

**No. 5 of 2006**

**VIRGIN ISLANDS**  
**REGISTER OF INTERESTS ACT, 2006**  
**ARRANGEMENT OF SECTIONS**

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I Assent

DAVID PEAREY,  
Governor.

**VIRGIN ISLANDS**

**No. 5 of 2006**

An Act to give effect to section 66C of the Virgin Islands (Constitution) Order, 1976 (U.K.S.I. 1976 No. 2145) and for matters connected therewith.

[Gazetted 1<sup>st</sup> June, 2006]

ENACTED by the Legislature of the Virgin Islands as follows:

Short title and  
commencement.

1. This Act may be cited as the Register of Interests Act, 2006 and shall come into force on such date, being not more than six months after the enactment of this Act, as the Chief Minister may, by Notice published in the *Gazette*, appoint.

Interpretation.

2. In this Act, unless the context otherwise requires,

“child”, in relation to a Member, means a person who has not attained the age of eighteen years and who is dependent on the Member and includes a child born out of wedlock, an adopted child, a step-child or a child of the family;

“child of the family”, in relation to a Member, means any child, who has been accepted and treated by both the Member and his spouse as a child of their family;

“Committee” means the Standing Select Committee of the Legislative Council charged for the time being with the consideration of matters relating to the Register;

“declaration” means a declaration of interests under section 3;

“interest” means any beneficial interest in property;

“Member” means the Speaker, the Attorney General or an elected member of the Legislative Council and includes a person appointed to act as Attorney General;

“office” means membership of the Legislative Council, and “assumes the functions of an office” means the occasion on which a person makes an oath or affirmation of allegiance under the Virgin Islands (Constitution) Order, 1976;

U.K.S.I. 1976  
No. 2145

“records” includes any documents in whatever form they are held;

“Register” means the Register of Interests established under section 66C(1) of the Virgin Islands (Constitution) Order, 1976;

“Registrar” means the person appointed by the Governor under section 66C(1) of the Virgin Islands (Constitution) Order, 1976, to hold or act in the office of Registrar;

“spouse”, in relation to a Member and for the purposes of a declaration, means the husband or wife of the Member or a person of the opposite sex who is living with the Member in the circumstances of husband and wife on the date on which the duty to make the declaration arose, but does not include a husband or wife

- (a) who is living separate and apart from the Member; and
- (b) who is a party to proceedings for divorce or judicial separation which were instituted at any time before the date on which the duty to make the declaration arose.

**3. (1)** A Member shall make a declaration in the form set out in Schedule 1 within thirty days after this Act comes into force, and thereafter

Declaration of  
interests.  
Schedule 1

- (a) on the date on which he assumes the functions of his office, and
- (b) on each subsequent anniversary of that date.

(2) A declaration of interests under this section

- (a) shall be made in respect of interests held on the date on which the duty to make the declaration arose; and

- (b) shall, where required by the registration form, include a declaration in respect of the interests held on that date by a child or spouse of the Member.

Register of interests.

4. (1) The Registrar shall maintain and keep the Register in accordance with this Act.

(2) The Register shall contain

- (a) the names, offices and addresses of the Members, and
- (b) the details of declarations made in accordance with this Act,

and shall be in such format as the Committee shall approve.

Duties of the Registrar.

5. (1) The Registrar shall act as the Clerk to the Committee.

(2) Subject to subsections (3) to (5), the Registrar shall enter in the Register the interests declared in each declaration.

(3) Before entering in the Register the interests declared by a Member in a declaration, the Registrar shall, for the purpose of satisfying himself that a full and accurate declaration has been prepared,

Schedule 1

- (a) examine each declaration and ensure that the declaration has been made in the form set out in Schedule 1; and
- (b) obtain from the Member such information as in the opinion of the Registrar, would assist him in examining a declaration furnished to him.

(4) Where the Registrar is satisfied that an entry in the Register has been made as a result of a fraudulent or materially misleading declaration by a Member,

- (a) the Registrar shall
  - (i) mark the entry as cancelled; and
  - (ii) by notice, require the Member to make a new declaration in respect of the interests held at the date the fraudulent or materially misleading declaration was made; and

- (b) the Member shall be required to make the new declaration within twenty-eight days from the date of the notice.

