

TABLE OF CONTENTS

Part I. General.....2

Part II. The Public Service Commission.....6

Part III. Appointments, Promotions and Transfers..... 11

Part IV. Removal from Office, Revocation of Appointments and
Extension of Probationary Service..... 18

Part V. Discipline.....23

Part VI. Overall Coordination and Management of the Functions
of the Civil Service.....34

Part VII. Miscellaneous.....35

First Schedule.....36

Second Schedule.....39

PART I. GENERAL

1. These regulations may be cited as the Public Service Commission Regulations
2. In these regulations, unless the context otherwise requires:-

“appointment” means the conferment of an office of emolument in the Public Service whether or not subject to subsequent confirmation, upon a person not in the Public Service; the grant of permanent pensionable terms of service in a Public Office to a person recruited and serving on contract terms of service in a pensionable or non-pensionable Public Office; the engagement in a Public Office of a person on contract terms of service for a further period of service on the conclusion of his/her previous period of engagement on contract terms in the same or other Public Office; the paid appointment of a Public Officer to act in any Public Office than the office to which he/she is substantively appointed;

“the Chairman” means the person duly appointed as Chairman of the Commission and includes, in the absence of the Chairman, the Vice Chairperson;

“the Commission” means the Public Service Commission established by the Constitution;

“the Constitution” means the Constitution of the Republic of The Gambia;

“Head of Department” means a person holding any of the offices specified in the First Schedule to these regulations, subject to any limitations prescribed therein;

SECOND SCHEDULE

DECLARATION OF SECRECY

I, THE UNDERSIGNED, being a Civil Servant in the employ of The Gambia Government, do hereby pledge myself, on my honour, to observe a strict secrecy respecting all matters of a confidential nature which may come to my knowledge in the discharge of my official duties;

AND I FURTHER PLEDGE MYSELF, on my honour, not to reveal to anyone contrary to my duty any matters which may come to my knowledge in the discharge of my official duties, and also not to supply to anyone any information respecting any such matters, except as and when required so to do by law, or by the regulations of the Service, or by my superior officers, or except as my official duties shall otherwise require:

AND I FURTHER PLEDGE MYSELF, not to breach or in any way contravene the provisions of Section 4 of the Official Secrets Act (Cap. 17:01)

I have been made fully aware of the penalties that any such breach or contravention would be a fine or an imprisonment.

Witness my hand at.....this.....day of.....20.....

.....
Signature of Officer

Communication Infrastructure

Permanent Secretary, Ministry of Tourism and Culture

Permanent Secretary, Ministry of Foreign Affairs

Permanent Secretary, Ministry of Transport, Works, and Infrastructure

Permanent Secretary, Ministry of Energy

Permanent Secretary, Ministry of Defence

Permanent Secretary, Ministry of Petroleum

Permanent Secretary, Ministry of Interior

Permanent Secretary, Office of the Vice President

Permanent Secretary, Ministry of Forestry and the Environment

Permanent Secretary, Ministry of Fisheries and Water Resources

Permanent Secretary, Ministry of Trade, Regional Integration and Employment

“Head of the Public Service” means the Public Officer designated as such from time to time by the President of the Republic;

“Member” means any person duly appointed as a member of the Commission and any person appointed to act as a member;

“Non-pensionable officer” means an Officer serving under a contract or agreement which does not provide for the payment of a pension;

“Official document” means any document or paper prepared by any public officer in the course of his/her employment or any document or paper which comes into the custody of any Public Officer in the course of such employment;

“Permanent Secretary” means the Permanent Secretary, Personnel Management Office;

“Posting” means the movement of an Officer within a Ministry/Department or between Ministries/Departments without any alteration of salary, grade or status;

“Promotion” means the conferment upon a person in the Public Service of a Public Office to which is attached a higher salary or higher salary scale than that attached to the Public Office to which he/she was last substantively appointed;

“Salary” means basic salary;

“Secretary” means the person appointed under these regulations as Secretary to the Commission;

“Seniority” means the relative seniority of Officers and except as

may be otherwise provided by the Commission or in these regulations shall be determinable and shall be regarded as having always been determinable as follows:

- i. as between officers of the same grade
 - a. by reference to the dates on which they respectively entered the grade;
 - b. if any officer (s) entered that grade on the same day by reference to their seniority on the day immediately preceding that day;
 - c. if any Officer (s) who entered the same grade on the same day did so by appointment and not by promotion (excluding promotion from non-pensionable grade), their seniority relative to each other shall be determinable by reference to their respective ages;
 - i. as between Officers of different grades on the same salary scale or the same flat rate of salary, by reference to the dates on which they respectively entered their grades;
 - ii. as between Officers of different grades 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:

