



**Services
Commissions
Regulations
2001**



FOREWORD



For the first time in the history of the Belize Public Service, the Public Services Commission can claim ownership of its own Regulations. As Minister with responsibility for the Public Service, I take pride in this accomplishment.

Since July 2000, My Government has demonstrated its commitment to enhancing the role of the Public Services Commission. The first step towards this goal was initiated with the establishment of an autonomous Office for the Commission. On 23 February 2001, the Constitution was amended, effecting changes that resulted in the reorganization of the Commission as well as rendering the membership more reflective of modern times. The promulgation of the Services Commission Regulations is yet another step in this direction.

The power of the Commissions have, traditionally, been embodied in the Public Service Regulations. It is envisaged that their separation there-from will result not only in clearer delineation of their roles and functions but, more importantly, greater understanding and improved management of the processes where these powers are concerned. The ultimate goal is greater efficiency and effectiveness in the management of our human resources.

It is my sincere hope that these Regulations will serve this end.

A handwritten signature in black ink, appearing to read 'Jose Coye'. The signature is fluid and stylized, with a long, sweeping horizontal stroke at the top.

JOSE COYE

Minister for the Public Service

INTRODUCTION

The Public Services Commission has embarked on a historical path in fulfilment of the mandate entrusted to it by the Constitution. In keeping with this mandate, the Constitution also provides for the Commission to "...by regulation make provision for regulating and facilitating the performance of its functions..."

As Chairman of the Public Services Commission, it is with a sense of accomplishment that I introduce the first ever Services Commissions Regulations. These Regulations represent a milestone in the history of Services Commissions as well as the Public Service in Belize, and one that I believe will impact, in a positive way, the welfare of public officers.

Much effort has been expended, in the formulation process, to ensure that the Regulations are clear, relevant and complimentary to the changes that have taken place and continue to take place in the Public Service. An issue of much concern to the Commission, over time, has been the management of the disciplinary process. This has been fraught with challenges. Particular attention was therefore centred on this aspect of the Regulations, with a view to rendering the process as straightforward and concise as possible. Regulations, in respect of the other powers of the Commission, which previously formed a part of the Public Service Regulations, have been fine-tuned where necessary. All superfluous provisions have been dispensed with and new provisions have been included.

I encourage all managers, supervisors and, indeed, every public officer to become familiar with these Regulations. The effectiveness of the Regulations and the work of the Commission are dependent on this. The Commission, for its part, will continue to carry out its duties and responsibilities in a manner that will contribute to the greater good of public officers and the wider Public Service.



CHARLES B. HYDE (JP(S))

*Chairman,
Services Commissions*

BELIZE:

SERVICES COMMISSIONS REGULATIONS, 2001

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BELIZE:

STATUTORY INSTRUMENT

NO. 159 OF 2001

REGULATIONS made by the Governor-General, acting in accordance with the advice of the Minister responsible for the Public Service, given after consultation with recognised representatives of the employees and other persons and groups within the Public Service, in exercise of the powers conferred upon him by section 106 (3) of the Belize Constitution, Chapter 4 of the Substantive Laws of Belize, Revised Edition 2000, and all other powers thereunto him enabling.

(Gazetted 17th November, 2001.)

PART I
PRELIMINARY

1. These Regulations may be cited as the

Short title.

SERVICES COMMISSIONS REGULATIONS, 2001.

2. (1) In these Regulations, unless the context otherwise requires:-

Interpretation
and construction
of references.

“Commission” or “Services Commission” means -

(a) the Public Services Commission established under section 105 (1) of the Constitution;

Cap. 4.
Act 2/2001.

(b) the Security Services Commission established under section 110C (1) of the Constitution;

Cap. 4.
Act 2/2001.

(c) the Judicial and Legal Services Commission established under section 110E (1) of the Constitution;

Cap. 4.
Act 2/2001.

Cap. 4.
Act 2/2001.