(5) The Registrar shall mark as cancelled any entry which has been incorrectly made.

6. (1) The Registrar may, by notice, require a person to Information.

- (a) supply to him such information, and
- (b) produce to him such records,

as may be specified in the notice, being information and records the supply and production of which the Committee considers necessary or desirable for the purpose of enabling the Registrar to carry out his functions under this Act.

(2) A notice under subsection (1) shall require the information to be supplied and the records to be produced within such period as may be specified in the notice being not less than fourteen days from the date of the notice.

(3) Where the Registrar gives a notice under subsection (1) to a Member for the purposes of examining the declaration of that Member, the Registrar shall not register the declaration of the Member unless

- (a) the Member complies with the notice; or
- (b) before the end of the period allowed for compliance, the Member shows to the satisfaction of the Registrar that he has reasonable grounds for not complying with it.

(4) A person, other than the Member whose declaration is being examined, who fails without reasonable excuse to comply with a notice under subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding five thousand dollars.

(5) A person, other than the Member whose declaration is being examined, who in purported compliance with a notice under subsection (1) knowingly or recklessly supplies information which is false or misleading in a material particular, commits an offence and is liable on summary conviction to a fine not exceeding ten thousand dollars or to imprisonment for a term not exceeding two years, or both.

Registrar's  
report.

**7. Where a Member**

- (a) fails to make a declaration within a period of three months from the date on which the duty to make that declaration accrued,
- (b) fails to comply with a notice given by the Registrar under section 5(4) and has not, within the period allowed for compliance with the notice, shown that he has reasonable grounds for not complying with it,
- (c) has failed to comply with a notice given by the Registrar under section 6(1) and has not, before the end of the period allowed for compliance with the notice, shown to the satisfaction of the Registrar that he has reasonable grounds for not complying with it, or
- (d) has made a statement which the Registrar is satisfied is false or misleading in a material particular,

the Member shall be in breach of the provisions of this Act, and the Registrar shall, within fourteen days of the knowledge of such breach, submit a report of such breach to the Committee, which shall meet to consider the report within twenty-one days of its submission.

Report submitted  
to Legislative  
Council.

**8. (1)** After the receipt of a report from the Registrar and where the Committee, after hearing the Member and such witnesses as the Committee or the Member desires to call, and after due consideration of the matter, is satisfied that

- (a) the Member is in breach in accordance with section 7(a) and (c), the Committee may require the Member to remedy his failure by making the declaration or complying with the notice of the Registrar within such period not exceeding twenty-eight days as it may determine; or
- (b) the Member is in breach in accordance with sections 7(b) or (d), the Committee shall make a report to the Legislative Council which may be accompanied by a recommendation as to the type of action to be taken.

(2) The Legislative Council shall debate the report submitted by the Committee under subsection (1) at a special meeting to be held within fourteen days of the date of the report.

(3) Where the Legislative Council, after debating the report of the findings of the Committee is satisfied that the Member is in breach as described in section 7(b) or (d), the Legislative Council may impose on the Member a fine not exceeding five thousand dollars or suspend the Member from sitting or voting in the Legislative Council for such period not exceeding two consecutive sittings of the Legislative Council as the Legislative Council may determine, or both.

(4) Where a Member fails to comply with a requirement under subsection (1)(a) within the period determined under that section by the Committee, the Committee shall prepare a report on that failure and present it to the Legislative Council.

(5) The Legislative Council shall debate a report submitted by the Committee under subsection (4) at a special meeting to be held within fourteen days of the date of the report.

(6) Where the Legislative Council, after debating the report of the Committee is satisfied that the Member has failed to comply with a requirement under subsection (1)(a) to remedy his earlier failure within the period determined by the Committee, the Legislative Council may impose on the Member a fine not exceeding five thousand dollars, or suspend the Member from sitting or voting in the Legislative Council for such period not exceeding two consecutive meetings of the Legislative Council as the Legislative Council may determine, or both.

9. (1) The Register shall not be open for inspection except

Inspection of the Register.

- (a) for the purposes of a criminal investigation;
- (b) on an order of a court in any legal proceedings; or
- (c) on the written request of a Member in the form prescribed in Schedule 2 upon the payment of the prescribed fee.

