

GOVERNMENT NOTICE NO. 61

TRINIDAD AND TOBAGO

THE STATUTORY AUTHORITIES ACT, 1966

REGULATIONS

MADE BY THE STATUTORY AUTHORITIES' SERVICE COMMISSION, WITH THE
CONSENT OF THE PRIME MINISTER, UNDER THE PROVISIONS OF SECTION 6
OF THE STATUTORY AUTHORITIES ACT, 1966

THE STATUTORY AUTHORITIES' SERVICE COMMISSION
REGULATIONS, 1968

CHAPTER I

PRELIMINARY

1. These Regulations may be cited as the Statutory Authorities' Service Commission Regulations, 1968.

2. In these Regulations, unless the context otherwise requires:— Definitions

- (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 the service of a Statutory Authority and includes service in the public service;
- (c) "the Chairman" means the Chairman of the Commission;
- (d) "Chief Officer" means the Departmental Head of any Division of a Statutory Authority;
- (e) "Civil Service" means the Civil Service established by the Civil Service Act, 1965;
- (f) "the Commission" means the Statutory Authorities' Service Commission established under section 4 of the Act;
- (g) "the Constitution" means the Constitution of Trinidad and Tobago;
- (h) "Director" means the Director of Personnel Administration;
- (i) "Executive Officer" means the most senior officer in grade of the Statutory Authorities' Service Commission Department;
- (j) "Gazette" means the *Gazette* published by the order of the Government and includes supplements thereto and any Extraordinary *Gazette* so published;
- (k) "Head of the Statutory Authority" means—
 - (i) in respect of a Statutory Authority, other than a local authority, the General Manager, or Manager, or the Chief Executive Director or Officer of a commission, board, committee, council or body as the case may be;
 - (ii) in respect of a Local Authority that is a Municipal Corporation, the Town Clerk or in the case of a County Council, the Chief Executive Officer;

- (l) "officer" means a person who is appointed to hold or to act in an office in the service of a Statutory Authority, and whose remuneration is paid on a monthly basis;
- (m) "prescribed form" means the appropriate form as may from time to time be prescribed by the Commission;
- (n) "promotion" means the appointment of an officer to an office in a grade carrying a higher remuneration whether such office be in the same statutory authority or not;
- (o) "public service" has the meaning assigned to it by section 105 of the Constitution of Trinidad and Tobago;
- (p) "Review Board" means the authority referred to under section 7 of the Statutory Authorities Act, 1966, and authorised under that section to review the findings of the Commission in disciplinary cases;
- (q) "Statutory Authority" means a local authority as defined in the Act and any Commission, Board, Committee, Council or body (whether corporated or incorporated) established by or under an Act, or Ordinance other than the Companies Ordinance and declared by the Governor-General to be subject to the provisions of the Statutory Authorities Act, 1966;
- (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.

CHAPTER II

THE STATUTORY AUTHORITIES' SERVICE COMMISSION

Oath of office
First Schedule

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.

First Schedule

(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.

Meetings

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.

(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.

Procedure, quorum and voting

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.

(2) At any meeting of the Commission three members shall constitute a quorum.

(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.

(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.

6. (1) Notwithstanding regulation 5 but subject to paragraph (2) of this regulation if the Chairman directs it or considers it necessary, 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 Executive Officer 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 officer or other person as the Commission may consider proper and desirable and may require any 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 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 other person or authority in accordance with subsection (2) of section 5 of the Act, the Executive Officer 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 authority 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

Application
for
appointment

11. Every application for first appointment to the Service of a Statutory Authority shall be addressed to the Executive Officer on the prescribed form.

Selection for
appointment
on basis of
competitive
examination

12. (1) Candidates for permanent appointment to offices in the clerical or secretarial classes and to such other classes in the service of a Statutory Authority as the Commission may from time to time specify, shall be selected on the basis of written competitive examinations and/or interviews.

(2) A candidate who fails the examination for entry into the service of a Statutory Authority 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.

