

Local Government Service Commission Regulations 1984

GN 30/1984

Regulations made by the Local Government Service Commission under section 12 of the Local Government Service Commission Act 1975

PART I PRELIMINARY

1. Short title

These regulations may be cited as the Local Government Service Commission Regulations 1984.

2. Interpretation

(1) In these regulations-

"Act" means the Local Government Service Commission Act;

"disciplinary control" includes control in so far as it relates to dismissal;

"official document" means any minute, paper or document written or prepared by any local government officer in the course of his employment or any minute, paper or document which comes into the custody of any local government officer in the course of such employment;

"promotion" means the conferment upon a local government officer of a local government office to which is attached a higher salary or salary scale than that attached to the local government office to which he was last substantively appointed or promoted;

"responsible officer" means—

- (a) in relation to a local government officer, in the service of a Municipal council, other than the Town Clerk, the Town Clerk;
- (b) in relation to a local government officer in the service of a district or village council, excepting the secretary of the district council, the secretary of the district council;
- (c) in relation to a Town Clerk and the secretary of a district council, the Permanent Secretary of the Ministry of Local Government acting on the recommendation of the Municipal Council or the District Council, as the case may be;

"salary" means basic salary attached to a local government office;

"seniority" means the relative seniority of officers and, except as may be otherwise provided by the Commission or in these regulations, seniority as determined in accordance with regulation 14.

(2) Nothing in these regulations empowering a responsible officer or any other person to perform any function under these regulations shall preclude the Commission from itself performing that function in any particular case.

PART II
THE COMMISSION

3. Presiding at Meetings

Every meeting of the Commission shall be presided over by the Chairman.

4. Records of Meetings

The Secretary shall keep a record of the members present and of the business transacted at every meeting of the Commission.

5. Decision by circulation papers

Decisions may be made by the Commission without a meeting by the circulation of relevant papers among the members and the expression of their views in writing, but any such decision shall, if any member so requests, be deferred until the subject matter is considered at a meeting of the Commission.

6. Quorum for decision by circulation of papers

For the purposes of decisions under regulation 5, the provisions of section 7 (2) of the Act relating to the quorum for meetings shall apply.

7. Dissent

Any member shall be entitled to dissent from a decision of the, Commission and his dissent and his reasons therefore shall be set out in the records of the Commission.

8. Attendance of officers and production of documents

(1) The Commission may require any local government officer through the Responsible Officer to attend and give information before it concerning any matter which it is required to consider in the exercise of its functions.

(2) The Commission may require through the responsible officer the production of any official document relevant to or needed in connection with the exercise of its functions.

(3) Any local government officer who submits any matter for the consideration of the Commission shall ensure that all relevant documents and papers are made available to the Commission.

(4) Any local government officer who--

(a) without reasonable excuse fails to appear before the Commission when notified to do so; or

(b) fails to comply with any request lawfully and properly made by the Commission,

shall commit a breach of discipline and disciplinary proceedings may, if the Commission so directs, be instituted against him.

9. Obligation to hear responsible officer or his representative

The Commission shall, at the request of a responsible officer, hear him or his representative personally in connection with any matter referred by him to the Commission.

10. Representations to be in accordance with Act or regulations

(1) Subject to paragraph (2), the Commission shall not, in carrying out its duties under the provisions of the Act and these regulations take into account any representations made to it otherwise than in accordance with the Act or with these regulations.

(2) Nothing in this regulation shall be deemed to prohibit the Commission from taking into account a *bona fide* reference or testimonial of service.

11. Oaths on appointment

(1) Every member shall, on appointment, take an oath in the form set out in the First Schedule.

(2) The Secretary and such other members of the staff of the Commission as the Chairman may require shall, on appointment, take an oath in the form set out in the Second Schedule.

(3) An oath taken under paragraph (1) shall be administered by the Commission.

PART III

APPOINTMENTS, PROMOTIONS, CONFIRMATION OF APPOINTMENTS, AND TERMINATION OF APPOINTMENTS, OTHERWISE THAN BY DISCIPLINARY PROCEEDINGS

12. Supervision of recruitment

In order to discharge its duties under this Part the Commission shall-

- (a) exercise supervision over and approve all schemes for admission to any local government office by examination, for the award of scholarships, for the grant of study leave for special training, and for the grant of leave without pay for officers of the local government service; and
- (b) exercise supervision over all methods of recruitment including the appointment and procedure of boards for the selection of candidates.

