inspection of, Register
7. Registrar's report
8. Report to be submitted to Council
9. Action by Council
10. Contempt of Council
11. Regulations

SCHEDULE: Form of Declaration

CHAPTER 6

LEGISLATIVE COUNCIL (REGISTRATION OF INTERESTS) ORDINANCE

(Ordinances 6 of 1993 and 15 of 1994)

AN ORDINANCE TO PROVIDE FOR MEMBERS OF THE LEGISLATIVE COUNCIL TO DECLARE THEIR INTERESTS IN CERTAIN MATTERS; AND FOR RELATED PURPOSES.

[24 June 1994]

Commencement

1. This Ordinance may be cited as the Legislative Council (Registration of Interests) Ordinance.

Short title

2. In this Ordinance, unless the context otherwise requires—

Interpretation

“Council” means the Legislative Council of the Turks and Caicos Islands;

“child” includes a dependent child or a child under 18 years of age, whether a step-child, a child born out of wedlock or a child who has been adopted;

“declaration” means the declaration of interests referred to in section 4(1);

“interest” means an interest in any matter, held by or concerning a member, and required by this Ordinance to be disclosed in a declaration made by him;

“the Islands” means the Turks and Caicos Islands;

“member” means a member of the Council;

“property” includes—

(a) money, goods, things in action, land and every description of property, whether real or personal;

(b) obligations, easements and every description of estate, interest and profit, present or future, vested or contingent, arising out of or incident to property as above defined;

“Register” means the Register of Interests established under section 3(1);

“Registrar” means the Registrar of Interests appointed under section 87(1) of the Constitution;

“Standing Orders” means the Standing Orders of the Legislative Council.

Establishment of Register; Registrar’s duties and powers

3. (1) There shall be for the Islands a Register of Interests maintained by the Registrar in accordance with this Ordinance.

(2) The duties of the Registrar shall be—

- (a) to receive and record in the Register declarations furnished by members pursuant to this Ordinance;
- (b) for the purpose of satisfying himself that full and accurate declarations have been prepared, to examine each declaration and obtain from any member such information as, in the opinion of the Registrar, would assist him in examining a declaration furnished to him; and
- (c) such other duties as may be prescribed.

(3) In the discharge of his duties under this section, the Registrar shall have power—

- (i) to require a member to attend before him to answer such questions, and to furnish him with such documents or information as he may require;
- (ii) to make such independent inquiries and investigations relating to a declaration as he thinks fit.

Duty of members to furnish declarations

4. (1) Every member shall furnish to the Registrar, as and when required to do so by this section, a declaration of interests in the form set out in the Schedule.

(2) A declaration shall be furnished pursuant to subsection (1) within three months after the 31st day of December in each year during any part of which he was a member, in respect of his interests as at the 31st day of December in each year.

Contents of declaration

5. (1) Subject to subsection (2), a declaration shall include such particulars as are known to the declarant of the interests of the declarant, the declarant’s spouse and the declarant’s children.

(2) If—

- (a) the spouse of a declarant was not living with the declarant for a continuous period of three months during the period in relation to which the declaration is made; or

- (b) a child of the declarant has attained the age of 18 years and was not living with the declarant at any time during the period in relation to which the declaration is made;

the particulars required to be furnished by this section shall be limited to property held by the spouse or child, as the case may be, in trust for, or as agent of, the declarant; so, however, that nothing in this subsection shall preclude the Registrar from requiring the declarant to furnish such additional particulars as the Registrar may think fit in the interests of disclosure.

(3) A declaration may be accompanied by a statement of affairs certified by a practising professional accountant if the declarant so thinks fit.

6. (1) Where upon examining a declaration the Registrar is satisfied that it has been fully made, he shall enter its details in the Register in relation to the member who made it.

Maintenance,
and public
inspection of,
Register

(2) The Register shall be open to inspection by members of the public attending as visitors at any sitting of the Council, and at such other times and places as the Registrar may, by notice in the *Gazette*, declare.

7. Where a member—

Registrar's
report

- (a) fails to attend before the Registrar to answer questions, or fails to furnish him with documents or information when so requested by him pursuant to section 3(3); or
- (b) fails to furnish the Registrar with a declaration, or fails to furnish the declaration within the time specified in section 4, or furnishes a declaration which is not accurate nor full; or
- (c) makes a statement in a declaration which is, in the opinion of the Registrar, false in a material respect;

he shall be in default, and the Registrar shall, within twenty-eight days of the default, submit a report thereon to the Legislative Council.

8. A report submitted by the Registrar under section 7 to the Council shall, in accordance with Standing Orders, be referred to a Select Committee of the Council appointed by the Council for the purpose of inquiring into the default.

