

## GOVERNMENT NOTICE No. 132

## TRINIDAD AND TOBAGO

## THE PUBLIC SERVICE COMMISSION REGULATIONS, 1966

MADE BY THE PUBLIC SERVICE COMMISSION, WITH THE CONSENT OF THE PRIME MINISTER, UNDER THE PROVISIONS OF SECTION 102 OF THE CONSTITUTION OF TRINIDAD AND TOBAGO

## CHAPTER I

## PRELIMINARY

1. These Regulations may be cited as the Public Service Commission Regulations, 1966. Short title  
and  
commence-  
ment
2. In these Regulations, unless the context otherwise requires— Interpre-  
tation
  - (a) "acting appointment" means the temporary appointment of an officer whether on promotion or otherwise to a higher office whether that office is vacant or not;
  - (b) "appointment" means the placing of a person in an office in the public service;
  - (c) "the Chairman" means the Chairman of the Commission;
  - (d) "Civil Service" means the Civil Service Established by the Civil Service Act, 1965;
  - (e) "the Commission" means the Public Service Commission constituted under section 92 of the Constitution;
  - (f) "the Constitution" means the Constitution of Trinidad and Tobago;
  - (g) "Director" means the Director of Personnel Administration;
  - (h) "Fire Service" means the Fire Service established by the Fire Service Act, 1965;
  - (i) "Gazette" means the *Gazette* published by the order of the Government and includes supplements thereto and any *Extraordinary Gazette* so published;
  - (j) "Head of Department" means the officer charged with the administration of a Department not under the control of a Minister;
  - (k) "officer" means a person employed in that part of the public service established respectively as the Civil Service, the Fire Service, the Prison Service, or any other service in the public service who is subject to the jurisdiction of the Commission and, for the purposes of section 53 of the Education Act, 1966, shall be deemed to include all persons employed in the Teaching Service;
  - (l) "Permanent Secretary" includes the Legal Secretary to the Attorney General;
  - (m) "prescribed form" means the appropriate form as may from time to time be prescribed by the Commission;

- (n) "Prison Service" means the Prison Service established by the Prison Service Act, 1965;
- (o) "promotion" means the appointment of an officer to an office in a grade carrying a higher remuneration whether such office be in the same Ministry or Department or not;
- (p) "public office" includes a public office in the Civil Service, the Fire Service, the Prison Service and for the purposes of section 53 of the Education Act, 1966, shall be deemed to include an office in the Teaching Service;
- (q) "public service" includes the Civil Service, the Fire Service, the Prison Service and for the purposes of section 53 of the Education Act, 1966, shall be deemed to include the Teaching Service;
- (r) "secondment" means the transfer of an officer in a particular service to serve for a period in an office in another service or in an office in the public service or in an office under another Government or under a Statutory Board or organisation approved by the Governor-General.
- (s) "Teaching Service" means the unified Teaching Service established under section 53 of the Education Act, 1966.

## CHAPTER II

### THE PUBLIC SERVICE COMMISSION

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|------------------------------|---|
| Oath of Office               | <p>3. (1) The Chairman and other members of the Commission shall, as soon as possible after appointment, take the oath or make the affirmation set out in Form I of the First Schedule.</p> <p>(2) Every person appointed a member of the staff of the Commission shall, as soon as possible after appointment, take the oath or make the affirmation set out in Form II of the First Schedule.</p>   |
| First Schedule               |   |
| Meetings                     | <p>4. (1) The Commission shall meet as often as may be necessary for the purpose of performing its functions and such meetings shall be held on such days and at such time and place as the Chairman shall determine.</p> <p>(2) Where a member fails to attend at least four meetings in any one month over a period of three months without reasonable excuse, the Commission shall make a report to the Governor-General.</p>  |
| Procedure, quorum and voting | <p>5. (1) The Chairman, or in his absence the Deputy Chairman, shall preside at meetings of the Commission, and in the absence of the Chairman and the Deputy Chairman from any meeting, the members present shall elect one of their number to preside at that meeting.</p> <p>(2) At any meeting of the Commission three members shall constitute a quorum.</p> <p>(3) All questions for discussion at a meeting of the Commission shall be decided by a majority of the votes of the members present and voting.</p> <p>(4) The Chairman or other member presiding at a meeting shall have an original vote, and in the event of an equality of votes, he shall have as well a second or casting vote,</p> |

6. (1) Notwithstanding regulation 5 but subject to paragraph (2) of this regulation, questions may also be decided by the Commission without a meeting by circulation of the relevant papers among the members and the expression of their views in writing and in such case the decision shall be the view of the majority of members expressing a view. Decisions other than at meetings

(2) If any member requires that a matter or question being dealt with by circulation of the relevant papers shall be reserved for consideration at the next following meeting of the Commission, no decision shall be made on that matter or question except at a meeting of the Commission.

7. (1) The Director shall ensure that Minutes of all meetings of the Commission and of all decisions arrived at under regulation 6, shall be duly recorded and kept and that the same be presented for confirmation by the Commission as soon as practicable at a subsequent meeting or by individual members on circulation thereof. Record of meetings and decisions

(2) Any member of the Commission who dissents from a decision may require that his dissent and reasons for dissenting be recorded in the minutes. Dissents

8. The Commission in considering any matter or question may consult with any such public officer or other person as the Commission may consider proper and desirable and may require any public officer to attend for the purpose of assisting the Commission in its deliberations and producing any official documents relating to such matter or question. Consultation with other persons

9. Any public officer who without reasonable cause or excuse fails to appear before the Commission when required to do so, or who fails to comply with any request made by the Commission or with any requirement of these regulations shall be guilty of misconduct. Non-compliance

10. (1) Whenever the Commission delegates any of its powers to any of its members or to any public officer in accordance with subsection (1) of section 93 of the Constitution, the Director shall cause notice of such delegation to be published in the *Gazette*. Instrument of delegation to be published

(2) A notice published under paragraph (1) shall contain the following information:—

- (a) the powers delegated;
- (b) the person or persons to whom such delegation is made;
- (c) the extent of such delegation;
- (d) the terms and conditions of such delegation and the manner in which matters dealt with under such delegated authority may reach the Commission.

(3) Any power so delegated shall be exercised in such manner as the Commission may direct.

(4) Every delegation under this regulation shall be revocable.

### CHAPTER III

#### APPOINTMENTS, PROMOTIONS AND TRANSFERS

11. Every application for first appointment to the public service shall be addressed to the Director on the prescribed form. Application for appointment

Selection  
for  
appoint-  
ment on  
basis of  
competitive  
exami-  
nation

12. (1) Candidates for permanent appointment to public offices in the clerical or secretarial classes as prescribed by the Civil Service Regulations and to such other classes in the public service as the Commission may from time to time specify, shall be selected on the basis of written competitive examinations and interviews.

(2) A candidate who fails the examination for entry into the public service in the class or classes specified in paragraph (1) in any year, shall, if he wishes to be considered for a permanent appointment, re-apply and re-submit himself for the examination in any following year, notwithstanding that he may have held an acting appointment in the meantime.

(3) A candidate who passes the examination for entry into the class or classes specified in paragraph (1) in any year but fails to obtain an appointment shall, if he wishes to be considered for a permanent appointment be required to re-apply and re-submit himself for examination in any following year, but the Commission may in such case as it shall think fit, waive the requirements of this paragraph.

Filling of  
vacancies

13. (1) As soon as it is known that a vacancy will occur the Permanent Secretary or Head of Department shall communicate to the Director in writing and shall make his recommendations regarding the filling of the vacancy.

(2) Where a vacancy exists for more than three months and no request has been made by the Permanent Secretary or Head of Department for the filling of the vacant post, the Director shall send to each Permanent Secretary or Head of Department a statement of existing vacancies in his Ministry or Department requesting early recommendations for filling vacancies.

(3) If recommendations, or satisfactory explanations for a lack thereof, are not received within a month, the Director shall report the fact to the Commission and the Commission shall require the Permanent Secretary or Head of Department to inform it of the reasons for failure to request the filling of the vacancy.

(4) The Director shall, from time to time by circular memorandum or by publication in the *Gazette*, give notice of vacancies which exist in the particular service and any officer may make application for appointment to any such vacancy. Such application shall be forwarded through the appropriate Permanent Secretary or Head of Department to the Director, but the failure to apply shall not prejudice the consideration of the claims of all eligible public officers.

Appoint-  
ments to be  
by compe-  
tition  
within the  
particular  
service

14. Whenever in the opinion of the Commission it is possible to do so and it is in the best interest of the particular service within the public service, appointments shall be made from within the particular service by competition, subject to any regulations limiting the number of appointments that may be made to any specified office in the particular service.

Advertise-  
ment of  
vacancies

15. Where the Commission considers either that there is no suitable candidate already in the particular service available for the filling of any vacancy or that having regard to qualifications, experience and merit, it would be advantageous and in the best interest of the particular service that the services of a person not already in that service be secured, the Commission may authorise the advertisement of such vacancy.

Selection  
boards

16. (1) The Commission may from time to time appoint one or more Selection Boards to assist in the selection of candidates for appointment to the public service and the composition of any such Board and the form in which its reports are to be submitted shall be in the discretion of the Commission.

(2) On consideration of any report of a Selection Board, the Commission may, in its discretion, summon for interview any of the candidates recommended by such Board.

17. (1) All examinations to be held under these regulations shall be set and the papers marked by such Examination Board as may be appointed for the purpose. Exam-  
nation  
Boards

(2) The Director shall be responsible for the conduct of examinations set under paragraph (1).

18. (1) In considering the eligibility of officers for promotion, the Commission shall take into account the seniority, experience, educational qualifications, merit and ability, together with relative efficiency of such officers, and, in the event of an equality of efficiency of two or more officers, shall give consideration to the relative seniority of the officers available for promotion to the vacancy. Principle  
of selection  
for  
promotion

(2) The Commission in considering the eligibility of officers under paragraph (1) for an appointment on promotion shall attach greater weight to—

- (a) seniority, where promotion is to an office that involves work of a routine nature, or
- (b) merit and ability where promotion is to an office that involves work of progressively greater and higher responsibility and initiative than is required for an office specified in subparagraph (a).

(3) In the performance of its functions under paragraphs (1) and (2), the Commission shall take into account as respects each officer—

- (a) his general fitness;
- (b) the position of his name on the seniority list;
- (c) any special qualifications;
- (d) any special courses of training that he may have undergone (whether at the expense of Government or otherwise);
- (e) the evaluation of his overall performance as reflected in annual staff reports by any Permanent Secretary, Head of Department or other senior officer under whom the officer worked during his service;
- (f) any letters of commendation or special reports in respect of any special work done by the officer;
- (g) the duties of which he has had knowledge;
- (h) the duties of the office for which he is a candidate;
- (i) any specific recommendation of the Permanent Secretary for filling the particular office;
- (j) any previous employment of his in the public service, or otherwise;
- (k) any special reports for which the Commission may call;
- (l) his devotion to duty.

(4) In addition to the requirements prescribed in paragraphs (1), (2) and (3), the Commission shall consider any specifications that may be required from time to time for appointment to the particular office.

- Promotion to Administrative Class
19. Promotion to the Administrative Class as prescribed by the Civil Service Regulations shall be determined by the order of merit in an examination fixed for the purpose, and such examination shall be open to all officers in the Civil Service holding an office not lower than that of Principal Officer or other comparable office.
- Seniority lists to be kept up-to-date
20. (1) The Director shall keep up-to-date seniority lists of all officers holding offices in the several grades in the Public Service.
- (2) The Permanent Secretary or Head of Department shall keep in the prescribed form, up-to-date seniority lists of all officers holding offices in the several grades in his Ministry or Department, for the purpose of making recommendations for promotion and acting appointments.
- (3) The seniority of an officer shall be determined by the date of his appointment to the particular grade within the range in which he is serving. The seniority of officers promoted to the same grade from the same date shall be determined by their seniority in their former grade.
- (4) Where officers have entered the particular service within the public service by competitive examination and are appointed to the same grade in a range with effect from the same date, the relative seniority of such officers shall be determined according to their performance in such examination.
- Seniority of officer to be reckoned from date of appointment or reappointment  
Commission to determine seniority
21. The seniority of an officer who voluntarily resigns from the public service and is subsequently re-appointed to it shall be reckoned from the date of his re-appointment.
22. In any case not covered by regulation 20 or 21, the Commission shall determine the seniority of the officer.
- Commencing pay
23. The Commission may authorise payment to an officer of a commencing pay at an incremental point higher than the minimum in the scale attaching to the office to which he is appointed or promoted.
- Principles of selection for acting appointment as prelude to appointment
24. (1) The Permanent Secretary or Head of Department shall ensure that any recommendation made in relation to an acting appointment as a prelude to a substantive appointment shall be based on the principles prescribed in regulation 18.
- (2) Where, in the exigencies of the particular service, it has not been practicable to apply the principles prescribed in regulation 18, an officer selected for an acting appointment in consequence of a recommendation made under paragraph (1) shall not thereby have any special claim to the substantive appointment.
- (3) In considering the claims of eligible candidates for a substantive appointment, the Commission shall take into account the claims of all eligible officers.
- Permanent Secretary to notify eligible officers of vacancy
25. (1) Where an acting appointment falls to be made whether as a prelude to a substantive appointment or not, the Permanent Secretary or Head of Department shall notify those officers within the Ministry or Department who are eligible for consideration.

(2) The Permanent Secretary or Head of Department shall, after notification as required by paragraph (1), allow a period of seven days to elapse before forwarding any recommendations in relation to such acting appointment, for the purpose of allowing the officers of the Ministry or Department to make representations on the filling of such vacancy.

(3) Where representations have been made by or on behalf of any officer in the Ministry or Department, the Permanent Secretary or Head of Department shall forward such representations in their original form to the Director.

(4) Where a vacancy occurs in an office and an acting appointment falls to be made for a period not likely to exceed twenty-eight days as a result of sudden illness or other very special circumstances, the Permanent Secretary or Head of Department may appoint an officer to act for such period and the provisions of paragraphs (1), (2) and (3) shall not apply to such acting appointment.

26. (1) Where an acting appointment falls to be made otherwise than as a prelude to a substantive appointment, the officer appointed shall—

(a) as a general rule be the senior officer in the Ministry or Department eligible for such acting appointment;

(b) assume and discharge the duties and responsibilities of the office to which he is appointed to act.

