

BRITISH GUIANA.

REGULATIONS

Made Under

THE CONSTITUTION OF BRITISH GUIANA

UNDER ARTICLE 98 OF THE CONSTITUTION OF BRITISH GUIANA THE FOLLOWING REGULATIONS HAVE BEEN MADE BY THE GOVERNOR, ACTING AFTER CONSULTATION WITH THE PUBLIC SERVICE COMMISSION:

1. These Regulations may be cited as the Public Service Commission Regulations, 1961. Citation.
2. In these Regulations — Interpretation.
 - “the Commission” means the Public Service Commission established by article 94 of the Constitution;
 - “the Constitution” means the Constitution of British Guiana. S.I. 1961/1188.
3. There shall be a Secretary to the Commission who shall be a public officer. Secretary to the Commission.
4. It shall be the duty of the Secretary — Duties of Secretary.
 - (a) to submit, whether in writing or orally, matters for the decision of the Commission;
 - (b) to attend meetings of the Commission;
 - (c) to carry out the decisions of the Commission;
 - (d) to ensure that all documents and papers relating to any matter being or to be considered by the Commission are made available to the Commission; and
 - (e) generally, to be responsible for matters relating to the functions of the Commission.
5. (1) 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 first schedule to these Regulations. Such oath or affirmation shall be administered by or made before the Governor. Oath of Office.
First schedule.
- (2) The Secretary and other members of the staff 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 second schedule to these Regulations. Such oath or affirmation shall, in the case of the Secretary, be administered by or made before the Chairman of the Commission, and in the case of the other members of the staff shall be administered by or made before the Secretary. Second schedule.
6. (1) The Commission shall meet at such times as may be necessary or expedient for the transaction of the business of the Commission, and the meetings shall be held at such times as the Chairman shall determine. Proceedings of the Commission.
- (2) For the purpose of selecting candidates for appointment to such vacant offices as may exist (appointment to which is made by the Governor acting on the recommendation of the Commission) the

Commission shall consider, **inter alia**, the following matters in respect of each candidate —

- (a) his qualifications, (if any);
- (b) his general suitability for appointment;
- (c) any previous employment of the candidate in the public service or in private practice, (if any).

(3) The Commission may interview candidates who are qualified for appointment to such offices.

7. In the event of the Chairman being unavoidably absent from a meeting of the Commission the members present, if of a sufficient number to form a quorum, may elect one of their number to act as Chairman.

8. (1) Subject to paragraph (4) of this regulation all decisions at a meeting of the Commission shall be by a majority of the votes of the members present and voting.

(2) At a meeting the Chairman shall have a casting vote (as well as an original vote) whenever the voting is equal.

(3) It shall be competent to any member of the Commission who is present at any meeting when a decision is made and who dissents from such decision to require that there be recorded in the minutes his dissent and his reasons therefor.

(4) Any question for consideration by the Commission may, instead of being decided at a meeting thereof, be decided by circulation of the relevant papers :

Provided that 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 of the Commission.

9. (1) Minutes of all meetings of the Commission shall be kept by the Secretary.

(2) Copies of such minutes duly confirmed at a subsequent meeting of the Commission or by circulation among the members shall, as soon as practicable thereafter, be forwarded to the Governor by the Chairman.

10. The Governor, acting in his discretion, may on the application of any member of the Commission, grant to such member leave of absence from the Commission.

11. (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 document relating to any such matter.

(2) The Commission in considering any matter or question may in its discretion consult with the executive of an association of public officers or with any person or body of persons.

12. Where by virtue of the provisions of paragraph (1) of article 97 of the Constitution, the power to dismiss or to exercise disciplinary control over a public officer has been exercised by a person or authority other than the Governor acting on the recommendation of

Absence of
Chairman.

Decisions of
the Com-
mission.

Minutes of
meetings.

Grant of
leave of
absence to
members.

Consultation
with other
persons.

Reference of
certain cases
to Commis-
sion.

the Commission, the public officer in respect of whom it was so exercised may apply for the case to be referred to the Commission in accordance with the following provisions —

- (a) The public officer shall within one month of the date of notification of his dismissal or of disciplinary punishment imposed on him, forward through the Permanent Secretary to the Ministry responsible for the office in which he is serving to the person or authority who exercised the power to dismiss or of disciplinary control, a request that the case shall be referred to the Commission and the reasons therefor, and he shall serve a copy of such request and of such reasons on the Secretary to the Commission.
- (b) Upon receipt of a request and of the reasons therefor under the preceding paragraph, the person or authority who exercised the power to dismiss or of disciplinary control shall forthwith prepare a report of the proceedings and forward to the Secretary such report, together with such comments as he may wish to make on the public officer's reasons for the request and all documents, papers and any other matter relating to the case, for consideration by the Commission:

Provided that until regulations made under section 15 of the British Guiana (Constitution) Order in Council, 1961, have come into force these provisions shall have effect as if for the words "referred to the Commission" there were substituted the words "referred to the Governor".

13. (1) Neither the Chairman nor any member of the Commission nor any other person shall, without the written permission of the Governor, 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 Constitution or these Regulations in respect of any matters to be or already dealt with by the Commission under the Constitution 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 a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

Publication and disclosure of information to unauthorised persons prohibited.

(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 it to any other person otherwise than for the purpose of any prosecution under these Regulations, he shall be guilty of an offence and upon summary con-

viction shall be liable to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

Offence to influence or attempt to influence the Commission.

14. 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 a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding one year or to both such fine and imprisonment:

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.

Offence to give false information to the Commission.

15. Any person who, in connection with an application by any person for appointment to a public office, 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 or wilful omission of a material particular, shall be guilty of an offence and upon summary conviction shall be liable to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

Evidence of reports and statements of the Commission.

16. Except with the written permission of the Governor 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 —

- (a) to the Commission by or on behalf of the Governor, the Permanent Secretary of any Ministry or the Head of any Government Department for the purpose of enabling the Commission to discharge any of its duties under the Constitution; or
- (b) by the Commission to the Governor, the Permanent Secretary or of any Ministry or the Head of any Government Department in relation to any matter concerning or arising out of the duties of the Commission.

Protection of Chairman and members of the Commission.

17. 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 are by law given to any Judge of the Supreme Court of British Guiana acting in the execution of his office.

Director of Public Prosecutions' fiat.

18. A prosecution under these Regulations shall not be instituted except by or with the consent of the Director of Public Prosecutions.

First Schedule

Reg. 5(1).

Oath or Affirmation of Office

I.....having been appointed a member
of the Public Service Commission, do _____ swear
solemnly and sincerely declare and affirm
that I will freely and without fear or favour, affection or illwill, give my
counsel and advice in connection with all such matters as may be re-
ferred to the Public Service Commission, and that I will not directly or
indirectly reveal any such matters to any unauthorised persons or other-
wise than in the course of duty. *So help me God.

*Delete for affirmation.

Signature.....

Sworn
Declared before me this day of , 196 .

.....
Governor.

Second Schedule

Reg. 5(2).

OATH OR AFFIRMATION OF OFFICE

I.....having been appointed
Secretary to
_____ the Public Service Commission, do
a member of the staff of

swear _____ that I will not directly or
solemnly and sincerely declare and affirm
indirectly reveal to any unauthorised 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
Secretary to
in the course of my duties as _____
a member of the staff of
the said Commission. *So help me God.

*Delete for affirmation.

Signature.....

Sworn
Declared before me this day of , 196 .

.....
Chairman or the Secretary to
Public Service Commission.

Made this 19th day of September, 1961.

R. F. A. GREY
Governor.