

Managing



OF  
INTERESTS



Independent Commission Against Corruption

October 2014

# FOREWORD

Since a decade, managing conflict of interests has gained prominence on both the local and international arena with the coming in force of key anti-corruption drivers such as the Prevention of Corruption Act 2002 and the United Nations Convention Against Corruption (UNCAC).

Article 7 sub-section 4 of the UNCAC states that: *“Each State Party shall, in accordance with the fundamental principles of its domestic law, endeavour to adopt, maintain and strengthen systems that promote transparency and prevent conflicts of interest”*. Therefore, signatories of the UNCAC, including Mauritius, are bound by its provisions to adopt, maintain and strengthen systems that promote transparency and prevent conflict of interests.

On the domestic level, the Prevention of Corruption Act (PoCA) 2002, as subsequently amended, makes conflict of interests a criminal offence. In Mauritius, which is a small island state, conflict of interests is an issue of concern since everyone seems to be acquainted to each other thus making public officials more vulnerable. Till date, the Independent Commission Against Corruption (ICAC) has secured convictions in 4 cases where a total of 6 persons have been sentenced at the level of the Intermediate Court. Moreover a number of disciplinary actions have been recommended by the Director of Public Prosecutions (DPP) following investigations on conflict of interests (COI) - related cases by the ICAC. Numerous cases pertaining to COI are pending trial at court level.

Managing conflict of interests is an important component of an organisation’s integrity management system. As such, public institutions are called upon to identify and establish proper mechanisms comprising procedures for disclosing COI in writing, prohibiting participation in decision-making and proceedings relating to such decisions and allowing proper recording of the disclosed interest and monitoring.

The absence of an established conflict of interests mechanism often results in inconsistent practices that can create and sustain a perception of malpractice in the public sector. Thus, in view of gauging the existence and effectiveness of conflict of interests mechanisms, the ICAC conducted a survey in 151 public sector organisations in December 2013. The study revealed that 52 % of public sector organisations do not have an established mechanism for managing COI.

Pursuant to our statutory mandate to exercise vigilance and superintendence over integrity systems, it is expected that the revised edition of this handbook will support public sector organisations in establishing and reinforcing a culture of integrity. It should be noted that this handbook focuses mainly on the provisions of the PoCA 2002 relating to conflict of interests.

We trust you will find this handbook useful in your endeavour to identify and manage conflict of interests and ensure that public affairs are conducted in line with the highest legal and ethical standards.

A. K. UJOODHA  
DIRECTOR-GENERAL  
ICAC

# TABLE OF CONTENTS

	PAGE
Foreword	
<b>I</b> Understanding conflict of interests	1
<b>II</b> Identifying situations of conflict of interests	2
<b>III</b> Managing conflict of interests	6
<b>IV</b> Am I in a situation of conflict of interests?	11
<b>V</b> What to do when in a situation of conflict of interests?	12
<b>VI</b> Some frequently asked questions	13
Appendix I – Model Conflict of Interests Declaration Form	15
Appendix II – Model Conflict of Interests Disclosure Register	17
Appendix III – Definition of terms as per PoCA 2002, as amended	18

# UNDERSTANDING CONFLICT OF INTERESTS

**Conflict of interests** is a situation in which a public official\* has a private interest that can influence the objective and impartial exercise of his official duties.

Anybody can find himself in a situation of conflict of interests. However, in such situations, it is important to act in line with the provisions of Section 13 of the Prevention of Corruption Act 2002.

A conflict of interests is described as a situation in which a public official, while in the exercise of his public duties, has a personal/direct or indirect interest or where his relative or an associate of his has a direct or indirect interest in a decision that he or the public body has to take and which can improperly influence the public official in discharging his functions. Such direct or indirect interest could be termed as the private interest.

## WHAT ARE THE KEY FACTORS MAKING UP A SITUATION OF CONFLICT OF INTERESTS?

There are two key factors in a situation of conflict of interests:

- I. Private Interest of the public official or his relative or associate
- II. Conflict between private and public interests

## PRIVATE INTEREST OF THE PUBLIC OFFICIAL

Private interest refers to the interest /advantage / gain / benefit of the public official (or of his relative\* or associate\*) in the decision that he or a public body\* proposes to take. This interest may influence the objective and impartial judgment of the public official.

