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LOCAL AUTHORITIES SERVICE REGULATIONS, 2000

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THE LOCAL AUTHORITIES ORDINANCE, 1996

THE LOCAL AUTHORITY SERVICE REGULATIONS, 2000

ARRANGEMENT OF REGULATIONS

PART I

PRELIMINARY

Regulation

1. Citation, commencement and application
2. Interpretation

PART II

**POWERS TO DEAL WITH LOCAL AUTHORITY
SERVICE MATTERS**

3. Powers to appoint, confirm, promote, transfer, etc.
4. General authority of the Commission

PART III
APPOINTMENT AND PROMOTION

Regulation

5. Advertisement of vacancies
6. Procedure for appointment
7. Principles and procedures for promotion, acting appointment and covering duties

PART IV
TERMINATION OF APPOINTMENT AND
PROBATIONARY SERVICE

8. Termination of pensionable appointment
9. Premature termination of contract of service
10. Appointment on probation

PART V
DISCIPLINE AND DISCIPLINARY PROCEDURE

11. Acts of misconduct or breach of discipline to be reported
12. Officer not to resign or leave Malaysia
13. Disciplinary Board and Disciplinary Committee
14. Constitution of Disciplinary Board
15. Cases not involving dismissal or reduction in rank
16. Disciplinary action for Top Management or Management and Professional Group
17. Disciplinary action for Support Group
18. Procedure for disciplinary action by Disciplinary Board or Disciplinary Committee
19. Appeal
20. Determination of appeal
21. Decision of the Commission
22. Conditions for dismissal or reduction in rank
23. Report on misconduct or breach of discipline which warrants dismissal or reduction in rank
24. Procedure for disciplinary action by the Commission
25. Serious misconduct
26. Grounds for criminal prosecution
27. Procedure where criminal proceedings are instituted against a local authority officer
28. No disciplinary action while criminal proceedings pending
29. Criminal conviction of local authority officer
30. Disciplinary action after acquittal on criminal charge
31. Officer absenting himself from duty
32. Consequence of absence from duty after notification in the *Gazette*
33. Forfeiture of emoluments for being absent from duty
34. Retirement in the public interest
35. Permanent Secretary and local authority to be notified of all decisions by the Commission
36. Protection of member of the Commission, etc.

PART VI

INTERDICTION AND SUSPENSION

- 37. Interdiction
- 38. Suspension from duty

PART VII

PUNISHMENTS

- 39. Disciplinary punishments
- 40. Fine or forfeiture of emoluments
- 41. Deferment of salary movement
- 42. Reduction of salary
- 43. Surcharge
- 44. Reduction in rank
- 45. Particulars of offence and punishments shall be recorded

PART VIII

MISCELLANEOUS

- 46. Submission of reports
- 47. Permanent Secretary may report to the Commission
- 48. Prohibition against influence
- 49. Permanent Secretary to be notified of disciplinary action by the Commission
- 50. Address for service of notice, official document, etc., on local authority officer
- 51. Service of official documents on the Commission
- 52. Transitional provisions

SCHEDULE — FORM — Notice of appeal

NOTICE OF INTENTION
TO EXERCISE THE
POWER OF APPOINTMENT

IN WITNESS WHEREOF, I have hereunto set my hand and seal at the City of New York, this 15th day of January, 1971.

JOHN J. ROSS, JR.
Test: Myself and two disinterested persons, the names of whom are hereinafter set forth.

JOHN J. ROSS, JR.
JOHN J. ROSS, JR.
JOHN J. ROSS, JR.

WITNESSES:
JOHN J. ROSS, JR.
JOHN J. ROSS, JR.

JOHN J. ROSS, JR.
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THE LOCAL AUTHORITIES ORDINANCE, 1996

THE LOCAL AUTHORITY SERVICE REGULATIONS, 2000

(Made under section 37)

In exercise of the powers conferred by section 37 of the Local Authorities Ordinance, 1996 [*Cap. 20*], the Yang di-Pertua Negeri has made the following Regulations:

PART I

PRELIMINARY

Citation, commencement and application

1.—(1) These Regulations may be cited as the **Local Authority Service Regulations, 2000**, and shall come into force on the 1st day of July, 2000.

(2) Subject to paragraph (3), these Regulations shall apply to all posts and holders of posts in the local authority service of the State.

(3) These Regulations shall not apply to—

(a) any officer or employee of the Commissioner of the City of Kuching North or the Bintulu Development Authority;

(b) any Councillor appointed under section 10, 11 or 12 of the Ordinance or persons appointed in accordance with section 26;

(c) any person whose remuneration is calculated on a daily rate; and

(d) any person in the employment of a contractor appointed by the local authority.

(4) These Regulations shall be read in conjunction with the State Public Service General Orders, 1996 [*Swk. L.N. 1/96*] as modified by the Minister and extended to apply to all officers and employees of a local authority in accordance with section 37(3) of the Ordinance.

Interpretation

2. In these Regulations—

“acting appointment” means the temporary appointment of an officer to a post of a higher grade than his substantive grade within the same scheme of service whether with a view to promotion or otherwise;

“advocate” means any person whose name is on the Roll of Advocates kept under section 7 of the Advocates Ordinance [*Cap. 110 (1958 Ed)*], and who holds a valid certificate to practise issued pursuant to section 9 thereof;

“appointment” means the conferment of a post in the local authority service, and includes—

(a) the appointment to a post in the local authority service of a person not in the local authority service;

(b) the appointment of a person on contract or the temporary appointment of a person to a permanent post in the local authority service;

(c) the appointment to a post in the local authority service of a person on contract terms for a further period of service on the conclusion of his previous period of appointment on contract terms in the same or another post;

(d) the appointment to a post in the local authority service of an officer from the public service of the State of Sarawak; or

(e) an acting appointment;

“Chairman” means the Chairman of the Commission;

“Commission” means the Public Service Commission of the State of Sarawak constituted under Article 35 of the Constitution of Sarawak;

“convicted” or “conviction” includes a finding of guilt or an order or judgement making a finding of guilt in respect of a criminal offence by any court of competent jurisdiction in Malaysia or outside Malaysia, or by a competent body conferred with the summary investigation under any written law, or any order or judgement of such court declaring the person charged or accused has committed a criminal offence and further, it includes a case where a criminal charge has been proved against a person but the Court does not record a conviction under section 173A of the Criminal Procedure Code [Act 593];

“criminal offence” or “criminal proceedings” means penal offence or proceedings where an officer is charged with an offence in respect of which a person may be subject to penal punishment of fine, imprisonment, death or whipping, if found guilty, but does not include any offence under the Road Transport Act 1987 [Act 333] or its subsidiary legislation unless such offence relates to the officer’s handling, driving or control of a vehicle belonging to the local authority;

“Disciplinary Board” means a Disciplinary Board constituted by the Commission under regulation 14(2);

“Disciplinary Committee” means a Disciplinary Committee constituted under regulation 13(1)(a);

“emolument” means all remuneration in money due to an officer, and includes basic salary, fixed rewards, incentive payments and other monthly allowances;