Filling of
vacancies

13. (1) As soon as it is known that a vacancy will occur the Head of the Statutory Authority shall communicate to the Executive Officer in writing and shall make his recommendations regarding the filling of the vacancy.

(2) The Executive Officer 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 Head of the Statutory Authority to the Executive Officer but the failure to apply shall not prejudice the consideration of the claims of all eligible officers.

Appointments
to be by
competition
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 service, appointments shall be made from within the particular service by competition.

Advertisement
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 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.

Examination
Boards

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.

(2) The Executive Officer 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 the Head of the Statutory Authority 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 Head of the Statutory Authority for filling the particular office;
- (j) any previous employment of his in any public service, Statutory Authority 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.

19. Promotion to the Administrative Class 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 service of a Statutory Authority holding an office not lower than that of Principal Officer or other comparable office. Promotion to Administrative Class

20. The Executive Officer shall keep up-to-date seniority lists of all officers holding offices in the several grades in the Service of a Statutory Authority. Seniority lists to be kept up-to-date

(2) The Head of a Statutory Authority shall keep in the prescribed form, up-to-date seniority lists of all officers holding offices in the several grades in his 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 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

21. The Seniority of an officer who voluntarily resigns from the service of a Statutory Authority and is subsequently reappointed to it shall be reckoned from the date of his reappointment.

Commission to determine seniority

22. In any case not covered by regulations 20 and 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 Head of a Statutory Authority 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.

Head of Statutory Authority 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 Head of the Statutory Authority shall notify those officers within the Department who are eligible for consideration.

(2) The Head of the Statutory Authority 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 Statutory Authority to make representations on the filling of such vacancy.

(3) Where representations have been made by or on behalf of an officer in the Statutory Authority, the Head of the Statutory Authority shall forward such representations in their original form to the Executive Officer.

(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 Head of the Statutory Authority 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:—

Principles of selection for acting appointment not as prelude to appointment

- (a) as a general rule be the senior officer in the Department 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 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 Authority or district next in line of seniority to act where there is an officer in the same Authority or district who is capable of performing the duties of the higher grade, and in such examination the question of additional expenditure for travelling and subsistence allowances and other expenditure payable by the Statutory Authority shall be borne in mind.

27. The Head of the Statutory Authority 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 where the Commission may consider appropriate.

Head of Statutory Authority to submit recommendation in advance

28. In submitting recommendations for acting appointments, Heads of Statutory Authorities shall state the reasons why officers, if any, are being passed over.

Head of Statutory Authority 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.

Transfers

(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 Head of the Statutory Authority within seven days of the receipt of such order and shall submit, with the notice, his representations in writing.

(4) The Head of a Statutory Authority 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 Head of the Statutory Authority submitted to it under paragraphs (2) and (3) and shall communicate its decision in writing.

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.

Officer to assume duties pending review of transfer order

(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 service of an Authority 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 Medical Officer and shall not be confirmed in his appointment unless and until he has been passed as medically fit.

(2) The Head of a Statutory Authority 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 notification of appointment.

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

(4) The Executive Officer 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 service.

Exemption
from medical
examination

33. An officer selected for appointment to an office in a service within the service of the Statutory Authority 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 and/or the service of a Statutory Authority for appointment to that particular service may be exempted from further medical examination as a candidate on appointment to any other service in the Statutory Authority.

CHAPTER IV

STAFF REPORTS

Staff
Reports

34. (1) A head of a Statutory Authority shall forward to the Executive Officer 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 Head of a Statutory Authority 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, the Head of a Statutory Authority 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 Executive Officer.

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 Head of a Statutory Authority 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 Head of the Statutory Authority 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 Head of a Statutory Authority 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 payments 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 Head of the Statutory Authority 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 appointment

37. Except as otherwise provided, an officer on first appointment to the service of a Statutory Authority 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 Statutory Authority to another, the Head of the Authority 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 Statutory Authority to another and the exigencies of the service precludes 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.