13. Matters to be considered by Commission

(1) In exercising its powers in connexion with the appointment or promotion of officers in the local government service the Commission shall have regard to the maintenance of the high standard of efficiency necessary in the local government service and shall-

- (2)
 - (a) give due consideration to qualified officers serving in the local government service;
 - (b) in the case of officers in the local government service, take into account qualifications, experience and merit before seniority in the local government service, and
 - (c) subject to paragraph (2), where a local government office cannot be filled either-
 - (i) by the appointment or promotion of a suitable person already in the local government service; or

- (ii) by the appointment of a suitable person who has been specifically trained for the local government service, wholly or partly at public expenses, call for application by public advertisement.

(2) The Commission may-

- (a) for special reasons, not call for applications by public advertisement; and
- (b) where it is satisfied that no suitable candidates with the requisite qualifications are available in Mauritius decide that recruitment be undertaken by some agency outside Mauritius and arrange for the recruitment to be made.

(3) Recommendations made to the Commission for promotion shall state whether the person recommended is the senior local government officer in the particular class or grade eligible for promotion and, where this is not the case, detailed reasons shall be given in respect of each person in that same class or grade over whom it is proposed that the person recommended should be promoted.

(4) (a) To be eligible to be considered for appointment or promotion to a vacancy in the local government service a candidate, whether or not a local government officer, shall-

- (i) have the official qualifications; and
- (ii) be available to assume the functions of the office within a reasonable period of time to be determined by the Commission.

(b) An officer who is promoted in the ordinary course shall be eligible for promotion to his new office with effect from the date the vacancy occurred, even if he is on leave of absence at the date of the occurrence of the vacancy.

(c) Promotions in the ordinary course shall be regarded as those from grade to grade in a normal departmental establishment or those within a specified general or unified service.

(d) The effective date of promotion in all other cases shall be--

- (i) the date on which an officer takes up his new duties;
- (ii) the date on which an officer is appointed to a newly created post.

(5) For the purpose of these regulations, a "newly created post"—

- (a) means a post which had not previously been listed in an order made by the Minister under sections 64 or 66 of the Local Government Act,
- (b) does not include additional posts in an existing grade or designation.

14. Seniority

For the purposes of these regulations, seniority shall be determined as follows-

(a) as between officers of the same grade or class-

- (i) by reference to the dates on which they respectively entered the grade or class;
- (ii) where officers entered that grade or class on the same day, by reference to their seniority in the next lower grade or class on the day immediately preceding that day;
- (iii) where officers entered the same grade or class on the same day by appointment and not by promotion (excluding promotion from a non-pensionable to a pensionable grade or class), by reference to their respective ages,

- (b) as between officers of different grades or classes on the same salary scale or the same flat rate of salary by reference to the dates on which they respectively entered their grades or classes;
- (c) as between officers of different grades or classes on different salary scales, by reference to the maximum point on their salary scales, a flat rate of salary being regarded for this purpose as a salary scale with a maximum point equivalent to the flat rate.

15. Advertisement

(1) The Commission shall determine the form of advertisement issued in accordance with regulation 13(1)(c).

(2) The qualifications specified in such advertisement shall be the official qualifications specified by the Permanent Secretary, Ministry of Government, with the agreement of the Commission, for the vacancy under consideration.

Amended by [\[GN No. 1 of 1985\]](#)

16. Consultation and selection boards

(1) In exercising its powers in connection with appointment or promotion to any office in the local government service the Commission, may-

- (a) consult with any other person or authority; and
- (b) seek the advice of a selection board set up by the Commission.

(2) The Selection Board specified in paragraph (1) shall be composed of such persons, including one or more members of the Commission, as the Commission shall determine.

17. Procedure and forms

The Commission shall determine-

- (a) the procedure to be followed in dealing with applications for appointment to the local government service, including the proceedings of any selection board appointed by the Commission to interview candidates; and
- (b) the forms to be used in connection with the discharge of its functions.