“local authority” shall have the same meaning as assigned to it in the Ordinance;

“local authority officer” or “officer” means any person holding, permanently or temporarily, any appointment in the local authority service, and includes any person appointed to perform official duties in the local authority service;

“local authority service” means the local authority service of any local authority in the State of Sarawak;

“Management and Professional Group” means officers in the public service or local authority service belonging to Categories I and IV under the New Remuneration System (Sistem Saraan Baru) as contained in Service Circular No. 9/1991 dated 23rd December, 1991;

“Minister” means the Minister having responsibilities for local authorities;

“Ministry” means the Ministry having responsibilities for local authorities;

“misconduct” means such conduct, act or omission which contravenes the code of conduct as prescribed in Chapter IV of the General Orders and by any circular issued by the State Secretary and any breach, infringement or disobedience of any of the provisions of the General Orders;

“non-pensionable officer” means a local authority officer who has not been conferred the status of a pensionable officer under the Statutory and Local Authorities Pensions Act 1980 [*Act 239*];

“non-pensionable terms” means the terms of service of non-pensionable officer;

“official document” means any document or paper prepared by any local authority officer in the course of his employment or any document or paper which comes into the custody of any local authority officer in the course of such employment, and includes a public document as defined in section 74 of the Evidence Act 1950 [*Act 56*];

“Ordinance” means the Local Authorities Ordinance, 1996 [*Cap. 20*];

“pensionable officer” means a local authority officer who has been conferred the status of a pensionable officer under section 6 or who is deemed to be a pensionable officer under section 7 of the Statutory and Local Authorities Pensions Act 1980 [*Act 239*];

“pensionable terms” means the terms of service of pensionable officers as prescribed in the Statutory and Local Authorities Pensions Act 1980 [*Act 239*], and its regulations;

“permanent officer” means a person holding a post in the permanent establishment in the local authority service, and includes a pensionable officer or an officer who is on probation or an officer who has been confirmed in his appointment on the permanent establishment; and “permanent post” shall be construed accordingly;

“Permanent Secretary” shall have the same meaning as assigned to it in the Ordinance;

“probationary period” means the period during which a person appointed to a permanent post is required to undergo probation for such period as may be stipulated for any particular scheme of service and which period may be extended in accordance with General Order 27(4);

“promotion” shall have the same meaning as assigned to it in the General Orders;

“salary” means the rate of pay assigned to an office as set out in the Third Schedule to the General Orders, in accordance with the grades attached to the post in which a local authority officer is serving as stipulated in the Fourth Schedule to the General Orders;

“salary movement” means the movement from one salary point to another salary point in the salary scale as set out in the Third Schedule to the General Orders, either in a horizontal, vertical or diagonal manner, or static, based on the annual appraisal report of performance submitted to, and approved by, the Salary Movement Evaluation Panel in accordance with General Order 36 of the General Orders;

“Secretary of the Commission” means the person holding the office of Secretary of the Commission;

“Support Group” means officers in the local authority service belonging to Categories V to XI under the New Remuneration System (Sistem Saran Baru) as contained in Service Circular No. 9/1991 dated 23rd December, 1991;

“temporary appointment” means the appointment of a person to a temporary post in the local authority service or the appointment of a person temporarily to a permanent post in accordance with General Order 31 of the General Orders;

“temporary officer” shall have the same meaning as assigned to it in the General Orders;

“the General Orders” means the State Public Service General Orders, 1996 [*Swk. L.N. 1/96*], as modified by the Minister to apply to local authorities in the State;

“transfer” means the movement of an officer—

- (a) from one local authority to another local authority; or
- (b) from a local authority to any government agency or Ministry or statutory organization,

without a change of rank or which does not involve promotion, unless otherwise stated in the transfer.

PART II

POWERS TO DEAL WITH LOCAL AUTHORITY SERVICE MATTERS

Powers to appoint, confirm, promote, transfer, etc.

3.—(1) For the purposes of these Regulations, the Commission shall be vested with powers to appoint, confirm, promote and exercise disciplinary control over members of the local authority service.

(2) The powers to transfer members of the local authority service shall be vested with the Permanent Secretary of the Ministry acting in consultation with the State Secretary.

(3) The Commission may, by directions in writing and subject to such conditions as it thinks fit, delegate to any local authority or any public officer or local authority officer, any of its functions under paragraph (1) in respect of any grade of officers of the local authority service, and that local authority or officer shall exercise these functions under the direction and control of the Commission.

General authority of the Commission

4.—(1) In performing those functions stipulated in regulation 3(1), the Commission may—

(a) conduct, supervise or arrange such examinations, tests, interviews or inquiries as the Commission deems necessary;

(b) require any local authority officer to furnish to the Commission any information, data, documents or files which the local authority officer has in his custody and is relevant for the consideration of any matter before the Commission;

(c) require any local authority officer to attend and give evidence before the Commission and, for this purpose, the Commission shall have the same power and authority as a Magistrate may possess, in subpoenaing witnesses who may be local authority officers or otherwise to appear before the Commission for the purposes of giving evidence or production of documents:

Provided that this regulation shall not be deemed to impose the duty on a local authority officer to answer any question intending to incriminate him or produce any document classified as "Sulit" or "Rahsia" without the expressed approval of the Permanent Secretary; and

(d) by these Regulations impose duties on any local authority officer or local authority.

(2) Any local authority officer who submits any matter for the consideration of the Commission shall provide to the Commission, all the necessary documents, data or information relevant to that matter, to enable the Commission to deal with the matter expeditiously.

(3) Any local authority officer who, without reasonable cause, fails—

(a) to appear before the Commission when notified to do so; or

(b) to comply with any request made by the Commission under these Regulations; or

(c) to carry out any of the duties imposed on him by these Regulations,

shall be guilty of a breach of discipline, and the Commission may institute disciplinary action against him.

PART III

APPOINTMENT AND PROMOTION

Advertisement of vacancies

5.—(1) All vacant posts in the local authority service which cannot be filled by any serving officer shall, unless otherwise directed by the Commission, be advertised in at least one newspaper circulating in the State of Sarawak.

(2) Any vacant post which is to be filled by serving officers only shall be advertised by circular letters addressed to all local authorities.

(3) The advertisement referred to in paragraphs (1) and (2) shall be issued by the Commission with a copy thereof sent to the Permanent Secretary.

(4) The contents and form of every such advertisement shall be determined by the Commission.

(5) The local authority shall, as soon as may be, after receipt of the advertisement under paragraph (2), exhibit or cause to be exhibited the advertisement on the notice board or circulate or cause to be circulated the advertisement to its officers.

(6) Where the power of appointment of local authority officers to any particular post has been delegated by the Commission to a local authority or any officer, the advertisement under paragraphs (1) and (2) shall be issued and its contents and form determined by the local authority or the officer to whom such power has been delegated; but a copy of any such advertisement shall be sent to the Secretary of the Commission.

(7) (a) The Commission shall maintain, for such period as it deems appropriate, records or data of all applicants for posts advertised pursuant to this regulation, including those whose applications had been unsuccessful.

