

# BRITISH GUIANA

## REGULATIONS

### MADE UNDER

#### THE BRITISH GUIANA (CONSTITUTION) ORDER IN COUNCIL, 1953.

UNDER SECTION 90 OF THE BRITISH GUIANA (CONSTITUTION) ORDER IN COUNCIL, 1953, THE FOLLOWING REGULATIONS HAVE BEEN MADE BY THE GOVERNOR:—

Short title.

1. These Regulations may be cited as the Public Service Commission Regulations, 1953.

Interpretation.

2. (1) In these Regulations —

“Commission” means the Public Service Commission the establishment of which is provided for under section 88(1) of the Order in Council;

“Order in Council” means the British Guiana (Constitution) Order in Council, 1953;

“public office” means any office of emolument in the public service;

“public officer” means the holder of any public office and includes any person appointed to act in any such office;

“public service” means the service of the Crown in respect of the Government of the Colony.

(2) References to a member of the Commission shall, unless the context otherwise requires, include references to the chairman or acting chairman.

Membership of the Commission.

3. The Governor shall by instrument in writing under his hand, appoint some person to be chairman of the Commission and not more than four other persons to be members of the Commission of whom one at least shall be a person who is not a public officer or a retired public officer:

Provided that no member of the Executive of any association of civil servants may be appointed a member of the Commission.

Tenure of office.

4. (1) Members of the Commission shall hold office during the Governor's pleasure and subject thereto the chairman shall hold office for such period not exceeding three years, and any other member shall hold office for such period not exceeding two years, as may be prescribed in the instrument by which he is appointed.

(2) A person shall, if qualified, be eligible for re-appointment from time to time as chairman or a member of the Commission.

5. In the event of the chairman being unavoidably absent from a meeting then the members present if of a sufficient number to form a quorum may elect one of their number to act as chairman, but in the case of absence from the Colony or other inability to act for a period of two weeks or more the Governor may appoint any person to act in the place of the chairman or any other member of the Commission in similar circumstances. Acting Appointments.

6. At any meeting of the Commission the chairman or acting chairman and any two other members shall form a quorum for the transaction of business. Quorum.

7. (1) All decisions of the Commission shall be by a majority of the votes of the members present and voting at a meeting. Decisions of Commission.

Provided that any question may also be decided by circulation of the relevant papers but if on such circulation there is a difference of opinion among the members, or if any member so desires, the question shall be discussed at a meeting.

(2) At a meeting the chairman or acting chairman, as the case may be, shall have an original and a casting vote.

(3) It shall be open to any member of the Commission who is present at any meeting when a decision is made and who dissents from such decision to record his dissent and his reasons therefor.

8. (1) Any member of the Commission may, if he is not a public officer, at any time, and if he is a public officer, with the consent of the Governor, resign his office by notice in writing — Resignation.

(a) if he is chairman of the Commission, addressed to the Chief Secretary; and

(b) in any other case, addressed through the chairman to the Chief Secretary.

(2) From the date of the receipt by the Chief Secretary of the notice the member shall cease to be a member of the Commission.

9. The Governor may, on the application of any member of the Commission, grant to such member leave of absence for any period not exceeding six months. Grant of leave of absence to members.

10. Where a vacancy occurs by reason of the resignation, removal or death of any member of the Commission it shall be filled by the Governor by the appointment in writing of another person for the remainder of the term of office of the member whom he replaces. Filling of vacancies.

11. The Governor may appoint a secretary to the Commission and such other officers as may in his opinion be necessary to constitute the staff of the Commission at such remuneration as the Legislature shall approve. Appointment of Secretary.

Provided that until such staff is appointed the duties of secretary to the Commission and of officers of the staff of the Commission shall be performed by such officers of the Chief Secretary's staff as the Chief Secretary, with the approval of the Governor, may nominate for the purpose.

12. The appointment, removal or resignation of any member of the Commission shall be published in the Gazette. Publication of appointments, &c.

Oath of office.

13. The chairman and members of the Commission shall on their appointment as such take an oath or make an affirmation, each according to his conscience, in the form set out in the Schedule to these Regulations. Such oath or affirmation shall be administered by or made before the Chief Secretary.