18. Maintenance of an annual confidential report system

In order to discharge its duties under this part the Commission may issue such directions as it may deem fit for the maintenance of a system of annual confidential reports on local government officers and for their safe custody.

19. Vacancies

(1) Where a vacancy occurs or it is known that a vacancy will occur in any local government office in any local authority, the responsible officer shall report the fact to the local authority and the Secretary, certifying at the same time that the details of the vacancy have been verified.

(2) A report under paragraph (1) shall include a recommendation as to whether or not the vacancy should be advertised, and a copy of the report of vacancy shall be forwarded to the Permanent Secretary.

(3) The responsible officer shall, as may be required by the special or general directions of the Commission, constitute an appointment or pro-motion board to advise him on the matter.

(4) Where the responsible officer recommends that such vacancy should be filled by the appointment or promotion of a local government officer serving with the local authority in which the vacancy has occurred or will occur he shall, when reporting the vacancy to the Secretary, forward a list of all the officers eligible for consideration who are senior to the recommended officer, and give his reasons for recommending their supersession.

(5) Where the responsible officer does not recommend that the vacancy should be filled by the appointment or promotion of a local government officer serving with the local authority in which the vacancy occurs or will occur, he shall, when reporting the vacancy to the Secretary, report to the Secretary the names of the most senior officers then serving in the particular class or grade from which the promotion would normally be made and state why he does not consider that the officers named are suitable for promotion to fill the vacancy.

(6) Where the responsible officer recommends that applications to fill the vacancy should be invited from local government officers or from both local government officers and the general public, he shall forward to the Secretary a draft advertisement setting out the details of the vacant office and the duties and qualifications attached to it.

(7) Where the responsible officer is unable to recommend that the vacancy should be filled immediately, he shall so inform the Secretary and state in his report the reasons therefore and what temporary arrangements he is making for the performance of the duties of the vacant office for the Commission's approval.

(8) No appointment or promotion to a vacancy in the local government service may be made before the Commission has determined the suitability of the person concerned.

(9) Where the Commission has decided that a person should be appointed or promoted to a vacancy in the local government service, the responsible officer shall --
(a) be informed of the appointment authorised in his local authority;
(b) issue the letter of appointment to the person concerned;
(c) make such further arrangements as may be necessary to complete the procedure for the appointment or promotion.

(10) The procedure for filling vacancies shall be followed where it is desired to select an officer for a scholarship or a special course of training which is designed to fit him for a higher office or which may enhance his qualifications for promotion.

20. Vacancies to be filled after examination or course of study

Where a vacancy is to be filled-

- (a) according to the results of examinations which are conducted or supervised by the Commission; or

- (b) on the successful completion of a course of study or training by a person who has been selected for such study or training with the intention that, when trained, he shall be appointed to or promoted within the local government service, the Commission may make such arrangements as it considers appropriate.

21. Probationary appointments

- (1) All first appointments to a pensionable office on permanent terms shall be on 12 months' probation.

(2) Notwithstanding paragraph (1), where an officer of the local authority reckons satisfactory service in a temporary or supernumerary capacity or employment to give assistance -

- (a) in the same pensionable post as the one to which the officer is subsequently appointed on permanent terms; or
- (b) in a pensionable post the duties and responsibilities of which are in the opinion of the Commission similar to those of the one to which the officer is subsequently appointed on permanent terms,

that satisfactory previous non-pensionable service before the date of first appointment on permanent terms shall be counted towards the required period of twelve months probation.

Amended by [\[GN No. 101 of 1991\]](#)

22. Acting Appointment

(1) Where a local government officer is for any reason unable to perform the functions of his office and the responsible officer is of the opinion that some other local government officer should be appointed to act in such office, the responsible officer shall report the matter to the Secretary and shall submit, for the consideration of the Commission, the name of the local government officer whom he recommends should be appointed to act in such office.

(2) Where any such recommendation involves the supersession of any senior officer serving in the local authority, the responsible officer shall inform the Secretary of his reasons for recommending the supersession of each such officer.

