

Public Service (Personnel Boards and Appeals Board) Regulations

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THE SCHEDULE APPEALS BOARD

Legislative History

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(ARTICLE 110D(7))

PUBLIC SERVICE (PERSONNEL BOARDS AND APPEALS BOARD)
REGULATIONS

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PART I

PRELIMINARY

Citation

1. These Regulations may be cited as the Public Service (Personnel Boards and Appeals Board) Regulations.

Definitions

2. In these Regulations, unless the context otherwise requires —

“Appeals Board” means the Appeals Board established under regulation 16;

“Chairman”, in relation to a Personnel Board or Appeals Board, means the Chairman of the Personnel Board or Appeals Board, as the case may be, and includes any person appointed as an alternate Chairman;

“Commission” means the Public Service Commission;

“member”, in relation to a Personnel Board, includes an alternate member thereof;

“Personnel Board” or “Board” means any Special Personnel Board or Senior Personnel Board established under the Public Service (Special and Senior Personnel Boards) Order (O 2) or any Personnel Board established under the Public Service (Personnel Boards) Order (O 3);

“promotion” means the substantive upgrading from one grade to a higher grade within the Scheme of Service of the officer concerned.

PART II

PROCEDURE OF PERSONNEL BOARDS

Meetings

3. For the purpose of exercising its functions, a Personnel Board shall meet on such date and at such place and time as the Chairman of that Board may determine.

Quorum

4.—(1) The quorum for all meetings of a Personnel Board which has more than 3 members shall be 3 including the Chairman or his deputy, except that where a Personnel Board comprises only 3 members, all members of the Board shall be present.

(2) If within half an hour from the time appointed for the meeting a quorum of members is not present, the meeting shall stand adjourned to such time and place as the Chairman or his deputy may determine.

Determination of Personnel Board

5.—(1) Subject to these Regulations, all matters arising at a meeting of a Personnel Board shall be determined by a simple majority of the members thereof and a determination by a simple majority of the members shall for all purposes be deemed a determination of the Board.

(2) Subject to these Regulations, matters arising at a meeting of a Personnel Board may be determined by a simple majority of votes and, in the event of an equality of votes, the Chairman or his deputy shall have a second or casting vote.

(3) A Personnel Board may, if it thinks fit, transact its business by the circulation of papers, and a resolution in writing, signed by a simple majority of the members for the time being entitled to take part in the determination in respect thereof, shall be as valid and effectual as if it had been passed at a meeting of the Personnel Board duly convened and held.

(4) Any such resolution may consist of several documents in like form, each signed by one or more members.

Proceedings to be in private

6.—(1) Subject to these Regulations, the proceedings of every Personnel Board shall be conducted in private.

(2) A Personnel Board may invite any person who, in the opinion of the Board, can give information in respect of any particular matter which is likely to be of assistance to

the Board.

Disclosure of interest

7.—(1) Where it would be unjust or improper for any member of a Personnel Board, whether by reason of his personal interest or otherwise, to consider any matter which the Personnel Board is to consider, that member shall disclose the nature of his interest to the Personnel Board.

(2) Any disclosure of interest in any matter made by a member under paragraph (1) shall be recorded in the minutes of the Personnel Board, and that member shall not vote or take part in any deliberations or determination of the Board with respect to that matter.

Alternate member

8.—(1) Any person while he holds office as an alternate Chairman or member in place of any Chairman or member of a Personnel Board (hereafter referred to as his principal) shall be entitled to —

- (a) notice of meetings of the Board;
- (b) attend and take part in the deliberations and determinations of the Board; and
- (c) exercise all the powers of his principal in the latter's place.

(2) Notwithstanding paragraph (1), an alternate Chairman or member shall be entitled to attend any meeting of a Personnel Board and to take part in the deliberations thereat even though his principal also attends the meeting.

(3) The alternate Chairman or member shall not have the right to participate in the determinations of the Board with respect to any matter arising at that meeting.

(4) An alternate Chairman or member shall hold office until his principal vacates office as Chairman or member of the Personnel Board, as the case may be.

Duties of Chairman or his deputy

9.—(1) The Chairman of a Personnel Board shall preside at every meeting of the Board.

(2) The Chairman may appoint one of the members to be his deputy to preside as Chairman of a meeting if neither he nor the alternate Chairman are able for any reason to attend the meeting.