

**PUBLIC OFFICERS' ETHICS (AMENDMENT) BILL, 2021**

*(Bill No. 14 of 2021)*

**OBJECTS AND REASONS**

The Public Officers' Ethics Act (*the said Act*) was enacted to advance the ethics of public officers by providing for a Code of Conduct and Ethics for public officers and requiring financial declaration from certain public officers and a Public Officers' Ethics Commission was established to investigate and determine whether a public officer has contravened the Code of Conduct and Ethics. The Commission consists of the Ombudsman, the Attorney-General, the Chairman of the Constitutional Appointments Authority and two other members.

2. The President, in his address to the Nation on the 1<sup>st</sup> February, 2021, made announcement of restructuring of statutory and other parastatal bodies.

3. In order to give effect to the announcement made by the President, it is proposed to abolish the Public Officers' Ethics Commission and entrust the functions of the Commission to the Anti-Corruption Commission established under the Anti-Corruption Act, 2016.

4. Accordingly, in view of the above, it is proposed to amend sections 2, 27, 28 and 35, and repeal sections 20 and 25 of the said Act and provide for other consequential provisions.

5. The Bill seeks to achieve the above objectives.

**Dated this 23rd day of March, 2021.**

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

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**ARRANGEMENT OF SECTIONS**

**Sections**

1. Short title
2. Amendment of section 2 of Cap 304
3. Amendment of Part III head note
4. Repeal of section 20
5. Repeal of section 25
6. Amendment of section 27
7. Amendment of section 28
8. Amendment of section 35
9. Transitional provisions

**PUBLIC OFFICERS' ETHICS (AMENDMENT) BILL, 2021**

*(Bill No. 14 of 2021)*



**A BILL**

**FOR**

**AN ACT to amend the Public Officers' Ethics Act (Cap 304).**

**ENACTED** by the President and the National Assembly.

**Short title**

**1.** This Act may be cited as the Public Officers' Ethics (Amendment) Act, 2021.

### **Amendment of section 2 of Cap 304**

2. Section 2 of the Public Officers' Ethics Act (*Cap 304*) (hereinafter referred to as the “principal Act”) is amended —

- (a) by repealing the definition of “Commission”, and substituting therefor the following definition —

“ “Commission” means the Anti-Corruption Commission established by section 4 of the Anti-Corruption Act, 2016 (Act 2 of 2016);”;

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

### **Amendment of Part III head note**

3. The principal Act is amended, in the head note of Part III, by repealing the words “**ESTABLISHMENT AND FUNCTIONS OF PUBLIC OFFICERS' ETHICS COMMISSION**”, and substituting therefor the words “**INVESTIGATION BY THE COMMISSION**”.

### **Repeal of section 20**

4. The principal Act is amended by repealing section 20.

### **Repeal of section 25**

5. The principal Act is amended by repealing section 25.

### **Amendment of section 27**

6. Section 27 of the principal Act is amended, by repealing the proviso to subsection (1).

### **Amendment of section 28**

7. Section 28 of the principal Act is amended, by repealing the word “Chairperson”, and substituting therefor the word “Commission”.

**Amendment of section 35**

8. Section 35 of the principal Act is amended, by repealing the words “or any member”.

**Transitional provisions**

9. On the commencement of this Act, the administrative and other technical staff appointed under section 20(8) the Public Officers' Ethics Act (*Cap 304*) shall be deemed to be the administrative and other technical staff of the Anti-Corruption Commission established under the Anti-Corruption Act, 2016 (*Act 2 of 2016*) appointed on the same terms and conditions of employment and shall continue until the expiry of his or her term of appointment and the provisions of the Anti-Corruption Act, 2016 shall apply as if he or she was appointed under the Anti-Corruption Act, 2016.