Remuneration of members.

14. (1) The Chairman and members of the Commission, other than a public officer, shall be paid such remuneration at such rate as the Governor may determine out of funds provided by the Legislature.

(2) Out of such funds as may be provided by the Legislature for the purpose, the chairman and members of the Commission shall be paid such travelling and subsistence allowances as the Governor may direct.

Minutes of meetings.

15. Minutes of all meetings of the Commission shall be recorded and kept by the secretary. Copies of such minutes duly confirmed shall as soon as practicable thereafter be forwarded to the Chief Secretary.

Consultation with other persons.

16. (1) The Commission may require any public officer to attend and to give evidence before it touching any matter which it shall have under consideration and may require the production of any official documents relating to any such matter.

(2) The Commission in considering any matter or question referred to it for its decision may in its discretion consult with the Executive of any association of civil servants or with any person or body of persons.

Recommendations of the Commission.

17. All recommendations made by the Commission shall be submitted to the Governor through the Chief Secretary.

Publication and disclosure of information to unauthorised persons prohibited.

18. (1) Neither the chairman nor any member of the Commission nor any other person shall, without the written permission of the Governor under the hand of the Chief Secretary, publish or disclose to any unauthorised person or otherwise than in the course of duty the contents or any part of the contents of any document, communication or information whatsoever which has come to his knowledge in the course of his duties under the Order in Council or these Regulations in respect of any matters referred to the Commission under the Order in Council or these Regulations, and any person who knowingly acts in contravention of the provisions of this regulation shall be guilty of an offence and upon summary conviction shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding four hundred and eighty dollars or to both such imprisonment and fine.

(2) If any person having possession of such information which to his knowledge has been disclosed in contravention of the provisions of this regulation publishes or communicates to any other person otherwise than for the purpose of any prosecution under these Regulations any such information, he shall be guilty of an offence and upon summary conviction shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding four hundred and eighty dollars or to both such imprisonment and fine.

19. Every person who otherwise than in the course of his duty directly or indirectly by himself or by any other person in any matter whatsoever influences or attempts to influence any decision of the Commission or the chairman or any member thereof, shall be guilty of an offence and upon summary conviction shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding four hundred and eighty dollars or to both such imprisonment and fine:

Offence to influence or attempt to influence the Commission.

Provided that nothing in this regulation shall prohibit any person from giving a certificate or testimonial to any applicant or candidate for any public office.

20. Any person who, in connection with an application by any person for employment or promotion in the public service or with any matter upon which it is the duty of the Commission to advise the Governor or any Head of a Government Department under these Regulations, wilfully gives to the Commission or to any member thereof or to any person or body of persons appointed to assist the Commission in the exercise of its functions or the discharge of its duties any information which is false by reason of the falsity of, or by reason of the omission of, a material particular, shall be guilty of an offence and upon summary conviction shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding four hundred and eighty dollars or to both such imprisonment and fine.

Offence to give false information to the Commission.

21. Except with the consent of the Governor signified in writing under the hand of the Chief Secretary, no person shall in any legal proceedings produce or be permitted to give secondary evidence as to the contents or nature of any letter, statement, report or other document or any oral information addressed, made or given—

Reports and statements or other communications of the Commission to be privileged.

(a) to the Commission by or on behalf of the Governor, the Chief Secretary or the Head of any Government Department for the purpose of enabling the Commission to discharge any of their duties under the Order in Council; or

(b) by the Commission to the Governor, the Chief Secretary or the Head of any Government Department in relation to any matter concerning or arising out of the duties of the Commission.

22. The chairman and any member of the Commission shall have such and the like protection and privileges in case of any action or suit brought against him for any act done or omitted to be done in the execution of his duty as is by law given to any Judge of the Supreme Court of British Guiana acting in the execution of his office.

Protection of chairman and members of the Commission.

23. A prosecution under these Regulations shall not be instituted except by or with the consent of the Attorney-General.

Attorney-General's fiat.