Schedule 2

(2) Where, in respect of a request made by a Member pursuant to subsection (1), the Registrar forms the opinion that

- (a) the purpose of the request is not clearly made out,
- (b) the request is frivolous or vexatious or is not made in good faith, or
- (c) the request is intended for a purpose that is not consistent with the objectives of this Act,

he may decline to grant an inspection of the Register.

(3) The fee referred to in subsection (1) in relation to a Member shall be prescribed under and in accordance with the Statutory Rates, Fees and Charges Act, 2005.

(4) The Registrar shall

- (a) not permit a Member to make a copy or take an extract of the Register or any matter contained therein; and
- (b) notify a Member if any request is made or granted for the inspection of the Register in respect of that Member.

Complaints by a Member against another Member.

**10.** (1) Where a Member wishes to allege that another Member is in breach of this Act in relation to the declaration of interests, the Member shall make such allegation by affidavit to the Registrar, and shall include a written summary of the evidence as to the accuracy of his allegations.

(2) The Registrar shall within fourteen days refer any written allegation made by a Member to the Committee and shall provide to the Member against whom the allegation is made details of the allegation.

(3) The Committee shall, within twenty-one days of a referral of an allegation to it under this section,

- (a) hear the evidence of both Members on oath; and
- (b) permit the Member against whom the allegation is made to make written representations and allow both Members to call such witnesses as the Members deem necessary to give evidence on oath.

(4) After a hearing of the allegations, the Committee, if the allegations are found to be justified, shall report to the Legislative Council.

(5) The Legislative Council shall debate any report submitted by the Committee under subsection (4) at a special meeting within fourteen days of the submission of the report.

(6) Where the Legislative Council, after debating the report of the Committee, is satisfied that the Member is in breach as alleged by the other Member, the Legislative Council may impose on the Member a fine not exceeding five thousand dollars or suspend the Member from sitting or voting in the Legislative Council for such period not exceeding two consecutive meetings of the Legislative Council as the Legislative Council may determine, or both.

**11.** (1) Where a Member fails to comply with any decision made by the Committee or fails to pay any fine imposed by the Legislative Council under this Act, such failure shall constitute a contempt of the Legislative Council for which the Legislative Council may order the Member's suspension from sitting and voting in the Legislative Council for such period as the Legislative Council may determine.

Contempt of the Legislative Council.

(2) In the event of a Member's contempt of the Legislative Council being purged to the satisfaction of the Legislative Council, the Legislative Council may lift the suspension in accordance with the procedure prescribed from time to time in the Standing Orders of the Legislative Council.

**12.** Where any records are held or kept in electronic form, the power of the Registrar to require the supply of information and production of records shall include powers

Computer records.

- (a) to require any person having charge of, or otherwise concerned with the operation of a computer or associated apparatus which is or has been in use in connection with such information or records, to afford to the Registrar such assistance as he may reasonably require; and
- (b) to require the records to be produced or copied in any form which he may reasonably request.

**13.** (1) The Registrar and any person appointed or designated to assist the Registrar in the performance of his duties under this Act

Oath of office and confidentiality.

- (a) shall, before assuming office, subscribe to the oath of confidentiality referred to in Schedule 3;
- (b) shall not, save in accordance with the provisions of this Act or otherwise in relation to any court order, disclose information
  - (i) relating to any declaration or matter in the Register; or
  - (ii) that he has acquired in the course of or in relation to his duties or in the exercise of any powers or performance of duties under this Act.

Schedule 3

(2) The oath of confidentiality referred to in subsection (1)(a) shall be taken before a Magistrate or the Registrar of the High Court.

(3) Where the Registrar or any other person appointed or designated to assist him contravenes subsection (1)(b), he commits an offence and is liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding two thousand dollars, or both.

Amendment of  
Schedule 1.

**14.** The Registrar may, with the approval of the Committee, amend Schedule 1 by Order.

## **SCHEDULE 1**

[Section 3(1)]

### **REGISTRATION FORM FOR DECLARATION OF INTERESTS**

#### **LEGISLATIVE COUNCIL OF THE VIRGIN ISLANDS**

#### **REGISTRATION OF FINANCIAL INTERESTS**

#### **REGISTRATION FORM**

The main purpose of the Register of Interests is to provide information of any pecuniary interest or other material benefit which a Member receives which might reasonably be thought by others to influence his or her actions, speeches or votes in the Legislative Council, or actions taken in his or her capacity as a Member. For the details of the information which is required to be registered, please refer first to the explanatory notes in each section of the Form.