(b) Where there is a vacancy in any post in the local authority service which has been reported to the Commission under regulation 6, the Commission may, based upon the records or data maintained under subparagraph (a), and without proceeding to advertise the vacancy pursuant to paragraph (1) or (2), appoint any of the applicants who had been unsuccessful in their previous applications, but whose qualifications and qualities are suited for the vacant posts, to fill the same.

Procedure for appointment

6.—(1) Subject to paragraph (2), the following procedure shall apply in respect of the appointment to all posts in the local authority service:

(a) the local authority shall initiate and take all necessary preparation for filling vacant posts in the local authority, and in cases where vacancies can be anticipated, such as retirement of officers, action shall be initiated to fill the vacancies six months before they are due to occur;

(b) when vacancies are required to be filled, the local authority shall communicate with the Permanent Secretary within two months from the date the vacancies arise by forwarding or submitting—

- (i) a statement on the number of vacancies to be filled;
- (ii) a statement on the number of reserved candidates required;
- (iii) the special qualifications required, if any;
- (iv) the description, list of duties and responsibilities of posts to be filled;
- (v) a draft advertisement of the vacancy;
- (vi) a list of serving officers in the local authority who may be eligible to fill the vacancies; and
- (vii) such other information as may be required by the Commission;

(c) the report under subparagraphs (a) and (b) shall be forwarded to the Permanent Secretary and the Permanent Secretary, if he has no

objection to the recommendation made, shall forward the report together with his own observations and a draft of the advertisement referred to in regulation 5(1) and (2) to the Secretary of the Commission, to enable the Commission to take action to fill the vacancy;

(d) (i) the Commission shall, in considering applications for appointment, take into account the recommendation made by the local authority in which the vacancy exists and, where the applicant is a serving officer at the time of application, the recommendation of the local authority of that officer, and matters contained in the annual appraisal report of the applicant's performance;

(ii) neither the local authority in which the vacancy exists nor the Commission shall be precluded from considering claims by and qualifications of any other officers who have not applied for the vacant post, nor from recommending the promotion of any such officer to the vacant post;

(e) when the vacancy is likely to involve the appointment, or the renewal of the contract of service, of a person not domiciled in Sarawak, the Permanent Secretary shall state briefly for the information of the Commission the position regarding the training of candidates who are citizens and are domiciled in Sarawak for such posts;

(f) applications from serving officers shall be made through their respective local authority who shall forward them together with—

(i) a copy of an up-to-date statement of service;

(ii) a copy of the latest annual appraisal report of performance from the local authority concerned; and

(iii) comments of the local authority concerned whether it supports the application or not,

to the Permanent Secretary who shall forward the applications to the Commission together with his own observations, if any.

(2) Where the Commission makes any appointment to fill any vacant post, its decision shall be conveyed by the local authority concerned to the successful candidates.

(3) Every letter of offer of appointment shall be subject to such terms and conditions as may be determined by the Commission, and a copy thereof shall be sent to the Secretary of the Commission.

Principles and procedures for promotion, acting appointment and covering duties.

7.—(1) The promotion of any officer in the local authority service shall be based on performance, merit and ability, as well as experience, qualifications, suitability and seniority to be determined as follows:

-
- (a) efficiency and diligence shown in performing his duties;
 - (b) personal knowledge and skill;
 - (c) personal qualities including integrity, initiative, innovation, qualifications and experiences and skills relevant to the post to be filled; and
 - (d) potential, both in terms of human relationship and leadership ability, which would benefit the local authority service as a whole.

(2) An officer shall only be considered for promotion after having fulfilled the conditions stipulated in his scheme of service.

(3) When submitting any recommendation for promotion to the Commission, the Permanent Secretary shall forward the annual appraisal reports of performance of the officer for the period of three years preceding the date of the submission, and such other information concerning the officer to enable the Commission to determine if that officer satisfies the criteria for promotion referred to in paragraph (1).

(4) (a) The procedure for making an acting appointment and covering duties shall be the same as that prescribed in this regulation for making a promotion.

(b) Every recommendation in respect of an acting appointment or covering duties of an officer shall state whether or not the officer recommended is in every way qualified to perform the duties of such office.

PART IV

TERMINATION OF APPOINTMENT AND PROBATIONARY SERVICE

Termination of pensionable appointment

8.—(1) If it appears to a local authority that it is desirable that it should make a recommendation to the Commission that the services of a pensionable officer should be terminated in the public interest, it shall inform the officer in writing of the reasons for such termination and requiring him, within a period of twenty-one days, to submit in writing any representation he may wish to make.

(2) If the officer makes any written representation but the local authority considers that no adequate cause has been shown by the officer concerned why his services should not be terminated or if the officer fails to make any written representation within the period stipulated in paragraph (1), the local authority shall report the matter to the Secretary of the Commission through the Permanent Secretary, giving its reasons and forwarding any representation, if any, of the officer concerned, why the services of the officer should be terminated in the public interest for decision by the Commission.

(3) Where the Commission agrees, upon consideration of the report and observations referred to in paragraph (2), that the services of the officer should be terminated in the public interest, the Commission shall forthwith notify the local authority which shall take action to retire the officer in the public interest in accordance with the Statutory and Local Authorities Pensions Act 1980 [Act 239].

Premature termination of contract of service

9.—(1) If it appears to a local authority that it is desirable that the services of a contract officer should be terminated by notice for whatever reason before the expiry of the term of his contract, it shall report the matter to the Permanent Secretary.

(2) If, upon receipt of the report, the Permanent Secretary agrees with the local authority's recommendation that the contract of the officer should be terminated, he shall forward the report with his own observations for decision by the Commission.

(3) Where the Commission agrees, upon consideration of the report and the observations referred to in paragraph (2), that the contract of the officer should be terminated before the expiry of the term of his contract, the Commission shall forthwith notify the local authority concerned which shall then issue the notice of termination. A copy of such notice of termination shall be sent to the Commission.

Appointment on probation

10.—(1) Where a local authority officer is appointed on probation, the local authority shall, six months before the expiration of the probationary period, consider whether such officer should, on the expiration thereof, be confirmed in his appointment or whether a further period of probationary service is necessary to determine whether the officer's appointment should be confirmed or whether the officer should not remain in the service.

(2) The local authority shall, three months before the expiration of the probationary period, make a confidential report to the Permanent Secretary with its recommendation as to whether the appointment should be confirmed or whether a further period of probationary service is necessary to determine whether the officer's appointment should be confirmed or whether the officer should not remain in the service. The Permanent Secretary shall forward the report to the Secretary of the Commission, not less than one month before the expiration of the probationary period, together with his own observations.

(3) Notwithstanding paragraphs (1) and (2) if, at any time during the probationary period, the local authority forms the opinion that an appointment on probation should be terminated or that the period of probation should be extended, the local authority shall make a confidential report to the Permanent Secretary who shall forward the report to the Secretary of the Commission together with his own observations.

(4) The local authority shall, before reporting the matter to the Commission under paragraph (2) or (3), inform the officer in writing of any adverse comments on his work as soon 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.