Examples of such interests include:

- property;
- commercial interests or shares;
- benefits such as fees, awards of contracts, rewards, premium, concessions, discounts, loans, gifts, hospitality, promotions and appointments, amongst others.

## CONFLICT BETWEEN PRIVATE AND PUBLIC INTERESTS

All individuals, including public officials, have private interests. Society expects public officials to be objective and independent in the discharge of their functions. Conflict of interests involves a conflict between private interests of the public official and the interests of the public body in which he is an employee. The conflict arises when the public official is confronted to a situation where he has a private, direct or indirect, interest in the exercise of his functions.

\* Please refer to Appendix III for definition of terms as per PoCA 2002

# IDENTIFYING SITUATIONS OF CONFLICT OF INTERESTS

Under the Prevention of Corruption Act 2002, conflict of interests is specifically dealt with in Section 13 and constitutes a corruption offence. Public officials must be empowered to identify situations of conflict of interests so that they can promptly act in line with the provisions of the PoCA 2002.

## PROVISIONS GOVERNING CONFLICT OF INTERESTS AS PER POCA 2002

### A. Section 13 – Conflict of interests

Section 13 of the PoCA 2002 specifies:

(1) Where-

- (a) a public body in which a public official is a member, director or employee proposes to deal with a company, partnership or other undertaking in which that public official or a relative or associate of his has a direct or indirect interest; and
- (b) that public official and/or his relative or associate hold more than 10 per cent of the total issued share capital or of the total equity participation in such company, partnership or other undertaking, that public official shall forthwith disclose, in writing, to that public body the nature of such interest.

(2) Where a public official or a relative or associate of his has a personal interest in a decision which a public body is to take, that public official shall not vote or take part in any proceedings of that public body relating to such decision.

(3) Any public official who contravenes sub-section (1) or (2) shall commit an offence and shall, on conviction, be liable to penal servitude for a term not exceeding 10 years.

The following are important considerations to understand what constitutes conflict of interests:

<p><b>SECTION 13 (1)</b></p>	<ul style="list-style-type: none"> <li>▪ Section 13(1) applies to a public body;</li> <li>▪ Involves a public official;</li> <li>▪ It pertains to a situation in which a public official who is a member (or director or employee) has a <b>direct</b> or <b>indirect</b> interest in a dealing which the public body proposes to have; and</li> <li>▪ that public official or his relative or his associate owns more than 10 per cent of the total issued share capital or of the total equity participation in the dealing.</li> </ul> <p><b>In the above situation, the public official needs to disclose the nature of his interest (or that of his relative or associate) forthwith in writing.</b></p>
<p><b>SECTION 13 (2)</b></p>	<ul style="list-style-type: none"> <li>▪ Section 13 (2) applies to a public body;</li> <li>▪ Involves a public official;</li> <li>▪ It pertains to a situation where the public official or his relative or an associate of his has a personal interest in a decision which a public body is to take.</li> </ul> <p><b>In this case, the public official should not vote or take part in any proceedings relating to such decision.</b></p>

It is important to point out that if a public official finds himself in a situation of conflict of interests and if he does not comply with the provisions of the Prevention of Corruption Act 2002, he commits a corruption offence.

*The Prevention of Corruption Act 2002 requires that in situations of Conflict of interests, a public official should:*

- (i) *declare forthwith the nature of the interest in writing to that public body;*
- (ii) *not vote or take part in any proceedings of that public body relating to the decision.*

### **Example 1**

Mr Brown is a director of a public body. The public body is proposing to deal with Lite Company Ltd for the re-designing and development of its website.

The son of Mr. Brown is the director of Lite Company Ltd in which he holds more than 10 % equity participation. Mr. Brown does not disclose in writing to the public body the interest his son has in the said Company.

**Is it a situation of conflict of interests?**

## Points To Note:

Assuming that he has prior knowledge of the situation, Mr. Brown committed the offence of conflict of interests by not declaring the interest his son had (the latter held more than 10% equity participation) in Lite Company Ltd whilst the public body in which he is a director is proposing to deal with the latter.

Thus, the offence of conflict of interests is established since a public body in which a **public official** (Mr. Brown) is a **director** proposes to deal with a company (**Lite Co. Ltd**) in which a **relative** (his son) has a direct interest; and his **relative** (his son) holds more than 10 per cent of the total equity participation in such company (**Lite Co. Ltd**) by not disclosing in writing the nature of his interest.