If there is not enough space in any section of this Form for the information required, additional sheets may be attached to it; but each such sheet should carry the Member's signature.

Subsequent changes or additions to your entry should be notified to the Registrar within one month of any changes occurring.

NAME (Block capitals, please):

CONSTITUENCY:

#### **1. DIRECTORSHIPS**

Do you have any remunerated or unremunerated directorships in any company?

YES/NO (Please delete as appropriate)

If yes, please list the names of the companies, briefly stating the nature of the business of the company in each case.

*Notes: (i) You should include directorships which are individually unremunerated but where remuneration is paid through another company in the same group.*

*(ii) In this category and category 2, “remunerated” should be read as including allowances or benefits.*

## 2. REMUNERATED EMPLOYMENT, OFFICE, PROFESSION, ETC.

Do you have any employment, office, trade, profession or vocation (apart from membership of the Legislative Council or ministerial office) for which you are remunerated or in which you have any pecuniary interest?

YES/NO (Please delete as appropriate)

If yes, please set out the details. Actual amounts of remuneration need not be stated. When registering employment with a company or firm, please briefly indicate the nature of its business.

*Note: Membership of insurance enterprises should be registered under this category. If you register such membership, you should also list your syndicate numbers for the current year and your membership of any syndicates which remain unclosed.*

## 3. CLIENTS

Does any of the paid employment registered in categories 1 or 2 entail the provision to clients of services which depend essentially upon or arise out of your position as a Member of the Legislative Council (see Note (i) below)?

YES/NO (Please delete as appropriate)

If yes, please list all clients to whom you personally provide such services. Please also state in each case the nature of the client’s business.

*Notes: (i) The services covered by this category include action connected with any parliamentary proceeding, sponsoring meetings or functions in the Legislative Council’s building or offices, making representations to Ministers, fellow Members or public servants, accompanying delegations to Ministers, and the provision of advice on parliamentary or public affairs.*

*(ii) Where you receive remuneration from a company or partnership engaged in consultancy business which itself has clients, you should list any of those clients to whom you personally provide such services or advice, directly or indirectly.*

#### 4. SPONSORSHIP

(a) Did you benefit from any sponsorship before your election, where to your knowledge, the financial support in any case exceeded in aggregate \$2,500.00?

YES/NO (Please delete as appropriate)

If yes, please list your sponsor(s). Where a company is named as sponsor, please indicate briefly the nature of its business, and if known, its directors and shareholders.

(b) Do you benefit from any other form of sponsorship or financial or material support as a Member of the Legislative Council?

YES/NO (Please delete as appropriate)

If yes, please give details, including the name of the person, organisation or company providing the support. Where a company is named, please indicate briefly the nature of the business, and if known, its directors and shareholders.

(c) Do the arrangements registered under category 4(b) involve any payment to you or any material benefit or advantage which you personally receive?

YES/NO (Please delete as appropriate)

*Notes: (i) You should register under this section any financial or material benefit, direct or indirect; for example the provision of free or subsidised accommodation, or the provision of the services of a research assistant free or at a subsidised salary rate.*

*(ii) You should register money given to you by your election campaign committee and money spent by your election campaign committee in connection with your election with your written permission.*

*(iii) The answer to question 4(a) need not contain information in respect of elections which took place prior to the enactment of the Register of Interests Act, 2006.*

#### 5. GIFTS, BENEFITS AND HOSPITALITY (VIRGIN ISLANDS)

Have you, or your spouse to your knowledge, received any gift of a value greater than \$500.00, or any material advantage of a value greater than 1.5 percent of the current salary of an elected Member of the Legislative Council, from any company, organisation or person within the Virgin Islands which in any way relates to your membership of the Legislative Council?

YES/NO (Please delete as appropriate)

If yes, please give details.