“Constitution” means the Belize Constitution;

“Crown” means the Crown in right of Belize;

“*Gazette*” means the Belize Government *Gazette* and includes any supplement thereto;

“Head of Department” in relation to a Ministry, means the Chief Executive Officer of that Ministry, and in relation to a Department, means the Head of that Department;

“Government” means the Government of Belize;

“Chief Executive Officer” means the Chief Executive Officer to the Ministry concerned with the matter in issue and includes:-

- (a) in the case of the Ministry of Finance, the Financial Secretary;
- (b) in the case of the Attorney General Ministry, the Solicitor General;
- (c) in the Office of the Prime Minister and the Cabinet Office, the Secretary to the Cabinet;

“Director” means the person holding or acting in the office of Director of the Services Commissions;

“judicial and legal services” means services in the Departments or Offices of the General Registry of the Supreme Court and Court of Appeal, Magistracy, Chief Parliamentary Counsel, Law Revision, Family Courts, Director of Public Prosecutions, and Solicitor General but does not include the Director of Public Prosecutions and the Solicitor General;

“public office” means any office of emolument in the Public Service;

“Public Officer” means a person holding or acting in a public office, and the word “officer” shall be construed accordingly;

“Public Service” means, subject to the Constitution and these Regulations, the service of the Crown in a civil capacity in respect of the Government;

“security services” means service in the Belize Police Department, the Belize Defence Force, or in any other military, naval, or air force established for Belize.

(2) For the purposes of these Regulations:-

- (a) a reference to an office in the Public Service shall **not** be construed as including references to the offices of Prime Minister or other Minister, Minister of State, Speaker or Deputy Speaker or member of the House of Representatives, President or Vice-President or Senator, member of the Belize Advisory Council, or member of any Commission established under the Constitution, or the Clerk, Deputy Clerk or any other member of the staff of the National Assembly;
- (b) a person shall not be regarded as holding a public office by reason **only** of the fact that he is in receipt of a pension or other like allowance in respect of service under the Crown;
- (c) a reference to an office in the Public Service shall be construed as including a reference to the office of members of the Belize Police Department, Belize Defence Force and the Belize Prison Service with the rank of Principal Officer and above, and officers on the Governor-General’s personal staff.

Cap. 4.
Act 2/2001.

(3) In these Regulations, unless the context otherwise requires, a reference:-

- (a) to a Department, includes a reference to a Ministry;
- (b) to the masculine gender, includes a reference to the feminine gender;
- (c) to the singular, includes a reference to the plural;

Cap. 4.
Act 2/2001.

Application.

(d) to any power excisable by a Services Commission shall refer to officers appointed under sections 106, 110D (1) and 110F (1) of the Constitution.

3. (1) Subject to subregulation (2) below, the provisions of these Regulations apply to all Public Officers.

(2) These Regulations do not apply to the following officers:-

(a) a Justice of the Court of Appeal;

(b) a Justice of the Supreme Court;

(c) the Director of Public Prosecutions;

(d) the Auditor General;

Cap. 4.
Act 2/2001.

(e) an officer to whom section 110B of the Constitution applies;

S.I. 145/1992.
S.I. 111/1993.
S.I. 37/1995
S.I. 41/1997.

(f) open vote workers to whom the Government (Open Vote) Workers Regulations apply;

(g) any office to which section 107 of the Constitution applies;

(h) any other category or class of officers where special Regulations are made in respect of that category or class of officers.

PART II **FUNCTIONS AND DUTIES OF THE SERVICES** **COMMISSIONS**

Power to appoint,
etc., officers.

Cap. 4.
Act 2/2001.

4. (1) The power to appoint persons to hold or act in offices in the public service, other than the offices in the judicial and legal services and the security services, including the power to transfer or to confirm appointments, and, subject to the provisions of section 111 of the Constitution, the power to exercise disciplinary control over such persons and the power to remove such persons from office, shall vest in the Public Services Commission.