Provided that when assessing the seniority of a pensionable Public Officer, service in a non-pensionable capacity shall not be taken into account;

- Secretary General
- Head of the Public Service (in respect of Administrative Officers)
- Director of Lands and Survey
- Director of Livestock Services
- Solicitor General and Legal Secretary
- Secretary of the Public Service Commission
- Director General of Prisons
- Director of Physical Planning
- Director, Department of Water Resources
- Director of Youth and Sports
- Permanent Secretary, Ministry of Lands and Regional Government
- Permanent Secretary, Ministry of Finance and Economic Affairs
- Permanent Secretary, Ministry of Health and Social Welfare
- Permanent Secretary, Ministry of Higher Education, Research, Science and Technology
- Permanent Secretary, Ministry of Basic and Secondary Education
- Permanent Secretary, Ministry of Youth and Sports
- Permanent Secretary, Ministry of Agriculture
- Permanent Secretary, Ministry of Information and

FIRST SCHEDULE

HEADS OF DEPARTMENTS

Director of Information Services

Master and Registrar

Commissioner of Labour

Inspector General of Police

Chief Fire Officer

Director General, Department of Immigration

Governors

Director General of Agriculture

Auditor General

Director of Health Services

Director of Technical Services

Permanent Secretary, Personnel Management Office, in respect of:

- (a) the staff of the Personnel Management Office;
- (b) any Officers not otherwise provided for under this Schedule;
- (c) the appointment and postings only of established Higher/Senior Executive Officers, Executive Officers, and Clerical Officers of grade 2, 3 and 4

“Transfer” means the authorized movement of an Officer from one branch of the Service to another;

“Vice Chairperson” means the person duly appointed as Vice Chairperson of the Commission.

PART II THE PUBLIC SERVICE COMMISSION

- 3. (1) The Secretary to the Commission shall be the person so appointed by the Commission:

Provided that where it is intended that the post should be filled by a Public Officer, the appointment shall not be made until the Commission has consulted the Head of Department concerned.

- (2) The Secretary shall not be a member of the Commission and his/her functions and duties shall be limited to matters of an administrative nature, to tender advice on procedural matters and such other duties as the Commission may direct.

- 4. (1) A record shall be kept of the members present and of the business transacted at every meeting of the Commission.

- (2) Any Member who is present at a meeting when a decision is made shall be entitled to dissent there from and to have his/her dissent and his/her reasons thereof set out in the record of such meeting.

- (3) The Chairman, and in his absence the Vice Chairperson, shall preside at and have the control of all meetings of the Commission and may exclude any matter which is irrelevant to the business of the Commission.

- 5. Decisions may be made by the Commission without a meeting by circulation of the relevant papers among the members:

PART VII - MISCELLANEOUS

- 59. Permanent Secretaries and Heads of Departments are required to keep an Attendance Register which should be signed by members of staff immediately on arrival at work. An Officer reporting on duty ten minutes late, or more should be reported to the Permanent Secretary for appropriate disciplinary action by the Commission.
- 60. The Commission, the Head of the Public Service, or the Permanent Secretary may, at any time, in the case of any difficulty or difference of opinion in the interpretation of the Constitution or of these regulations, consult the Attorney-General who shall give his/her opinion on the matter.
- 61. The Public Service Commission Regulations 1994 are hereby revoked.

PART VI OVERALL COORDINATION AND MANAGEMENT OF THE FUNCTIONS OF THE CIVIL SERVICE

To ensure effective and efficient overall monitoring of the performance of the structures of the Civil Service and the implementation of statutory provisions, the office of the Head of the Civil Service provided for by the 1997 Constitution will be created and properly staffed. This office, which is different from that of the Secretary General, will have overall responsibility for co-ordination and monitoring and will be directly answerable to the Secretary General. The existence of this office will enable the Secretary General to totally concentrate on the prime functions of servicing the President and performing the functions of Secretary to Government.

In the performance of his or her role, the Head of the Civil Service will have regular consultations with the Personnel Management Office and the Public Service Commission.

Provided that –

- (a) if any member requires that a decision on a matter being dealt with by circulation of the relevant papers shall be deferred until the subject matter shall be considered at a meeting of the Commission, no decision shall be made on that subject except at a meeting of the Commission; and
 - (b) where a member dissents from a view recorded by a majority of members on papers circulating for a decision, the decision shall not be implemented until that member records the reasons for his/her view.
6. Any report, statement or other communication or record of any meeting, enquiry or proceedings which the Commission may make in exercise of its functions or which any member may make in performance of his/her duties, or in discharge of any duty to the President or to any Public Officer, shall be privileged in that its production may not be compelled in any legal proceedings if the President certifies that such production is not in the public interest.
 7. The Chairman and any member shall have such and the like protection and privilege in case of any action or suit brought against him/her for any act done or omitted to be done in the execution of his/her duties under these regulations as is by law to the acts done or words spoken by the Chief Justice in the exercise of his/her judicial functions.
 8. (1) The Commission may require any Public Officer to attend and give evidence before it concerning any matter which it is required to consider in the exercise of its

functions and may require the production of any official documents relating to any such matter.