(3) In considering recommendations for acting appointments, the Commission shall apply the standards prescribed in regulations 13, except that consideration may also be given to the interests of departmental efficiency.

23. Compulsory retirement on grounds of age

(1) Where a responsible officer is of the opinion that a local government officer in the service of his local authority who holds a pensionable office should be called upon to retire from the local government service on the grounds that he has attained the age at which he can, under any enactment, be required to retire from the local government service, he shall-

- (a) inform the officer that he intends to recommend that he be compulsorily retired from the local government service;
- (b) ask the officer concerned whether he wishes to make, within fourteen days, any representations why he should not be so retired; and
- (c) after the expiration of the period specified in paragraph (b), forward his recommendation to the Secretary together with a copy of any representations made by the officer concerned and his comments thereon,

and the Commission shall decide whether such local government officer should be called upon to retire.

(2) On being advised of the decision of the Commission the responsible officer shall notify the local government officer and, if the local government officer is to be retired, the responsible officer shall make such further arrangements as may be necessary to complete the procedure for the retirement of the local government officer.

(3) A local government officer whose compulsory retirement is under consideration under this regulation may, where possible, be given the option to retire voluntarily provided that the reasons for requiring his retirement do not involve disciplinary action.

24. Compulsory retirement on medical grounds

(1) Where it appears to a responsible officer that a local government officer is incapable by reason of any infirmity of mind or body of discharging the functions of his local government office, he may call upon such local government officer to present himself before a medical board to be arranged by the Commission with a view to its being ascertained whether or not such local government officer is incapable as aforesaid.

(2) After the local government officer has been examined, the responsible officer shall forward the medical board's proceedings, together with his own observations, if any, on the case to the Secretary.

(3) The Commission shall unless it considers that further inquiry is necessary (in which case it will issue directions to the responsible officer accordingly) decide forthwith whether the local government officer should be called upon to retire on medical grounds.

(4) On being advised of the decision of the Commission, the responsible officer shall notify the local government officer and if the local government officer is to be retired on medical grounds, he shall make such further arrangements as may be necessary to complete the procedure for the retirement of the local government officer.

25. Commission to approve transfer of local government officer

No local government officer may be transferred from one office of emolument to another within the service of the same local authority or from one local authority to another unless approval for such transfer has been given by the Commission, but the posting of an officer between posts in the same grade within the service of the same local authority shall not be regarded as a transfer for the purpose of this regulation.

26. Renewals of contracts and agreements

Where a local government officer is serving on a contract or agreement and it is proposed to engage him for a further term of service, the responsible officer shall forward to the Secretary, six months before the officer is due to proceed on leave on the expiration of his contract or agreement a notification of the date of the expiration of the contract or agreement and his recommendation whether it should be renewed or not.

27. Improper influence

Any local government officer attempting to bring influence to bear on the Commission or any member thereof for the purpose of obtaining an appointment or promotion may be disqualified for such appointment or promotion and render himself liable to disciplinary action.

28. Special procedure

Where the Commission is satisfied that the public interest requires that any matter relating to the appointment, promotion, transfer or confirmation in his appointment of a local government officer be dealt with otherwise than in accordance with this Part, it shall take such action or issue such directions with regard to that matter as appears to it to be most appropriate in the circumstances.

29. Case exempt on this Part

The provisions of this Part shall not apply to local government offices in respect of which the power to make or terminate appointments has been delegated to any selection board or responsible officer by directions under section 4 of the Act, except in so far as may be required by such directions.

PART IV

DISCIPLINE

30. Obligation to conform with regulations

The Commission shall not exercise its powers in connection with the dismissal, the disciplinary punishment or the termination of appointment otherwise than by way of dismissal of any officer in the local government service except in accordance with the provisions of these regulations or such other regulations as may be made from time to time by the Commission under the Act.

31. Interdiction

Where a responsible officer considers that the public interest requires that a local government officer should instantly cease to exercise his functions he may interdict the officer at once if proceedings for dismissal are being taken or if criminal proceedings are being instituted against him or if proceedings for retirement on grounds of public interest are being taken informing the Secretary that he has done so and applying for covering authority from the Commission.