Principles of selection for acting appointment not as prelude to appointment

(2) In submitting any recommendations for an acting appointment, the Commission shall examine whether the exigencies of the particular service would best be served by transferring an officer from another district next in line of seniority to act when there is an officer in the same district who is capable of performing the duties of the higher grade, and in such examination the question of additional Government expenditure for travelling and subsistence allowances and other expenditure shall be borne in mind.

27. The Permanent Secretary or Head of Department shall submit, well in advance, recommendations for acting appointments to permit of their consideration by the Commission before the date on which the acting appointment is intended to become effective, but the Commission may waive the provisions of this regulation where the necessity to submit recommendations has been occasioned by sudden illness, or very special circumstances or in any other circumstances which the Commission may consider appropriate.

Permanent Secretary to submit recommendation in advance

28. In submitting recommendations for acting appointments, Permanent Secretaries and Heads of Departments shall state the reasons why officers, if any, are being passed over.

Permanent Secretary to state reasons for passing over officers.

29. (1) Where the Commission proposes to transfer an officer, the Commission shall, except where the exigencies of the particular service do not permit, make an order of transfer in writing and shall give not less than one month's notice to an officer who is to be transferred.

(2) An officer who is aggrieved by an order under paragraph (1) may make representation to the Commission for a review of the order in accordance with paragraph (3).

(3) Where an officer desires to make representation to the Commission for a review of an order made under paragraph (1), he shall give notice in writing to the Permanent Secretary or Head of Department within seven days of the receipt of such order and shall submit, with the notice, his representations in writing.

Transfers

(4) The Permanent Secretary or Head of Department shall, within seven days, forward any representations made to him in writing under paragraph (3), together with his comments thereon to the Commission.

(5) The Commission shall consider the representations of the officer and the Permanent Secretary or Head of Department submitted to it under paragraphs (3) and (4) and shall communicate its decision in writing.

Officer to assume duties pending review of transfer order  
Exception

30. (1) Notwithstanding that an officer in respect of whom an order has been made under paragraph (1) of regulation 29 has made representation under paragraphs (2) and (3) of the said regulation, the officer shall assume his duties on transfer pending the review of the order by the Commission.

(2) Where the order of transfer involves the exchange of officers in an office in a grade to another office in the same grade the officer shall not assume his duties on transfer pending the review of the order by the Commission.

Date of appointment

31. (1) The date of appointment to an office in a particular service within the public service shall normally be the date on which the officer assumes substantively the duties of the office to which he has been appointed.

(2) The date of appointment on promotion shall be such date as the Commission shall specify.

(3) If an officer is selected for appointment from outside Trinidad and Tobago, the date of appointment shall be the date specified in the letter of appointment.

Medical examination on appointment

32. (1) A candidate selected for appointment shall undergo a medical examination by a Government Medical Officer and shall not be confirmed in his appointment unless and until he has been passed as medically fit.

(2) The Permanent Secretary or Head of Department to which the candidate has been assigned, shall make appropriate arrangements for the new appointee to be medically examined as soon as practicable after his assumption of duty.

(3) The Government Medical Officer who examines the new appointee shall submit his medical report on the prescribed form to the Director under confidential cover as soon as practicable after the examination.

(4) The Director shall inform the new appointee whether the medical report is favourable or unfavourable.

(5) All communications relating to the medical report on a new appointee shall be strictly confidential and any officer who communicates the details of any such medical report to any other person except for the purpose of, and as provided for in this regulation, shall be guilty of misconduct and be liable to dismissal from the public service.

Exemption from medical examination

33. An officer selected for appointment to an office in a service within the public service, other than the particular service in which he holds an office and who has undergone a medical examination by a medical officer in the public service for appointment to that particular service may be exempted from further medical examination as a candidate on appointment to any other service in the public service.

## CHAPTER IV

## STAFF REPORTS

34. (1) A Permanent Secretary or Head of Department shall forward Staff Reports to the Director in each year—

- (a) in respect of all officers who are within the scale of pay, a staff report not later than sixty days before an increment is due to an officer; and
- (b) in respect of all officers who are at the maximum in the scale of pay or who receive a fixed pay, a staff report not later than the anniversary of the date of appointment of an officer to the office.

(2) A staff report shall relate to the period of service during the immediately preceding twelve months.

(3) In the preparation of a staff report, the Permanent Secretary or Head of Department shall be guided by his own deliberate judgment and shall in such report—

- (a) make an unbiased assessment of the officer's performance and conduct over the past twelve months, and
- (b) give an indication of the future prospects of the officer.

(4) A staff report shall be in such form as may from time to time be prescribed by the Commission and shall be made in respect of every officer whether he holds an acting appointment, a temporary appointment or is employed for a specified period.

35. In order that an officer may be given every opportunity to correct any shortcomings which he might evince during the course of the twelve months' period of service to be reported on, a Permanent Secretary or Head of Department shall— Officer to be informed of adverse report

- (a) as and when such shortcomings are noticed, cause the officer to be informed in writing thereof;
- (b) when adverse markings are included in the staff report cause the officer to be informed in writing thereof before he submits the report to the Director.

36. (1) A staff report made in respect of an officer under regulation 34 shall be the basis for determining the eligibility of an officer for— Annual increments

- (a) an increment, and
- (b) promotion.

(2) Where a Permanent Secretary or Head of Department in a report made under regulation 34, recommends that an increment ought not to be granted, he shall notify the officer in writing, not later than sixty days before the increment is due, of the reasons for which he considers that the increment ought not to be granted, and the officer may, within seven days of the receipt of such notification, make representations in writing, through the Permanent Secretary or Head of Department, to the Commission.

(3) An annual increment shall not be suspended except on the authority of the Commission.

(4) Where the Commission after considering any representation by an officer made under paragraph (2), supports the recommendation of a Permanent Secretary or Head of Department referred to in paragraph (2), or where in the opinion of the Commission a report made under regulation 34 does not justify the payment of an increment to the officer, the Commission shall notify the officer in writing of its decision to suspend the payment of the increment.

(5) The Commission may suspend under paragraph (4) the payment of an increment, subject to paragraph (6), for a period not exceeding six months.

(6) Where the Commission suspends an increment under paragraph (4) for a specified period, the Permanent Secretary or Head of Department shall, not less than thirty days before the expiration of the specified period, make a report on such officer and if in the opinion of the Commission—

- (a) the report justifies the payment of the increment, the Commission shall grant the increment which shall be payable from the date from which it is granted;
- (b) the report does not justify the payment of the increment, the Commission may suspend the payment of the increment for a further period not exceeding six months.

(7) Where the Commission suspends the payment of an increment to an officer under this regulation, the suspension shall not affect the officer's incremental date.

## CHAPTER V

### PROBATIONARY APPOINTMENTS

Period of  
probation  
on first  
appoint-  
ment

37. Except as otherwise provided in this Chapter, an officer on first appointment to the public service shall be required to serve on probation for a period of two years.

Period of  
probation on  
appointment

38. (1) Where an officer is to be appointed to an office in which he has satisfactorily performed the duties, whether in an acting or temporary capacity or on secondment for periods of equal or longer duration than the period of probation prescribed by regulation 39, the officer shall not be required to serve on probation.

(2) Where an officer is appointed on promotion to an office in which he has acted satisfactorily for periods of less duration than the period of probation prescribed by regulation 39, not more than one year and not less than six months acting service shall be offset against the period of probation.

(3) Where an officer is appointed on probation to an office in which he has not acted satisfactorily, the Commission shall determine the period of probation to be served.

Period of  
probation  
on  
promotion

39. (1) Subject to regulation 38, an officer who is appointed on promotion to an office shall be required to serve on probation for one year in the office to which he is promoted.

(2) Subject to paragraph (3), where within two years immediately preceding his promotion an officer has served in an acting appointment in the

office to which he is promoted, the period of probation shall be abated by the extent of the aggregate of service in such acting appointment unless the Commission otherwise directs.

(3) In calculating the aggregate of service in an acting appointment for the purpose of paragraph (2), only continuous service of three months or more shall count.

(4) Where an officer is transferred from one Ministry or Department to another, the Permanent Secretary or Head of Department shall take immediate steps to ensure the release of such officer to assume duties in his new office on the date fixed by the Commission.

(5) Where an officer is promoted and transferred from one Ministry or Department to another and the exigencies of the service preclude his assumption of duties in his new office on the date fixed by the Commission, the period of probation shall be deemed to commence from such date.

40. Where an officer is promoted before he has completed the full period of probation in the lower office, the unexpired portion of that period of probation shall be deemed to be waived and the officer deemed to be confirmed in that appointment.

Waiver of portion of period of probation

41. The following principles shall be observed for the treatment of an officer during his period of probation—

Principles to be observed while officer on probation.

- (a) the officer on probation shall be given an opportunity to learn his work and be tested as to his suitability for it;
- (b) he shall be accorded all possible facilities for acquiring experience in his duties;
- (c) he shall be subject to continual and sympathetic supervision;
- (d) so far as the exigencies of the service permit, he shall be assigned to duty only where such observation is possible; and
- (e) if at any time during his period of probation he shall exhibit tendencies which render it in any way doubtful that he is likely to become fit for confirmation in his appointment, these shall at once be drawn to his attention in writing by the Permanent Secretary or Head of Department and he shall be given such assistance as may be possible to enable him to correct his faults.

42. (1) In the case of an officer serving a two year period of probation, the Permanent Secretary or Head of Department shall submit to the Director three confidential reports as follows—

Confidential reports on officer on probation

- (a) a first report after the officer has completed one year's service;
- (b) an interim report six months before the period of probation expires; and
- (c) a final report one month before the period of probation expires.

(2) In the case of an officer serving a period of probation of one year, two confidential reports shall be submitted as follows—

- (a) a first report six months before the period of probation expires;
- (b) a final report one month before the period of probation expires.

(3) The Director shall report to the Commission whenever a Permanent Secretary or Head of Department fails to submit a confidential report on an officer on probation within the terms specified in this regulation.

(4) In submitting the final report, the Permanent Secretary or Head of Department shall make a firm recommendation—

- (a) that the officer be confirmed in the appointment; or
- (b) that the period of probation be extended; or
- (c) that the services of the officer be terminated; or
- (d) that the officer revert to his former office.

(5) A report of the Permanent Secretary or Head of Department under this regulation shall not be seen by the officer on probation, but any adverse comments on his work shall be in specific terms; the officer shall be notified in writing in duplicate as early as possible, so that he should have sufficient time in which to make an effort to correct his shortcomings before his period of probation expires. The officer shall retain the original notification and shall sign the duplicate and return it to the Permanent Secretary or Head of Department for the record.

Officer may make representation on recommendation of Permanent Secretary

43. (1) Before any recommendation is made to the Commission for the extension of the period of probation of an officer or for the termination of his appointment, the Permanent Secretary or Head of Department shall inform the officer of this recommendation and of the specific reasons therefor and he shall invite the officer to submit any representations he may wish to make.

(2) Subject to the provisions of these regulations, the first appointment on probation of an officer may, at any time during the period of probation, be terminated by the Commission.

Commission to confirm appointment

44. (1) If, after consideration of the final report of the Permanent Secretary or Head of Department, the Commission is satisfied that the service of an officer on probation has been satisfactory, the Commission shall confirm his appointment with effect from the date of appointment.

(2) If the Commission is not satisfied that the service of an officer on probation has been satisfactory, the Commission may extend the period of probation for a further period.

Incremental date when period of probation extended

45. Where the period of probation of an officer has been extended and he is subsequently confirmed in his appointment, the Commission may direct that the officer's increment be paid—

- (a) with effect from the date following that on which the extended period of probation expired without change in the incremental date; or
- (b) with effect from the date following that on which the extended period of probation expired which would then become his incremental date.

Permanent Secretary to keep record

46. A Permanent Secretary or Head of Department shall keep a record of every officer who has been appointed on probation to an office in his Ministry or Department.

Permanent Secretary not to allow payment out of public funds in certain circumstances

47. The Permanent Secretary or Head of Department shall ensure that no payment shall be made out of public funds in respect of any matter requiring the approval of the Commission until such approval has been obtained.

## CHAPTER VI

## RESIGNATIONS, RETIREMENTS AND TERMINATION OF APPOINTMENTS

48. (1) An officer who wishes to resign shall give to the Commission Resignation notice in writing of his intention at least one month before the date on which he wishes to relinquish his appointment, but the Commission may waive the requirement of notice in whole or in part if it thinks fit.

(2) Notwithstanding any regulation respecting the non-forfeiture of leave, an officer who fails without reasonable cause to comply with paragraph (1) may forfeit all leave and the benefits and privileges accruing to him in respect of leave.

(3) An officer is not entitled to withdraw his notice of resignation before such resignation becomes effective, but the Commission may accept such withdrawal if tendered in writing at any time before the effective date of the resignation.

49. An officer who is absent from duty without leave for a period of one month may be declared by the Commission to have resigned his office and thereupon the office becomes vacant and the officer ceases to be an officer. Abandonment

50. The services of an officer may be terminated only for the reasons stated hereafter— Reasons for termination of appointment

(a) where the officer holds a permanent appointment:—

- (i) on dismissal or removal in consequence of disciplinary proceedings;
- (ii) on compulsory retirement;
- (iii) on voluntary retirement;
- (iv) on retirement for medical reasons;
- (v) on being retired in the public interest;
- (vi) on resignation without benefits payable under any enactment providing for the grant of pensions, gratuities or compensation;
- (vii) on the abolition of office;

(b) Where the officer holds a temporary appointment—

- (i) on the expiry or other termination of an appointment for a specified period;
- (ii) where the office itself is of a temporary nature and is no longer necessary;
- (iii) on the termination of appointment in the case of an officer on probation;
- (iv) on the termination of appointment in the case of an officer holding a non-pensionable office with no service in a pensionable office;
- (v) on dismissal or removal in consequence of disciplinary proceedings;
- (vi) ill-health.

(c) Where the officer is on contract his services shall be terminated in accordance with the terms of the contract.

Compulsory  
and volun-  
tary  
retirement

51. (1) Subject to paragraph (2), an officer—

- (a) shall, be required to retire on attaining the age of sixty years; or
- (b) may retire voluntarily at the age of fifty-five years; or
- (c) may at any time after he attains the age of fifty years and before attaining the age of fifty-five years, apply to the Commission for permission to retire pursuant to subsection (1) of section 12 of the Pensions Ordinance and shall in his application state the grounds on which it is based.

(2) An officer who is a member of the Fire Service and holds a rank therein below that of Second Officer shall retire in accordance with any provision enacted in respect of such office.