(2) Whenever the Commission is considering any appointment, confirmation of appointment, promotion, or transfer of, or any disciplinary action against any person to, or as the case may be, a post in Category V of the Public Service, or a teaching post, the Head of the Department shall be so informed and may, if he/she wishes, attend the deliberations of the Commission for the purpose of giving advice:

Provided that –

(a) nothing in this regulation shall be construed so as to confer upon such Head of Department the right to vote on any such matter; and

(b) if the subject of the Commission's deliberations concerns the Head of Department, he/she shall not so attend, and the Head of the Public Service or the Permanent Secretary on his/her behalf shall attend in his/her place.

9. Any Public 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.

10. Any Public Officer who without reasonable excuse fails to appear before the Commission when notified to do so or who fails to comply with any request lawfully and properly made by the Commission shall be guilty of a breach of discipline and the Commission may direct the

(b) in any other case, the Head of Department shall report the matter to the Permanent Secretary who shall inform the Secretary, and the Commission shall consider the case and may summarily dismiss him/her and declare his/her post vacant.

(2) The powers of the Commission under this regulation are hereby delegated to the Chairman.

58. Whenever in these regulations any power, function or duty is imposed or conferred upon any Head of Department, that power, function or duty may at any time be exercised by the Head of the Public Service, or by the Permanent Secretary on his/her instructions and on his/her behalf, and in such a case the Head of Department, on being informed that the Head of the Public Service, or the Permanent Secretary, as the case may be, is to exercise that power, function or duty in respect of any particular matter, shall not himself/herself exercise, or shall cease to exercise, as the case may be, that power, function or duty in respect of that particular matter and any such case shall forthwith be reported to the Commission.

(b) in respect of all Officers not included in paragraphs (a) and (c) of this regulation, the Permanent Secretary shall consider the matter and submit recommendations to the Commission;

(c) in respect of Officers for whom the Head of Department is the responsible authority, the Head of Department shall consider the matter and award such punishment from among those listed in regulation 44 (1) of these regulations as he/she thinks fitting (which punishment may include dismissals); reporting any action taken to the Permanent Secretary.

56. The authorities designated in regulation 52 of these regulations may at any time after making such enquiries as they see fit recommend to the Commission that an Officer be required to retire from the Public Service, or that his/her services be terminated, in the public interest;

Provided that before making such recommendation, the authority shall give to the Officer concerned the opportunity to make representations to the authority and shall report in full to the Secretary the grounds on which the recommendation is made together with any representations made by the Officer.

57. (1) Where any Public Officer is absent from duty without leave or reasonable cause for a period exceeding fourteen days and the Officer cannot be traced within a period of twenty days of commencement of such absence, or if traced, no reply to a charge of absence without leave is received from him within ten days after the despatch of the charge to him:

(a) in the case of a Public Officer in respect of whom disciplinary control has been delegated, the authority empowered to dismiss him/her may summarily dismiss him/her, and declare his/her post vacant;

appropriate authority to institute disciplinary proceedings against him/her.

11. Any person who otherwise in the course of his/her duty directly or indirectly by himself/herself or by any other person in any manner whatsoever influences or attempts to influence any decision of the Commission or the Chairman or of any member, or of any selection Board constituted under these regulations or of any member thereof, shall be guilty of an offence and upon summary conviction by a Magistrate shall be liable to a fine not exceeding two thousand five hundred dalasis or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

Provided that nothing in this regulation shall prohibit any person who may properly do so from giving a certificate or testimonial to any applicant or candidate for any public office or from supplying any information or assistance upon formal request by the Commission.

12. Any person who, in connection with any application by any person for employment or promotion in the Public Service, wilfully gives to the Commission or to any member thereof, or to any person or body of persons appointed by law or by any competent authority to assist the Commission in the exercise of its functions or the discharge of its duties, any information which he/she knows to be false or does not believe to be true, or which he/she knows to be false by reason of the omission of any material particular, shall be guilty of an offence and upon summary conviction by a Magistrate shall be liable to a fine not exceeding five hundred dalasis or to imprisonment for a term not exceed-

-ing one year, or to both such fine and imprisonment.