## Example 2

Mr Black is the Chairman of the Board of Directors of a statutory corporation. The corporation has ten vacancies for support staff. As part of the recruitment procedure, the Board meets to consider the recommendations of the sub-committee on recruitment.

The Board unanimously approves the recommendations of the sub-committee. However, the Chairman fails to inform the Board that two of the persons from the approved list are his brothers.

**Is the Chairman in a situation of conflict of interests?**

## Points To Note:

- The above situation involves a public body;
- Mr. Black is the Chairman of a public body thus, he is a public official;
- However, at no point in time does Mr. Black disclose the nature of his interest and he takes part in the proceedings relating to that decision.

Therefore, Mr. Black commits a corruption offence in breach of Section 13 (2) of the Prevention of Corruption Act 2002.

## Example 3

Mr Grey is a Board member of a para-statal body. The Board meets to consider the recommendations of an *Ad Hoc* Committee for the allocation of permits for the production of tobacco. The wife of Mr Grey happens to be one of the applicants.

The Board unanimously approves the allocation of permits to all applicants.

**Is there a conflict of interests?**

## Points To Note:

It should be noted that Mr. Grey is a public official and he takes part in the proceedings of a public body whilst his wife has a personal interest in a decision of that public body. This scenario depicts an offence of conflict of interests since Section 13 (2) of the Prevention of Corruption Act 2002 clearly spells out that: *where a **public official's relative** (wife) has a personal interest in a decision which a public body is to take, that **public official** (Mr. Grey) shall not take part in any proceedings of that public body relating to such decision.*

### Example 4

Mrs. White is the Mayor of the town of Whitting. At a given council meeting, the allocation of market stalls is on the agenda. The report of a sub-committee which considered the applications together with appropriate recommendations are being tabled at the meeting.

The town council unanimously approves the decision of the sub-committee. One of the market stalls is allocated to the Mayor's brother. However, the Mayor does not disclose her interest during the council meeting.

#### Is there a conflict of interests?

In the above scenario, Mrs. White is a **public official** and her relative (brother) **has an interest** in a decision which the public body is to take and she takes part in the proceedings of that public body relating to such a decision. It is clearly a situation of conflict of interests.

It is to be noted that conflict of interests is an offence which mostly applies to situations where decisions have to be taken. Thus, it is of prime concern to decision-takers, that is, persons holding positions of responsibility.

## B. SOME RISK AREAS

Situations of conflict of interests may arise in any public body. However, certain areas may be more prone to risks of conflict of interests than others. Some of the high risk areas include:

- Procurement
- Recruitment & selection
- Allocation of permits and licences
- Allocation of scholarships
- Postings of staff
- Overseas training
- Decision-making
- Law enforcement

These risk areas should be carefully managed to avoid any bias or perception of bias in decision taking. Thus, public bodies need to be proactive and set up appropriate mechanisms to identify and effectively manage situations of conflict of interests.

# MANAGING CONFLICT OF INTERESTS?

## WHY IS CONFLICT OF INTERESTS A MATTER OF CONCERN?

The community has a right to expect that all public officials perform their duties in a fair and impartial manner and that the decisions they take are not influenced by self-interest, private affiliations or the likelihood of personal gain.

Conflict of interests is also an ethical issue. In a situation of conflict of interests, the public official is in a dilemma. He has to choose between serving his private interest and his duty to serve public interest. In such a situation, very often he fails to take a decision in the public interest when his own private interest is at stake. Even the most ethical person may succumb to temptation when the potential gains or benefits are large.

Therefore, when conflict of interests is not addressed properly, it leads to biased or corrupt behaviour. If a person acts in his personal interest while performing his public duty, he will be acting with bias. Personal interests make it difficult to fulfill one's duties impartially.

The Board of a statutory body is deciding upon the recruitment of a consultant. Mike, who is a Board Member, is keen on getting his father appointed to this particular post.

### **Does it constitute a conflict of interests situation?**

It is the duty of public officials to take decisions based on the principles of fairness, impartiality and meritocracy. When a public official has a personal interest in a decision which is to be taken, he must abstain from voting or taking part in any proceedings related to such decision, as the decision may be biased on account of the private interest thus compromising good governance principles.

In the above scenario, Mike, as a public official, will be committing an offence if he participates in a decision where he is having a personal interest. He should not be part of the decision-making process.