Permanent  
Secretary to  
notify  
Director of  
officers aged  
60 years  
compulsory

52. A Permanent Secretary or Head of Department shall inform the Director of all officers in his Ministry or Department who are within one year of the compulsory retirement age.

Premature  
retirement  
Ch. 9 No. 6

53. (1) If it appears to the Commission that pursuant to section 11 of the Pensions Ordinance an officer who has attained the age of fifty years ought to be called upon to retire from the public service, the Commission shall advise the officer accordingly.

(2) Any such officer shall be afforded an opportunity of submitting to the Commission any representations he may wish to make regarding his proposed retirement.

(3) If the Commission, after considering the representations, if any, made by the officer, is of the opinion that, having regard to all the circumstances of the case, the officer should be retired in the public interest, the Commission shall require the officer to retire on such date as the Commission shall determine, and the officer shall be retired accordingly.

Retirement  
in the  
public  
interest

54. (1) Where it is represented to the Commission or the Commission considers it desirable in the public interest that any officer should be required to retire on grounds which cannot suitably be dealt with under any of these regulations, it shall call for a full report on the officer from the Permanent Secretary or Head of Department in which he is serving and shall take into account the officer's previous record during the last preceding ten years.

(2) If, after considering such report and such record and giving the officer an opportunity of submitting a reply to the grounds on which his retirement is contemplated, and having regard to the conditions of the particular service of which the officer is a member, the usefulness of the officer thereto, and all the other circumstances of the case, the Commission is satisfied that it is desirable in the public interest so to do, it shall require the officer to retire on such date as the Commission shall determine, and he shall be retired accordingly.

Termination of  
appointment on  
abolition of  
office or for  
facilitating  
improvement in  
the organisation  
of a Ministry  
or Department

55. (1) Where an office, being one of a number of like offices, has been abolished but one or more than one such office remains, the Permanent Secretary or Head of Department shall make a report thereon to the Director for consideration by the Commission, and shall recommend with his reasons therefor, which officer shall be retired or removed from the public service in consequence of such abolition.

(2) Where it is necessary to retire or remove an officer from the public service for the purpose of facilitating improvement in the organization of a Ministry or Department in order to effect greater efficiency or economy, the Permanent Secretary or Head of Department shall make a report thereon to the Director for consideration by the Commission, and shall recommend with his reasons therefor, which officer shall be retired or removed from the public service in consequence of such re-organisation.

(3) Where the Permanent Secretary or Head of Department makes any recommendation under paragraph (1) or (2), the Permanent Secretary or Head of Department shall, at the same time, notify the officer concerned in writing of his recommendations, and such officer may, within seven days of the receipt of the notification, make representations thereon.

(4) Where an officer makes representation in respect of recommendations made under paragraph (1) or (2), the representations shall be forwarded in their original form to the Commission by the Permanent Secretary or Head of Department together with such comments as the Permanent Secretary or Head of Department thinks fit.

(5) Notwithstanding paragraph (1) or (2), and after consideration of the representations of the officer, the Commission may, instead of retiring or removing the officer from the public service, transfer the officer concerned to another office not lower in status than that which he held.

56. (1) The Commission may terminate the appointment of an officer on grounds of inefficiency. Termination  
of appoint-  
ment on  
grounds of  
inefficiency

(2) Where a Permanent Secretary or Head of Department makes a recommendation in writing that the appointment of an officer should be terminated on grounds of inefficiency, the officer shall be informed in writing of such recommendation and shall be given an opportunity to make representations thereon.

(3) Where an officer makes representations under paragraph (2), the representations shall be forwarded in their original form to the Commission by the Permanent Secretary or Head of Department together with such comments as the Permanent Secretary or Head of Department thinks fit. Inmate  
structure  
to be  
made

(4) The Commission may, upon application of the officer or on its own motion, cause an investigation to be made before making a final decision.

57. The Commission may terminate the appointment of a female officer who is married on the grounds that her family obligations are affecting the efficient performance of her duties and the procedure for the termination of such appointment shall be in accordance with paragraphs (2), (3) and (4) of regulation 56. Married  
female  
officer

58. (1) A Medical Board shall be held whenever it is necessary for an officer to be examined with a view to ascertaining whether or not the officer should be retired on grounds of ill-health, or in any case or class of case in which the Commission directs. Medical  
Boards

(2) An officer may be required by the Commission to undergo a medical examination at any time.

(3) An officer who is required to undergo a medical examination shall submit himself to be examined by a Medical Board at such time and place as the Permanent Secretary may direct on behalf of the Board.

(4) Where an officer, through refusal or neglect to obtain specialist advice or to obtain treatment when so recommended by the Medical Board, falls sick and in consequence is unable to perform his duties, the Commission may direct that the period during which he is unable to perform his duties shall be counted as leave without pay.

(5) Whenever it is considered necessary for an officer to be examined with a view to ascertaining whether or not he should be retired on grounds of ill-health, the Permanent Secretary or Head of Department shall make a recommendation to his effect to the Commission and where there is a medical record of the officer, the record shall be made available to the Medical Board.

(6) Where a deterioration in the work of the officer is the reason or one of the reasons for requesting that the officer undergo a medical examination, the Permanent Secretary or Head of Department, shall submit, with his recommendation under paragraph (5), a detailed report on any change in the quality of the officer's work in order to assist the Medical Board in carrying out the medical examination of the officer concerned.

**Unfit officers**

59. An officer who is medically boarded and found unfit for further service shall not be allowed to remain on duty after receipt of the Medical Board's report, and shall be granted such annual leave and accumulated annual leave for which he is eligible or two months' leave, whichever is the greater, as from the date on which he is notified of his unfitness for further duty.

## CHAPTER VII

### CONDUCT

**General conduct**

60. An officer shall conduct himself at all times in such a manner that he does not bring the service of which he is a member into disrepute.

**Duties of officer**

61. (1) An officer shall discharge the usual duties of the office to which he is appointed and any other related duties that the Permanent Secretary or Head of Department may, at any time, call upon him to discharge.

(2) In the discharge of his duties, an officer shall be courteous and polite both to members of the staff and to members of the public.

**Discourtesy**

62. An officer who is discourteous or impolite to members of the staff or to members of the public shall be guilty of misconduct.

**Absence without leave**

63. (1) An officer shall not be absent from duty without leave or reasonable excuse.

(2) An officer shall not leave the country without the permission in writing of the Permanent Secretary or Head of Department or, in cases of emergency, of a superior officer who shall report forthwith, in writing, to the Permanent Secretary or Head of Department.

(3) An officer who contravenes this regulation is guilty of misconduct and shall be liable to summary dismissal.

64. An officer who wilfully refuses to perform his duties or who wilfully omits to perform his duties, shall be guilty of misconduct. Wilful refusal to perform duties.
65. (1) Except in the case of part-time officers, an officer's whole time is at the disposal of the Government. Accordingly— Activities outside the service
- (a) an officer may not at any time engage in any activity which would in any way tend to impair his usefulness as an officer, nor may he engage in any occupation or undertaking which might in any way conflict with the interests of his Ministry or Department or be inconsistent with his position as an officer;
  - (b) an officer shall not engage in any trade or any professional, commercial, agricultural or industrial undertaking or undertake private work for remuneration without the prior approval of the Commission;
  - (c) notwithstanding that prior approval may have been given, the Commission may at any time after notice to the officer and after holding an inquiry prohibit an officer from—
    - (i) engaging in any trade, professional, commercial, agricultural or industrial undertaking;
    - (ii) regularly undertaking private work for remuneration, if the Commission is of the opinion that the officer's activity tends to impair his usefulness as an officer or conflicts with the interests of his Ministry or Department or is inconsistent with his position as an officer;
  - (d) within a period of thirty days after his first appointment to a service in the public service, an officer shall disclose in writing to the Commission particulars of any investment or shareholding which he possesses in any company carrying on business inside or outside of Trinidad and Tobago and also of any direct interest which he has in any professional, commercial, agricultural or industrial undertaking in or outside Trinidad and Tobago;
  - (e) an officer who invests in or acquires shares in any company carrying on business in or outside of Trinidad and Tobago or who acquires any direct interest in any professional, commercial, agricultural or industrial undertaking in or outside of Trinidad and Tobago, shall within a period of thirty days thereafter inform the Commission;
  - (f) whenever the Commission is of the opinion that an officer's performance of his duties is likely to be influenced by the fact that he owns shares or investments in any company, or he has direct interest in any professional, commercial, agricultural or industrial undertaking, the Commission may require the officer to dispose of such shares, investment or interest within such period as the Commission may specify or may transfer the officer to other duties. If the officer, on being required to dispose of such shares, investment or interest fails to do so within the specified period, he shall be guilty of misconduct;
  - (g) an officer while he is on accumulated annual leave shall not accept any paid employment or engage in any trade or any professional, commercial, agricultural or industrial undertaking, or undertake regular private work for remuneration;

the Commission may, however, grant to an officer who is on leave prior to resignation or retirement permission to engage in the activities aforementioned. Such permission shall not be conditional on the curtailment of any period of leave to which the officer is entitled.

(2) An officer who is engaged in any of the activities that are described in sub-paragraphs (a) and (b) of paragraph (1) shall within sixty days of the coming into operation of these regulations apply for approval to the Commission to continue to engage in such activities.

(3) An officer who makes an application under paragraph (2) may continue to engage in such activities until he is notified of the decision of the Commission with respect to his application.

Officer not to call public meeting or participate in certain public meetings

66. An officer may not call a public meeting to consider any action of the Government or actively participate in the proceedings of a meeting called for such a purpose or procure signatures to any public petition regarding the actions of the Government. Nothing in these regulations shall affect an officer's right to participate actively in any meeting called, or sign any petition prepared by his staff association on matters with which the staff association of a particular service is competent to deal.

Officer not to publish information

67. (1) An officer shall not make public or communicate to the Press or to an individual, or, make private copies of, documents, papers or information of which he may have become possessed in his official capacity, unless his duties require him to do so.

(2) An officer who commits a breach of this regulation shall be guilty of misconduct.

(3) An officer who contravenes any of the provisions of any enactment relating to official secrets, shall be guilty of misconduct notwithstanding that he may be charged with an offence under any such enactment.

Officer not to allow interview on questions of public policy

68. An officer, whether on duty or on leave of absence, shall not allow himself to be interviewed on questions of public policy or on matters affecting the defence or military resources of Trinidad and Tobago or of any other country unless his official duties require him to do so.

Officer not to publish comment on national or local matter

69. (1) An officer shall not, without permission of the Permanent Secretary or Head of Department, broadcast on the radio or television or publish in any other manner any statement which may reasonably be regarded as being in the nature of a personal comment on any national or local political or administrative matter unless his official duties require him to do so.

(2) An officer may, with the permission of the Permanent Secretary, publish, in his own name, articles relating to other subjects of general interest or give broadcast talks on the radio or television on such subjects.

Reference to Permanent Secretary

70. In any case of doubt as to the propriety of any proposed publication or broadcast, an officer shall refer the matter to the Permanent Secretary or the Head of Department.

Officer not to contribute, edit or manage newspaper

71. Except in the case of the official organs of staff associations or professional associations, an officer shall not, without express permission in writing of the Commission, act as Editor of any newspaper or take part directly or

indirectly in the management of a newspaper, or contribute anonymously thereto any statement or article which may reasonably be regarded as a commentary on the politics of the country or the administration of the Government.

72. Broadcast talks by Government officers shall be governed by the following rules—

Rules  
relating to  
broadcast  
talks

(a) No question of payment either to the officer employed in the preparation or delivery of a lecture or talk, or to the Ministry or Department which he represents shall arise in connection with lectures or talks, which are necessary or desirable in order to enable a Ministry or Department to carry out its recognised duties to the community. No payment shall be made to an officer in respect of broadcast lectures or talks on subjects which are a part of the duties imposed on him to enable a department to perform its normal functions.

(b) Lectures or talks which are not necessary for departmental purposes may be given by officers who are experts in a particular subject, whether or not they have specialised in this subject in their official capacity. In all such cases, if the subject matter is related to the work or the policy of the Ministry or Department to which the officer belongs, or if the broadcaster is to be announced by his departmental title, the prior authority of the Permanent Secretary or Head of Department is required with the object of ensuring—

(i) that there is nothing in the lecture or talk contrary to the public interest or inconsistent with the status of an officer, and

(ii) that the standing of the speaker is sufficient to justify the delivery by him of a lecture under his departmental title.

Subject to these conditions, and to the due observance of any professional rule that may be in force as to the acceptance of remuneration for such services, it shall be open to an officer to make his own terms with the broadcasting authority, but in these cases the work involved in the preparation and delivery of the lecture or talk shall be done outside official hours.

73. (1) An officer who incurs indebtedness to the extent that it impairs his efficiency or that it has brought or is likely to bring the service of which he is a member into disrepute, shall be guilty of misconduct.

Indebted-  
ness

(2) In the month of January in each year every officer who has incurred indebtedness shall be required to render to the Permanent Secretary or Head of Department on Form I in the Second Schedule, a full statement of his indebtedness including indebtedness to the Government. The Permanent Secretary or Head of Department shall forward such statement to the Director.

Return of  
debts

(3) In the month of January in each year, a Permanent Secretary or Head of Department shall render to the Director on Form I in the Second Schedule, a full statement of his indebtedness including indebtedness to Government.

(4) An officer shall not be a party to an accommodation bill.

Accommo-  
dation bill

(5) The Commission may require an officer to authorise deductions from his pay for the repayment of any debt to Government.