13. (1) Neither the Chairman or any member; nor any other person shall without the written permission of the President of the Republic publish or disclose to any person otherwise than in exercise of his/her functions under these regulations, the contents of any document, communication or information whatsoever which has come to his/her notice in the course of his/her duties under these regulations in respect of any matter referred to the Commission or to any member of the Commission or dealt with by an Officer holding a delegated authority and any person who knowingly acts in contravention of this regulation shall be guilty of an offence and upon summary conviction by a Magistrate shall be liable to a fine not exceeding five thousand dalasis or to imprisonment for a term not exceeding one year, or to both such fine and imprisonment.

(a) in the case of Officers holding Category V posts or Heads of Departments (other than the Auditor General), not less than two and not more than three members, one of whom must be the Vice Chairperson of the Commission who shall be Chairperson and the other a member of the Judicial Service Commission;

(b) in the case of Officers in Category IV posts, one member of the Commission, and one member of the Judicial Service Commission;

(c) in the case of Officers to whom neither paragraph (a) nor paragraph (b) of this regulations applies and in respect of whom no disciplinary control has been delegated under regulation 28 of these regulations, one member of the Commission.

54. (1) The Secretary to the Commission shall serve as Secretary to any Investigating Committee instituted in accordance with these regulations.

(2) Where the Secretary to any Investigating Committee is unavoidably absent, the Commission shall appoint an Officer in the Public Service not below the rank of an Assistant Secretary to serve as Secretary to any Investigating Committee.

55. (1) At the completion of any enquiry, the Secretary to the Investigation Committee shall forward the report of the Committee, including the record of the charges framed, the evidence adduced, the defence and any other matter relevant to the enquiry to the Chairman.

(2) Every report forwarded to the Chairman must state whether the charges preferred against any Officer has been proved or not and to recommend what appropriate punishment should be imposed on the Officer.

50. If an Investigating Committee examines witnesses, the Officer must be given the opportunity of being present and of putting questions on his/her own behalf to the witnesses; and no documentary evidence shall be used against him unless he/she has previously been supplied with a copy thereof or given access thereto.
51. An Officer may, at the completion of the enquiry and upon payment of twenty five bututs for every hundred words or a fraction thereof after the first hundred words of the record of evidence, be given a copy of the record of evidence including documents tendered in evidence.
52. (1) The authority responsible for instituting preliminary enquiries shall be –
- (a) in the case of Permanent Secretaries or Heads of Departments, other than the Auditor General, the Head of the Public Service;
- (b) in the case of officers in Categories IV and V other than those to whom paragraph (a) of this regulation applies, the Permanent Secretary; and
- (c) in the case of Officers to whom neither paragraph (a) nor paragraph (b) of this regulation applies and for whom the Commission is the responsible authority, the Head of the Department in which the Officer holds his/her post.
- (2) Where a case arises in which it is considered necessary to investigate the conduct of the Head of the Public Service, the authority responsible to institute a preliminary enquiry is the Chairman.
53. (1) Investigating Committees shall be composed as follows:

PART III APPOINTMENTS, PROMOTIONS AND TRANSFERS

14. The Commission shall consider and decide all matters relating to:-
- (a) the appointments, confirmation of appointments, acting appointments, promotions and transfers of Public Officers, other than those Public Officers in respect of whom any special provision or exception is made in the Constitution;
- (b) the approval of public officers to undergo training courses (excluding awards made by the Scholarships Advisory Board) related to departmental posts upon the recommendation of the Personnel Management Office and a properly constituted Training Committee;
- (c) petitions by Public Officers, submitted in accordance with the provisions of regulation 38 of these regulations.
15. In order to discharge its duties under regulation 14 of these regulations, the Commission shall exercise supervision over and approve all schemes for admission to any public office by examination, over arrangements for special training for the public service, and over all, other methods of recruitment including the appointment and procedure of Boards for the selection of candidates.
16. (1) Where vacancies are not to be filled by the normal processes of promotion or by results of examinations or scholarships prescribed by any approved scheme, the existence of the vacancies shall, unless the Commission

otherwise directs, be notified to the public by advertisement in time to enable candidates to make application in accordance with such advertisement.

- (2) Where a post is to be advertised:
- (a) the requirements of the post and qualifications necessary for it shall be settled by the Permanent Secretary of the institution where the vacancy exists;
 - (b) details of the draft advisement shall be agreed between the Commission and the Permanent Secretary;
 - (c) the Commission shall publish the advertisement, and shall consider any replies to it in consultation with the Head of Department concerned.

17. (1) The Commission shall decide whether a Selection Board should be constituted to select candidates, what the composition of the Board should be and the form in which the report of the Board should be submitted.

(2) The Board shall forward its report to the Secretary and the Commission may in its discretion interview any of the candidates.