Waiver of portion of period of probation

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

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 Head of the Statutory Authority 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 Head of the Statutory Authority shall submit to the Executive Officer 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 Executive Officer shall report to the Commission whenever the Head of a Statutory Authority 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 Head of the Statutory Authority 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 Head of a Statutory Authority under this regulation shall not be seen by the officer on probation, but any adverse comments on his work shall be in specified 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 Head of the Statutory Authority for the record.

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 Head of the Authority 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.

Officer may make representation on recommendation of Head of Statutory Authority

(2) Subject to the provisions of these regulations, the first appointment on probation of an officer may, at anytime 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 Head of the Authority 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.

Head of Statutory Authority to keep record

46. The head of a Statutory Authority shall keep a record of every officer who has been appointed on probation to an office in his Authority.

The Head of Statutory Authority not to allow payment out of public funds in certain circumstances

47. The Head of a Statutory Authority 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

Resignation

48. (1) An officer who wishes to resign shall give to the Commission 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.

Abandonment

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.

50. Unless otherwise provided, the services of an officer may be terminated by the Commission 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 resignation;
 - (vi) on the expiry or the termination of appointment
 - (A) for a specified period;
 - (B) on probation;
 - (vii) on the abolition of office;
 - (viii) on such other grounds as the Commission may determine;
- (b) where the officer holds a temporary appointment—
 - (i) on the expiry or other termination of an appointment for 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 dismissal or removal in consequence of disciplinary proceedings;
 - (v) ill-health.
- (c) where the officer is on contract his services shall be terminated in accordance with the terms of the contract.

51. (1) Subject to section 9 of the Act, provisions thereof with respect to the superannuation benefits and of liabilities of the officers including pension schemes already established or authorised to be established shall apply until such time as other provisions have been made.

Superannuation benefits

52. A Head of a Statutory Authority shall inform the Executive Officer of all officers in his Authority who are within one year of the compulsory retirement age.

Head of Statutory Authority to notify Officer of officers aged 60 years compulsory.

53. (1) If it appears to the Commission that pursuant to any Act, Rule or Regulation in respect of the retiring age of an officer that he ought to be called upon to retire from the service of an Authority, the Commission shall advise the officer accordingly.

Premature retirement

(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 Head of the Statutory Authority 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 appoint-
ment on
abolition of
office or for
facilitating
improvement
in the
organisation
of a Statutory
Authority

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 Head of the Statutory Authority shall make a report thereon to the Executive Officer for consideration by the Commission, and shall recommend with his reasons therefor, which officer shall be retired or removed from the service of the Statutory Authority in consequence of such abolition.

(2) Where it is necessary to retire or remove an officer from the service of the Statutory Authority for the purpose of facilitating improvement in the organization of the Authority in order to effect greater efficiency or economy, the Head of the Authority shall make a report thereon to the Executive Officer 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 reorganisation.

(3) Where the Head of the Statutory Authority makes any recommendation under paragraph (1) or (2), the Head of Authority 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 under paragraph (1) or (2), the representations shall be forwarded in the original form to the Commission by the Head of the Authority together with such comments as Head of the Statutory Authority 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 service of such Authority transfer the officer concerned to another office not lower in status than that which he held.

Termination
of appoint-
ment on
grounds of
inefficiency

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

(2) Where a Head of a Statutory Authority 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 Head of the Authority with such comments as the Head of the Statutory Authority thinks fit.

57. The Commission may terminate the appointment of a female officer ^{Married 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.

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 ^{Medical Boards} should be retired on grounds of ill-health, or in any case or class of case in which the Commission directs.

(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 to be examined by a Medical Board at such time and place as the Head of the Statutory Authority may direct on behalf of the Medical 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 Head of the Statutory Authority shall make a recommendation to this 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 Head of the Statutory Authority 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.

59. An officer who is medically boarded and found unfit for further service ^{Unfit Officers} 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

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

61. (1) An officer shall discharge the usual duties of the office to which ^{Duties of officer} he is appointed and any other related duties that the Head of the Statutory Authority 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 Head of the Statutory Authority or in cases of emergency, of a superior officer who shall report forthwith, in writing, to the Head of the Statutory Authority.