Conflict of interests situations, if not managed properly undermine:

- meritocracy and fairness;
- public trust; and
- organisations' reputation and credibility.

## HANDLING SITUATIONS OF CONFLICT OF INTERESTS

Managing conflict of interests situations is no longer just an option since, if left unchecked, such situations can breed corruption or a general perception of corruption in public sector organisations. Thus, public bodies have a responsibility to set proper mechanisms to deal with conflict of interests effectively.

The best way to handle conflict of interests is to abide by the principles set out under the Prevention of Corruption Act 2002. The legislation sets forth the conduct to be adopted to avoid situations of conflict of interests. Section 13 of the Prevention of Corruption Act 2002 makes it mandatory for public officials in situations of conflict of interests to declare forthwith the interest in writing to that public body and not vote or take part in any proceedings of that public body relating to the decision.

*To deal with situations of conflict of interests the law requires that the public official:*

- 1. declares the nature of the interest in writing*
- 2. discloses the conflict immediately to the public body and*
- 3. abstains from voting or taking part in any proceedings in relation to that decision*

It is important to highlight that management of conflict of interests situations is a shared responsibility of both the public official and management of a public body.

### 1. RESPONSIBILITY OF MANAGEMENT

#### A) *Setting up of appropriate systems to manage conflict of interests*

Management of public bodies has the prime responsibility to put in place systems that enable effective management of situations of conflict of interests. To ensure that their affairs are conducted in line with the legal provisions and the highest ethical standards, they need to establish a mechanism which:

- empowers public officials to easily identify situations of conflict of interests through awareness and training sessions;
- allows disclosure of conflict of interests in writing in a consistent manner;
- excludes such public officials in the decision making and voting processes;
- keeps a record of the outcomes; and
- enables effective monitoring.

The following steps may guide management of public bodies:

STEP	DESCRIPTION
1. <b>Policy Statement</b>	The policy statement should define situations of conflict of interests, outline use of the Conflict of Interests Declaration Form and Conflict of Interests Disclosure Register, identify to whom declarations are to be made, assign different responsibilities, highlight the sanctions and provide extract of relevant laws such as the Prevention of Corruption Act 2002.
2. <b>Adoption of Conflict of Interests Declaration Form and Conflict of Interests Disclosure Register</b>	Declaration of interests is an important component of the system for tackling conflict of interests. A Conflict of Interests Declaration Form and a Conflict of Interests Disclosure Register keep track of declarations by public officials of any interests they may have in matters under consideration. These are fundamental instruments of transparency and serve as a necessary condition for the other components of the regulatory system to work in particular, exclusion from the decision-making process. A model Conflict of Interests Declaration Form and Conflict of Interests Disclosure Register are at Appendix I and II.
3. <b>Recording</b>	Proper recording of the reported conflict of interests is crucial for monitoring purposes and for taking appropriate actions.
4. <b>Replacement of officers</b>	After declaration by those concerned, officers should be replaced, whenever required.
5. <b>Advice</b>	Provide guidance to public officials in case of doubts and respond to questions about conflict of interests to ensure proper compliance to Policy Statement.
6. <b>Training</b>	Conduct regular training to empower staff to identify and manage situations of conflict of interests, comply with the conflict of interests policy and use the Conflict of Interests Declaration Form and Conflict of Interests Disclosure Register.
7. <b>Monitoring</b>	Coordinate all the elements of the system to ensure compliance to the legal provisions and policy statement. Initiate appropriate remedial actions, wherever necessary.

## 2. RESPONSIBILITY OF PUBLIC OFFICIAL

*In situations of conflict of interests, Section 13 of the PoCA 2002 provides for the public official:*

1. *to disclose forthwith the nature of the interest in writing and*
2. *shall not take part or vote in any proceedings in relation to that decision*

In most, if not all circumstances, situations of conflict of interests are known only to the public official, in the first instance. Therefore, the public official must take personal responsibility for identifying such situations. It is the prime responsibility of the public official to declare in writing the nature of the interest to the public body when he (or his relative or his associate) has a direct or indirect or personal interest in a decision which a public body proposes to take. He needs to apply 'self-exclusion', that is, to withdraw from the matter in hand.

The table below describes the behaviour that must be adopted by the public officials to uphold personal and organisational integrity.