18. (1) In making first appointments, the Commission shall be guided by the principle that no consideration shall be given to the recruitment of a non-Gambian unless and until, after a review of the claims of all Gambian candidates, the Commission is satisfied beyond reasonable doubt that no qualified and suitable Gambian candidate is available.

(b) the Officer shall be addressed, the charges conveyed to him/her, and the Officer must state in writing before a date to be specified, any grounds on which he/she relies to exculpate himself/herself;

(c) if the Officer fails to furnish a reply to any charge by the specified date or if, in the opinion of the responsible authority he/she fails to exculpate himself/herself, then the responsible authority shall submit a full report on the matter to the Commission which shall appoint a Committee to enquire further into the matters;

(d) the Commission shall inform the Officer that on a specified date the charges preferred against him/her will be investigated by it, and that he/she will be allowed, or may be required to appear before it;

(e) at the completion of the enquiry, the Committee will prepare a report, which must include a record of the charges framed, the evidence adduced, the defence and any other matter relevant to the enquiry:

Provided that if, in the opinion of the Commission, following a preliminary enquiry under paragraph (a) of this regulation, the appropriate punishment is reprimand, stoppage of increment or deferment of increment, the Commission may impose such punishment and dispose of the case.

49. An Investigating Committee instituted in accordance with these regulations shall permit an accused Officer to be represented in person or, at his/her own expense, by a Counsel of his/her own choice and the Government shall, in like manner, be permitted to be represented by a Public Officer.

attention of the Commission to any case in which he/she considers this necessary.

46. (1) The procedure to be followed by the responsible authority, and which shall govern cases in which no specific law or regulation has been contravened but in which the Officer's work or conduct are considered to be unsatisfactory, shall be as follows:
- (a) a First Warning letter, setting out the Officer's deficiencies, and requiring him/her to improve his/her work or conduct;
- (b) *if this warning letter does not lead to a significant change in performance or behaviour, the Head of Department or Permanent Secretary shall submit a recommendation to the Public Service Commission for imposition of an appropriate disciplinary measure;*
- (5) *Notwithstanding the provisions of paragraph (1) of this regulation, the Public Service Commission may revoke the appointment of an Officer upon giving him a month's notice or paying him/her a month's salary in lieu of such notice, if this is considered to be in the public interest.*
47. Whenever it appears necessary to institute disciplinary proceedings for misconduct, which, if proved, would justify dismissal from the Public Service, the procedures in the next following regulations shall be observed.
48. The procedure to be followed by the responsible authority as defined in regulation 52 of these regulations in cases where an Officer is suspected of any specific act of misconduct shall be as follows:
- (a) preliminary enquiry shall be held by the responsible authority who shall, on the advice of the Attorney General, frame charges;

(2) Where no suitable Gambian candidate is available for any post, the Commission shall decide whether the post shall be filled by a non-Gambian on pensionable or contract terms and in reaching its decision shall have regard to the probability or otherwise of a suitable Gambian becoming available, the probability or otherwise of further vacancies occurring in the same class of appointment and the need to attract the best available candidate.

19. (1) In considering the claims of persons in the Public Service for promotion, merit and ability shall be taken into account as well as seniority, experience and official qualifications.
- (2) Recommendations for promotion made by the Head of Department shall be submitted on the prescribed form and shall state whether the person recommended is the senior Officer in his/her department eligible for promotion, and, where this is not the case, detailed reasons shall be given in respect of such person in that same department over whom it is proposed that the person recommended should be promoted.
- (3) The procedure for making acting appointment and for recommending Officers for special courses of training shall be the same as that prescribed for making a promotion, save that when recommending an acting appointment it should be stated whether or not the officer recommended for acting appointment is in every way qualified to perform all, or only a part, of the duties of the office in which he/she is to act.
- (4) In any case where the Commission has it in mind to

take action under the provisions of this regulation which is other than that proposed by the Public Officer referring the matter to the Commission, or, in the case of a Category V post, by the Head of the Public Service, the Commission shall, before taking such action, give that Public Officer and, in the appropriate cases, the Head of the Public Service, opportunity to give his/her or their views to the Commission in person and shall give due consideration to such views.

(5) (a) The power to make acting appointments is hereby delegated to the Chairman, without prejudice, however, to his right to refer the question of any such acting appointment to the other members, in his discretion.

(b) The Chairman may, if a question of urgency arises, dispense with the procedures specified in regulation 20 of these regulations in regard to any acting appointment.

20. The following procedures shall govern the submission to the Commission, proposals for appointments, confirmation of appointments, promotions and transfers in the classifications specified:

(a) As soon as it is known that a vacancy will occur in a Category V post –

(i) the Permanent Secretary shall obtain the recommendations of the Head of Department concerned for filling the post, and shall report the matter and shall submit such recommendations to the Head of the Public

on any petition shall be final.