(5) Upon receipt of the reports referred to in paragraph (2) or (3), the Commission may, at its discretion, extend the probationary period or require the officer to leave the service at the end of such probationary period.

(6) The probationary period of a local authority officer may be extended, either with or without penalty, for not more than twelve months on any one occasion:

Provided that the total period of extension of the probationary period shall not exceed an aggregate period of twenty-four months.

(7) A local authority officer whose probationary period has been extended with penalty shall not be allowed an increment in salary before the expiration of the extended period of probation.

(8) The procedures prescribed in paragraphs (1), (2) and (3) shall, with necessary modifications, be followed in relation to promotion for a trial period of a local authority officer to a higher post than that which he held substantively.

PART V

DISCIPLINE AND DISCIPLINARY PROCEDURE

Acts of misconduct or breach of discipline to be reported

11.—(1) All acts of misconduct or breaches, such as—

(a) a breach of conduct or discipline or of the code of conduct prescribed for local authority officers in Chapter IV of the General Orders;

(b) a breach or infringement or disobedience of any other provisions of the General Orders;

(c) a breach of any of the provisions of these Regulations;

(d) a breach or contravention of any Standing Orders, Government Circulars and Office Instructions issued pursuant to section 4 of the State Public Service (Conditions of Service) Ordinance, 1994 [*Cap. 12*] and extended for application to the local authorities or any Circular issued by the Ministry; and

(e) any misconduct including, but not limited to, the commission, or abetting in the commission, of offences relating to dishonesty, corruption,

breach of trust and the taking, possession, sale or trafficking of dangerous drugs, by local authority officers,

shall be dealt with in accordance with this Part and with Chapter IV of the General Orders.

(2) Any local authority officer adjudged, through proceedings taken under this Part, to have committed any of the acts of misconduct or breaches stipulated in paragraph (1) shall be liable to be imposed with the punishments stipulated in Part VII or he may be required to retire from the local authority service in the public interest.

(3) During the process of any disciplinary action, a local authority officer may be suspended from duty or interdicted from the exercise of his local authority or official duties.

Officer not to resign or leave Malaysia

12. A local authority officer against whom disciplinary action is instituted under these Regulations shall not, without the permission of the Commission, resign or leave Malaysia before the disciplinary action is concluded.

Disciplinary Board and Disciplinary Committee

13.—(1) The functions of disciplinary control of local authority officers under section 37(1) of the Ordinance shall, subject to this Part, be exercised by the following:

(a) a Disciplinary Committee comprising:

(i) the Chairman or the Deputy Chairman of the local authority, as Chairman; and

(ii) two other officers either from the local authority or State public service, each holding an office of a grade not lower than that of the accused officer, appointed by the Chairman of the local authority; and

(b) such Disciplinary Board of the Commission as may be constituted pursuant to regulation 14.

(2) A Disciplinary Committee shall have powers to take disciplinary action against any local authority officer in the Support Group for misconduct or breach of discipline which does not warrant the imposition of the penalty of dismissal or reduction in rank.

(3) A Disciplinary Board shall have powers to take disciplinary action in respect of—

(a) misconduct or breach of discipline by local authority officers belonging to the Top Management and the Management and Professional Group;

(b) misconduct or breach of discipline by local authority officers belonging to the Support Group which warrants the imposition of the penalty of dismissal or reduction in rank; and

(c) cases referred to the Commission under regulation 26(3).

(4) A Disciplinary Board or Disciplinary Committee in the performance of any of its functions shall not be deemed to be a judicial or quasi judicial body.

(5) A Disciplinary Board or Disciplinary Committee shall not, in its proceedings or deliberations, be bound by the provisions of the Evidence Act 1950 [Act 56] or any law relating to evidence.

(6) The quorum of a Disciplinary Board or Disciplinary Committee meeting shall consist of the chairman and one other member.

Constitution of Disciplinary Board

14.—(1) For the purpose of assisting the Commission in exercising disciplinary control over local authority officers, the Commission may constitute a Disciplinary Board to deal with cases specified in regulation 13(3) including all cases which warrant the imposition of the penalty of dismissal or reduction in rank, and cases referred to the Commission under regulation 26(3).

(2) A Disciplinary Board of the Commission shall consist of—

(a) a Chairman, who shall be a member of the Commission and appointed by the Chairman of the Commission; and

(b) two officers appointed by the Chairman of the Commission, each holding a public office or local authority office of a grade not lower than that of the accused officer, provided that such officers shall not be serving in the same local authority as the accused officer.

Cases not involving dismissal or reduction in rank

15.—(1) The following acts of misconduct or breach of discipline shall not, unless the Commission otherwise directs, warrant dismissal or reduction in rank:

(a) breach of General Orders 153(3), 154(1), 157, 158, 167, 168, 170, 177, 178 and 179 of the General Orders;

(b) breaches of the code of conduct of officers stipulated in paragraphs (c), (d), (e), (g), (h), (l) and (m) of General Order 153(4);

(c) breach of any of the provisions in Chapters II, III and VI of the General Orders relating to respectively official Duty Allowances, Leave and Government Quarters and Office Buildings; and

(d) breach or contravention of any Standing Orders, Government Circulars or Office Instructions issued pursuant to section 4 of the State

Public Service (Conditions of Service) Ordinance, 1994 [*Cap. 12*] and extended for application to the local authorities.

(2) All other acts of misconduct or breach of the General Orders shall be deemed to be misconduct or breach of discipline which renders a local authority officer liable to dismissal or reduction in rank.

Disciplinary action for Top Management or Management and Professional Group

16.—(1) Where a local authority receives any information or complaint that one of its officers belonging to the Top Management Group or the Management and Professional Group has committed any act of misconduct or breach of the nature stipulated in regulation 15(1), it shall conduct or cause to be conducted the necessary investigation and report the matter to the Permanent Secretary.

(2) Upon receipt of such report from the local authority, the Permanent Secretary shall, if he is satisfied that there is *prima facie* evidence that the officer has committed any act of misconduct or breach complained of, proceed with disciplinary action against the officer in accordance with this Part.

Disciplinary action for Support Group

17. Where a local authority receives any information or complaint that one of its officers, belonging to the Support Group has committed any act of misconduct or breach of the nature stipulated in regulation 15(1), it shall conduct or cause to be conducted the necessary investigation and if it is satisfied that there is *prima facie* evidence that the officer has committed any act of misconduct or breach complained of, it shall proceed with disciplinary action against the officer in accordance with this Part.

Procedure for disciplinary action by Disciplinary Board or Disciplinary Committee

18.—(1) Where disciplinary action is to be taken against a local authority officer under regulation 16 or 17, the local authority shall notify the Disciplinary Committee or the Disciplinary Board, as the case may be, and the Disciplinary Committee or the Disciplinary Board concerned shall consider the facts and circumstances of the misconduct or breach and cause to be sent to the officer—

(a) the charge or charges of misconduct or breach of discipline alleged to have been committed by him; and

(b) a statement of the facts relied upon to support the charge or charges,

and require the officer to state in writing, within a period of not less than twenty-one days, any grounds upon which he relies to exculpate himself, or if he admits the charge or charges, the circumstances relied upon by him in mitigation of his misconduct or breach.