LEGAL PROVISIONS	EXPECTED ACTIONS / ETHICAL STANDARDS	
STEP I	Disclose forthwith the nature of the interest in writing and	<p>Declare publicly, fully, appropriately and immediately in writing the nature of the private interest to the head.</p> <p>The declaration can be made by using a Conflict of Interests Declaration Form and recording same in a Conflict of Interests Disclosure Register.</p>
STEP II	Shall not take part or vote in any proceedings in relation to that decision	<p><b>Whilst participating in a meeting or as a member of a panel:</b></p> <ul style="list-style-type: none"> <li>▪ Leave the meeting or the panel / apply self-exclusion.</li> <li>▪ Ensure a record of such conduct is kept.</li> <li>▪ Not influence, in any way, the decision to be taken.</li> <li>▪ Abstain from accessing any document relating to that decision.</li> <li>▪ Not to inquire into the proceedings or outcome of the meeting.</li> </ul>

Disclosure of conflict of interests helps to maintain fairness, objectivity and transparency. It should be noted that any public official who fails to disclose a conflict of interests commits a corruption offence under the Prevention of Corruption Act 2002.

## B) Codes of ethics

Public bodies can also use their codes of ethics to vulgarise and manage situations of conflict of interests.

The Code of Ethics for Public Officers published by the Ministry of Civil Service and Administrative Reforms provides guidelines on how to respond to situations of conflict of interests. It states that: *“Any Public Officer who fails to disclose his direct or indirect interest in a company, partnership or other undertaking with which the public body (which employs the Public Officer) proposes to deal, shall commit an offence under the Prevention of Corruption Act 2002.”* (an extract of the Code of Ethics for Public Officers published by the Ministry of Civil Service and Administrative Reforms).

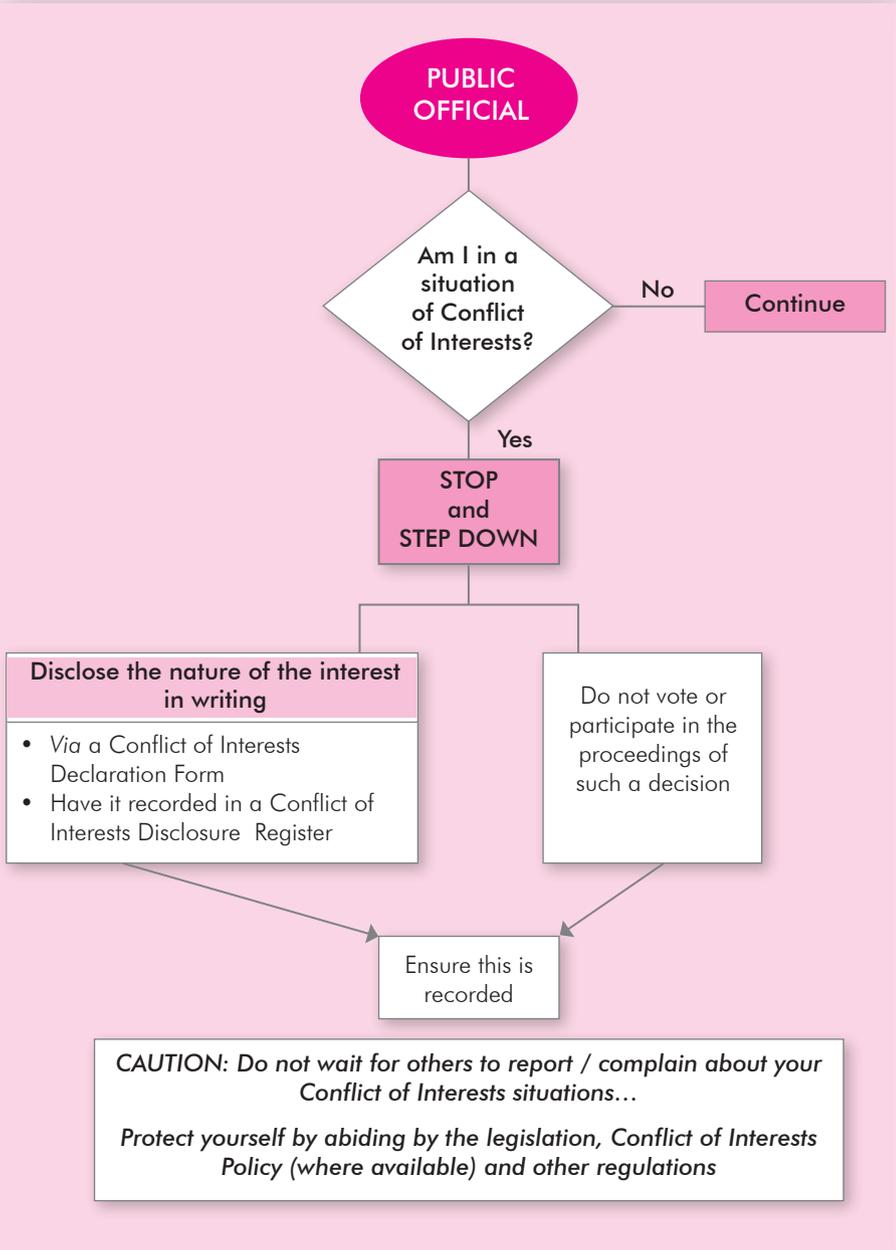
The Code reminds public officers that the onus to disclose any actual or potential conflict of interests promptly, fully and appropriately lies with them.