44. (1) The following are the punishments which may be ordered as a result of proceedings under this Part of these regulations:

- (a) Dismissal;
- (b) Reduction in rank;
- (c) Reduction in salary;
- (d) Determent of increment;
- (e) Stoppage of increment;
- (f) Fine, not exceeding one month's emoluments;
- (g) Reprimand:

Provided that nothing in the regulation shall be construed so as to

- (i) limit the powers conferred in these regulations to require a public officer to retire from the Public Service on the grounds of public interest;
- (ii) interfere with any power to order surcharge.

(2) The powers in respect of deferment of increment and stoppage of increment are hereby delegated to the Chairman.

45. Where punishment is imposed by a responsible authority as defined in regulation 29 of these regulations, the imposition of such punishment shall be made in writing, and copied to the Permanent Secretary, who shall draw the

39. Petitions against decision exercising disciplinary control shall be made by the petitioner:
- (a) in respect of a decision by an Officer subordinate to a Head of Department, to the Head of Department;
 - (b) in respect of a decision made by a Head of Department, to the Permanent Secretary who shall forward the petition, together with such comments as he/she may deem necessary, to the Head of the Public Service;
 - (c) against decisions of the Head of the Public Service, to the Commission with his/her comments.
40. The authority receiving the petition shall consider and determine what action shall be taken on it; which shall either confirm the decision, or vary it as sees fit, and the Commission's decision will be conveyed to the Petitioner by the Secretary, a copy being sent to the authority receiving the petition.
41. Petitions against decisions made by the Commission shall be entertained by the Commission only if additional factual information not presented to the Commission during its initial deliberations is included in the petition, which shall be addressed to the Secretary.
42. Petitions shall not be considered unless received by the appropriate authority within three weeks of the date upon which the decision out of which the petition arises is addressed to the Officer, unless the authority considering the petition considers that special circumstances warrant consideration out of time.
43. Subject to the provisions of regulation 41 of these regulations, not more than one petition on any particular case shall be considered and the Commission's decision

Service together with his/her own recommendations;

(ii) upon receipt of the report and the recommendations, the Head of the Public Service shall forward them together with his/her own recommendations to the Secretary, who shall lay the papers before the Commission.

- (b) As soon as it is known that a vacancy will occur in a post other than Category V post or a post in regard to which powers have been delegated to a Head of Department
 - (i) the Head of Department shall report the matter to the Permanent Secretary and shall forward with such report his/her recommendations;
 - (ii) upon receipt of the report and the recommendations, the Permanent Secretary shall forward them together with his/her own recommendations to the Secretary, who shall lay the papers before the Commission;
- (c) If, upon receipt of the papers specified in paragraphs (a) and (b) of this regulation, the Chairman of the Commission on its behalf considers that the post should be advertised, the Secretary shall arrange with the Permanent Secretary for such advertisement to be published.
- (d) When the vacancy is likely to involve the recruitment

of an overseas Officer, the Permanent Secretary, shall report to the Commission on the availability of qualified local Officers and on the arrangements for the training of local candidates for such posts.

- (e) In the case of vacancies among miscellaneous offices to which this regulation applies, the necessary report shall be transmitted to the Secretary by the Permanent Secretary.
- (f) A Head of Department shall notify the Permanent Secretary immediately a vacancy occurs in any established post under his/her control other than a post in respect of which control has been delegated to him/her under regulation 21 of these regulations.
21. (1) There is hereby delegated to the appropriate Head of Department
- (a) in respect of the Fire and Rescue Service, authority to make appointments; confirmation of appointments and promotions to and within the Services;
- (b) *in respect of Officers from Category V to I;*
- (c) *in respect of persons temporarily employed and those on a month-to-month appointment;*

Provided that when any such person has been so employed for such period, the Head of Department shall inform the Commission of the fact and the established post, if any, against which such person is being held.

the Officer's dismissal or other punishment the whole of the emoluments withheld shall be restored to him/her, including any increment in salary, when the final decision is made.

- (4) In cases in which the Officer is found guilty of the charges, or some of them, which are the causes of the interdiction, he/she shall not be entitled to receive that portion of his/her emoluments which have been withheld.
- (5) Except in the case of the interdiction of a Head of Department, an Officer holding a Category V post, or of a Public Officer in respect of whom the disciplinary control has been delegated under regulations 29 of these regulations, the powers of the Commission under this regulation are hereby delegated to the Chairman
36. (1) A Public Officer adjudged by a court to be guilty of a criminal charge shall not receive any emoluments from the date of such judgement, pending the decision of the authority that is empowered to dismiss him.
- (2) The powers of the Commission under t regulation are hereby delegated to dismiss him/her.
37. An Officer who is under interdiction may not leave The Gambia without permission of the authority who interdicted him/her.
38. Where a Public Officer has been acquitted of a criminal charge in any court, disciplinary proceedings may be initiated and continued against him/her in the same manner as if no criminal proceedings had been taken. Such proceedings shall be based on infringement of General Orders or Financial Instructions, or Public Service Commission Regulations unless the Attorney General advises that no further disciplinary proceedings shall be taken or continued.

subject, according to the circumstances thereof, to the advice of the Attorney General as to whether criminal prosecution should first be instituted.