*Notes: (i) You should include any hospitality given and services or facilities offered free or at a price below that generally available to members of the public, except that where the advantage is known to be available to all Members of the Legislative Council, it need not be registered.*

*(ii) You should include not only gifts and material advantages received personally by you and your spouse, but also those received by any company or organisation in which you (or you and your spouse jointly) have a controlling interest.*

## 6. OVERSEAS VISITS

Have you or your spouse made any overseas visits relating to or in any way arising out of your membership of the Legislative Council where the cost of the visit was not wholly borne by yourself or by public funds?

YES/NO (Please delete as appropriate)

If yes, please list relevant visits in chronological order.

Countries visited	Dates of visit	Who paid?
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*Note: You are not required to register visits undertaken on behalf of the Commonwealth Parliamentary Association. Other categories of overseas visits which are exempt from the requirement to register are listed in the guidance pamphlet on Registration and Declaration of Members' Interests.*

## 7. OVERSEAS BENEFITS AND GIFTS

Have you, or your spouse to your knowledge, received any gift of a value greater than \$500.00 or any material advantage of a value greater than 1.5 percent of the current salary of an elected Member of the Legislative Council, from or on behalf of any foreign Government, organisation or person which in any way relates to your membership of the Legislative Council?

YES/NO (Please delete as appropriate)

If yes, please give details.

*Note: Overseas hospitality and travel facilities should be entered under category 6. Otherwise the notes under category 5 apply here also.*

8. LAND

Do you have any land, other than any home used solely for the personal residential purposes of you or your family.

YES/NO (Please delete as appropriate)

If yes, please indicate below the nature of the land (e.g. Estate, Farm, Smallholding, Woodland, Residential rented/leasehold land, Commercial rented/leasehold land) and give the registration section, block and parcel number, and the street and number (if appropriate) of the land in each case.

Nature of Land	Location
.....	Registration Section No.: Block No.: Parcel No.: Address:
.....	Registration Section No.: Block No.: Parcel No.: Address:
.....	Registration Section No.: Block No.: Parcel No.: Address:

9. SHAREHOLDINGS

Do you have (either yourself or with or on behalf of your spouse or dependent children) interests in shareholdings in any company or other body which has a nominal value (a) greater than \$25,000.00, or (b) less than \$25,000.00 but greater than 1 percent of the issued shared capital of the company or body?

YES/NO (Please delete as appropriate)

If so, please list each company or body, indicating in each case the nature of its business and whether your holding falls under sub-category (a) or (b) above.

10. MISCELLANEOUS

If, bearing in mind the definition of purpose set out in the introduction to this Form, you have any relevant interests which you consider should be disclosed but which do not fall within the nine categories set out above, please list them:

**I declare that the information contained in this declaration is a complete and accurate description of all the interests that I am liable to declare under the Register of Interests Act, 2006.**

SIGNATURE:

DATE:

**SCHEDULE 2**

[Section 9(1)]

**REQUEST TO INSPECT THE REGISTER OF INTERESTS**

**REQUEST FORM**

To the Registrar of Interests

I, (name) of (address) being a Member of the Legislative Council hereby request to view and inspect the Register of Interests in respect of the Members of the Legislative Council of the Virgin Islands.

The purpose(s) for which this request is made is/are as follows:

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

The request is made for a specific inspection in relation to

(please specify for the latter option the Member or subject matter or both to which the request relates).

The date on which I wish to conduct an inspection of the Register is the day of , 200 .

Date:

Signature:

**For use by the Registrar only**

Date request received: .....

Date request processed: .....

Approved: .....

Inspection date granted: .....

Disapproved: .....

Reason(s) for disapproval: .....

.....

.....

.....

Signed:  
(Registrar of Interests)

Date:

**SCHEDULE 3**

[Section 13(1)]

**OATH OF CONFIDENTIALITY**

**FORM OF OATH**

I, \_\_\_\_\_, being the Registrar of Interests/a person appointed/designated to assist the Registrar of Interests in the performance of his duties under the Register of Interests Act, 2006, solemnly swear/affirm that I shall keep confidential all declarations and other information in connection with or relative to Members of the Legislative Council and the Register of Interests which has come to my knowledge in my capacity as Registrar of Interests/a person appointed/designated to assist the Registrar of Interests or in relation to such office that I hold and I shall not disclose such declaration or other information except as authorized by and in accordance with law.

So help me God (omit if affirming)