(2) If, after considering the case made against the accused officer and his written representations thereto, or if he fails to make any written representation within the period stipulated in paragraph (1), the Disciplinary Committee or the Disciplinary Board, as the case may be, is of the opinion that—

(a) the accused officer is not guilty of the charge or charges, that Disciplinary Committee or Disciplinary Board shall immediately acquit the officer; or

(b) the accused officer is guilty of the charge or charges, that Disciplinary Committee or Disciplinary Board shall impose upon the accused officer the punishments stipulated in Part VII, other than that of dismissal or reduction in rank.

(3) The local authority shall give written notification to the accused officer of the findings and the penalty imposed by the Disciplinary Board or Committee.

(4) (a) Where disciplinary proceedings are taken by the Disciplinary Board of the Commission, it shall, upon the completion thereof, submit a report of such proceedings, including the findings and the penalty imposed to the Commission.

(b) Where disciplinary proceedings are taken by the local authority, it shall, upon the completion thereof, submit a report of such proceedings, including its findings and the penalty imposed, to the Commission through the Permanent Secretary.

(c) The report referred to in subparagraphs (a) and (b) shall be sent to the Commission within fourteen days from the date of completion of the disciplinary proceedings or such extended period as may be permitted by the Commission.

Appeal

19.—(1) Where an accused officer is dissatisfied with the findings of a Disciplinary Committee or a Disciplinary Board constituted under regulation 13(1)(a) or 14(2) or with any penalty imposed upon him, or both such findings and penalty, he may, within twenty-one days of being notified of such findings or penalty under regulation 18(3), appeal to the Commission against the same.

(2) Such appeal shall be instituted by filing a Notice of Appeal in the form prescribed in the Schedule with the Secretary of the Commission.

(3) Upon receipt of the Notice of Appeal, the Commission shall consider the appeal.

Determination of appeal

20.—(1) Any appeal against the findings of, or the penalty imposed by, a Disciplinary Committee or a Disciplinary Board referred to in regulation 19,

or both such findings and penalty, shall be determined by the Commission within sixty days from the date of filing of the appeal.

(2) In determining any such appeal, the Commission shall consider the grounds of appeal contained in the Notice of Appeal and the report of the findings of a Disciplinary Committee or Disciplinary Board submitted pursuant to regulation 18(4), the penalty imposed by the Disciplinary Committee or Disciplinary Board, and may call upon the accused officer to explain in writing any of the grounds contained in his Notice of Appeal.

Decision of the Commission

21.—(1) The Commission, upon consideration of the matters set out in regulation 20(2), may—

(a) affirm the findings of, or the penalty imposed by, a Disciplinary Committee or a Disciplinary Board, or both such findings and penalty;

(b) set aside such findings or penalty or both such findings and penalty;

(c) affirm such findings but substitute the penalty imposed with another penalty (other than dismissal or reduction in rank); or

(d) make such other order as the Commission may deem fit and proper.

(2) All decisions of the Commission in regard to any appeal filed under regulation 19 shall be final and shall not be questioned or challenged in any court of law.

Conditions for dismissal or reduction in rank

22.—(1) Subject to paragraph (2), no local authority officer shall be dismissed or reduced in rank in any disciplinary action under these Regulations, unless he has been informed in writing of the grounds on which it is proposed to take action against him and he has been afforded a reasonable opportunity of being heard.

(2) Paragraph (1) shall not apply to the following matters:

(a) where an officer is dismissed or reduced in rank on the ground of conduct in respect of which a criminal charge has been proved against him;

(b) where the Commission is satisfied that for some reasons, to be recorded by it in writing, it is not reasonably practicable to carry out the requirements of this regulation;

(c) where the Minister is satisfied that in the interest of security of the State or any part thereof, it is not expedient to carry out the requirements of this regulation;

(d) where there has been made against the officer any order of detention, supervision, restricted residence, banishment or deportation, or where there has been imposed on such officer any form of restriction or supervision by bond or otherwise, under any law relating to the security of the State or any part thereof, prevention of crime, preventive detention, restricted residence, banishment, immigration or the protection of women and girls.

Report on misconduct or breach of discipline which warrants dismissal or reduction in rank

23.—(1) Wherever a local authority considers it necessary to institute disciplinary action against a local authority officer for any misconduct or breach of discipline and such misconduct or breach of discipline warrants the dismissal or reduction in rank of the officer, it shall cause a report containing the facts supporting a charge or charges of the misconduct or of the breach of discipline alleged to have been committed by the officer to be sent to the Commission through the Permanent Secretary in accordance with Chapter IV of the General Orders.

(2) The report referred to in paragraph (1) shall contain and include all material facts, circumstances, documents and other evidence supporting the allegation of misconduct or breach of discipline made against the local authority officer (hereinafter referred to as "the accused officer").

(3) On receipt of such report, the Commission shall forthwith make such preliminary investigation into the matter or take such action as may be necessary under these Regulations to obtain any further or better particulars or evidence (including documentary evidence) from the local authority of the accused officer.

Procedure for disciplinary action by the Commission

24.—(1) If, after considering the report of the local authority under regulation 23(1) and having regard to the result of any preliminary investigation under regulation 23(3), the Commission is of the opinion that the facts thereby disclosed, if unrebutted, would sufficiently prove that the accused officer is guilty of misconduct or breach of discipline, the Commission shall, after consultation with the State Attorney-General, forward to the accused officer—

(a) the charge or charges of misconduct or breach of discipline alleged to have been committed by him; and

(b) a statement of the facts relied upon in support of the charge or charges,

and call upon him to state in writing, within a period of not less than twenty-one days from the date of receipt of the charge or charges, any grounds upon which he relies to exculpate himself or if he admits the charge or charges, the circumstances relied upon by him in mitigation of his misconduct or breach of discipline.

(2) If, after considering the case made against the accused officer and his written representation thereto, or, if he fails to make any written representation

within the period stipulated in paragraph (1), the Commission is of the opinion that—

(a) the accused officer is not guilty as charged, he shall be acquitted and the local authority and the accused officer shall be notified accordingly;

(b) the accused officer is guilty of the charge or charges preferred against him but the accused officer only merits one or more of the punishments stipulated in regulation 39(a) to (f), the Commission shall proceed to impose one or more of such punishments only; but where the gravity of the charge or charges is such as to merit the punishment of dismissal or reduction in rank, the Commission may, subject to regulation 25(11), grant the accused officer a hearing before a Disciplinary Board of the Commission under regulation 25(1);

(c) there are grounds for requiring the services of the accused officer to be terminated in the public interest without further proceedings under these Regulations, it shall proceed to take action, as prescribed by these Regulations, to have the services of the accused officer terminated:

Provided that—

(i) the accused officer shall be given a reasonable opportunity to submit a reply to the grounds upon which his termination is required; and

(ii) the termination of service of the accused officer is in compliance with section 10(5)(d) of the Statutory and Local Authorities Pensions Act 1980 [*Act 239*].