33. When a preliminary investigation or a disciplinary enquiry discloses that an offence against any law may have been committed by a Public Officer, the Permanent Secretary shall, unless legal proceedings have been or are about to be taken, consult the Attorney General as to whether a prosecution should be instituted.
34. If criminal proceedings are instituted against a Public Officer in any court, proceedings for his/her dismissal upon any grounds involved in the criminal charge shall not be taken until the conclusion of the criminal proceedings and the determination of any appeal there from.
35. (1) If in any case the authority who is empowered under this Part of these regulations to dismiss any Public Officer shall consider it in the interest of the Public Service that any Public Officer should cease forthwith to exercise his/her powers and functions in view of the fact that proceedings for the dismissal of such public officer are to be taken or that criminal proceedings are being instituted against him/her, such authority may interdict such Public Officer from the exercise of his/her powers and functions.
- (2) An Officer who is interdicted shall, subject to the provisions of regulations 36 of these regulations, receive such emoluments, not being less than one half, as the authority empowered to dismiss him/her shall think fit and shall not be entitled to receive any increment in salary falling due during the period of such interdiction to which he/she would have been entitled had he/she not been interdicted.
- (3) Subject to the provisions of paragraph (4) of this regulation, if the disciplinary proceedings do not result in

- (2) A Head of Department acting under the provisions of paragraph (1) (b) of this regulation and in his/her discretion may cause advertisements to be made of vacancies and may set up departmental Appointments Advisory Boards to advise him/her in the exercise of his/her powers.
- (3) Nothing in this **regulation** shall be construed so as to permit any Head of Department to fill any vacancy in his/her departmental establishment without first obtaining financial clearance from the appropriate authority if any form of financial control has been imposed in that respect.
22. Notwithstanding anything in this Part of these regulations contained, no proposal or application for the appointment to any Public Office of any person who has been at any time convicted of any criminal offence involving fraud or other dishonesty shall, in the case of a proposal, be made to or considered by or, in the case of an application, be considered by, the Commission unless the Head of Department in which the Public Office concerned is established has been informed of such person's conviction and has agreed that such proposal or application, shall be made and, or considered, as the case may be.
23. (1) All Officers appointed by the Public Service Commission shall before taking their office, swear before a Commissioner for oaths or a Notary Public, a Declaration of Secrecy as set out in the Second Schedule to these regulations.
- (2) *Any Officer who acts contrary to the Declaration of Secrecy shall be guilty of an offence and appropriate*

action shall be taken by the Public Service Commission in consultation with the Attorney General Chambers.

PART IV – REMOVAL FROM OFFICE, REVOCATION OF APPOINTMENTS AND EXTENSION OF PROBATIONARY SERVICE

24. Where an office, which is one of a number of such offices, has been abolished but one or more such offices remain, the Head of Department shall –
- (a) if the office is one in respect of which the power to appoint, promote and transfer has been delegated, determine which substantive holder of such office shall have his/her appointment revoked; or
 - (b) in any other case report the matter to the Permanent Secretary and shall forward with such report and the recommendations, the Permanent Secretary shall forward them together with his/her own recommendations, if any, to the Secretary, for the decision of the Commission.
25. (1) If it appears to a Head of Department that the appointment of a non-pensionable Public Officer should be revoked (otherwise than as provided in regulation 24 of these regulations), the Head of Department shall, in writing, explain why the appointment should not be revoked; if no reply is received by the Head of Department within ten days of the receipt thereof or if the Head of Department considers that no adequate cause has been shown

PART V DISCIPLINE

28. The Commission shall be the sole responsible authority in all matters concerning the disciplinary control of Public Officers, other than those Officers holding the posts specified in paragraphs (a) to (f) inclusive of section 111 (3) of the Constitution and other than the Inspector General of Police and the holders of the offices of or below the rank of Chief Inspector in The Gambia Police Force.
29. Disciplinary control of the Officers listed below is hereby delegated to the responsible authority -
- (a) Junior prison officers;
 - (b) Members of the Fire and Rescue Services;
 - (c) *Officers in Category I to V of the Public Service, as defined from time to time in General Orders;*
 - (d) *Persons appointed temporarily on a month-to-month or day-to-day basis to posts in Categories I and V of the Public Service.*
30. All acts of misconduct by Public Officers shall be dealt with under this Part of these regulations as soon as possible after the time of discovery of the misconduct.
31. Any case not covered by these regulations shall be reported to the Permanent Secretary who may make recommendations to the Commission which shall issue instructions as to the manner in which the case shall be dealt with, and the case shall be dealt with accordingly.
32. Notwithstanding anything contained in these regulations, the Commission may direct that disciplinary proceedings shall be instituted in any case which comes to its attention,