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

Misconduct

64. An officer who wilfully refuses to perform his duties, or who wilfully omits to perform his duties, shall be guilty of misconduct.

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

65. An officer may not call a public meeting to consider any action of the Government or the Statutory Authority or actively participate in the proceedings of a meeting called for such purpose or procure signatures to any public petition regarding the actions of the Government or the Statutory Authority. 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.

Officers not to
be candidate
at election
under Repre-
sentation of
the People
Act, 1967

66. (1) An officer shall not declare himself to be a candidate or be nominated as a candidate at an election to serve in the House of Representatives, a Municipal Council or a County Council.

(2) In this regulation the expressions "candidate", "election", "House of Representatives", "Municipal Council" and "County Council" have the meanings respectively assigned to those words under the Representation of the People Act, 1967.

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

Officer not to
publish
information

67. (1) An officer shall not make public communication 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,

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

Officer not to publish comment on national or local matter

(2) An officer may, with the permission of the Head of the Statutory Authority, publish in writing, articles relating to other subjects of general interest or give broadcast talks on the radio or television on such matters.

(3) In any case of doubt as to the propriety of any proposed publication or broadcast, an officer shall refer the matter to the Head of the Statutory Authority.

Reference to Head of Statutory Authority

70. 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 Statutory Authority.

Officer not to contribute, edit or manage newspaper

71. (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.

Indebtedness

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

Return of debts
Form No. I
Second
Schedule

(3) In the month of January in each year, a Head of an Authority shall render to the Executive Officer on Form I in the Second Schedule, a full statement of his indebtedness including indebtedness to Government and the Authority.

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

Accommodation Bill

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

72. (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.

Bankruptcy

(2) An officer who fails to report under paragraph (1) shall be guilty of misconduct.

73. 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 of a Statutory Authority.

Officer not to solicit intervention

74. 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.

Gifts, rewards

- Exceptions 75. Notwithstanding regulation 74, 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 organisation, on a social occasion where the gift represents the work or achievement of that organisation;
 - (c) other officers in his Department on the occasion of his marriage, or on retirement, or on transfer.
- Bribery 76. An officer who is offered a bribe shall immediately inform the Head of the Statutory Authority who shall report the matter to the Police and advise the Commission.
- Legal proceedings 77. 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 78. An application under regulation 77 shall be in writing and shall be addressed to the Executive Officer for transmission to the Commission and forwarded through the Head of the Statutory Authority to which the officer is assigned, or if the Head is the applicant, directly to the Commission.
- Grounds for refusal of application 79. The Commission may refuse the application under regulation 77, 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 80. (1) An officer who is charged by a member of the public with a criminal offence shall report the matter forthwith to the Head of the Statutory Authority 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 Head of the Statutory Authority concerned 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.
- Misconduct defined 81. An officer who without reasonable excuse does an act which—
- (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 108.

- (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) engages in any gainful occupation outside the service of which he is a member without the consent of the Commission; or
 - (i) uses, without the consent given personally, of the Head of the Statutory Authority, 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
 - (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,

shall be guilty of misconduct and is liable to such punishment as is prescribed by regulation 108 or by any other regulation.

CHAPTER VIII

DISCIPLINE

General

82. 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 Statutory Authority in which he is employed, shall be liable to disciplinary proceedings in accordance with the procedure prescribed in these regulations.

Officer liable to disciplinary proceedings

83. (1) Where an officer is alleged to be guilty of misconduct or indiscipline, the Head of the Statutory Authority shall forthwith report the matter to the Executive Officer for the information of the Commission.

Head of Statutory Authority to report misconduct or indiscipline

(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 5 (2) of the Statutory Authorities' Act, 1966 has delegated to an officer or Authority its powers of exercising disciplinary control in a particular service in a Statutory Authority, 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 or Authority.

Head of
Statutory
Authority
may inform
Police of
offence

84. Nothing in these regulations shall be deemed to restrict the Head of a Statutory Authority from reporting to the Police directly where an offence against any law appears to have been committed by an officer.