- Bankruptcy 74. (1) An officer against whom bankruptcy proceedings have been taken or who becomes insolvent or who has been declared a bankrupt shall within seven days report that fact to the Commission.
- (2) An officer who fails to report under paragraph (1) shall be guilty of misconduct.
- Officer not to solicit intervention 75. An officer shall not solicit the intervention or influence of members of Parliament, Ministers, members of the Commission, or prominent members of the community to support or advance his individual claims in the service.
- Gifts, rewards 76. Except with the permission of the Commission, an officer shall not accept any gifts or rewards from any member of the public or from any organisation for services rendered in the course of his official duties.
- Exceptions 77. Notwithstanding regulation 76, an officer may accept a present offered by—
- (a) a representative of a foreign Government, on the occasion of an official visit to that country;
  - (b) a community organization, on a social occasion where the gift represents the work or achievement of that organisation;
  - (c) other officers in his Ministry or Department on the occasion of his marriage, or on retirement, or on transfer.
- Bribery 78. An officer who is offered a bribe shall immediately inform the Permanent Secretary or Head of Department who shall report the matter to the Police and advise the Commission.
- Legal Proceedings 79. An officer who desires to initiate legal proceedings on his own behalf against another officer or against a member of the public with respect to any matter which arose out of and in the course of the execution of his duty, shall apply to the Commission for permission so to proceed.
- Application to initiate legal proceedings to be in writing 80. An application under regulation 79 shall be in writing and shall be addressed to the Director for transmission to the Commission and forwarded through the Permanent Secretary or Head of Department of the Ministry or Department to which the officer is assigned, or if the Permanent Secretary is the applicant, directly to the Commission.
- Grounds for refusal of application 81. The Commission may refuse the application under regulation 79, if the Commission is of the opinion that the proceedings would be—
- (a) contrary to the best interest of public policy;
  - (b) detrimental to discipline and the good reputation of the particular service of which the officer is a member.
- Officer to report criminal charge 82. (1) An officer who is charged by a member of the public with a criminal offence shall report the matter forthwith to the Permanent Secretary or Head of Department for the information of the Commission.
- (2) Where an officer is charged by the Police with a criminal offence the Commissioner of Police shall report the matter to the Permanent Secretary or Head of Department for the information of the Commission.
- (3) An officer who fails to comply with the provisions of this regulation shall be guilty of misconduct.

(4) Where an officer who is charged by the Police with a criminal offence fails without reasonable excuse to attend Court on the date fixed for hearing, the Commission may direct that such officer shall not receive any pay or allowance.

83. (1) An officer who without reasonable excuse does an act which— Misconduct  
defined
- (a) amounts to failure to perform in a proper manner any duty imposed upon him as such; or
  - (b) contravenes any of the provisions of these regulations; or
  - (c) contravenes any enactment relating to the particular service of which he is a member; or
  - (d) is otherwise prejudicial to the efficient conduct of the particular service of which he is a member or tends to bring that service into disrepute,

shall be guilty of misconduct and is liable to such punishment as is prescribed in regulation 110.

(2) Without prejudice to the generality of the provisions of paragraph (1), an officer who—

- (a) is persistently unpunctual; or
- (b) wilfully disobeys or disregards any lawful order made or given by any person having authority to make or give the order; or
- (c) is drunk on duty; or
- (d) is inefficient or incompetent through causes which appear to be within his own control; or
- (e) is guilty of any immoral or obscene or disorderly conduct in office; or
- (f) performs his duties in a negligent manner; or
- (g) having made or subscribed an oath or affirmation for the purposes of his office does or says anything in violation of that oath or affirmation; or
- (h) uses, without the consent given personally, of the Permanent Secretary or Head of Department, any property or facilities provided for the purposes of the service of which he is a member for some purpose not connected with his official duties; or
- (i) engages in any gainful occupation outside the service of which he is a member without the consent of the Commission; or
- (j) is convicted of any criminal charge involving dishonesty, fraud, moral turpitude or is convicted of a criminal charge and sentenced to imprisonment without the option of a fine; or
- (k) writes letters to the press, publishes books or articles or circulates leaflets setting forth his views on matters of national or local party political controversy; or
- (l) speaks in public on matters of party political controversy or speaks at political meetings or heckles at such meetings; or
- (m) participates in the meetings of any party political organisation while on duty, while on official business or while wearing official uniforms;

shall be guilty of misconduct and is liable to such punishment as is prescribed by regulation 110 or by any other regulation.

(3) Without prejudice to the generality or the provisions of paragraph (1), an officer who holds office as President, Vice-President, Chairman, Vice-Chairman, Secretary or Treasurer or serves as a member of a Committee in any political organisation or engages in canvassing in support of or against any political candidate shall be guilty of misconduct and is liable to such punishment as is prescribed by regulation 110 or by any other regulation.

In this paragraph "officer" means the holder of an office specified in the Second Schedule to the Civil Service Act, 1965.

## CHAPTER VIII

### DISCIPLINE

#### *General*

Officer  
liable to  
disciplinary  
pro-  
ceedings

84. An officer who is alleged to be guilty of misconduct or who is alleged to be guilty of indiscipline by failing to comply with any regulation, order or directive for the time being in force in the Ministry or Department to which he is assigned, shall be liable to disciplinary proceedings in accordance with the procedure prescribed in these regulations.

Permanent  
Secretary  
to report  
misconduct  
or indisci-  
pline

85. (1) Where an officer is alleged to be guilty of misconduct or indiscipline, the Permanent Secretary or Head of Department shall forthwith report the matter to the Director for the information of the Commission.

(2) Subject to paragraph (3), the Commission, after considering the report made under paragraph (1), may institute disciplinary proceedings against the officer.

(3) Where an offence against any law appears to have been committed, the Commission, before acting under paragraph (2), shall ascertain from the Attorney General whether he contemplates criminal proceedings against the officer concerned; and, if the Attorney General advises that criminal proceedings are contemplated, the Commission shall not institute disciplinary proceedings before the determination of the criminal proceedings.

(4) Where the Commission under section 93 of the Constitution has delegated to an officer its powers of exercising disciplinary control in a particular service in the public service, the provisions of paragraph (1) shall not have effect and the reference in paragraphs (2) and (3) to the Commission shall be construed as a reference to that officer.

Permanent  
Secretary may  
inform Police  
of offence

86. Nothing in these regulations shall be deemed to restrict a Permanent Secretary or Head of Department from reporting to the Police directly where an offence against any law appears to have been committed by an officer.

Commission to  
issue instruc-  
tions on how  
certain  
cases to be  
dealt with

87. The Permanent Secretary or Head of Department shall report any case not covered by these regulations to the Director and the Commission may issue instructions as to how the case shall be dealt with and the case shall be dealt with accordingly.

88. (1) When the Commission becomes aware of any act of indiscipline or misconduct and the Commission is of the opinion that the public interest or the repute of the public service requires it, the Commission may direct the officer in writing to cease to report for duty until further notice from the Commission, and an officer so directed shall cease to perform the functions of his office forthwith. <sup>Suspension by Commission</sup>

(2) An officer directed to cease to perform the duties of his office in accordance with paragraph (1) shall continue to draw full salary until notice is given to him by the Commission under regulation 89.

89. (1) Where there have been or are about to be instituted against an officer—

- (a) disciplinary proceedings for his dismissal; or
- (b) criminal proceedings,

and where the Commission is of opinion that the public interest require that that officer should forthwith cease to perform the functions of his office, the Commission shall interdict him from such performance.

(2) The effective date of interdiction shall be—

- (a) where an officer has continued to perform the duties of his office, the date of receipt by him of the notification of his interdiction;
- (b) where in accordance with regulation 88, an officer has ceased to perform the duties of his office, such date as the Commission may direct.

(3) An officer so interdicted shall, subject to the provisions of regulation 114 be permitted to receive such proportion of the pay of his office, not being less than one-half, as the Commission may determine, after taking into consideration the amounts being deducted per month from the pay of the officer.

(4) If disciplinary proceedings against any such officer result in his exoneration, he shall be entitled to the full amount of the remuneration which he would have received if he had not been interdicted, but if the proceedings result in any punishment other than dismissal, the officer shall be allowed such pay as the Commission may in the circumstances determine.

(5) An officer who is under interdiction from duty shall not leave the country without the permission of the Commission; and such officer who leaves the country without such permission shall be liable to summary dismissal.

90. (1) Where a report or allegation of indiscipline or misconduct is received from which it appears that an officer may have committed an offence, the Permanent Secretary or Head of Department shall, in addition to making a report as required by regulation 85, concurrently warn the officer in writing, of the allegation of indiscipline or misconduct and shall forthwith refer the matter to an investigating officer appointed by him. <sup>Investigation of charges</sup>

(2) The investigating officer shall be appointed from the Ministry to which the officer is assigned and shall hold an office in a grade higher than that of the officer against whom the allegation has been made.

(3) The investigating officer shall, within three days of his appointment, give the officer a written notice specifying the time, not exceeding seven days from the date of the receipt of such notice, within which he may, in writing, give an explanation concerning the report or allegation to the investigating officer.

(4) The investigating officer shall require those persons who have direct knowledge of the alleged indiscipline or misconduct to make written statements within seven days for the information of the Commission.

(5) The investigating officer shall with all possible despatch, but not later than twenty-one days from the date of his appointment, forward to the Commission, for the information of the Commission, the original statements and all relevant documents, together with his own report on the particular act.

(6) The Commission after considering the report of the investigating officer and any explanation given under paragraph (3) shall decide whether the officer should be charged with an offence and if the Commission decides that the officer should be so charged, the Commission shall, as soon as possible, cause the officer to be informed in writing of the charge together with such particulars as will leave the officer under no misapprehension as to the precise nature of the allegations on which the charge is based.

(7) Where in the explanations given under paragraph (3), the officer makes an admission of guilt, the Commission may determine the penalty to be awarded without further inquiry.

(8) Where the Commission, under section 93 of the Constitution, has delegated to an officer its duty of deciding under paragraph (6) whether an officer shall be charged and of charging such officer with an offence, the reference in paragraphs (4), (5), (6) and (7) to the Commission shall be construed as a reference to that officer.

Documents to be supplied to accused

91. Where an officer is charged with an alleged act of indiscipline or misconduct he shall, as soon as possible, be given a copy of any written explanation he may have made under paragraph (3) of regulation 90.

Officer to admit or deny charge in writing and may include explanation

92. (1) Where an officer is charged with indiscipline or misconduct the officer shall be requested to state in writing within a specified period whether he admits or denies the charge and shall be allowed to give to the disciplinary tribunal or the Commission any explanation he may wish.

(2) Where an officer admits the charge under paragraph (1) he shall be allowed to include in his explanation any extenuating circumstances in mitigation.

Hearing on failure to admit or deny charge

93. Where an officer—

(a) fails to give an explanation under paragraph (3) of regulation 90, or

(b) fails to admit or deny the charge under paragraph (1) of regulation 92, or

(c) gives an explanation under paragraph (3) of regulation 90, or under paragraph (1) of regulation 92, that—

(i) places the facts in dispute, or

(ii) does not exculpate him,

the hearing shall proceed as though the officer denied the charge.

94. (1) The officer shall be allowed to state the name and addresses of Witnesses any witnesses to relevant facts whom he may desire to give evidence at the hearing of the case.

(2) Any such witness who is an officer shall be ordered to attend at the hearing of the case and any other witness shall be given due notice that his attendance is desired and of the time and place of the hearing.

95. (1) Where the Commission under paragraph (6) of regulation 90 charges an officer with an alleged act of indiscipline or misconduct and the provisions of regulation 93 apply, the Commission may appoint a disciplinary tribunal to hear the evidence and find the facts. Appoint-ment of disciplinary tribunal

(2) A disciplinary tribunal which the Commission appoints under paragraph (1) may be constituted of—

(a) one officer; or

(b) an uneven number of officers not being less than three.

(3) An officer selected under paragraph (2) shall be of a grade higher than that of the officer charged but in no case shall be of a grade lower than Clerk IV.

96. (1) It shall be the duty of every officer appointed under regulation 95 to hear the evidence, find the facts and make a report to the Commission in accordance with regulations 98 and 102 as soon as possible, and such officer may not be permitted any leave, other than sick leave or maternity leave, until the report is made to the Commission. Duty of officers appointed to disciplinary tribunal

(2) Where an officer is granted sick leave for an indeterminate period, the disciplinary tribunal of which he is a member may notwithstanding sub-paragraph (b) of paragraph (2) of regulation 95, continue to hear the case and make a report in the absence of that officer, but such a tribunal shall not be constituted of less than two members.

97. An Officer who is charged with an alleged act of indiscipline or misconduct shall not be permitted to take leave other than sick leave or maternity leave until the determination of the case. Officer on charge not to be permitted leave

98. (1) The following procedure shall apply to the hearing by a disciplinary tribunal of a charge of alleged misconduct or indiscipline— Procedure at hearing

(a) The officer shall be summoned to appear at the hearing and shall be given full opportunity to defend himself.

(b) The case against the officer may be presented by an officer of the Ministry or Department to which the officer is assigned, but such officer shall be the holder of an office in a grade higher than that of the officer charged.

(c) Before the case against the officer is presented, the officer may submit that the facts alleged in the charge are not such as to constitute the offence with which he is charged, and the disciplinary tribunal shall make a report of the submission to the Commission for its decision.

- (d) At the hearing before a disciplinary tribunal, the officer may conduct his defence either in person or may be represented by an officer of his choice who is a member of the service, or by his staff association or by counsel or solicitor; and if the officer is represented by such member, or by his staff association, or by counsel or solicitor, the officer or his representative may cross-examine the witnesses called in support of the case against him, but where the hearing is before a disciplinary tribunal constituted of one officer, the officer charged shall not be represented by counsel or solicitor.
- (e) A true record of the proceedings at the hearing of the case shall be taken and a copy of the record shall be made if the officer desires to make application for a review.

(2) Nothing in this regulation shall be construed so as to deprive the officer from at any time making a submission that the facts disclosed in the evidence do not support the charge.

Adjourn-  
ment of  
hearing

99. The hearing of any case may be adjourned from time to time as may appear necessary for due hearing of the case.

Hearing in  
absence of  
accused  
officer

100. (1) If the officer does not attend the hearing of the charge, without good reason, the hearing may be proceeded with and concluded in his absence, but if good reason is given to the disciplinary tribunal by or on behalf of the officer why the officer is unable to attend the hearing, the hearing shall be postponed or adjourned as the case may be.

(2) Where, owing to the absence of the officer, it is impossible to comply with the procedure described in paragraph (3) of regulation 90, regulations 91, 92, 94, and paragraph (1) of regulation 98 shall be dispensed with.

Standard  
of proof

101. (1) The standard of proof in any proceedings under this Chapter shall be that required in a court of law in criminal cases.

(2) The rules governing the admissibility of evidence shall be observed but the rules relating to the proof of documents may be waived except where a particular document is an issue in the proceedings.

(3) No documentary evidence shall be used against the officer unless he has previously been supplied with a copy thereof or given access thereto.

(4) Any explanation given by an officer under paragraph (3) of regulation 90 shall not be admissible at any hearing unless the explanation is put in evidence by the officer charged.

Tribunal  
to report

102. (1) The disciplinary tribunal shall make a report to the Commission, and the report shall contain its findings of fact and an expression of its opinion as to the meaning and value of the facts found, together with the record of the proceedings required by sub-paragraph (e) of paragraph (1) of regulation 98.