(3) The provisions of this regulation and of regulation 25 shall apply, with the necessary modification, to any disciplinary action instituted by the Commission pursuant to regulations 4(3) and 48.

Serious misconduct

25.—(1) Where, pursuant to regulation 24(2)(b), the Commission is of the view that the accused officer is guilty of misconduct or breach of discipline of a nature which warrants his dismissal or reduction in rank, the Commission may grant the accused officer a hearing before a Disciplinary Board.

(2) The accused officer shall be informed in writing of the date on which the Disciplinary Board shall commence its hearing and the accused officer shall attend the inquiry and shall be permitted—

(a) to cross-examine the witnesses;

(b) to give evidence on his own behalf;

(c) to have such witnesses as he may wish called on his behalf;
and

(d) to have access to information contained in any documents at a reasonable time before the documents are tendered in evidence.

(3) The Disciplinary Board may at its discretion, permit the prosecuting party or the accused officer to be represented by a public officer, a local authority officer or an advocate.

(4) The record of the proceedings of the Disciplinary Board shall consist of the information and evidence obtained by the Disciplinary Board. The information shall not ordinarily be set out in the form of question and answer but in the form of a narrative and the Disciplinary Board may, at its discretion, record any particular question and answer.

(5) The Disciplinary Board shall proceed with its hearing from day to day and no adjournment shall be given except for reasons to be recorded in writing. Every adjournment, with reasons therefor, shall be reported forthwith to the Commission and the Permanent Secretary. No adjournment shall be given for more than fourteen days except with the permission of the Chairman of the Commission.

(6) The Disciplinary Board may, at its discretion, conduct proceedings under these Regulations notwithstanding the absence of one of its members, and the validity of such proceedings shall not be questioned or challenged in any court of law.

(7) If the Disciplinary Board is satisfied that the accused officer under inquiry is hampering or attempting to hamper the progress of the inquiry, it shall administer a warning to the accused officer. If, after such warning, the Disciplinary Board is satisfied that the accused officer is acting in disregard of the warning, it shall make an entry in the record to that effect and shall proceed to complete the inquiry in such manner as it thinks fit.

(8) The Disciplinary Board shall, within fourteen working days of the conclusion of the proceedings, unless the Chairman of the Commission grants an extension of time, submit its report to the Commission.

(9) The Commission may, upon considering the report of the Disciplinary Board, if it is of the opinion—

(a) that the accused officer should be dismissed or reduced in rank, dismiss or reduce the rank of the accused officer from such date as it may think fit; or

(b) that some punishment other than dismissal or reduction in rank should be imposed—

(i) impose such lesser punishment prescribed in regulation 39(a) to (f); or

(ii) recommend that the services of the accused officer be terminated in the public interest, either with or without retirement benefits, in accordance with the Statutory and Local Authorities Pensions Act 1980 [Act 239].

(10) The Commission may, where it thinks fit, require the Disciplinary Board to reconvene to consider further evidence and to meet for that purpose:

Provided that the accused officer shall be given not less than seven days' notice of such further meeting of the Disciplinary Board.

(11) The Commission may dispense with the granting of a hearing to the accused officer under paragraph (1), if the accused officer, under regulation 24(1)—

(a) admits the charge or charges or any one of the charges; or

(b) fails to make representation within the prescribed time,

and proceed to determine such matter as the Commission may think fit.

(12) The local authority shall notify the accused officer in writing of any decision of the Commission made under paragraph (9).

Grounds for criminal prosecution

26.—(1) Where an investigation or inquiry undertaken by a local authority or any person authorized by it discloses that an offence against any written law may have been committed by a local authority officer, the local authority shall immediately report the facts to the police or the relevant investigating body, and to the Permanent Secretary.

(2) (a) If following such investigation or inquiry, and report, the Public Prosecutor or police does not intend to prosecute the officer, the matter shall then be referred to the Permanent Secretary.

(b) Notwithstanding subparagraph (a), if the Permanent Secretary, upon consideration of the matter, deems it necessary nevertheless to proceed with disciplinary action against the officer concerned, he shall report the matter to the Commission.

(3) If the Commission considers that disciplinary action is to be taken, the Commission shall direct the Disciplinary Committee or the Disciplinary Board to take such disciplinary action as it is empowered to do under this Part, or the Commission may itself take disciplinary action against the officer concerned.

Procedure where criminal proceedings are instituted against a local authority officer

27.—(1) A local authority officer shall forthwith inform his local authority if any criminal proceedings are instituted against him in any court.

(2) Upon receipt of information from whatever source that criminal proceedings have been instituted in any court against any local authority officer serving under it regardless whether or not the offence alleged is directly concerned with the functions and duties of his section, the local authority may obtain further

verification of information concerning the case and if the information received is proven to be correct, the local authority may proceed to interdict the local authority officer concerned and forward a report on the case to the Commission through the Permanent Secretary within seven days of the officer's interdiction.

(3) Where criminal proceedings against a local authority officer result in his acquittal, the local authority shall immediately forward a report of such fact to the Commission, through the Permanent Secretary, and the officer shall be allowed to resume his duties and to receive the unpaid portion of his emoluments withheld from him whilst under interdiction.

No disciplinary action while criminal proceedings pending

28.—(1) Where criminal proceedings have been instituted and are pending against a local authority officer, disciplinary action shall not be taken against the officer based on the same grounds as the pending criminal charge.

(2) Nothing in paragraph (1) shall be construed so as to prevent disciplinary action from being taken against the officer during the pendency of such criminal proceedings based on any other grounds arising out of his conduct in the performance of his duties.

Criminal conviction of local authority officer

29.—(1) If a local authority officer is adjudged guilty by any court of a criminal offence and, where an appeal has been lodged, the conviction has not been quashed on appeal, the local authority shall report the matter, together with its recommendation as to punishment, if any, to the Commission through the Permanent Secretary.

(2) A copy of the charge or charges, and of the judgement, and of the proceedings of the court, if available, shall be forwarded to the Secretary of the Commission.

Disciplinary action after acquittal on criminal charge

30.—(1) A local authority officer acquitted of a criminal charge in any court shall not be dismissed or otherwise punished on any charge upon which he has been acquitted, but nothing in this paragraph shall prevent his being dismissed or otherwise punished on any other misconduct or breach of discipline which may have been disclosed as a result of the investigation or proceedings relating to the said charge, unless the misconduct or breach of discipline relates substantially to the same matter as that upon which he has been acquitted or it would be unjust or unfair, having regard to all the circumstances of the case, to proceed with disciplinary action against him on such misconduct or breach of discipline.

(2) Where it is proposed to commence disciplinary action pursuant to paragraph (1) against a local authority officer who has been acquitted upon a criminal charge for other misconduct or breach of discipline, the advice of the State Attorney-General shall be sought and such disciplinary action shall be taken only if he so advises.

Officer absenting himself from duty

31.—(1) Where a local authority officer is absent from duty without leave or reasonable cause for seven working days and cannot be traced, the local authority shall send a letter to the officer by prepaid acknowledge receipt (A.R.) registered post to his last known address, directing the officer to report for duty forthwith and to explain in writing the reasons for his absence from duty.