Commission
to issue
instructions in
certain cases

85. The Head of a Statutory Authority shall report any case not covered by these regulations to the Executive Officer and the Commission may issue instructions as to how the case shall be dealt with and the case shall be dealt with accordingly.

Suspension
by Com-
mission

86. (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 Statutory Authority 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.

(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 87.

Interdiction

87. (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 86, 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 112 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.

88. (1) Where a report or allegation of indiscipline or misconduct is made, from which it appears that an officer may have committed an offence, the Head of the Statutory Authority shall, in addition to making a report as required by regulation 82, concurrently warn the officer in writing, of such report or allegation and shall forthwith refer the matter to an investigating officer appointed by him. Investigation of charges

(2) The investigating officer shall be appointed from the Authority in which the officer is employed and shall be of a grade higher than that of the officer against whom the report or 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 misapprehensions 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 5 of the Statutory Authorities' Act, 1966 has delegated to an officer or Authority 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 or Authority.

89. 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 88. Documents to be supplied to accused

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

(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

91. Where an officer—

- (a) fails to give an explanation under paragraph (3) of regulation 88, or
- (b) fails to admit or deny the charge under paragraph (1) of regulation 90, or
- (c) gives an explanation under paragraph (3) of regulation 88, or under paragraph (1) of regulation 90, that—
 - (i) places the facts in dispute, or
 - (ii) does not exculpate him,

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

Witnesses

92. (1) The officer shall be allowed to state the name and addresses of any witness 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.

Appointment of disciplinary tribunal

93. (1) Where the Commission under paragraph (6) of regulation 88 charges an officer with an alleged act of indiscipline or misconduct and the provisions of regulation 88 apply, the Commission may appoint a disciplinary tribunal to hear the evidence and find the facts.

(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 an officer whose salary is below the amount of \$5,760 per annum.

Duty of officers appointed to disciplinary tribunal

94. (1) It shall be the duty of every officer appointed under regulation 93 to hear the evidence, find the facts and make a report to the Commission in accordance with regulations 96 and 100 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.

(2) Where an officer is granted sick leave for an indefinite period, the disciplinary tribunal of which he is a member may notwithstanding subparagraph (b) of paragraph (2) of regulation 90 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.

Officer on charge not to be permitted leave

95. 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.

Procedure at hearing

96. (1) The following procedure shall apply to the hearing by a disciplinary tribunal—

- (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 Statutory Authority in which the officer is employed, 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 his 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 at any time from making a submission that the facts disclosed in the evidence do not support the charge.

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

98. (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. Hearing in
absence of
accused
officer

(2) Where, owing to the absence of the Officer, it is impossible to comply with the procedure described in paragraph (3) of regulation 88, regulations 86, 87, 89 and paragraph (1) of regulation 93 shall be dispensed with.

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

(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 88 shall not be admissible at any hearing unless the explanation is put in evidence by the officer charged.

100. (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 93. Tribunal to
report

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.

Disciplinary
tribunal may
adjourn and
report to Com-
mission

101. (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 108, the disciplinary tribunal shall adjourn the hearing for a period not exceeding fourteen 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 person or Authority to whom the Commission has delegated its powers under section 5 of the Statutory Authorities' Act, 1966.

(2) Where such officer received 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 108, 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 subparagraphs (b) to (e) of regulation 108.

Disciplinary
tribunal to
report where
evidence
insufficient

102. (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 96 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.

Disciplinary
tribunal to
report evidence
of other mis-
conduct or
indiscipline
disclosed at
hearing of
charges

103. Where the disciplinary tribunal constituted under subparagraph (b) of paragraph (2) of regulation 93 in hearing the evidence is of the opinion that such evidence disclosed 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.

Penalties that
may be
awarded under
delegated
authority

104. (1) The Commission on consideration of the report under regulation 100 may either exonerate the officer or impose the penalty specified in paragraph (f) or paragraph (g) of regulation 108.

(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 113 for making such application.

(3) Where the officer—

- (i) makes application for a review within the time specified in regulation 113, 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 113 for making such application.