Report  
confidential

(2) The disciplinary tribunal shall not disclose the contents of the report made under paragraph (1) to the officer charged, or to any officer not authorised to receive such report.

Misconduct

(3) An officer who contravenes this regulation is guilty of misconduct.

103. (1) Where during the course of the hearing of a case and before the hearing is concluded by the disciplinary tribunal constituted of one officer, it appears to the disciplinary tribunal that there are grounds disclosed which could form the basis of a charge for which the penalty that could be imposed could be any one of the penalties specified in sub-paragraphs (a) to (e) of regulation 110, the disciplinary tribunal shall adjourn the hearing for a period not exceeding 14 days and shall forthwith report its findings of fact with a report of the proceedings up to date to the Commission.

In this paragraph, a reference to the Commission shall be construed as a reference to the officer to whom the Commission has delegated its powers under section 93 of the Constitution.

(2) Where such officer receives a report of the proceedings, he shall submit that report to the Commission, and if in the opinion of the Commission—

(a) the officer should be charged with an alleged act of indiscipline or misconduct, the Commission shall cause the officer to be so charged and the proceedings before the disciplinary tribunal shall cease; or

(b) the officer, on the findings of fact submitted, may be liable to any one of the penalties specified in sub-paragraphs (b) to (e) of regulation 110, the Commission may direct the disciplinary tribunal to continue the hearing of the evidence, find the facts and make a report to the Commission.

(3) On consideration of the report of the disciplinary tribunal the Commission may impose any one of the penalties specified in sub-paragraphs (b) to (e) of regulation 110.

104. (1) Where the disciplinary tribunal constituted of three officers in hearing the evidence finds that the evidence is insufficient to support the charge or charges, the disciplinary tribunal shall report to the Commission its findings of fact together with the record of the proceedings as required by sub-paragraph (e) of paragraph (1) of regulation 98 without calling on the officer for his defence.

(2) If on receipt of the report and record of the proceedings under paragraph (1) the Commission is of the opinion that the report should be amplified in any respect or that further inquiry is desirable it may refer the case back to the disciplinary tribunal for further enquiry or report accordingly.

105. Where the disciplinary tribunal constituted of three officers in hearing the evidence is of the opinion that such evidence discloses other misconduct or indiscipline, the disciplinary tribunal shall report the matter to the Commission and if the Commission thinks fit to proceed against the officer on such misconduct or indiscipline, it shall cause the officer to be informed in writing of any further charges and the procedure prescribed in these regulations in respect of the original charge shall apply in respect of such charge.

106. (1) The Commission on consideration of the report under regulation 102 may either exonerate the officer or impose the penalty specified in paragraph (f) or paragraph (g) of regulation 110.

Disciplinary tribunal may adjourn and report to Commission  
Disciplinary tribunal to report where evidence insufficient  
Disciplinary tribunal to report evidence of other misconduct or indiscipline disclosed at hearing of charges  
Penalties that may be awarded under delegated authority

(2) The Commission shall, as soon as possible after the hearing of the charge inform the officer in writing of its findings and of the penalty imposed on him, of his right to apply for a review and of the time specified in regulation 115 for making such application.

(3) Where the officer—

- (i) makes application for a review within the time specified in regulation 115, the penalty shall not take effect pending determination by the Review Board; or
- (ii) does not make an application for review, the penalty shall take effect at the expiration of the time specified in regulation 115 for making such application.

(4) In this regulation a reference to the Commission shall be construed as a reference to the officer to whom the Commission has delegated its powers under section 93 of the Constitution.

Commission to inform officer of penalty imposed and of his right to apply for review

107. (1) Where on consideration of the report of the findings of fact by a disciplinary tribunal the Commission is of the opinion that—

- (a) the officer should be exonerated, the Commission shall exonerate the officer;
- (b) the officer should be dismissed, the Commission shall dismiss the officer; or
- (c) some penalty other than dismissal should be imposed on the officer, the Commission may impose any of the penalties specified in sub-paragraphs (b) to (g) of paragraph (1) of regulation 110.

(2) The Commission shall, as soon as possible after the hearing of the charge, inform the officer in writing of its findings and the penalty imposed on him, of his right to apply for a review and of the time specified in regulation 115 for making such application.

(3) Where the officer—

- (i) makes an application for review within the time specified in regulation 115, the penalty shall not take effect pending the determination by the Review Board; or
- (ii) does not make an application for review, the penalty shall take effect at the expiration of the said time.

(4) Where the Commission under paragraph (1) informs the officer that it proposes to impose the penalty of dismissal, the officer, notwithstanding that he gives notice of appeal within the time specified in regulation 115, shall not receive any pay or allowance from the date of the expiration of such time.

Commission may remove officer in public interest

108. Where on a consideration of the report of the findings of fact of a disciplinary tribunal as defined in paragraph (b) of regulation 95, the Commission is of the opinion that the officer does not deserve to be dismissed by reason of the charges alleged but that the proceedings disclose other grounds for removing him from the public service in the public interest, the Commission may make an order for the removal of such officer without recourse to the procedure prescribed by regulation 53.

Proceedings in private

109. The proceedings before a disciplinary tribunal shall be held in private

110. (1) The following are the penalties that may be imposed by the Penalties Commission by disciplinary proceedings brought against an officer in respect of misconduct, indiscipline, or unsatisfactory service—

- (a) dismissal, that is termination of appointment;
- (b) reduction in rank, that is, removal to another grade with an immediate reduction in salary;
- (c) reduction of remuneration, that is, an immediate adjustment of remuneration to a lower point on the scale of remuneration attached to the particular office;
- (d) deferment of increment, that is, a postponement of the date on which the next increment is due, with corresponding postponements in subsequent years;
- (e) stoppage of increment, that is, no payment for a specified period of an increment otherwise due;
- (f) reprimand;
- (g) fine.

(2) Where a fine is imposed the amount of such fine shall be deducted from the pay of the officer in such manner as may be specified at the time the penalty is imposed.

111. (1) Where criminal proceedings have been instituted in any Court against an officer, the Commission shall not take proceedings against the officer upon any grounds arising out of the criminal charge until after the Court has determined the matter and the time allowed for an appeal from the decision of the Court has expired; but where an officer, on conviction, has appealed, the Commission may commence proceedings after the withdrawal or determination of the appeal. No disciplinary action while criminal proceedings pending

(2) Nothing in this regulation shall prevent the officer being interdicted from duty pursuant to regulation 89.

112. An officer acquitted of a criminal charge in any Court shall not be dismissed or otherwise punished in respect of any charge of which he has been acquitted, but nothing in this regulation shall prevent his being dismissed or otherwise punished in respect of any other charge arising out of his conduct in the matter, unless such other charge is substantially the same as that in respect of which he has been acquitted. Disciplinary action after acquittal of a criminal charge

113. If an officer is convicted in any Court of a criminal charge, the Commission may consider the relevant proceedings on such charge and if it is of opinion that the officer ought to be dismissed or subjected to some lesser punishment in respect of the offence of which he has been convicted the Commission may thereupon dismiss or otherwise punish the officer without the institution<sup>a</sup> of any disciplinary proceedings under these regulations. Officer convicted of criminal charge

114. (1) An officer convicted of a criminal charge and sentenced to imprisonment without the option of a fine or convicted of a criminal charge involving— Non-payment of remuneration on conviction of a criminal charge

- (a) dishonesty,
- (b) fraud, or
- (c) moral turpitude,

shall not receive any pay or allowance after the date of conviction pending consideration of his case by the Commission.

(2) The Commission may direct that an officer convicted of a charge described in paragraph (1) shall cease to perform the duties of his office forthwith.

(3) Notwithstanding that an officer convicted of a charge described in paragraph (1) has appealed against the conviction, such officer shall not receive any pay or allowance after the date of conviction.

## CHAPTER IX

### REVIEWS

Review of  
findings of  
Commission

115. (1) In paragraph (2) and in regulation 118, the expression "findings of the Commission" shall include the findings of the officer to whom the Commission has delegated its powers under section 93 of the Constitution.

(2) Subject to regulation 116, an officer who is aggrieved at the findings of the Commission in disciplinary proceedings may apply for a review of the findings on any grounds.

(3) An application for a review under paragraph (2) shall be in writing and shall have annexed to it a statement of the grounds on which such application is based.

(4) The application for a review shall be sent to the Commission within fourteen days from the date when the officer received notification of the decision which he desires to have reviewed; but where the Commission is satisfied, on the application of the officer, that by reason of the special circumstances of the case it is just and right that a review should be entertained after the period aforesaid, the application for such review shall be sent to the Commission by such date as it shall fix.

(5) An application under this regulation shall be addressed to the Director and it shall be a sufficient compliance with these regulations if such application is posted within the time specified in paragraph (4) in a registered letter so addressed.

(6) On receipt of the application, the Director shall within fourteen days send to the Chairman of the Review Board and to the Permanent Secretary or to the Head of Department of the Ministry or Department to which the officer is assigned, copies of the application for a review, the statement of the grounds on which the application for a review is based, and the report of the disciplinary tribunal submitted in accordance with regulation 102 or 103.

(7) The Director shall be the respondent for the purposes of the review and may appear in person or be represented by a legal or other representative.

(8) The Director shall send to the Review Board such number of additional copies of any of the documents forwarded under paragraph (6) and such papers, reports, records and other documents as the Review Board may specify.

116. (1) Nothing in regulation 115 shall be construed so as to give a right of review by the Review Board to an officer who is aggrieved on the grounds only that the penalty imposed upon him is unduly severe. Review against penalty only

(2) An officer who is aggrieved on the grounds specified in paragraph (1) may apply for a review of the penalty to the Commission within the time specified in paragraph (4) of regulation 115 and in the manner prescribed in paragraph (5) of the said regulation.

117. (1) The Commission shall appoint a Review Board which shall be comprised of not less than three persons nor more than fifteen persons for reviewing the findings of the Commission in disciplinary proceedings. Establishment of Review Board

(2) The Board may, with the approval of the Commission, sit in divisions comprised of an uneven number of members being not less than three, namely, a chairman and two members. Panel of persons

(3) The Commission shall appoint a chairman of the Review Board and a chairman of a division of the Review Board who shall be persons possessing legal qualifications and in the absence or inability to act, of any chairman, may appoint a person with similar qualifications to act temporarily as chairman.

(4) The Director shall publish in the *Gazette*, the appointment of the Review Board, and the names of the chairman and members thereof.

118. (1) Subject to these regulations, the Review Board may regulate its own procedure. Reviews to be heard in private

(2) The proceedings before the Review Board shall not be by way of re-hearing.

(3) The proceedings before the Review Board shall be heard in private.

119. (1) The Review Board shall appoint a day for the hearing of the proceedings and shall cause notice thereof to be sent to the Commission and to the officer not less than seven days before the day so appointed. Notice of date of hearing to be given

(2) At the proceedings before the Review Board, the officer shall be entitled to be represented by counsel, or solicitor, or an officer of the service of which he is a member, selected by him, or by a member of his staff association. Right to be represented

120. (1) The chairman of the Review Board or of a division of the Review Board may at any time require the production of documents, records or other papers as may be specified by the Review Board. Evidence before Review Board

(2) Any officer who, without reasonable cause neglects or fails to produce documents relevant to the subject of the proceedings, inquiry or investigation, shall be guilty of misconduct.

121. (1) The Review Board may proceed to review the findings of the Commission on the appointed day in the absence of the officer whether represented or not, if it appears to be just and proper so to do, and may adjourn the proceedings from time to time. Review of findings by Board

(2) The Review Board shall record any submissions made by or on behalf of the officer and by or on behalf of the Director and such record, together with the application for a review, the statement of the grounds on which such application is based, and any documents, records or other papers produced at the hearing shall form the proceedings of the case.

(3) On the termination of the review of the findings of the Commission, the Review Board shall submit a copy of the proceedings together with its recommendations thereon, to the Commission.

Commission to consider recommendations of Review Board and make decision

122. (1) On consideration of the proceedings before the Review Board and the recommendations of the Review Board submitted to the Commission under regulation 121, the Commission may—

- (a) affirm its findings;
- (b) annul its findings, and exculpate the officer from the charge; or
- (c) vary its findings.

(2) The Commission shall record its decision in writing.

(3) The decision of the Commission under paragraph (1) shall be communicated in writing by the Director to the officer.

(4) The decision of the Commission shall be final.

## CHAPTER X

### MISCELLANEOUS

Repeal and saving

123. (1) Subject to this regulation, the Public Service Commission Regulations, 1961, are revoked.

(2) Notwithstanding paragraph (1), where an investigation is being made or an inquiry is pending or is being conducted in respect of a charge of alleged indiscipline or misconduct of an officer before the date on which these regulations come into force, such investigation or inquiry shall continue and shall be determined in accordance with the Public Service Commission Regulations, 1961, and, subject to paragraph (3), the provisions of Chapter IX of these regulations shall apply.

(3) In its application to an officer to whom this regulation applies, paragraph (4) of regulation 115 shall be read as if the reference therein to fourteen days were a reference to twenty-eight days.

Application of regulations to all officers

124. Chapter VIII of these Regulations shall not apply to persons appointed to act in or appointed temporarily to public offices or engaged on contract for a specified term and on specified conditions, but where the termination of such an appointment is contemplated on grounds of misconduct or unsatisfactory work or conduct, the person holding the appointment shall be given an opportunity to show cause why his appointment shall not be terminated.

Commission facsimile signatures

125. Where in the performance of his duties, the Chairman, the Deputy Chairman or a member of the Commission is required to sign any document, the Chairman, the Deputy Chairman or a member of the Commission as the case may be, may sign such document by imprinting thereon a facsimile of his signature.

CHAPTER XI  
THE TEACHING SERVICE

PART I

PRELIMINARY

125. In this Chapter—

Definitions

- “Act” means the Education Act, 1966;
- “assisted school” means a public school, the Board of Management of which has received or is in receipt of public funds for building or extension or re-building or for the equipment and facilities provided for the school;
- “Board” means the governing body of an assisted school established under section 15 of the Act;
- “Government school” means a public school wholly owned by the Government;
- “public school” means a Government school or an assisted school;
- “primary school” means a school for the provision of primary education within the meaning of section 6 of the Act;
- “teacher” means a person registered as such under the former Education Ordinance or under the Act and the Regulations who is a member of the Teaching Service;
- “Teaching Service” means the unified Teaching Service established under section 53 of the Act.