(2) If the officer reports for duty within seven days after the letter is served on him, and the local authority is not satisfied with the explanation given by the officer for his absence, the local authority shall—

(a) interdict the officer from the exercise of his duties by issuing him a written letter of interdiction; and

(b) report the officer to the Permanent Secretary with a recommendation that the services of the officer be terminated in the public interest or that disciplinary action be instituted against the officer for absence from duty.

(3) If the A.R. registered letter is returned undelivered, or if the A.R. registered letter is not returned and the officer concerned fails to report for duty within fourteen days from the date of posting of the letter, the local authority may, after reporting the matter to the Permanent Secretary and the Commission, take steps to publish a notification in the *Gazette* of the fact that the officer is absent from duty without leave and cannot be traced. A copy of the notification shall also be exhibited on the notice board of the section to which the officer belongs at the time of the issue of the notification.

(4) Notwithstanding regulation 50(2), if the A.R. registered letter is received by a person other than the officer himself, the letter shall be deemed to be undelivered, and paragraph (3) shall apply.

Consequence of absence from duty after notification in the *Gazette*

32.—(1) Where the local authority officer reports for duty within fourteen days after the date of publication of the notification in the *Gazette*, the local authority shall report the matter to the Permanent Secretary.

(2) Upon consideration of the report, the Permanent Secretary may decide—

(a) that it is desirable the services of the officer concerned be terminated in the public interest and shall take such action as may be required under the Statutory and Local Authorities Pensions Act 1980 [*Act 239*] for the termination of service of the officer; or

(b) that disciplinary action be instituted against the officer for absence from duty and report the matter to the Commission for such disciplinary action pursuant to regulation 23.

(3) Where the local authority officer fails to report for duty within fourteen days from the date of publication of the notification in the *Gazette*, the officer shall be deemed to have been dismissed from service with effect from the date he was first absent from duty. The local authority shall report such dismissal to the Commission through the Permanent Secretary. A notification of the dismissal of the officer shall be published in the *Gazette* by the Secretary of the Commission.

Forfeiture of emoluments for being absent from duty

33.—(1) Where a local authority officer has been found to have been absent from duty without leave or without reasonable cause, all emoluments for such period he is absent shall be forfeited notwithstanding that the Commission may not have ordered such forfeiture, and if paid, shall be recoverable from the officer by the local authority as a civil debt and may be deducted from any gratuity, allowances or other payments which may be due to the officer.

(2) An officer whose emoluments have been forfeited pursuant to paragraph (1) shall be notified in writing regarding the said forfeiture by the local authority.

(3) For the purpose of this regulation, the forfeiture of emoluments is not a disciplinary punishment within the meaning of regulation 39.

Retirement in the public interest

34.—(1) Notwithstanding any other provisions of this Part, if the Commission considers that it is desirable in the public interest that a local authority officer shall be required to retire from the local authority service on grounds which cannot be suitably dealt with by specific charges under these Regulations, it shall call for a full report from the Permanent Secretary and, at its discretion, from the local authority under which the local authority officer is serving or had previously served.

(2) The Commission shall give the local authority officer an opportunity of submitting a reply to the reason or reasons on which his retirement is contemplated. If the Commission is satisfied, upon consideration of the report and of the reply by the local authority officer and having regard to the conditions of service, the usefulness of the local authority officer thereto and all other circumstances of the case, that it is desirable in the public interest to do so, the Commission shall recommend to retire the local authority officer in the public interest in accordance with the Statutory and Local Authorities Pensions Act 1980 [Act 239].

(3) Where a local authority officer is retired in the public interest, the question of pension, gratuity or other allowances shall be dealt with under the law for the time being in force relating thereto.

Permanent Secretary and local authority to be notified of all decisions by the Commission

35.—(1) The Permanent Secretary and the local authority concerned shall be notified in writing by the Secretary of the Commission within fourteen days of all decisions made by the Commission under this Part.

(2) The Commission may, upon request by the Permanent Secretary or the local authority concerned furnish to him or it the grounds of any decisions made by the Commission under this Part.

Protection of member of the Commission, etc.

36. No member of the Commission or any member of a Disciplinary Board or Disciplinary Committee or the Permanent Secretary shall incur any personal liability in the execution of any of their duties or functions or when carrying out disciplinary actions as required under this Part.

PART VI**INTERDICTION AND SUSPENSION****Interdiction**

37.—(1) A local authority officer may be interdicted from the exercise of his duties if—

(a) criminal proceedings have been instituted against the local authority officer; or

(b) disciplinary action with a view to dismissal or reduction in rank has been or is about to be instituted against the local authority officer; or

(c) his conduct is such as to warrant disciplinary proceedings to be taken against him by the Disciplinary Committee or the Disciplinary Board although the penalty of dismissal or reduction in rank is not to be imposed upon the local authority officer.

(2) If a local authority considers that the interests of the local authority service require that a local authority officer should cease to exercise the powers and functions of his office, the local authority shall order that the local authority officer be interdicted and report the facts to the Permanent Secretary who shall forward the report to the Commission.

(3) (a) The interdiction of any officer shall take effect on such date as may be stipulated by the local authority or on such date as may be directed by the Commission.

(b) All interdictions ordered by the local authority shall be reported to the Commission within seven days of the imposition thereof.

(4) (a) A local authority officer who has been interdicted shall, unless and until he is suspended or dismissed, be allowed to receive not more than half of the emoluments of his office during the period of interdiction as the Commission deems fit.

(b) The payment of emoluments to the local authority officer under subparagraph (a) shall cease upon his conviction of a criminal offence regardless of whether he appeals against such conviction or not.

(5) If the criminal proceedings or disciplinary action against a local authority officer do not result in the conviction or other punishment, as the case may be, of the local authority officer, or in the event that he successfully appeals to a higher Court against his conviction of the criminal offence preferred against him, he shall be refunded such portion of the emoluments withheld as a result of his interdiction.

Suspension from duty

38.—(1) The Commission shall suspend a local authority officer from the exercise of his duties—

(a) where the officer is convicted by any criminal court of any criminal offence and pending action to be taken against him with a view to dismissal from the service; or

(b) where an order of detention or restriction under any written law is made or imposed on the officer.

(2) The date of suspension shall commence from the date of conviction or the effective date of the order of detention or restriction, as the case may be.

(3) The local authority may also suspend an officer from duty in circumstances authorized by this Part and shall report such suspension to the Commission.

(4) A local authority officer who is suspended from the exercise of his duties shall not be allowed—

(a) to receive any unpaid portion of his emoluments withheld from him whilst under interdiction in accordance with regulation 37; and

(b) to receive any emoluments from the date of his suspension.

(5) A decision to suspend the officer shall be conveyed to him in writing by the Secretary of the Commission or by the local authority.