32. Procedure when a criminal offence may have been committed

(1) Where a preliminary investigation or disciplinary proceedings disclose that an offence against any law may have been committed by a local government officer, the responsible officer shall forthwith refer the case to the Commissioner of Police for enquiry.

(2) Where as a result of an enquiry by the Commissioner of Police under paragraph (1), the Director of Public Prosecutions does not advise prosecution or withdraws a criminal charge and advises that disciplinary action be taken against the local government officer, the responsible officer shall institute disciplinary proceedings against the local government officer in accordance with the provisions of either regulation 37 or 38.

33. Report of Institution or criminal proceedings

Where criminal proceedings of a nature likely to warrant disciplinary proceedings are instituted against a local government officer in any court, the responsible officer shall-

- (a) forthwith report the facts to the Secretary with a statement as to whether the officer has or has not been interdicted from the exercise of his function; and
- (b) thereafter take such action as is required by regulations 36 or 37 as the case may be.

34. Disciplinary proceedings to await determination of criminal proceedings

(1) Subject to paragraph (2), no disciplinary proceedings against an officer involved in a criminal charge shall be taken on any grounds other than a ground not connected with the criminal charge until the conclusion of the criminal proceedings and the determination of an appeal, if any, therefrom.

(2) Nothing in this regulation shall be construed as prohibiting or restricting the power of the responsible officer to interdict the local government officer.

35. Proceedings after acquittal on criminal charge

(1) A local government officer acquitted of a criminal charge shall not be dismissed or otherwise punished on any charge of which he has been acquitted, but nothing in this regulation shall prevent his being dismissed or otherwise punished on any other charges arising out of his conduct in the matter, provided that they do not raise substantially the same issues as those on which he has been acquitted and, where the Commission thinks fit, proceedings under these regulations may be, taken for the purpose.

(2) In all cases in which a local government officer is acquitted of a criminal charge in any court the responsible officer shall forward to the Secretary a copy of the judgment and of the proceedings of the court if they are available provided that the charge is not in respect of minor offences which would not in any event warrant disciplinary proceedings.

(3) Where a local government officer who is under interdiction is acquitted of a criminal charge in any court, he shall be reinstated, and if further proceedings are instituted against him under paragraph (1) his interdiction, where that course shall be decided upon, shall not have effect from any earlier date than that on which the new proceedings are instituted.

36. Procedure on criminal conviction

(1) Where a local government officer is found guilty of a criminal charge likely to warrant disciplinary proceedings, the responsible officer shall forthwith forward to the Secretary a copy of the charge and the proceedings relating thereto together with his own recommendation.

(2) The Commission shall determine whether an officer to whom paragraph (1) relates should be dismissed or subjected to some disciplinary punishment other than dismissal or whether his service should be terminated in the public interest if the proceedings disclose grounds for doing so, without any of the proceedings prescribed in regulation 37, 38 or 39 being instituted.

(3) Disciplinary proceedings subsequently to a conviction shall not normally be taken in respect of minor offences under the Road Traffic Act, and of minor offences not entailing fraud or dishonesty and not related to an officer's employment.

Amended by [\[GN No. 83 of 1989\]](#)

37. Misconduct justifying dismissal

(1) Where a responsible officer considers it necessary to institute disciplinary proceedings against a local government officer on the grounds of misconduct which, if proved, would justify his dismissal from the local government service, he shall, after such preliminary investigation as he considers necessary and after seeking legal advice on the terms of the charge or charges to be preferred against the officer-

- (a) forward to the officer a statement of the charge or charges preferred against him together with a brief statement of the allegations, in so far as they are not clear from the charges themselves, on which each charge is based; and
- (b) call upon the officer to state in writing before a day to be specified by the responsible officer any grounds on which he relies to exculpate himself.

(2) Where the officer does not furnish a reply to any charge forwarded under paragraph (1) within fourteen days or where in the opinion of the responsible officer he fails to exculpate himself, the responsible officer shall immediately forward to the Secretary copies of his report, the statement of the charge, the reply if any, of the officer and his own comments thereon.

(3) Where, upon consideration of the responsible officer's report, the Commission is of the opinion that proceedings for the dismissal of the officer should be continued, it shall appoint a committee to enquire into the matter.