PART II

APPOINTMENTS

126. (1) Every application for first appointment to an office of teacher in the Teaching Service shall be addressed to the Permanent Secretary on the prescribed form.

Application for first appointment

(2) The Permanent Secretary shall check every application under paragraph (1) to ensure that the applicant is eligible for appointment to the office of teacher in accordance with the Act and the Regulations made thereunder.

(3) The Permanent Secretary shall forward the applications of all eligible applicants to the Director for submission to the Commission.

127. (1) The Permanent Secretary in the performance of the duty imposed on him by regulation 20 of keeping up-to-date seniority lists of the Teaching Service shall keep, in respect of teachers holding offices in primary schools :—

Duty of Permanent Secretary to keep separate seniority lists for primary school teachers

- (a) a seniority list, hereinafter referred to as List “A”, of Grade I trained teachers; and
- (b) a seniority list, hereinafter referred to as List “B”, of Grade I untrained teachers.

(2) For the purpose of determining the seniority of teachers on List "A" the effective date of seniority of the teachers who have taken the Teachers' Diploma shall be the date of passing the Teachers' Provisional Certificate or its equivalent, which, for the purpose, shall be held to be the second year examination of the Teachers' Training College.

(3) Where two or more teachers pass the Teachers' Provisional Certificate Examination or its equivalent on the same date, the teacher who takes the Teachers' Diploma first, shall be the senior.

(4) For the purpose of determining the seniority of teachers on List "B" the effective date of seniority shall be the date of eligibility of the teacher for acceptance into Training College.

(5) List "A" shall be the list employed by the Permanent Secretary for purposes of making recommendations for promotion in the Teaching Service.

(6) The seniority of an officer who voluntarily resigns from the Public Service and is subsequently re-appointed to it shall be reckoned from the date of re-appointment.

(7) In the case of recruits for training from outside the service, the date of seniority shall be the date of appointment to the Teaching Service.

(8) In addition to the equivalent of the Teachers' Provisional Certificate referred to in paragraphs (2) and (3), the School Certificate Grade II or General Certificate of Education equivalent, or any other approved academic or professional qualification shall be accepted for admission to the former Grade VB or the present Grade I.

Vacancies in  
Government  
schools

128. (1) As soon as it is known that a vacancy will occur in the office of teacher in a Government school the Permanent Secretary shall communicate the particulars of the vacancy to the Director in writing and shall, by circular memorandum, advertise such vacant office in all public schools.

(2) A notice published under paragraph (1) shall contain the particulars prescribed by paragraph (2) of regulation 131.

(3) Any teacher may make application for an appointment to any vacant office, notice of which is published under paragraph (1), but the failure to apply shall not prejudice the consideration of the claims of any eligible teacher.

(4) Any application under paragraph (3), shall be addressed to the Permanent Secretary.

(5) The Permanent Secretary shall forward all applications made in response to an advertisement under paragraph (1) to the Director with recommendations regarding the filling of the vacancy.

(6) If, within a month after the date fixed for the receipt of applications to any vacant office advertised under paragraph (1), the Permanent Secretary does not make a recommendation or give a satisfactory explanation for a lack thereof, the Director shall make a report to the Commission and the Commission shall request the Permanent Secretary to inform it of the reasons for failure to request the filling of the vacancy.

Vacancies in  
assisted schools

129. (1) As soon as it is known that a vacancy will occur in the office of teacher in an assisted school, the Board shall communicate the particulars

of the vacancy to the Permanent Secretary in writing with a request that the vacancy be filled.

(2) On receipt of the particulars of a vacant office of teacher under paragraph (1), the Permanent Secretary shall communicate particulars of the vacancy to the Director in writing and shall by circular memorandum, advertise such vacant office in all public schools.

(3) A notice under paragraph (2) shall contain the particulars prescribed by paragraph (2) of regulation 131.

(4) Any teacher may make application for an appointment to any vacant office, notice of which is published under paragraph (2), but the failure to apply shall not prejudice the consideration of the claims of any eligible teacher.

(5) The Permanent Secretary shall forward all applications made in response to an advertisement under paragraph (2) to the Board for the Board to make its recommendations regarding the filling of the vacancy.

(6) The Permanent Secretary shall forward to the Director any recommendation made by the Board for the filling of the vacancy with his comments thereon.

(7) If, within a month of the date fixed for the receipt of applications to any vacant office advertised under paragraph (2), the Board does not make any recommendation under paragraph (5) for filling the vacant office, the Director shall require the Permanent Secretary to obtain from the Board, for the information of the Commission, its reasons for the failure to make a recommendation.

130. Where the Commission, on receipt of the particulars of the vacant office submitted to it under regulation 128 or 129 and on consideration of any recommendation made by the Permanent Secretary under regulation 128 or by the Board under regulation 129 and of the teachers available in the Teaching Service, considers that there is no suitable teacher already in the Teaching Service available for the filling of the vacancy or that having regard to qualifications, experience and merit it would be advantageous and in the best interest of the Teaching Service that the services of a teacher not already in that service or the services of a person eligible to be registered as a teacher be secured, the Commission may authorise the advertisement of the vacancy. Advertising of vacancy by Commission in certain circumstances

131. (1) Where the Commission authorises the Director to advertise a vacancy in the Teaching Service, the advertisement shall be in such form as the Commission may determine from time to time. Director to advertise vacancies

(2) Every advertisement shall contain the following particulars :—

- (a) the offices that are vacant;
- (b) the public schools at which the offices are vacant and whether the schools are assisted schools or Government schools;
- (c) the grade of teacher required to fill the vacancies;
- (d) the rate of pay and any allowances;
- (e) the religious denomination of each assisted school at which there is a vacancy;

and such other particulars as the Commission may determine from time to time.

Duty of  
Permanent  
Secretary re  
applications in  
response to  
advertisements

132. Every application made in response to an advertisement under regulation 131 shall be addressed to the Permanent Secretary who shall forward to the Director—

- (a) the applications of all eligible applicants for appointment to a Government school;
- (b) the applications of all eligible applicants for appointment to an assisted school after submitting such applications to the Board for recommendations to be made by it.

Commission to  
make  
appointment  
to assisted  
schools

133. (1) The Board, in making any recommendation for the filling of a vacant office in accordance with paragraph (5) of regulation 38 or of regulation 132, shall apply the principles for selection prescribed by regulation 18 and the Commission shall, subject to paragraph (2), approve the recommendation and make the appointment.

(2) Where the Commission is of the view that the Board had not made a selection in accordance with such principles, the Commission may require the Permanent Secretary to call upon the Board to reconsider its recommendation and make a different recommendation and in making such request, the Commission shall take into consideration the religious denomination of the school and the religious persuasion of the teacher.

(3) Where the Board under paragraph (2) fails to make a different recommendation within twenty-one days of being requested so to do and gives no explanation of its failure so to do, the Commission may appoint to the vacancy—

- (a) a teacher of the religious persuasion of the assisted school with the approval of the teacher and the Board; or
- (b) a teacher of a religious persuasion different from that of the assisted school, with the prior approval of the teacher and of the Board.

#### TRANSFERS (General)

Application for  
transfer

134. Every application for an appointment on transfer in the Teaching Service shall be addressed to the Director through the Permanent Secretary on the prescribed form and, in the case of an application from a teacher in an assisted school, through the Board to the Permanent Secretary.

135. (1) Where the Commission proposes to transfer a teacher other than as a result of a request by a Board under regulation 137 the Commission shall, except where the exigencies of the Teaching Service do not permit, make an order of transfer in writing and shall give not less than three months' notice to the teacher who is to be transferred.

(2) Where a teacher has applied for a transfer to a particular public school and the Commission proposes to transfer the teacher, but not to the particular school, the Commission shall, except where the exigencies of the Teaching Service do not permit, make an order of transfer in writing and shall give not less than three months' notice to such teacher.

(3) A teacher who is aggrieved by an order made under paragraph (1) or (2) may make representation to the Commission for a review of the order in accordance with paragraph (4).

(4) Where a teacher desires to make representation to the Commission for a review of an order made under paragraph (1) or paragraph (2), such teacher, within fourteen days of the receipt of the order, shall give notice in writing to the Permanent Secretary or, in the case of an assisted school, to the Board, to be forwarded to the Permanent Secretary, and shall submit with the notice his representations in writing.

(5) The Permanent Secretary shall, within seven days of the receipt of any representation made to him in writing under paragraph (4) forward such representation together with his comments or the comments of the Board thereon to the Commission.

(6) The Commission shall consider the representations of the teacher and the Permanent Secretary or the Board, as the case may be, submitted to it under paragraphs (4) and (5) and shall record its decision in writing.

136. Notwithstanding that a teacher in respect of whom an order has been made under paragraph (1) or (2) of regulation 29 has made representation under paragraphs (5) and (6) of the said regulation the teacher shall assume his duties on transfer pending the review of the order by the Commission.

Officer to assume duties pending review of transfer order

#### TRANSFERS (Special)

137. A Board may apply to the Commission to have a teacher transferred from an office in an assisted school if the religious persuasion of the teacher is not satisfactory to the Board, or on moral grounds.

Board of Management may request transfer of teacher

138. An application by a Board under regulation 137 shall be forwarded in writing to the Permanent Secretary together with any statements on which the Board relies to support the application. The Permanent Secretary shall forward such application and the statements to the Commission together with any comments he may make thereon.

Application to be in writing

139. Where a Board makes an application under regulation 137, the Board shall within fourteen days give notice to the teacher of the application and shall give the teacher such particulars as will leave him under no misapprehension as to the precise nature of the grounds for the application.

Board to give teacher notice of application

140. (1) A teacher who has been given notice under regulation 139 may within 14 days after the receipt of the notice make such representation to the Commission as he may think fit.

Teacher may make representation

(2) Any representation made by a teacher shall be submitted in writing to the Permanent Secretary who within seven days, shall forward the same, with his comments thereon, to the Commission.

141. The Commission on consideration of the application of the Board and of any representation made by the teacher shall—

Decision of Commission

- (a) if the application for transfer is on the grounds that the religious persuasion of the teacher is unsatisfactory to the Board, transfer the teacher on the occurrence of a suitable vacancy; or
- (b) if the application for transfer is on moral grounds, forthwith remove the teacher from the school.

Commission may institute disciplinary proceedings

142. (1) Where the application of the Board under regulation 137 for the transfer of a teacher is on moral grounds, the Commission is of the view that the alleged acts or omissions complained of constitute misconduct as prescribed by those regulations or under the Act the regulations made thereunder or any other regulations relating to the Teaching Service, the Commission may institute disciplinary proceedings against the teacher.

(2) Where the Commission decides to institute disciplinary proceedings against a teacher under this regulation, the written statements made by persons to the Board and any investigation made by the Board under regulations 138 and 139, and any representations made by the teacher under regulation 140 shall be substituted for any written statement and explanation that would be otherwise required to be obtained by the Permanent Secretary and investigating officer under regulation 89.

Teacher not to suffer loss of service, &c. through transfers

143. Subject to regulation 142, a teacher who is transferred from an assisted school on any of the grounds set out in regulation 141, shall retain his status, suffer no reduction in his rate of pay and allowances and shall retain his seniority in the Teaching Service.

No transfer without consent of Board

144. (1) Where a teacher who holds an office in an assisted school of a particular religious denomination applies for a transfer to an office of teacher in another assisted school of the same religious denomination or of another religious denomination the Commission shall not transfer the teacher to the other school without the consent of the Board of the other school.

(2) Where the Board under paragraph (1) fails to give its consent to the transfer, within twenty-one days of being requested so to do by the Permanent Secretary and gives no explanation of its failure so to do, the Commission may transfer the teacher to the other assisted school—

- (a) if the teacher is of the religious persuasion of that assisted school, with the approval of the Board of that other assisted school, or
- (b) if the teacher is of a religious persuasion different from that of the other assisted school, with the prior approval of the Board of that other assisted school.

(3) Where a teacher is transferred under paragraph (2) from an assisted school of a particular religious denomination, the teacher shall retain his status, suffer no reduction in pay and allowances and shall retain his seniority in the Teaching Service.

Application of regulations

145. In the application of these regulations to the appointment of a person to be a member of the Teaching Service and to the transfer of teachers within that service, these regulations shall have effect as if this Chapter were substituted for regulations 11 to 15, and regulations 19, 29 and 30 of Chapter III.

## CHAPTER XII

## THE FIRE SERVICE

## PART I

## PRELIMINARY

146. In this Chapter—

Definitions

“Act” means the Fire Service Act, 1965;

“fire officer” means a member of the Fire Service;

“Fire Service” or “Service” means the Fire Service established under the Act;

“fire officer in the First Division” means an officer who holds an office above the office of Fourth Officer;

“fire officer in the Second Division” means an officer who holds the office of Fourth Officer or an office below the office of Fourth Officer.

## PART II

## APPOINTMENTS, PROMOTIONS AND TRANSFERS

147. The Commission shall prescribe from time to time the form and manner in which—

Commission to determine form of application

(a) applications are to be made for appointment to the Fire Service or for appointment as an apprentice in the Fire Service;

(b) interviews are to be conducted for entry into the Fire Service.

148. (1) Every application for appointment to the office of a Fire Officer in the Second Division or as an apprentice shall be made in writing to the Director or by personal appearance in response to any advertisement issued by the Director through the Press and Radio, stating the place, date and time at which a candidate may present himself for selection.

Application for appointment of Fire Officer or Apprentice

(2) The Station Officer in each District shall make a preliminary selection of candidates who have the qualifications prescribed in subparagraphs (a) to (e) of paragraph (1) of regulation 4 of the Fire Service Regulations, 1966, and for the purpose of making such selection, the Station Officer may make enquiries from the Police respecting the character of any candidate.

(3) A candidate selected under paragraph (2) shall be required to take an educational test prescribed by paragraph (2) of regulation 4 of the Fire Service Regulations, 1966, and if the candidate is successful he shall be required to pass a medical test.

(4) A candidate who qualifies for appointment to the office of fireman or as an apprentice shall be interviewed by a Selection Board consisting of the Deputy Chief Fire Officer, a Divisional Officer and the officer in charge of the Fire Service Training School.

(5) The candidates shall be placed in order of merit on the basis of the educational test and the interview.

Appointment  
to office in  
First Division

149. (1) Every application for appointment to an office in the First Division shall be made in writing to the Director on the prescribed form.