(5) If, on considering the matter under paragraph (3) of this regulation, the Head of Department is of the opinion that the probation period or trial period should be extended, or if at any time during such period he/she considers that the Officer should not remain in the Public Service, or, in the case of any Officer promoted for a trial period, should revert to his/her previous grade, the Head of Department shall report the matter together with his/her recommendations to the Permanent Secretary.

(6) Upon receipt of any report and recommendations prescribed by this regulation, the Permanent Secretary shall forward them together with his/her own recommendations to the Secretary, who shall lay the papers before the Commission.

(7) Nothing in this regulation shall be construed so as to require a Head of Department to submit to the Permanent Secretary or to the commission any matter concerning the probation of any Officer in respect of whose appointment and confirmation of appointment powers have been delegated to such Head of Department:

Provided that a Head of Department shall not, under the provisions of this paragraph, extend or reduce the period of probation of any Officer without the consent in writing of the Permanent Secretary.

- (a) in the case of an Officer in respect of whom disciplinary control has been delegated, the Head of Department may revoke the appointment and report the matter to the Permanent Secretary;
 - (b) in any other case, the Head of Department shall report the matter to the Permanent Secretary and shall forward them together with his/her own recommendations, if any, to the Secretary, who shall lay the papers before the Commission.
- (2) The Permanent Secretary shall, upon receipt of the report and the recommendations, forward them together with his/her own recommendations, if any, to the Secretary, who shall lay the papers before the Commission.
- (3) The powers of the Commission under this regulation are hereby delegated to the Chairman, without prejudice; however, he/she can refer any such matter to the other members of the Commission.

26. (1) If it appears to a Head of Department that there is reason why a Public Officer for whom he/she is responsible, who has attained the age of 50 years and who holds a pensionable office, should be called upon to retire from the Public Service, the Head of Department shall report the matter with his/her reasons thereof to the Permanent Secretary, and in no case shall the Officer be addressed on the matter before the Permanent Secretary has considered the recommendation submitted by the Head of Department.

(2) If the Permanent Secretary is satisfied that the Head

of Department has made a pima facie case, he/she shall address the officer, stating that unless he/she is prepared to retire voluntarily under the provisions of the pensions Act, 1950, it is proposed to take steps to require him/her to retire.

(3) If the Officer does not avail himself/herself of the opportunity to retire voluntarily within fourteen days of being so addressed, he/she may within that period make such representations as he/she wishes to the Commission through his/her Head of Department and the Permanent Secretary, and shall forward such representations, with the report of the Head of Department and his/her own recommendations to the Secretary, who shall lay the matter before the Commission.

(4) If the Officer does not avail himself/herself of the opportunity to make representations, the Permanent Secretary shall obtain the Commission's approval before compulsorily retiring the officer.

27. (1) *On his/her first appointment to a pensionable post, a Public Officer shall hold his/her appointment on probation for one year, and any promotion may be made subject to a trial period of such length as the Commission may specify:*

Provided that, in the case of a Category I Officer appointed to a permanent and pensionable post who, immediately prior to such appointment, had served for one year in a Category I post, his/her confirmation in his/her new appointment shall be automatic, subject to certification of physical fitness.

(2) If at any time during the probation or trial period of any Officer the Head of Department considers that such period should be reduced, he/she shall report the matter together with his/her recommendations to the Permanent Secretary.

(3) Where a Public Officer holds an appointment on probation, or where a promotion has been made subject to a trial period, then the Head of Department shall, three months before the expiration of the probationary period or of the trial period, consider:-

(a) whether the Officer should on the expiration thereof be confirmed in a pensionable post or in his/her promotion, as the case may be;

(b) whether a further probationary period or trial period is necessary for the purpose of determining whether the Officer should be confirmed as aforesaid; or

(c) whether the Officer should cease to be in the Public Service, or, in the case of an officer promoted for a trial period, should revert to his/her previous grade.

(4) If the Head of Department, on considering the matter under paragraph (3) of this regulation, is of opinion that the Officer should be confirmed on the expiry of the probationary period or substantively promoted at the end of the trial period, he/she shall report the matter to the Permanent Secretary and shall forward with such report his/her recommendations.