Report to be
submitted to
Council

9. Where the Council, after considering the report of the

Action by
Council

findings of the Select Committee, is satisfied that the member is in default, it may—

- (a) where the report was submitted under section 7(a) or 7(b), require the member to comply with the request of the Registrar forthwith and to supply him with such other information and documents as he may require; and
- (b) where the report was submitted under section 7(c), impose on the member a fine not exceeding \$5,000 or suspend him from sitting and voting in the Council for such number of sittings within a session as the Council may determine.

Contempt of
Council

10. Where a member fails to comply with any request made by the Committee pursuant to section 9(a), or fails to pay any fine imposed in pursuance of section 9(b), such failure to comply with a request or pay a fine shall constitute a contempt of the Council for which the Council may order his suspension from sitting and voting in the Council for such period as the Council may determine.

Regulations

11. The Governor in Council may make regulations for carrying out and giving effect to this Ordinance and for prescribing anything that may be prescribed, and, without prejudice to the generality of the foregoing, may make regulations—

- (a) prescribing the form in which the Register is to be kept; and
- (b) prescribing the manner in which the Registrar is to carry out his duties.

SCHEDULE

(Section 4)

FORM OF DECLARATION

LEGISLATIVE COUNCIL (REGISTRATION OF INTERESTS) ORDINANCE

DECLARATION

(Note: If there is insufficient space falling under any section, the required information may be supplied on a separate sheet and a note inserted under the section showing the information)

Declaration of interests as at

- NOTE:**
- (a) Where any property is held by the declarant, the declarant's spouse or the declarant's child or children in trust for any other person, this should be indicated in a note to that effect.
 - (b) The declaration date should be the date as at which pursuant to section 4 of the Ordinance the declaration is made.
 - (c) Disclosure of the amount of any remuneration, sponsorship, payment or income received by the declarant, the declarant's spouse or any child of the declarant for the purposes of items 1,2,3,5,7 and 8 shall be at the sole option of the declarant.

Name of declarant

Address of declarant

Name of declarant's spouse

Names of declarant's dependent children, or children under the age of eighteen

.....
.....
.....

1. Directorships

Below give the names of companies in which you, your spouse or any child of yours holds a remunerated directorship—

- (a) Declarant.....
.....
.....
.....
.....

(b) Declarant's Spouse.....
.....
.....

(c) Declarant's child or children.....
.....
.....

2. Employment or office

Below give details of any remunerated employment (as opposed to employment on one's own account, for which see below) or office held by you, your spouse or any child of yours—

(a) Declarant.....
.....

(b) Declarant's spouse.....
.....

(c) Declarant's child or children.....
.....

3. Trades or professions, etc.

Below give details of any remunerated trade, profession or vocation practised by you, your spouse and any child of yours whether as an individual or as a partner—

(a) Declarant.....
.....

(b) Declarant's spouse.....
.....

(c) Declarant's child or children.....
.....

4. Financial Sponsorships, Gifts etc.

Below give details of any material benefits received as a candidate or member of the Legislative Council—

Nature of the benefit:
.....
.....
.....

[For the purposes of this paragraph, "material" means a benefit valued at \$10,000 or more].

5. Overseas visits

Below give details of every visit relating to your membership of the Legislative Council undertaken by yourself, your spouse or any child of yours, the cost of which visit has not been wholly borne by yourself, your spouse or any child of yours or by public funds—

.....
.....
.....
.....
.....

6. Land and Property

Below give the location or description of any land or property from which you, your spouse or any child of yours derive an income in excess of \$10,000, or which constitutes an asset worth \$10,000 or more whether by way of rental or otherwise—

.....
.....
.....
.....

7. Declarable shareholdings

Below give the names of companies or other bodies in which you, your spouse or any child of yours has a beneficial interest in shareholdings of a value exceeding \$10,000—

.....
.....
.....

8. Liabilities

Below give the names of any creditor to whom you, your spouse or any child of yours is indebted to an amount exceeding \$10,000—

.....
.....
.....

DECLARATION : I,(full name of declarant)
hereby declare that the contents of this my declaration are true to the best of my knowledge and belief.

Signature of Declarant

Date.....

In the presence of

(Name and address of witness)

.....
.....

**LEGISLATIVE COUNCIL (REGISTRATION
OF INTERESTS) REGULATIONS**

(Legal Notice 44 of 1994)

[24 June 1994] Commencement

1. These Regulations may be cited as the Legislative Council (Registration of Interests) Regulations.

Short title

2. (1) Not later than the 1st day of December in each year the Registrar shall address to each member two copies of a declaration under cover of the notice set out in Form A of Schedule I.