# AM I IN A SITUATION OF CONFLICT OF INTERESTS?

Recognising whether you are in a situation of conflict of interests is your responsibility. The checklist below contains some general questions which will guide you. If you tick “YES” to any one of the boxes, you may be facing a potential situation of conflict of interests. Note that this not an exhaustive list. You are advised to refer to Section 13 of the PoCA 2002 for further information.

	YES	NO
<b>DO I:</b>		
have an interest in any dealing which my public body is having with a company / partnership / undertaking?		
<b>and</b>		
hold more than 10% shares in a company which my public body is proposing to deal with?		
have a personal interest in a decision which my public body is to take?		
<b>DOES MY RELATIVE:</b>		
have an interest in any dealing which my public body is having with a company / partnership / undertaking?		
<b>and</b>		
hold more than 10% shares in a company which my public body is proposing to deal with?		
have a personal interest in a decision which my public body is to take?		
<b>DOES MY ASSOCIATE:</b>		
associate have an interest in a dealing which my public body is having with a company / partnership / undertaking?		
<b>and</b>		
hold more than 10% shares in a company which my public body is proposing to deal with?		
have a personal interest in any decision which my public body is to take?		

# WHAT TO DO WHEN FACED WITH A SITUATION OF CONFLICT OF INTERESTS?



## SOME FREQUENTLY ASKED QUESTIONS

<p><b>Why should I worry about conflict of interests?</b></p>	<p>It is a corruption offence. As a public official, one has been entrusted with power and resources to carry out a number of duties, without any bias, for the welfare of the public. However, one's private interests may make it difficult to fulfill one's public duties impartially.</p>
<p><b>What if I don't disclose a conflict of interests?</b></p>	<p>Things kept behind closed doors are more likely to attract suspicion and allegations of possible suspicion and allegations of possible misconduct. Bear in mind that a hidden malpractice will, sooner or later, be revealed. Under the PoCA 2002, not declaring a situation of conflict of interests is a breach of the law. It is an offence liable to imprisonment of up to a maximum of 10 years.</p>
<p><b>What should I do when faced with a situation of conflict of interests?</b></p>	<p>According to Section 13 of the PoCA 2002, I have to disclose the nature of the interest in writing to the organisation and must not take part or vote in any proceedings in relation to that decision.</p>
<p><b>Do I still need to disclose a conflict of interests even when there is neither financial benefit nor loss involved?</b></p>	<p>Yes. The nature of a conflict of interests may extend beyond financial benefits.</p>
<p><b>What should I do if I suspect that another public official is in a situation of conflict of interests and has not declared it?</b></p>	<p>Under Section 44 of the PoCA 2002, where an officer of a public body suspects that an act of corruption has been committed within or in relation to that public body, he shall forthwith make a written report to the ICAC. Section 43 of the PoCA 2002 makes provision for anonymous reporting to the ICAC.</p>

<p><b>I am on a panel of interview and my close cousin comes in the interview. Is this a conflict of interests, if yes, what do I do?</b></p>	<p>The law sets the minimum standards of conduct. In this scenario, cousin is not defined as a 'relative' under Section 2 of the PoCA 2002. However, in a spirit of fairness to the recruitment process and for the sake of transparency, whenever a public official finds himself in a situation where his close family members are involved; as a matter of principle, he should not participate in that process. This would avoid any bias or perception of bias or favouritism in decision making.</p> <p>Moreover, the public official may not be committing any breach of Section 13 of the PoCA (i.e. Conflict of Interests) in such cases but may be violating other sections of the PoCA 2002.</p>
<p><b>Is Cabinet a public body?</b></p>	<p>Cabinet is not a public body as per the definition given in the PoCA 2002. Appendix III of the handbook which makes reference to Section 2 of the PoCA 2002 provides a definition to the term "public body".</p>