(2) A candidate who has the qualifications prescribed in paragraphs (2) and (3) of regulation 7 of the Fire Service Regulations, 1965, may be selected for appointment to the office of Third Officer in the First Division, either from the Second Division of the Fire Service or on an open competitive basis prescribed by the Commission.

Establishment  
of Promotions  
Advisory  
Board

150. (1) A Promotions Advisory Board is established which shall consist of—

- (a) a member of the Commission selected by the Commission who shall be chairman;
- (b) the Deputy Chief Fire Officer; and
- (c) one Divisional Officer nominated by the Chief Fire Officer.

(2) A fire officer in the Second Division may apply to the Promotions Advisory Board to take any promotion examination when he has been in the Service for at least four years and subject to paragraph (3) but the qualifying period of four years may be waived where such fire officer is in possession of the educational qualifications equivalent or superior to the qualifications prescribed in paragraph (2) of regulation 7 of the Fire Service Regulations, 1966.

(3) In order to determine whether a fire officer in the Second Division who applies to take a promotion examination is a suitable candidate to take the examination, the Promotions Advisory Board shall examine the record of every such fire officer.

(4) A fire officer who is successful in the promotion examination held by the Examination Board shall be interviewed by the Commission and shall be placed in order of merit based on performance in the examination and the interview.

(5) A fire officer who is successful in the promotion examination for appointment to an office in the Service shall be interviewed jointly by the chairman of the Promotions Advisory Board, by a member of the Examination Board nominated by such Board and by the Chief Fire Officer and shall be placed in order of merit based on performance in the examination and the interview.

Officer to resit  
examination

151. Notwithstanding that a fire officer may have been successful in a promotion examination, if such fire officer is not appointed on promotion within three years, he shall re-sit the examination for promotion.

Appointments  
to be by  
competition  
within the Fire  
Service

152. Whenever in the opinion of the Commission it is possible to do so and it is in the best interests of the Service, appointments shall be made from within the Service in accordance with these Regulations.

Advertisement  
of vacancies

153. Where the Commission considers either that there is no suitable candidate already in the Fire Service available for the filling of any vacancy or that having regard to qualifications, experience and merit it would be advantageous and in the best interest of the Service that the services of a person not already in the Service be secured, the Commission may authorise the advertisement of such vacancy.

154. (1) In considering the eligibility of fire officers for promotion, the Commission shall take into account the seniority, experience, educational qualifications, merit and ability, together with the relative efficiency of such fire officers and, in the event of an equality of efficiency of two or more fire officers, shall give consideration to the relative seniority of the fire officers available for promotion to the vacancy. Principles of selection for promotion

(2) In the performance of its functions under paragraph (1), the Commission shall take into account as regards each fire officer—

- (a) his general fitness;
- (b) his position on the seniority list and on the list of results of the promotion examinations;
- (c) any special qualifications;
- (d) any special courses of training that he may have undergone (whether at the expense of Government or otherwise);
- (e) an evaluation of the officer's overall performance as reflected in the annual staff reports;
- (f) any letters of commendation or special reports in respect of any special work done by the fire officer;
- (g) the duties of which he has had knowledge;
- (h) any specific recommendation of the Permanent Secretary for filling the particular office;
- (i) any previous employment of his in the Service or in the public service, or otherwise ;
- (j) any special reports for which the Commissioner may call;
- (k) his devotion to duty.

155. (1) The Director shall keep up to date seniority lists of all fire officers. Director and Chief Fire Officer to keep seniority lists

(2) The Chief Fire Officer shall ensure for the purposes of making recommendations for promotion and acting appointments that up-to-date seniority lists are kept of all fire officers showing in respect of each officer the date of appointment to his present office, date of appointment to his previous office, and date of first appointment in the Service.

(3) The seniority of a fire officer shall be determined by the date of his appointment to the particular office in which he is serving. The seniority of fire officers promoted to the same office from the same date shall be in accordance with their seniority in their previous office.

(4) Where fire officers have entered the Service by competitive examination and are appointed to the same office with effect from the same date, their relative seniority shall be determined according to the order of merit in which they were placed in the examination and interview.

(5) Where any doubts arise with respect to the seniority of a fire officer, the Commission shall determine the seniority of such fire officer.

156. (1) The Chief Fire Officer shall ensure that recommendations made in relation to an acting appointment as a prelude to a substantive appointment shall be based on the principles prescribed in regulation 154. Principles of selection for acting appointment as a prelude to appointment

(2) Where in the exigencies of the Service, it has not been practicable to apply the principles prescribed in regulation 154, any fire officer selected for an acting appointment in consequence of a recommendation made under paragraph (1) shall not thereby have any special claim to the substantive appointment.

(3) In considering the claims of eligible candidates for a substantive appointment, the Commission shall take into account the claims of all eligible officers.

Principles of selection for acting appointment not as a prelude to appointment

157. (1) Where an acting appointment falls to be made otherwise than as a prelude to a substantive appointment, the fire officer appointed shall—

(a) as a general rule be the senior fire officer eligible for such acting appointment;

(b) assume and discharge the duties and responsibilities of the office to which he is appointed to act.

(2) In making an acting appointment under paragraph (1), the Commission shall examine whether the exigencies of the Service would best be served by appointing a fire officer from another Division next in line of seniority to act when there is a fire officer in the same Division who is capable of performing the duties of the higher office, and in such examination the question of additional Government expenditure for travelling and subsistence allowances and any other expenditure shall be borne in mind.

Chief Fire Officer to notify eligible Fire officers of vacancy

158. (1) Where an acting appointment falls to be made whether as a prelude to a substantive appointment or not, the Chief Fire Officer shall notify the fire officers who are eligible for consideration.

(2) The Chief Fire Officer shall, after notification as required by paragraph (1), allow a period of seven days to elapse before forwarding any recommendations for the filling of such vacancy, for the purpose of allowing the fire officers to make representations on the filling of such vacancy.

(3) Where representations have been made by or on behalf of any fire officer, the Chief Fire Officer shall forward such representations in their original form to the Director.

Chief Fire Officer to submit recommendations in advance

159. Except in very special circumstances or in cases of sudden illness, the Chief Fire Officer shall submit, well in advance, recommendations for acting appointments to permit of their consideration by the Commission before the date on which the acting appointment is intended to become effective.

Chief Fire Officer to state reasons for passing over officers

160. In submitting recommendations for acting appointments in any office the Chief Fire Officer shall state the reasons why fire officers, if any, are being passed over.

Rule where power to appoint delegated

161. Where the Commission delegates its power to the Chief Fire Officer or to any other fire officer to appoint a fire officer to act in an office in the Second Division and such acting appointment falls to be made as a result of sudden illness or other very special circumstances for a period not likely to exceed twenty-eight days, the provisions of regulation 158 shall not apply.

## PART III

## DISCIPLINE

162. (1) A fire officer who without reasonable excuse does an act which— Offences

- (a) amounts to failure to perform in a proper manner any duty imposed upon him as a fire officer; or
- (b) contravenes any of the provisions of these regulations; or
- (c) contravenes any enactment relating to the Fire Service; or
- (d) is otherwise prejudicial to the efficient conduct of the Fire Service or tends to bring discredit on the reputation of that Service or the public service,

commits an offence against discipline and is liable to such punishment as is prescribed by regulation 110 or any other regulations.

(2) Without prejudice to the generality of the provisions of paragraph (1), a fire officer commits an offence against discipline if he is guilty of—

(a) *Discreditable conduct*, that is to say, if a fire officer acts in a disorderly manner or in any manner prejudicial to discipline or reasonably likely to bring discredit on the reputation of the Service or of the public service.

(b) *Insubordinate or oppressive conduct*, that is to say if a fire officer—

- (i) is insubordinate by word, act or demeanour, or
- (ii) abuses his authority by oppressive or tyrannical conduct towards a fire officer in a lower office, or
- (iii) uses obscene, abusive or insulting language to any other fire officer, or
- (iv) wilfully or negligently makes any false complaint or statement against any fire officer, or
- (v) assaults any other fire officer, or
- (vi) overholds any report or allegation against any fire officer.

(c) *Disobedience to orders*, that is to say, if a fire officer disobeys or without good and sufficient cause omits or neglects to carry out any lawful order, written or otherwise, or contravenes any requirement of these regulations or of the Fire Service Regulations, 1966.

(d) *Neglect of duty*, that is to say, if a fire officer—

- (i) neglects, or without good and sufficient cause omits, promptly and diligently to attend to or carry out anything which is his duty as a fire officer, or
- (ii) idles or gossips while on duty, or
- (iii) fails to remain at his place of duty to which he has been ordered, without due permission or sufficient cause, or
- (iv) fails to report any matter which it is his duty to report, or
- (v) omits to make any necessary entry in any official document or book, or
- (vi) neglects, or without good and sufficient cause omits, to carry out any instructions of a medical officer of the Service or, while absent from duty on account of sickness, is guilty of any act or conduct calculated to retard his return to duty.

- (e) *Falsehood or prevarication*, that is to say, if a fire officer—
- (i) knowingly makes or signs any false statement in any official document or book, or
  - (ii) wilfully or negligently makes any false, misleading or inaccurate statement, or
  - (iii) without good and sufficient cause destroys or mutilates any official document or record, or alters or erases any entry therein.
- (f) *Breach of confidence*, that is to say, if a fire officer—
- (i) divulges any matter which it is his duty to keep secret, or
  - (ii) without proper authority communicates to the public press, or to any unauthorised person, any matter connected with the Service, or
  - (iii) without proper authority shows to any person outside the Service any book or written or printed document the property of the Service, or
  - (iv) makes any anonymous communication to the Commission or to the Chief Fire Officer or any fire officer in a senior office, or
  - (v) canvasses any fire officer with regard to any matter concerning the Service, or
  - (vi) signs or circulates any petition or statement with regard to any matter concerning the Fire Service, except through the proper channel of correspondence to the Commission, or in accordance with the constitution of a Staff Association, to members of such Association, or
  - (vii) calls or attends any unauthorised meeting to discuss any matter concerning the Fire Service.
- (g) *Corrupt practice*, that is to say, if a fire officer—
- (i) receives any bribe, or
  - (ii) fails to account for or to make a prompt and true return of any money or property received by him or coming into his possession in his official capacity, or
  - (iii) directly or indirectly solicits or receives any gratuity, present, subscription or testimonial, without the consent of the Commission, or
  - (iv) places himself under pecuniary obligation to any person who holds a licence concerning the granting or renewal of which the Fire Service may have to report or give evidence, or
  - (v) improperly uses his character and position as a fire officer for his private advantage.
- (h) *Unlawful or unnecessary exercise of authority*, that is to say, if a fire officer—
- (i) without good and sufficient cause makes any unlawful or unnecessary arrest, or
  - (ii) uses any unnecessary violence to any prisoner or other person with whom he may be brought into contact in the execution of his duty, or
  - (iii) is uncivil to any member of the public.
- (i) *Malingering*, that is to say, if a fire officer feigns or exaggerates any sickness or injury with a view to evading duty.

- (j) *Absence without leave or being late for duty*, that is to say, if a fire officer without reasonable excuse is absent without leave from, or is late for, parade, court or any other duty.
- (k) *Uncleanliness*, that is to say, if a fire officer while on duty or while off duty in uniform in a public place is improperly dressed or is dirty or untidy in his person, clothing or accoutrements.
- (l) *Damage to clothing or other articles supplied*, that is to say, if a fire officer—
  - (i) wilfully or by carelessness causes any waste, loss or damage to any article of clothing or accoutrement, or to any book, document or other property of the Fire Service, served out to him or used by him or entrusted to his care, or
  - (ii) fails to report any loss or damage as above however caused.
- (m) *Drunkenness or drug taking*, that is to say, if a fire officer, while on or off duty, is unfit for duty through the taking of drink or drugs.
- (n) *Drinking on duty or soliciting drink*, that is to say, if a fire officer—
  - (i) without the consent of his superior officer, drinks, or receives from any other person, any intoxicating liquor while he is on duty, or
  - (ii) demands, or endeavours to persuade any other person to give him, or to purchase or obtain for him, any intoxicating liquor while he is on duty.
- (o) *Entering licensed premises*, that is to say, if a fire officer, without permission or reasonable excuse, enters—
  - (i) while on duty any premises licensed under the liquor licensing laws or any other premises where liquors are stored or distributed when his presence there is not required in the execution of his duty, or
  - (ii) any such premises in uniform while off duty.
- (p) *Lending, borrowing or accepting presents*, that is to say, if a fire officer lends money to any fire officer in a senior office or borrows money or accepts any present from any fire officer in a lower office.
- (q) *Conviction for a criminal offence*, that is to say, if a fire officer has been found guilty by a court of law of a criminal offence.
- (r) *Being an accessory to a disciplinary offence*, that is to say, if a fire officer connives at or is knowingly an accessory to any offence against discipline.
- (s) Uses without the consent given personally of the Chief Fire Officer any property including uniforms or facilities provided for the purposes of the Fire Service for some purpose not connected with his official duties;

and is liable to such punishment as is prescribed by regulation 110 or by any other regulation.

163. In the application of these regulations to the Fire Service, these regulations shall have effect as if— Application of regulations

- (a) the expression "an offence" were substituted for the expression "misconduct" wherever that expression occurs therein; and
- (b) this Chapter were substituted for regulations 11 to 20, 24 to 28 and regulations 62, 63 (1), and 64.

CHAPTER XII  
THE PRISON SERVICE

PART I

PRELIMINARY

Definitions

164. In this Chapter—

“Act” means the Prison Service Act, 1965;

“Commissioner” means the Commissioner of Prisons;

“prison officer” means a member of the Prison Service;

“Prison Service” or “Service” means the Prison Service established under the Act.

PART II

APPOINTMENTS, PROMOTIONS AND TRANSFERS

Commission to determine form of application

165. The Commission shall prescribe from time to time the form and manner in which

(a) applications are to be made for appointment to the Prison Service;

(b) interviews are to be conducted for entry into the Prison Service.

Application for appointment of Prison Officer I

166. (1) Every application for appointment to the office of Prison Officer I shall be made in writing to the Director or by personal appearance in response to any advertisement issued by the Director through the Press and Radio, stating the place, date and time at which a candidate may present himself for selection.

(2) A Superintendent of Prisons shall make a preliminary selection of candidates who have the prescribed qualifications and may, for the purpose of making such selection, require enquiries to be made respecting the character of any candidate.

(3) A candidate selected under paragraph (2) shall be required to take such education test as may be prescribed, and if the candidate is successful he shall be required to pass a medical test.