PART VII

PUNISHMENTS

Disciplinary punishments

39. Where a local authority officer is found guilty of misconduct or breach of discipline, any one, or a combination of two or more, of the following punishments may be imposed on him as a result of proceedings under these Regulations:

- (a) reprimand;
- (b) fine;
- (c) forfeiture of emoluments;
- (d) deferment of salary movements;
- (e) reduction of salary;
- (f) imposition of surcharge or order of restitution;
- (g) reduction in rank;
- (h) dismissal:

Provided that nothing in this regulation shall limit the power conferred upon the local authority and the pensions authority by section 10(5) of the Statutory and Local Authorities Pensions Act 1980 [Act 239] to require a local authority officer to retire from the local authority service in the public interest.

Fine or forfeiture of emoluments

40. For the purpose of these Regulations, the punishment of fine or forfeiture of emoluments shall be made in accordance with the following provisions:

(a) any fine imposed on any one occasion shall not exceed an amount equivalent to seven days' basic salary of the officer concerned, and if a local authority officer is fined on more than one occasion in any calendar month, the aggregate of the fines imposed on him in that month shall not exceed an amount equivalent to forty-five per centum of his monthly emoluments;

(b) punishment of forfeiture of emoluments is not subject to paragraph (a) relating to the maximum amount of fine on any one particular occasion or in any one particular calendar month; where the offence relates to absence without leave or without reasonable cause, the amount of emoluments to be forfeited for such absence shall, unless otherwise decided by the Commission, be calculated by having regard to the actual period the officer is absent:

Provided that this punishment shall not be imposed on a local authority officer who is absent without leave or without reasonable cause where such officer has been forfeited of his emoluments in respect of such absence under any provision relating to leave; and

(c) all fines or forfeitures of emoluments shall be deducted from the officer's monthly emoluments and shall be paid into the revenue of the local authority under which the officer is serving.

Deferment of salary movement

41.—(1) The punishment of deferment of salary movement may be imposed by the Commission for a period of—

- (a) three months;
- (b) six months;
- (c) nine months; or
- (d) twelve months,

as the Commission deems fit and proper.

(2) The punishment of deferment of salary movement on a local authority officer shall be executed on the next anniversary of the salary movement of the officer after the date of imposition of the punishment.

(3) A local authority officer upon whom the punishment of deferment of salary movement is imposed shall not be entitled to receive any salary increment for and during the period in which the punishment is in force.

(4) The punishment of deferment of salary movement shall have the following consequences:

(a) the date of salary movement of the local authority officer upon whom the punishment is imposed shall be altered to the nearest date of salary movement after the expiry of the period of punishment; and

(b) the date of salary movement of the local authority officer shall remain at the date altered under subparagraph (a) until he reaches the maximum of the grade in his salary scale.

Reduction of salary

42.—(1) The punishment of reduction of salary on a local authority officer shall be in accordance with the following provisions:

(a) the salary can only be reduced horizontally in the same level;

(b) the reduction of salary shall not be more than three salary movements; and

(c) the duration of the punishment imposed shall not be less than twelve months but shall not be more than thirty-six months on any one occasion.

(2) The date of salary movement of the local authority officer upon whom the punishment of reduction of salary is imposed shall be altered to the date of the next salary movement after the expiry of the period of punishment.

(3) A local authority officer upon whom the punishment of reduction of salary is imposed shall not be entitled to receive any salary movement for and during the period in which the punishment is in force.

Surcharge

43. The Commission may impose a surcharge on any officer in accordance with the Local Authorities Financial Regulations, 1997 [Swk. L.G. 68/97].

Reduction in rank

44. The Commission may impose the punishment of reduction in rank on a local authority officer in the following manner:

(a) by reducing the grade of the local authority officer to a lower grade in the same scheme of service; and

(b) by determining the salary of the local authority officer at a salary point in the salary scale of such reduced grade, which is a salary lower than, but nearest to, the last drawn salary of the local authority officer before the punishment is imposed on him.

Particulars of offence and punishments shall be recorded

45. Every disciplinary action taken against a local authority officer which results in a punishment being imposed on the officer under these Regulations shall be recorded in the officer's Record of Service Book by stating the particulars of the offence committed and the punishment imposed.

PART VIII

MISCELLANEOUS

Submission of reports

46. A local authority shall forward copies of the reports required to be submitted under regulations 23, 27(2), 32 and 37 to the Permanent Secretary and the Permanent Secretary shall forward his recommendations and observations to the Secretary of the Commission.

Permanent Secretary may report to the Commission

47. Nothing in this Part shall preclude the Permanent Secretary from reporting direct to the Commission any fact which in his opinion renders it necessary to interdict or to suspend any local authority officer or to institute disciplinary action against any local authority officer.

Prohibition against influence

48.—(1) No local authority officer shall, either by himself or through any person interceding on his behalf, influence or attempt to influence the Commission

or any member of the Commission in regard to any matter or issue which is referred to or under deliberation by the Commission.

(2) The Commission may take disciplinary action against any local authority officer who contravenes the provisions of paragraph (1).

Permanent Secretary to be notified of disciplinary action by the Commission

49. Where the Commission institutes disciplinary proceedings against a local authority officer under regulation 4(3) or regulation 48(2), the Secretary of the Commission shall forthwith notify the Permanent Secretary in writing of such proceedings and provide him with the details and outcome thereof.

Address for service of notice, official document, etc., on local authority officer

50.—(1) Every local authority officer shall furnish to his local authority the full address of his residence or any change thereof which shall be his address for the purpose of serving on him any notice or official document required to be served under these Regulations or for the purpose of communication with him on any matter in relation to these Regulations.

(2) Any notice, official document, or communication left at, or posted by registered post to, the address for service furnished under paragraph (1) shall be deemed to have been duly served upon, or communicated to, such officer.

Service of official documents on the Commission

51. Any official document that is required by these Regulations or any Rules of Court to be served on the Commission shall be addressed to the Secretary of the Commission and delivered by hand or sent by post to the office of the Commission.

Transitional provisions

52. Where, in respect of any matter to which these Regulations relate, disciplinary action in connection with such matter has been instituted against any local authority officer prior to the commencement of these Regulations, such further action as may be appropriate under these Regulations shall be taken as if the action prior to the commencement of these Regulations had been taken under and in accordance with these Regulations.

SCHEDULE
FORM
NOTICE OF APPEAL
(Regulation 19(2))

To: The Secretary,
Public Service Commission,
Sarawak.

Take notice that, being dissatisfied with the decision made, or the penalty imposed upon me,
by the *Disciplinary Committee of Council/Disciplinary
Board on the day of, viz.:

.....
.....
.....

(give brief summary of the decision and penalty imposed)

I hereby appeal to the Commission against:

- * the whole of the decision
- * such part of the decision that decides
-
- * the penalty imposed upon me.

The grounds for this appeal are as follows:

1.
2.
3.
4.

Dated this day of,

.....
Name:

My address for service of documents relating to this appeal is:

.....
.....

Note: This Form should be submitted in duplicate and an additional copy must be sent forthwith to the chairman of the relevant Disciplinary Board or Disciplinary Committee whose decision is subject to appeal.

**Delete where inapplicable.*

Made this 20th day of March, 2000.

By Command,

DATUK AMAR JAMES WONG KIM MIN,
Minister of Environment and Public Health