(4) In this regulation a reference to the Commission shall be construed as a reference to the person or Authority to whom the Commission has delegated its powers under section 5 of the Statutory Authorities' Act, 1966.

105. (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 subparagraphs (b) to (g) of paragraph (1) of regulation 108.

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

(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 113 for making such application.

(3) Where the officer—

- (i) makes an application for review within the time specified in regulation 113, 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 113, shall not receive any pay or allowance from the date of the expiration of such time.

106. Where on a consideration of the report of the findings of fact of a disciplinary tribunal as defined in subparagraph (b) of paragraph (2) of regulation 93, 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 service of a Statutory Authority 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.

Commission may remove officer in public interest

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

Proceedings in private

Penalties

108. The following are the penalties that may be imposed by the 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.

No disciplinary action while criminal proceedings pending

109. (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.

(2) Nothing in this regulation shall prevent the officer being interdicted from duty under regulation 87.

Disciplinary action after acquittal of a criminal charge

110. 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.

Officer convicted of criminal charge

111. 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 of any disciplinary proceedings under these regulations.

Non-payment of remuneration on conviction of a criminal charge

112. (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—

- (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.

CHAPTER IX

REVIEWS

113. (1) In paragraph (2) and in regulation 118, the expression "findings of the Commission" shall include the findings of the person or Authority to whom the Commission has delegated its powers under section 5 of the Statutory Authorities' Act, 1966. Review of findings of Commission

(2) Subject to regulation 114, 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 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 Executive Officer 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 Executive Officer shall within fourteen days send to the Chairman of the Review Board and to the Head of the Statutory Authority in which the officer is employed, 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 100 or 101.

(7) The Executive Officer 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 Executive Officer 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.

114. (1) Nothing in regulation 113 shall be construed so as to give 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 113 and in the manner prescribed in paragraph (5) of the said regulation.

115. (1) Subject to these regulations, the Review Board may regulate its own procedure. Board procedure

(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.

Notice of
date of hearing
to be given

116. (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.

Right to be
represented

(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.

Evidence
before Review
Board

117. (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.

(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.

Review of
findings by
Board

118. (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.

(2) The Review Board shall record any submissions made by or on behalf of the officer and by or on behalf of the Executive Officer 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

119. (1) On consideration of the proceedings before the Review Board and the recommendations of the Review Board submitted to the Commission under regulation 118, 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 Executive Officer to the officer.

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

CHAPTER X

MISCELLANEOUS

120. (1) Notwithstanding anything contained in these Regulations, ^{Saving} where an investigation was being made, or an enquiry was pending, or was being conducted in respect of a charge of alleged indiscipline or misconduct of an officer before the date on which the Statutory Authorities' Act, 1966, came into force, or before the date on which a Statutory Authority was declared under section 3 of the said Act to be subject to the provisions of the said Act, such investigation or enquiry shall be continued and shall be determined in accordance with the disciplinary proceedings in force in respect of the Statutory Authority and, subject to paragraph (2), the provisions of Chapter IX of these Regulations shall apply.

(2) In its application to an officer to whom this regulation applies, paragraph (4) of regulation 113 shall be construed as if the reference therein to fourteen days were a reference to twenty-eight days.

121. Chapter VIII of these Regulations shall not apply to any person appointed to act or appointed temporarily to an office in a Statutory Authority 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. ^{Application of regulations}

122. 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. ^{Commission facsimile signatures}

123. Notwithstanding anything contained in these Regulations, where there is an existing Agreement in writing between a Statutory Authority and a Trade Union relating to officers of the Statutory Authority who are members of such Union and the Agreement contains provisions respecting the appointment, transfer, promotion, removal from office and the exercise of disciplinary control of such officers, those provisions shall continue to apply to such officers until the expiration of the period specified in the Agreement. ^{Saving of existing Union Agreements}

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 Statutory Authorities' Service Commission in the exercise of the powers vested in the Statutory Authorities' Service Commission under the Statutory Authorities' Act, 1966, 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