(4) A candidate who qualifies for appointment to the office of Prison Officer I shall be interviewed by a Selection Board consisting of the Deputy Commissioner of Prisons, a Senior Superintendent of Prisons and the officer in charge of the Prison Service Training School.

(5) The candidates shall be placed in order of merit on the basis of the educational test and the interview.

Appointment of office in senior grade

167. (1) Every application for appointment to an office of Prison Assistant Superintendent and offices in higher grades shall be made in writing to the Director on the prescribed form.

(2) A candidate who has the prescribed qualifications may be selected for appointment to the office of Prison Superintendent, either from

an office in a lower grade or on an open competitive basis prescribed by the Commission.

168. (1) A Promotions Advisory Board is established which shall consist of—

Establishment  
of Promotions  
Advisory  
Board

(a) a member of the Commission selected by the Commission who shall be chairman;

(b) the Deputy Commissioner of Prisons; and

(c) one Senior Superintendent of Prisons nominated by the Commissioner.

(2) A prison officer in a grade lower than that of Prison Assistant Superintendent may apply to the Promotions Advisory Board to take any promotion examination when he has been in the service for at least four years and subject to paragraph (3), but the qualifying period of four years may be waived where such prison officer is in possession of the educational qualifications equivalent or superior to the prescribed qualifications.

(3) In order to determine whether a prison officer in a grade lower than that of Prison Assistant Superintendent who applies to take a promotion examination is a suitable candidate to take the examination, the Promotions Advisory Board shall examine the record of every such prison officer.

(4) A prison officer who is successful in the promotion examination shall be interviewed by the Commission and shall be placed in order of merit based on performance in the examination and the interview.

(5) A prison officer who is successful in the promotion examination for appointment to an office in the Service shall be interviewed jointly by the Chairman of the Promotions Advisory Board, by a member of the Examinations Board nominated by such Board and by the Commissioner and shall be placed in order of merit based on performance in the examination and the interview.

169. Notwithstanding that a prison officer may have been successful in a promotion examination, if such prison officer is not appointed on promotion within three years, he shall re-sit the examination for promotion.

Officer to re-sit  
examination

170. Whenever in the opinion of the Commission it is possible to do so and it is in the best interests of the Service, appointments shall be made from within the Service in accordance with these regulations.

Appointments  
to be by  
competition  
within the  
Prison Service

171. Where the Commission considers either that there is no suitable candidate already in the Prison Service available for the filling of any vacancy or that having regard to qualifications, experience and merit it would be advantageous and in the best interest of the Service that the services of a person not already in the Service be secured, the Commission may authorise the advertisement of such vacancy.

Advertisement  
of vacancies

172. (1) In considering the eligibility of prison officers for promotion, the Commission shall take into account the seniority, experience, educational qualifications, merit and ability, together with the relative efficiency of such prison officers and, in the event of an equality of efficiency of two or more prison officers, shall give consideration to the relative seniority of the prison officers available for promotion to the vacancy.

Principles of  
Selection for  
Promotion

(2) In the performance of its functions under paragraph (1), the Commission shall take into account as regards each prison officer—

- (a) his general fitness;
- (b) his position on the seniority list and on the list of results of the promotion examinations;
- (c) any special qualifications;
- (d) any special courses of training that he may have undergone (whether at the expense of Government or otherwise);
- (e) an evaluation of the Officer's overall performance as reflected in the annual staff reports;
- (f) any letters of commendation or special reports in respect of any special work done by the prison officer;
- (g) the duties of which he has had knowledge;
- (h) any specific recommendation of the Permanent Secretary for filling the particular office;
- (i) any previous employment of his in the Service or in the public service, or otherwise;
- (j) any special reports for which the Commission may call;
- (k) his devotion to duty.

Director and  
Commissioner  
to keep  
seniority lists

173. (1) The Director shall keep up-to-date seniority lists of all prison officers.

(2) The Commissioner shall ensure for purposes of making recommendations for promotion and acting appointments that up-to-date seniority lists are kept of all prison officers showing in respect of each officer the date of appointment to his present office, date of appointment to his previous office, and date of first appointment in the Service.

(3) The seniority of a prison officer shall be determined by the date of his appointment to the particular office in which he is serving. The seniority of prison officers promoted to the same office from the same date shall be in accordance with their seniority in their previous office.

(4) Where prison officers have entered the Service by competitive examination and are appointed to the same office with effect from the same date, their relative seniority shall be determined according to the order of merit in which they were placed in the examination and interview.

(5) Where any doubts arise with respect to the seniority of a prison officer, the Commission shall determine the seniority of such prison officer.

Principles of  
selection for  
acting  
appointment  
not as prelude  
to appointment

174. (1) The Commissioner shall ensure that recommendations made in relation to an acting appointment as a prelude to a substantive appointment shall be based on the principles prescribed in regulation 172.

(2) Where in the exigencies of the Service, it has not been practicable to apply the principles prescribed in regulation 172, any prison officer selected for an acting appointment in consequence of a recommendation made under paragraph (1) shall not thereby have any special claim to the substantive appointment.

(3) In considering the claims of eligible candidates for a substantive appointment, the Commission shall take into account the claims of all eligible officers.

175. (1) Where an acting appointment falls to be made otherwise than as a prelude to a substantive appointment, the prison officer appointed shall—

(a) as a general rule be the senior prison officer eligible for such acting appointment;

(b) assume and discharge the duties and responsibilities of the office to which he is appointed to act.

Principles of selection for acting appointment as a prelude to appointment

(2) In making an acting appointment under paragraph (1), the Commission shall examine whether the exigencies of the Service would best be served by appointing a prison officer from another prison next in line of seniority to act when there is a prison officer in the prison who is capable of performing the duties of the higher grade, and in such examination the question of additional Government expenditure for travelling and subsistence allowances and any other expenditure shall be borne in mind.

176. (1) Where an acting appointment falls to be made whether as a prelude to a substantive appointment or not the Commissioner shall notify the prison officers who are eligible for consideration.

Commissioner to notify eligible prison officers of vacancy

(2) The Commissioner shall, after notification as required by paragraph (1), allow a period of seven days to elapse before forwarding any recommendations for the filling of such vacancy, for the purpose of allowing the prison officers to make representations on the filling of such vacancy.

(3) Where representations have been made by or on behalf of any prison officer, the Commissioner shall forward such representations in their original form to the Director.

177. Except in very special circumstances or in cases of sudden illness, the Commissioner shall submit, well in advance, recommendations for acting appointments to permit of their consideration by the Commission before the date on which the acting appointment is intended to become effective.

Commissioner to submit recommendations in advance

178. In submitting recommendations for acting appointments in any office the Commissioner shall state the reasons why prison officers, if any, are being passed over.

Commissioner to state reasons for passing over officers

179. Where the Commission delegates its power to the Commissioner to appoint a prison officer to act in an office and such acting appointment falls to be made as a result of sudden illness or other very special circumstances for a period not likely to exceed twenty-eight days, the provisions of regulation 176 shall not apply.

Rule where power to appoint delegated

### PART III

#### DISCIPLINE

180. (1) A prison officer who without reasonable excuse does an act which—

Offences

(a) amounts to failure to perform in a proper manner any duty imposed upon him as a prison officer; or

- (b) contravenes any of the provisions of these regulations; or
- (c) contravenes any enactment relating to the Prison Service; or
- (d) is otherwise prejudicial to the efficient conduct of the Prison Service or tends to bring discredit on the reputation of that Service or the public service,

commits an offence against discipline and is liable to such punishment as is prescribed by regulation 110 or any other regulation.

(2) Without prejudice to the generality of the provisions of paragraph (1) a prison officer commits an offence against discipline if he is guilty of—

- (a) *Discreditable conduct*, that is to say, if a prison officer—
  - (i) while on or off duty acts in a disorderly manner or any manner prejudicial to discipline or likely to bring discredit on the Prison Service, or
  - (ii) while on or off duty, borrows money from a subordinate officer, or lends money to a superior officer, or
  - (iii) drinks intoxicating liquor or smokes either within the prison (except under such restrictions as may from time to time be prescribed by the Commissioner) or while on duty in a court or in charge of prisoners outside the prison, or
  - (iv) while on duty uses obscene, abusive or insulting language to another prison officer, or any other member of the public service, or
  - (v) while on duty assaults a prison officer, or any other member of the public service, or
  - (vi) while on duty or liable to be called upon for duty is unfit for duty through drinking intoxicating liquor or taking drugs.
- (b) *Insubordinate conduct*, that is to say, if a prison officer is insubordinate by word or act towards any prison officer, whose orders it is for the time being his duty to obey.
- (c) *Disobedience to orders*, that is to say, if a prison officer without good and sufficient cause fails to carry out any lawful order whether in writing or not.
- (d) *Neglect of duty*, that is to say, if a prison officer—
  - (i) neglects or without good and sufficient cause fails promptly and diligently to do anything which it is his duty as a prison officer to do, or
  - (ii) by carelessness or neglect contributes to the escape of a prisoner, or
  - (iii) by carelessness or neglect in the course of his duty contributes to the occurrence or any loss, damage, or injury to any person or property.
- (e) *False statements*, that is to say, if a prison officer knowingly makes any false, misleading or inaccurate statement either orally or in any official document or book, or signs any such statement, or, with intent to deceive destroys or mutilates any such document or book or alters or erases any entry therein whether in connection

with his duties as a prison officer or as an officer or member of any club or fund connected with the prison or the staff of the Prison Service.

- (f) *Failure to account*, that is to say, if a prison officer fails to account for, or to make a prompt or true return of any money or property for which he is responsible whether in connection with his duties as a prison officer or with any club or fund connected with the prison or the staff of the Prison Service.
- (g) *Breach of confidence*, that is to say, if a prison officer without proper authority—
  - (i) divulges any matters which it is his duty to keep secret, or
  - (ii) communicates directly or indirectly to the Press or to any unauthorised person any matter which may have become known to him in the course of his public duties, or
  - (iii) publishes any matter or makes any public pronouncement relating to prisons or prisoners or the administration of the Prison Service.
- (h) *Improper relations with prisoners or ex-prisoners*, that is to say, if a prison officer—
  - (i) communicates with a prisoner for an improper purpose, or
  - (ii) uses obscene, insulting or abusive language to a prisoner, or
  - (iii) allows any undue familiarity between a prisoner and himself or any servant of the prisoner, or
  - (iv) knowingly and without proper authority communicates with any ex-prisoner, or
  - (v) knowingly and without proper authority discusses his duties or any matters of discipline or prison arrangement within the hearing of a prisoner, or
  - (vi) knowingly and without proper authority takes into his employ an ex-prisoner, or
  - (vii) knowingly and without proper authority allows any person to communicate with a prisoner who is not authorised to do so.
- (i) *Trafficking*, that is to say, if a prison officer knowingly and without proper authority—
  - (i) carries out any pecuniary or business transactions with or on behalf of any prisoner or ex-prisoner or with a friend or relative of any prisoner or ex-prisoner, or
  - (ii) brings into the prison or carries out of the prison or attempts to bring in or carry out, or allow to be brought in or carried out, to or for any prisoner any article whatever, or
  - (iii) accepts any present or consideration from any prisoner or ex-prisoner or from a friend or relative of any prisoner or ex-prisoner.
- (j) *Corrupt practice*, that is to say, if knowingly, a prison officer—
  - (i) solicits or receives an unauthorised fee, gratuity or other consideration in connection with his duties as a prison officer, or

- (ii) improperly uses his character and position as a prison officer for his private advantage.
- (k) *Unlawful or unnecessary exercise of authority*, that is to say, if a prison officer—
  - (i) deliberately acts in a manner calculated to provoke a prisoner, or
  - (ii) in dealing with a prisoner uses force unnecessarily or, where the application of force to a prisoner is necessary, uses undue force.
- (l) *Malingering*, that is to say, if a prison officer feigns or exaggerates any sickness or injury with a view to evading duty.
- (m) *Absence without leave or being late for duty*, that is to say, if, without reasonable excuse, a prison officer is absent without leave from the prison or from any parade or place of duty or is late for any duty or parade.
- (n) *Uncleanliness*, that is to say, if a prison officer while on duty or while off duty in uniform in a public place is improperly dressed or is dirty or untidy in his person, clothing or accoutrements.
- (o) *Damage to clothing or other articles supplied*, that is to say, if a prison officer—
  - (i) wilfully or negligently damages or loses any article of clothing or personal equipment with which he has been provided or entrusted, or fails to take proper care thereof, or
  - (ii) neglects to report any damage to, or loss of, any article of clothing or personal equipment however caused.
- (p) *Conviction for a criminal offence*, that is to say, if a prison officer has been found guilty by a court of law of a criminal offence.
- (q) *Unauthorized possession of property*, that is to say, if a prison officer while on or off duty is knowingly and improperly in possession of public property or of property belonging to another prison officer or of property belonging to any prisoner or to a friend or relative of any prisoner.
- (r) *Being an accessory to a disciplinary offence*, that is to say, if a prison officer connives at or is knowingly an accessory to any offence against discipline, and is liable to such punishment as is prescribed by regulation 110 or by any other regulation.

181. In the application of these regulations to the Prison Service, these regulations shall have effect as if—

- (a) the expression “an offence” were substituted for the expression “misconduct” wherever that expression occurs therein; and
- (b) this Chapter were substituted for regulations 11 to 20, 24 to 28 and regulations 62, 63 (1) and 64.

FIRST SCHEDULE

FORM I

Reg. 3(1)

OATH OR AFFIRMATION OF OFFICE

I, do swear/solemnly declare and affirm, that I will without fear, favour, affection or ill-will, well and truly perform my duties in the office of Chairman/member of the Public Service Commission in the exercise of the powers vested in the Public Service Commission under the Trinidad and Tobago (Constitution) Order-in-Council, 1962, and that I will not directly or indirectly reveal any information to any unauthorised person or otherwise than in the course of duty. So help me God.

Sworn/Declared before me this day of , 19 .

Judge of High Court

FORM II

Reg. 3(2)

OATH OR AFFIRMATION OF OFFICER OF THE COMMISSION

I, do swear/solemnly declare and affirm that I will not directly or indirectly reveal to any unauthorised person or persons or otherwise than in the course of duty any information in connection with the business of the Commission which may come to my knowledge in the course of my duties as Secretary/ /to the said Commission. So help me God.

Sworn/Declared before me this day of , 19 .

Judge of High Court



