

Public Service (Disciplinary Proceedings) Regulations

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Legislative History

CONSTITUTION OF THE REPUBLIC OF SINGAPORE
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PUBLIC SERVICE (DISCIPLINARY PROCEEDINGS) REGULATIONS

Rg 1

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Citation

1. These Regulations may be cited as the Public Service (Disciplinary Proceedings) Regulations.

Definitions

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

“Permanent Secretary” includes the Solicitor-General, the Auditor-General, the Clerk of Parliament, the Secretary to the Public Service Commission, the Secretary to the Legal Service Commission, the Registrar of the Supreme Court, the Private Secretary to the President, the Secretary to the Prime Minister and the Secretary to the Cabinet;

“public officer” means a confirmed permanent officer in the public service.

Investigation

3.—(1) If it is represented to the Public Service Commission by a Permanent Secretary that a public officer has been guilty of misconduct or neglect of duty and the Public Service Commission is of the opinion that the subject of the complaint is not serious enough to warrant proceedings under regulation 4 with a view to dismissal or reduction in rank, the Public Service Commission may cause an investigation to be made into the matter in such manner as it thinks fit.

(2) The public officer shall be informed in writing of the case against him and shall have a reasonable opportunity of replying thereto.

(3) The Public Service Commission may, after considering the case made against the public officer, his reply thereto and the results of the investigation, if any, if it is of the opinion that —

- (a) the allegation has been proved, impose a penalty, such as stoppage or deferment of increment, fine or reprimand, or a combination of such penalties; or
- (b) the results of such investigation disclose grounds for so doing, require the public officer to retire in the public interest without further proceedings under these Regulations, with or without a reduction in retirement benefits.

(4) The public officer shall be given an opportunity to submit a reply to the grounds upon which his retirement is contemplated.

Serious misconduct

4.—(1) If it is represented to the Public Service Commission by a Permanent Secretary that a public officer has been guilty of misconduct or neglect of duty and the Public Service Commission is of the opinion that the subject of the complaint warrants proceedings with a view to dismissal or reduction in rank, the Public Service Commission may cause proceedings to be taken under this regulation.

(2) The public officer shall be notified in writing by his Permanent Secretary of the grounds, which shall be reduced to the form of a definite charge or charges, upon which it is intended to dismiss him or to reduce his rank and he shall be given 14 working days within which to exculpate himself in writing.

(2A) The officer shall also be informed in writing of any other circumstances which it is proposed to take into consideration.

(3) If the public officer submits an exculpatory statement which is not satisfactory, the Public Service Commission shall appoint a Committee (referred to in these Regulations as the Committee) to inquire into the matter and to submit a report to the Public Service Commission.

(4) The Committee in the performance of its functions shall not be deemed to be a judicial or quasi-judicial body.

(5) The Committee shall consist of 2 public officers and one other person, who shall not be a public officer, to be chosen from a panel of persons nominated by the Public Service Commission.

(5A) The membership of the panel shall normally be for a period of 3 years but members shall be eligible for re-nomination at the expiry of such period.

(5B) Each member of the Committee shall be notified of his appointment by the Permanent Secretary.

(6) The public officer shall be informed of the date on which the Committee will

commence its inquiry and the public 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.

(7) The record of the proceedings of the Committee shall consist of the information obtained by the Committee and a report by the Committee.

(7A) The information shall not ordinarily be set out in the form of question and answer but in the form of a narrative but the Committee may in its discretion record any particular question and answer.

(8) At the inquiry, the evidence on behalf of the Government shall be presented by a public officer who need not be a confirmed officer, nominated by the Permanent Secretary under whom the officer under inquiry is serving.

(8A) The Committee may, in its discretion, permit the public officer under inquiry to be represented by an advocate and solicitor, by another public officer who need not be a confirmed officer or by a member of the Panel of Union Officials.

(8B) A person representing the public officer under inquiry shall not be senior in rank to a member of the Committee or to the officer nominated by the Permanent Secretary under paragraph (8).

(8C) The Committee may, at any time, exclude any person representing the public officer under inquiry from the inquiry if the Committee is of the view that the person has misconducted himself or is attempting to delay the inquiry.

(8D) At any one time, there shall be a maximum of 6 members on the Panel of Union Officials.

(8E) All appointments to the Panel of Union Officials shall be made by the Public Service Commission for a period of one year and may be renewed upon expiry.

(9) The Committee shall not be bound to act in a formal manner and shall not be bound by the Evidence Act (Cap. 97) or by any other law relating to evidence but may inform itself on any matter in such manner as it thinks fit.

(10) The Committee shall proceed with its inquiry from day to day and no adjournment shall be given except for reasons to be recorded in writing.

(10A) Every adjournment, with reasons therefor, shall be reported forthwith to the Permanent Secretary and the Public Service Commission.

(10B) No adjournment shall be given for more than 14 days except with the permission of the Public Service Commission.

(11) The Committee may, in its discretion, conduct proceedings under these Regulations notwithstanding the absence of one of its members, and the validity of such proceedings shall not be challenged on this ground.

(12) If the Committee is satisfied that the public officer under inquiry or any person representing him is hampering or attempting to hamper the progress of the inquiry, the Committee shall administer a warning to the public officer and, where appropriate, the person representing him.

(12A) If after such warning the Committee is satisfied that the warning is being disregarded, the Committee shall make a written note of this and shall proceed to carry on with and complete the inquiry in such manner as it thinks fit.

(13) The Committee shall, within 14 working days of the conclusion of the proceedings unless the Public Service Commission grants an extension of time, submit its report to the Public Service Commission through the Permanent Secretary.

(14) The Public Service Commission may, upon considering the report of the Committee, if it is of the opinion —

- (a) that the public officer should be dismissed or be reduced in rank, dismiss or reduce the rank of the public 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 some lesser penalty such as stoppage or deferment of increment, fine or reprimand, or a combination of such penalties; or
 - (ii) require the public officer to retire in the public interest without further proceedings under these Regulations, with or without a reduction in retirement benefits.

(15) The Public Service Commission may, where it thinks fit, require the Committee to reconvene to consider further evidence and to meet for that purpose except that the public officer shall be given not less than 14 days' notice of such further meeting of the Committee.

(16) Where the public officer fails to furnish an exculpatory statement within the time