

Central Provident Fund (Disciplinary Proceedings) Rules

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CENTRAL PROVIDENT FUND ACT
(CHAPTER 36, SECTION 4(19))

CENTRAL PROVIDENT FUND (DISCIPLINARY PROCEEDINGS) RULES

R 4

G.N. No. S 120/1988

REVISED EDITION 1998

(1st January 1998)

[20th May 1988]

Citation

1. These Rules may be cited as the Central Provident Fund (Disciplinary Proceedings) Rules.

Definitions

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

“Committee” or “Committee of Inquiry” means the Committee of Inquiry appointed under rule 4(5);

“emoluments” includes any increments, allowances or other benefits to which an officer is entitled to during the period when disciplinary proceedings are instituted against him under these Rules;

“General Manager” includes any officer who is duly authorised by the General Manager to act on his behalf;

“officer” means a confirmed officer of the Board;

“public officer” includes a person in the service of a statutory board;

“Staff and Finance Committee” means the Staff and Finance Committee appointed by the Board to exercise the powers of the Board in relation to the dismissal, termination of service and disciplinary control of officers.

Misconduct

3.—(1) If it is represented to the General Manager that an officer has been guilty of misconduct or neglect of duty and the General Manager is of the opinion that the subject-matter of the complaint is not serious enough to warrant proceedings under rules 4, 5, 6 and 7 with a view to dismissal or reduction in rank, the General Manager may cause an

investigation to be made into the matter in such manner as he thinks fit.

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

(3) The result of the investigation shall be submitted to the General Manager for his consideration and decision.

(4) The General Manager may, after considering the case made against the officer, his reply thereto and the results of the investigation, if any, if he is of the opinion that the allegation has been proved, impose a penalty such as a fine, stoppage or deferment of increment, reprimand, or a combination of such penalties.

(5) The decision of the General Manager made under paragraph (4) shall be submitted to the Staff and Finance Committee for confirmation.

[S 174/2002 wef 01/05/2002]

Serious misconduct

4.—(1) If it is represented to the General Manager that an officer has been guilty of misconduct or neglect of duty and the General Manager is of the opinion that the subject-matter of the complaint warrants proceedings with a view to dismissal or reduction in rank, the General Manager shall cause an investigation to be made into the matter and forward a report of the result of the investigation to the Staff and Finance Committee.

[S 174/2002 wef 01/05/2002]

(2) If the Staff and Finance Committee, after considering the report from the General Manager, is of the opinion that the subject-matter of the complaint warrants proceedings with a view to dismissal or reduction in rank, the Staff and Finance Committee may cause proceedings to be taken under this rule and rules 5, 6 and 7.

[S 174/2002 wef 01/05/2002]

(3) The officer shall be notified in writing by the General Manager 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 not less than 7 working days within which to exculpate himself in writing.

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

(5) If the officer submits an exculpatory statement which is not satisfactory, the Staff and Finance Committee shall appoint a Committee of Inquiry to inquire into the matter and to submit a report to the Staff and Finance Committee.

[S 174/2002 wef 01/05/2002]

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

(7) The Committee shall consist of —

- (a) an officer of the Board; and
- (b) 2 persons chosen from a panel of persons appointed by the Staff and Finance Committee.

[S 174/2002 wef 01/05/2002]

(8) The Staff and Finance Committee shall appoint one of the members of the Committee as chairman of the Committee.

[S 174/2002 wef 01/05/2002]

(9) Every member of the panel referred to in paragraph (7)(b) shall be appointed for a period of 3 years and shall be eligible for reappointment at the expiry of the period of appointment.

(10) Each member of the panel chosen to be a member of the Committee shall be notified of his appointment by the General Manager.

Procedure at inquiry

5.—(1) The officer shall be given at least 7 days' notice in writing of the date on which the Committee will commence its inquiry and the officer shall attend such 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 document at a reasonable time before such document is tendered in evidence.

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

(3) 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.

(4) At the inquiry, the evidence on behalf of the Board shall be presented by an officer of the Board or an advocate and solicitor nominated by the General Manager.

(5) The officer under inquiry may be represented by an advocate and solicitor or by another officer of the Board nominated by the officer.

(6) The Committee shall not be bound to act in a formal manner and shall not be bound by the provisions of the Evidence Act (Cap. 97) or by any other law relating to