

- ◆ Donor must be disclosed in a General Election report
- ◆ The type of donation, e.g. cash or kind and the monetary value.

Otherwise, other details of the nature of the donation and its value. S 30

Donations (S 31-38)

The Treasurer/Independent Candidate must submit a bi-annual report for the following periods within 30 days of the end of the period:

- January to June
- July to December

If no donations were received, the reports should reflect as such.

General Election Period Donation Reports:

General Election Donation Reports must be delivered to the IC by the Treasurer, Leader, Chairman, or General Secretary of a Party, or Independent Candidate, mid way the General Election period, and within 30 days following the Election Day:

Summary Conviction:

The Treasurer of a registered party commits an offence if he fails to comply with requirements. A person is guilty of an offence if knowingly or recklessly makes a false declaration and is liable to a fine of \$5000 or imprisonment for 12 months or both. Section 35 (7).

NB: All donations statements/declarations: Section 36 (4)

- are required to be recorded as having been accepted by the party from permissible donors only.
- are accurate
- reflect all donations accepted by the party to the best of his/her knowledge and is recorded.

NB: No donations should be accepted from non-permissible donors.

The Commission shall maintain a register of all donations reported containing the following details et al: Section 38

- The amount/value of the donation
- Whether donation is in the form of sponsorship, within the meaning of Section 21
- Relevant date of the donation

Important note on donations — Section 24 (13, 14, 15)

- ◆ Any donation which does not exceed \$500 presumes a permissible donor unless the Party or Independent Candidate knew or had reasonable grounds to believe that the donor is not a permissible
- ◆ Any donation which exceeds \$500 but does not exceed \$3000 the Party/Independent Candidate must verify that the donor is a permissible donor.
- ◆ Any donation over \$3000, the Party/Independent Candidate must (a) verify that the donor is a permissible donor, (b) make a publication of the amount donated and (c) publicize the identity of the donor. (Individual or Company)

Parties/Independent Candidates should only accept a donation over \$500 after taking all reasonable steps to verify that the donation is from a Permissible Donor.

N.B. Please also refer to Guidance Notes

TURKS AND CAICOS ISLANDS



POLITICAL ACTIVITIES DONATIONS PART IV

INTEGRITY COMMISSION
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Donations and Registered Parties Part IV (Section 20)

A donation means:

- a) A gift to a party of money or property
- b) Sponsorship (as defined in S21)
- c) Subscription or other fee paid for affiliation to, or membership of the party
- d) Money spent (otherwise than by or on behalf of the party) in paying any expenses incurred directly or indirectly by the party.
- e) Any money lent to the party otherwise than on commercial terms;
- f) Any property, service or facility for the parties use otherwise than on commercial terms.

(3) If consideration is monetary value, be it cash, service or property, and if it is valued less than its market value, it is to be considered as a gift under section 2 (a).

(6) Anything given or transferred to an officer, member, trustee or agent of a registered party in his capacity as such (and not for his own use or benefit) is to be regarded as given or transferred to the party.

Donations

Donations can come in various forms:

- ◆ Cash or gifts
- ◆ Sponsorship
- ◆ Money spent or borrowed
- ◆ Loans to party
- ◆ Provision of goods given to party
- ◆ Services or facilities for party use

The maximum value of donations is \$30,000 per year (individual/company).

Not regarded as Donations: (S 22)

- a) Free party political broadcast
- b) Any other facilities provided in pursuance of any right conferred on candidates or a party at an election by any law.
- c) The provision by an individual of his own services which he provides voluntarily in his own time and free of charge.
- d) Interest accruing to a registered party in respect of a donation which is dealt with by the party in accordance with section 26(3)(a) or (b).

Value of Donations (S 23)

(1) The value of a donation falling within section 20(2)(a) (other than money) is the market value of the property in question.

(2) If, however, section 20(2)(a) applies by virtue of section 20(3), the value of the donation is the difference between_

- a) The value of the money, or the market value of the property, in question; and
- a) The total value in monetary terms of the consideration provided by or on behalf of the party.

A donation received by a registered party must not be accepted by the party if – S 24(1)

- ◆ The person by whom the donation is made is not, at the time of its receipt by the party, a permissible donor;
- ◆ The party is unable to ascertain the identity of that person;

- ◆ The party has any reason to suspect that the donation represents the proceeds of unlawful activity or is given for a corrupt or otherwise unlawful purpose; or
- ◆ The amount of the donation exceeds the maximum permitted amount (over \$30,000 per year).

NB. The maximum value of donations is \$30,000 per year (individual/company).

Permissible donors:

- ◆ An individual registered in the Register of Electors
- ◆ An individual who is not so registered but is ordinarily resident in the Turks and Caicos Islands
- ◆ An individual who is neither registered in the Register of Electors nor ordinarily resident in the Turks and Caicos but who is a Turks and Caicos Islander;
- ◆ A company formed and registered under the Companies Ordinance which, for a period of not less than 12 months before the donation is accepted, has continuously carried on business in the TCI;
- ◆ A registered party
- ◆ A trade union registered under the Trade Unions Ordinance; and
- ◆ A limited partnership registered under the Limited Partnership Ordinance which carries on business in TCI.

NB: All reasonable steps must be taken on behalf of the party to verify:

- ◆ The donors or agents name, address, and any other identification detail etc.
- ◆ Penalty for Non-compliance.