

Statutory Instrument No. 113 of 1980

PUBLIC SERVICE ACT
(Cap. 26:01)

PUBLIC SERVICE (AMENDMENT) REGULATIONS, 1980
(Published on 5th September, 1980)

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation
2. Insertion of regulation 22A in S.I. 55 of 1977
3. Substitution of regulation 24 of principal Regulations
4. Insertion of regulation 24A in principal Regulations

IN EXERCISE of the powers conferred on the President by section 35 of the Public Service Act, the following Regulations are hereby made –

1. These Regulations may be cited as the Public Service (Amendment) Regulations, 1980. Citation

2. The Public Service Regulations, 1977, (hereinafter referred to as “the principal Regulations”), are hereby amended by inserting, immediately after regulation 22 thereof, the following new regulation – Insertion of regulation 22A in S.I. 55 of 1977

“Effect of resignation on pending disciplinary proceedings”
22A. Where an officer whose conduct is under investigation or against whom disciplinary proceedings are pending resigns from the public service, such resignation shall not affect the investigation or proceedings or any action which may be taken against such officer in consequence of such investigation or proceedings in accordance with the provisions of these Regulations.”

3. The principal Regulations are hereby amended by substituting for regulation 24 thereof the following new regulation – Substitution of regulation 24 of principal Regulations

“Summary procedure in respect of offences”
24. (1) Notwithstanding the provisions of regulation 15, where a Permanent Secretary becomes aware of an allegation of an offence having been committed under this regulation by an officer he may enquire into such allegation himself and if satisfied that such allegation is true may impose any of the following punishments –

- (a) a reprimand;
- (b) a fine not exceeding the equivalent of one twenty-fifth of the basic salary of the officer;
- (c) stoppage of an increment for one year.

(2) For the purposes of this regulation “an offence” means any of the following –

- (a) absence without leave for a period of up to one day;
- (b) unauthorized absence from work;
- (c) late arrival at work;
- (d) insubordination;
- (e) refusal to obey a lawful order;
- (f) drunkenness on duty;
- (g) neglect of duty; and

(h) any other offence which does not, in the opinion of a Permanent Secretary, justify dismissal.

(3) Any person aggrieved by the award of a punishment under this regulation by a Permanent Secretary may appeal to the Public Service Commission.”.

Insertion of regulation 24A in principal Regulations

4. The principal Regulations are hereby amended by inserting, immediately after regulation 24 thereof, the following new regulation –

“Delegation of disciplinary powers by Permanent Secretary 24A. (1) Without prejudice to the provisions of regulation 24, a Permanent Secretary may, in relation to the offences referred to in regulation 24 (2) (a) to (g), delegate his disciplinary powers in respect of all posts or such posts in his Ministry as may be specified by him to –

(a) a head of a unit or a supervisor; or

(b) a head of a department or, where there is no department under him, to such senior officer as he may consider fit.

(2) Where a person “to whom disciplinary powers have been delegated under subregulation (1) (hereinafter referred to as a “disciplinary authority”) becomes aware of any offence referred to in regulation 24 (2) (a) to (g) having been committed by an officer holding a post in respect of which disciplinary powers have been delegated to such disciplinary authority, the disciplinary authority may enquire into the allegation and, if satisfied that it is true, may impose any of the following punishments –

(a) a reprimand;

(b) a fine not exceeding the equivalent of one-fiftieth of the basic salary of the officer.

(3) Where, after enquiring into an allegation, a disciplinary authority forms the view that a more severe punishment should be imposed, he shall not impose any punishment but shall transmit the findings and other relevant documents to the Permanent Secretary who shall thereupon impose such punishment as he thinks fit.

(4) On awarding a punishment under this regulation, a disciplinary authority shall immediately thereafter forward a report thereon –

(a) where the disciplinary authority is a head of a unit or a supervisor, to a head of a department or such officer as may be nominated by the Permanent Secretary;

(b) in any other case, to the Permanent Secretary.

(5) A person to whom a report is submitted under subregulation (4) may confirm, vary or set aside such punishment.

(6) Any person aggrieved by the award of a punishment of a disciplinary authority as confirmed or varied under subregulation (5) may appeal –

(a) in the case of a punishment awarded by a head of a department, a head of a unit or a supervisor, to a Permanent Secretary; and

(b) in any other case, to the Public Service Commission.
(7) Notwithstanding that a delegation made by a Permanent Secretary under this regulation is in force, the Permanent Secretary may exercise the powers of a disciplinary authority in any case where disciplinary proceedings have not been commenced by the preferment of a charge in writing.”.

MADE this 27th day of August, 1980.

Q.K.J. MASIRE,
President.

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