- (4) A Committee appointed under paragraph (3) shall consist of not less than three members as the Commission may appoint after having due regard as far as possible to the standing of the officer charged. One member of the Committee shall be a public officer who is or has been a barrister and the other members Local Government Officers who shall not be in the service of the same Local Authority as the officer charged.

(5) The committee shall inform the accused officer that on a specified day the charges made against him will be investigated and that he will be allowed or, if the committee so determines, will be expected to appear before it to defend himself.

(6) Where witnesses are examined by the committee the accused officer shall be given an opportunity of being present and of putting questions on his own behalf to the witnesses and no documentary evidence shall be used against him unless he has previously been supplied with a copy thereof or given access thereto.

(7) (a) Subject to subparagraph (b), the committee may, in its discretion, permit the prosecuting party or the accused officer to be represented by a local government officer or a legal practitioner.

(b) Where the committee permits the prosecuting party to be so represented, it shall permit the accused officer to be represented in a similar manner.

(8) Where during the course of the inquiry, grounds for the preferment of additional charges are disclosed the committee shall so inform the responsible officer who shall follow the same procedure as was adopted in preferring the original charges.

(9) The committee shall after enquiring into the matter, forward its report thereon to the Commission together with the record of the charges preferred, the evidence led, the defence and other proceedings relevant to the inquiry.

(10) The report of the committee shall include--

(a) a statement whether in the committee's opinion the accused officer has or has not committed the offence charged and a brief statement of the reasons for their opinion;

(b) details of any matters which in the committee's opinion aggravate or alleviate the gravity of the case; and

(c) a summing up and such comments as will indicate clearly the opinion of the committee on the matter under inquiry.

(11) The committee shall not make any recommendations regarding the form of punishment.

(12) The Commission may, if it is of the opinion that a report submitted under paragraph (9) should be amplified in any way or that further investigation is desirable, refer the matter back to the committee for further investigation and report.

(13) The Commission, after consideration of the report of the committee or of any further report called for under the provisions of paragraph (12), shall determine the punishment, if any. (including retirement from the local government service under the provision of regulation (39)), which should be inflicted on the accused officer.

(14) No magistrate or other public officer shall be appointed by the Commission under paragraph (4) except with the consent of the Chief Justice or the Secretary to the Cabinet, as the case may be

Amended by [GN No. 83 of 1989]

38. (1) Where a responsible officer considers it necessary to institute disciplinary proceedings against a local government officer but is of the opinion that the misconduct alleged, if proved,

would not be serious enough to warrant dismissal under the provisions of regulation 37, he shall, after such preliminary investigation as he considers necessary, forward to the officer a statement of the charge against him and shall call upon him to state in writing before a day to be specified any grounds on which he relies to exculpate himself.

(2) Where the local government officer does not furnish a reply to the charge against him within the period specified or does not in the opinion of the responsible officer exculpate himself, the responsible officer shall forward to the Secretary a report on the case together with copies of the charge preferred against the officer, the officer's reply if any, and his own comments thereon.

(3) Where the Commission on consideration of a report under paragraph (2) is of the opinion that the matter warrants further disciplinary proceedings-

- (a) the Commission shall appoint a public officer or local government officer to inquire into the matter;
 - (b) the accused officer shall be entitled to know the whole case against him and shall have an adequate opportunity of making his defence;
 - (c) the local government officer conducting the inquiry shall, within fourteen days of the conclusion of the proceedings, submit his report to the Commission, together with the record of the charge preferred, the evidence led, the defence and other proceedings relevant to the inquiry;
 - (d) the report of the local government officer shall include-
 - (i) a statement whether in his opinion the accused officer has or has not committed the offence or offences charged and a brief statement of the reasons for his opinion,
 - (ii) details of any matters which in his opinion aggravate or alleviate the gravity of the case; and
 - (iii) a summing up and such other comments as will indicate clearly his opinion on the matter under inquiry.
 - (e) the local government officer conducting the inquiry shall not make any recommendation regarding the form of punishment;
 - (f) the Commission may, if it considers that the results of the inquiry should be amplified in any way or that further investigation is desirable, refer the matter back to the person conducting such inquiry for further inquiry and report; and
 - (g) the Commission, on consideration of the report submitted by the person conducting the inquiry, shall determine what punishment, if any (other than dismissal), should be inflicted on the officer.
- (4) No magistrate or other public officer shall be appointed by the Commission under paragraph (3)(a) except with the consent of the Chief Justice or the Secretary to the Cabinet, as the case may be.

