

TURKS AND CAICOS ISLANDS



## **The Constitution - Disqualification for Elected or Appointed Member of the House of Assembly**

### **GUIDANCE NOTES ISSUED BY THE INTEGRITY COMMISSION ON NOTIFICATION OF INTERESTS IN CONTRACT WITH THE TCIG--(SEC. 49(1)(f))**

1. The Constitution comes into force on October 15, 2012. From this date (called the Appointed Day), section 49 which provides for disqualification criteria also comes into force.

2. Section 49(1)(f) in particular provides that no person will be qualified to be elected to the House of Assembly if, on the date of his or her nomination for election, he or she “ ... ***is a party to, or a partner in a firm or a director or manager of a company which is party to any contract with the Government and has not, by that date, disclosed in a notice to the Integrity Commission the nature of such contract and his or her interest , or the interest of such firm or company , in it...***”

### **3. What is any contract with the Government?**

(a) This is any contractual relationship with the Government which is legally binding and creates benefits and obligations on the parties. It therefore includes normal service contracts such as consultancy , building and procurement contracts as well as any contractual relationship created for example by a Lease Hold or Scholarship Bond.

(b) Given the serious consequence of a failure to file a notice (for which see section 51(2)(e) of the Constitution), it is advisable to still file a notice if you are in doubt as to whether or not the relevant contract or your interest therein is caught by section 49(1)(f). Alternatively, you should contact the Integrity Commission for guidance.

4. A candidate does not need to be the direct contractual party with the Government. It is sufficient if a company or firm in which he is a manager, partner or director is the contractual party to or has some interest in the contract with the Government.

### **5. “Government”**

As a contractual party, the term “Government” extends to statutory or public bodies which receive some form of funding from the public purse.

### **6. Notice**

The notice to the Integrity Commission may be delivered in a letter or similar form, provided it clearly sets out the precise nature of the contract and the person’s interest or the interest of his or her company or firm in the contract.

7. **Time for notifying the Integrity Commission:** The notice should be submitted to the Commission on or before the date of nomination for by-election, that is to say, **March 1<sup>st</sup>, 2013**.