Processing of
declarations

(2) If, upon receiving back a declaration, the Registrar is not satisfied that it has been fully made, whether because it is incomplete or inaccurate or fails sufficiently to disclose the interests required to be registered, the Registrar shall address to the declarant concerned a request for clarification or attendance in Form B of Schedule I:

Provided that the Registrar shall not make a request for the attendance of a member before him to answer questions except on the day immediately preceding or immediately following a sitting of the Legislative Council, or during an adjournment of such sitting.

(3) A member is not released from submitting a declaration to the Registrar by the due date provided in section 4 of the Ordinance by reason of the fact that the Registrar has failed to send him copies of the declaration under subsection (1), or that the member has otherwise failed to receive them.

3. (1) Where a member—

Report of
Registrar to
Legislative
Council

- (a) fails to furnish the Registrar with a declaration within the time specified; or
- (b) fails to respond to a request for clarification or attendance; or
- (c) having responded to such request for clarification or attendance, fails to satisfy the Registrar that he has made a full or accurate declaration of his interests;

the Registrar shall, through the Clerk to the Legislative Council, submit a written report to the Legislative Council to the appropriate effect and, in the case of a default referred to in paragraph (c), give reasons in his report why he is not satisfied that the member concerned has made a full or accurate declaration of his interests.

(2) Upon receiving the report the Clerk to the Legislative Council shall include the report in the order of business of the next sitting of the Legislative Council.

Register of
Interests

4. (1) The Register of Interests shall be in the form set out in Schedule 2.

(2) Subject to this section, the Registrar shall enter the details of every declaration received by him in the appropriate column of the Register, and make the Register available for the inspection of the public at the first sitting of the Legislative Council following the 31st day of March in each year, or, if such sitting occurs within 30 days of that date, at the second sitting following that date.

(3) If the details relating to any item of a declaration are too lengthy to be entered in the Register, the Registrar shall extract the item concerned from the declaration and annex it to the Register, entering the words "See Annexure" in the appropriate column of the Register.

(4) The Registrar shall enter in the appropriate column of the Register the words—

- (a) "Nothing to declare" where, in relation to any item of a declaration, a member has nothing to declare; and
 - (b) "Awaiting clarification", where, in relation to any item of a declaration, the Registrar is seeking clarification or has made a report to the Legislative Council.
-

SCHEDULE 1

(Section 3 (1) and (2))

FORM A

NOTICE OF REQUIREMENT TO MAKE DECLARATION

The Hon: Date:

Dear Sir/Madam,

I hereby give notice of the requirement contained in Section 4 of the Legislative Council (Registration of Interests) Ordinance, and enclose the necessary forms to enable you to declare your interests as at 31st December (Year). Please complete both forms and deliver one copy by mail or hand to—

“The Registrar of Interests,
Legislative Council,
Grand Turk”,

before the 31st March (Year).

Under section 7(b) of the Ordinance, either of the following, namely—

- (a) failure by a member to furnish a declaration to the Registrar of Interests in the form and within the time provided; or
- (b) failure by a member to furnish an accurate or a full declaration in the form provided;

constitutes a default which I am required to report to the Legislative Council within 28 days of the default.

If there is any item in the declaration in respect of which you have nothing to declare, please enter “Nothing to declare” in the space provided for in the item.

Your declaration may be accompanied by a statement of affairs certified by a practising professional accountant, if you so wish. Your accountant, or solicitor, or other person, may assist you in completing your declaration, but you must be personally satisfied that all the entries in it are true to the best of your knowledge, and must sign the declaration accordingly in the presence of a witness.

This notice was made on the above-mentioned date and is given under my hand,

.....
REGISTRAR OF INTERESTS

FORM B

REQUEST FOR CLARIFICATION OR ATTENDANCE

The Hon: Date:

Dear Sir/Madam,

With reference to your declaration submitted to me on the (date), please may you—

* (a) complete item/s 1/2/3/4/5/6/7/8

(Registrar to circle item or items not completed)

* (b) give me further details in writing concerning the following item/s

.....
.....
.....
.....

(Registrar to specify the item or items concerned and the nature of the details requested)

* (c) provide affidavit evidence as to the accuracy of the statements contained in item/s 1/2/3/4/5/6/7/8

(Registrar to circle the appropriate item or items and, if affidavits are required from persons other than the declarant, the name of any such person and the item in respect of which the affidavit is required)

* (d) provide, in respect of the items below specified, the following documents in support thereof

ITEM	DOCUMENT REQUESTED
1.
2.

etc.

* (e) attend before me at the below specified address, date and time to answer questions for the purpose of clarifying statements made in item/s 1/2/3/4/5/6/7/8

(Registrar to circle appropriate item or items)

* Registrar to omit or delete inapplicable paragraphs

This information is needed to complete the Register of Interests before the next sitting of the Legislative Council or within 28 days of the date of this request, whichever is the later date.

Made under my hand,

.....
REGISTRAR OF INTERESTS