Amended by [GN No. 83 of 1989]

39. Retirement on grounds of public interest

(1) Where a responsible officer, after having considered every report in his possession made with regard to a local government officer, is of the opinion that it is desirable in the public interest that the service of such local government officer should be terminated on grounds which cannot be suitably dealt with under any other provisions of these regulations, he shall-

- (a) notify the local government officer, in writing, specifying the complaints by reason of which his retirement is contemplated together with the substance of any report or part thereof that is detrimental to the local government officer, and
- (b) give the local government officer an opportunity of showing cause within such time as may be specified why he should not be retired in the public interest.

(2) Where the responsible officer is satisfied that the local government officer should be required to retire in the public interest, he shall forward to the Secretary the report on the case, the local government officer's reply and his own recommendation and the Commission shall decide whether the local government officer should be required to retire in the public interest.

40. Commission may institute disciplinary proceedings

Where under section 72A of the Local Government Service Commission Act 1975*, the Minister reports a Town Clerk, Treasurer or Secretary of a Municipal Council or District Council, as the case may be, who in his opinion has failed to exercise financial control in accordance with his statutory and prescribed responsibilities and the Commission is of opinion that the misconduct warrants proceedings with a view to dismissal or to a lesser punishment or to retirement in the public interest, the Commission may institute proceedings against that officer in accordance with the appropriate procedure prescribed in this Part.

41. Punishments

(1) The following punishments may be inflicted on any local government officer as a result of proceedings under this Part-

- (a) dismissal;
- (b) reduction in rank or seniority;
- (c) stoppage of increment;
- (d) deferment of increment;
- (e) suspension from work without pay for a period of not less than one day and not more than fourteen days.
- (f) severe reprimand;
- (g) reprimand;
- (h) recovery of the cost or part of the cost of any loss or breakage or damage of any kind caused by default or negligence, provided that no such cost has been recovered by surcharge action under any appropriate financial instructions or regulations.

(2) Nothing in this regulation shall limit the powers conferred by these regulations to require a local government officer to retire from the service on the grounds of public interest.

(3) No punishment shall be inflicted on any local government officer which would be contrary to any enactment.

42. Responsible officers may inflict punishment

(1) Notwithstanding these regulations, a responsible officer may, without reference to the Commission-

(a) after investigation and after giving the local government officer an opportunity of making his defence (which will be recorded)-

(i) stop or defer a local government officer's normal increment for a period not exceeding one year on the grounds of unsatisfactory service, unless the stoppage or deferment is recommended to be continued beyond one year in which case the matter shall be referred to the Commission for its decision;

(ii) inflict on a local government officer a severe reprimand, or a reprimand;

(iii) inflict on a worker any of the following punishments-

(A) subject to the approval of the Commission, dismissal;

(B) suspension from work without pay for a period of not less than one day and not more than fourteen days;

(C) severe reprimand;

(D) reprimand;

(E) reduction in rank;

(b) stop from the pay or salary of a local government officer who has been absent without leave or reasonable excuse an amount which bears the same relation to his annual pay or salary as such period of absence bears to one year.

(2) Subject to paragraph (3), nothing in these regulations shall prevent a responsible officer, without reference to the Commission, from administering a warning to any officer in the service of his local authority on the ground of unsatisfactory work or conduct and such warning shall be entered in the officer's personal file and the officer shall be so informed.

(3) The intention to administer a warning shall be communicated to the officer in writing, and he shall be given an opportunity to reply.

(4) A responsible officer exercising the powers conferred on him by this regulation shall act in accordance with the provisions of these regulations and any other appropriate enactment.