**CONFLICT OF INTERESTS DECLARATION FORM**

**1. PERSONAL DETAILS**

Name:

Designation:

Organisation:

**2. THE SITUATION**

Matter under consideration:

Your expected roles/duties to be performed in dealing with this matter:

Are you required to vote or take part in any proceedings of the public body relating to such decision?

Yes  No

**3. PRIVATE INTERESTS**

(i). Do you or your relative or your associate have a direct or indirect interest in the company, partnership, or other undertaking which your public body is proposing to deal with?

Yes  No

and

(ii). Do you or your relative or your associate hold(s) more than 10 per cent of total issued share capital or of the total equity participation in the company, partnership or other undertaking which your public body is proposing to deal with?

Yes  No

If "YES," please provide full information below.

(iii). Do you or your relative or your associate has a personal interest in the decision which your public body is to take?

Yes  No

If "YES," please provide full information below.

#### 4. CERTIFICATION

The above is an accurate and current statement of all my reportable interests to the best of my knowledge. I make this declaration in good faith and further state that I am aware of the consequences of any false or incorrect information given by me.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Please return this form to the Senior Chief Executive / Permanent Secretary or Chief Executive Officer.

I have declared my interests and hereby abstain from participation in the above process.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

#### HEAD'S STATEMENT / ACTION TAKEN

DECISION

-----  
-----  
-----  
-----

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

**Appendix II: Model Conflict of Interests Disclosure Register**

**Conflict of interests Disclosure Register**

S/n	Name of Public Official	Nature of interest	Issue	Disclosure Date	File ref:	Actions Taken by Management	Received by		
							Name of officer	Signature	Date
1.									
2.									
3.									
4.									

### **Associate**

“associate”, in relation to a person, means –

- (a) a person who is a nominee or an employee of that person;
- (b) a person who manages the affairs of that person;
- (c) a firm of which that person, or his nominee, is a partner or a person in charge or in control of its business or affairs;
- (d) a company in which that person, or his nominee, is a director or is in charge or in control of its business or affairs, or in which that person, alone or together with his nominee, holds a controlling interest, or shares amounting to more than 30 per cent of the total issued share capital; or
- (e) the trustee of a trust, where -
  - (i) the trust has been created by that person; or
  - (ii) the total value of the assets contributed by that person to the trust at any time, whether before or after the creation of the trust, amounts, at any time, to not less than 20 per cent of the total value of the assets of the trust;

### **Public body**

- (a) means a Ministry or Government department, a Commission set up under the Constitution or under the authority of any other law, a local authority, or a statutory corporation; and
- (b) includes a Government company;

### **Public official**

- (a) means a Minister, a member of the National Assembly, a public officer, a local government officer, an employee or member of a local authority, a member of a Commission set up under the Constitution, an employee or member of a statutory corporation, or an employee or director of any Government company;
- (b) includes a Judge, an arbitrator, an assessor or a member of a jury;
- (c) includes an official of the International Criminal Court referred to in the International Criminal Court Act 2011.

**Relative**, in relation to a person, means -

- (a) a spouse or conjugal partner of that person;
- (b) a brother or sister of that person;
- (c) a brother or sister of the spouse of that person; or
- (d) any lineal ascendant or descendant of that person;

### **Disclaimer**

This handbook is for general guidance only. It does not include all possible situations and it cannot substitute the law or take the place of legal advice. Readers are advised to consult the Prevention of Corruption Act 2002 (with amendments) and to seek legal advice in case of doubt.

The ICAC will not bear any responsibility for any legal damages arising from action or absence of action of any person on account of the contents of the handbook.



68, Harbour Area, Quay D, Port Louis  
Republic of Mauritius  
Tel.: (230) 206 6600 Fax: (230) 217 1643  
E-mail: [icacoffice@intnet.mu](mailto:icacoffice@intnet.mu) Website: [www.icac.mu](http://www.icac.mu)