(5) A local government officer aggrieved by the decision of a responsible officer to inflict a punishment under paragraph (1) may appeal to the Commission which may approve, vary or remit the punishment provided that the appeal is so made in writing within twenty-one days of the notification of the punishment.

43. Absence from duty without leave

(1) The Commission may declare the office of a local government officer to be vacant or summarily dismiss the officer where the officer is absent from duty without leave or fails to resume duty on expiry of leave.

(2) Where an officer is absent without leave or has failed to return to duty at the expiry of his leave, the responsible officer shall-

- (a) not later than ten days thereafter, in the case of an officer who is on approved leave not being approved leave abroad; and
- (b) not later than fourteen days in the case of an officer who has been given approved leave abroad;

report the officer's failure to resume duty to the Commission.

(3) The Commission may, for good cause and in exceptional cases, extend the period specified in paragraph (2) as it may deem fit for one further period not exceeding ten days.

44. Disciplinary procedure

(1) All acts of misconduct by local government officers shall be dealt with under this Part of these regulations as soon as possible after the time of their occurrence.

(2) Where disciplinary proceedings are instituted against a local government officer under this Part, the responsible officer shall ensure that at each stage of the proceedings the Secretary is informed of the action taken, and the Commission may, if it thinks fit in any particular case, provide for or discontinue disciplinary proceedings against a local government officer.

45. Decision in disciplinary proceedings to be communicated to officers concerned

Where proceedings have been taken against a local government officer under the provisions of this Part, the officer shall be informed-

- (a) of the findings on each charge which has been preferred against him; and
- (b) of the punishment imposed.

46. Cases exempt from this Part

The provisions of this Part shall not apply to local government officers in respect of whom the powers of disciplinary control has been delegated to any local government officer or class of local government officers by directions under section 4 of the Act, except in so far as may be required by the directions.

PART V

MISCELLANEOUS AND TRANSITIONAL PROVISIONS

47. Service of Notice etc

Where under these regulations-

(a) it is necessary either-

- (i) to serve any notice, charge or other document upon a local government officer;
- or
- (ii) to communicate any information to any local government officer having absented himself from duty; and

(b) it is not possible to effect such service upon or communicate such information to such local government officer personally,

it shall be sufficient if the notice, charge or other document, or a letter containing such information, is sent by registered post addressed to his usual or last known address.

48. Correspondence

All correspondence to or for the Commission shall be addressed to the Secretary.

49. Action on decisions reached by Commission

The Secretary shall advise the responsible officer concerned of the decision of the Commission on any particular matter and the responsible officer shall take appropriate action.

50. Cases not covered by these regulations

Any matter not covered by these regulations shall be dealt with in accordance with such instructions as the Commission may issue.

51. Transitional provisions

Subject to such instructions as the Commission may issue, matters within the powers of the Commission which, at the date of commencement of these regulations, have been commenced but not finally determined, shall be concluded by the responsible officer concerned who shall, so far as is practicable, follow the procedure and principles laid down in these regulations.

52. Commencement

These regulations shall be deemed to have come into operation on the 18 August 1983.

FIRST SCHEDULE
(regulation 11)

OATH OF OFFICE AS CHAIRMAN/MEMBER

I..... having been appointed as Chairman/Member of the Local Government Service, Commission do swear/solemnly and sincerely declare and affirm that I will without fear or favour, affection or M-will, discharge the functions of the office of Chairman/Member of the Local Government Service Commission, and that I will not, directly or indirectly, reveal any matters relating to such functions to any unauthorised persons or otherwise than in the course of duty.

Sworn/Affirmed before me this.....day of.....19.....

.....
Judge of Supreme Court

SECOND SCHEDULE
(regulation 11)

OATH OF OFFICE OF SECRETAY AND OTHER STAFF OF COMMISSION

I.....being called upon to exercise the functions of Secretary to/a member of the staff of the Local Government Service Commission, do swear/solemnly and sincerely declare and affirm that I will not,directly or indirectly,reveal to any unauthorised person or otherwise than in the course of duty the contents or any part of the contents of any documents, communications or information whatsoever which may come to my knowledge in the course of my duties as such.

Sworn/Affirmed before me this.....day of..... 19

.....
Chairman of Local Government Service Commission