(2) The power to appoint persons to hold or act in offices in the security services, including the power to make appointments, and to deal with all matters relating to the conditions of service of such officers and, subject to the provisions of section 111 of the Constitution, the power to exercise disciplinary control over persons holding or acting in such offices and the power to remove such persons from office shall vest in the Security Services Commission.

Cap. 4.
Act 2/2001.

(3) The power to review the suitability of applicants, and to appoint persons to hold or act in offices in the judicial and legal services, including the power to make appointments, promotions, transfers, to confirm appointments, and to deal with all matters relating to the conditions of service of such judicial and legal officers and, subject to section 111 of the Constitution, the power to exercise disciplinary control over persons holding or acting in such offices and the power to remove such persons from office shall vest in the Judicial and Legal Services Commission.

Cap. 4.
Act 2/2001.

(4) Subregulation (1) shall be subject to any directions in writing issued by the Public Service Commission pursuant to section 106 (5) of the Constitution, delegating any of its powers under subregulation (1) to any one or more members of the Commission or, with the consent of the Prime Minister, to any Chief Executive Officer or other public officer.

Cap. 4.
Act 2/2001.

(5) Subregulation (2) shall be subject to any directions in writing issued by the Security Services Commission pursuant to section 110D (5) of the Constitution, delegating any of its powers under subregulation (2) to any one or more members of the Security Services Commission or, with the consent of the Prime Minister, to the Commissioner of Police or the Commandant, Belize Defence Force.

Cap. 4.
Act 2/2001.

(6) Subregulation (3) shall be subject to any directions in writing issued by the Judicial and Legal Services Commission pursuant to section 110F (4) of the Constitution, delegating any of its powers under subregulation (3) to any one or more members of the Judicial and Legal Services Commission or, with the consent of the Prime Minister, to any public officer who is a judicial or legal officer.

Cap. 4.
Act 2/2001.

(7) Nothing in subregulations (4), (5) and (6) shall be read or construed as limiting or prohibiting any officer aggrieved by a deci-

- Cap. 4.
Act 2/2001.
- tion made under the delegated authority to appeal to the relevant Services Commission, or to the Belize Advisory Council pursuant to section 111 of the Constitution.
- Meetings of
Services Commissions.
5. Each Services Commission shall meet as often as its business requires for the purpose of performing its functions, and such meetings shall be held at such times and places as the relevant Services Commission may from time to time decide.
- Records of
minutes of
Services Commissions meetings.
6. (1) The Director, or any other officer in the Office of the Services Commissions designated by the Director for that purpose, shall be responsible for keeping a true and accurate account of the minutes at all meetings of each Services Commission.
- (2) The minutes kept under subregulation (1) in respect of a meeting shall be confirmed by the members of the relevant Services Commission at the next Services Commission meeting.
- Decisions of
Services Commissions may be
made by circulation
of papers.
7. (1) Each Services Commission may, on circulation of the relevant papers among its members, make decisions in respect of any matters without holding a formal meeting if all the members of the Commission unanimously make the same decision, but if any different decision is made by one or more members, or if any member specifically requests that any matter be considered at a formal meeting of the Services Commission, the matter shall be deferred to the next formal meeting of the Services Commission.
- (2) Any papers circulated to members of a Services Commission pursuant to subregulation (1) shall come from the Office of the Services Commission.
- Consultation.
8. In considering any matter or question, a Services Commission may:-
- (a) consult with any public officer, trade union representative, staff association representative or any other person or body as it considers necessary or desirable;
 - (b) require any Public Officer to attend and give evidence before it and produce any official documents relating

to any matter under the consideration of the Services Commission.

9. (1) A Public Officer commits a breach of discipline who, without reasonable cause, fails:-

- (a) to comply with a requirement of a Services Commission made under Regulation 8 (b) at the time and place specified in such requirement;
- (b) to comply with any other requirement or request properly made by a Services Commission.

Failure to comply with requirement of a Services Commission to attend etc., before it.

(2) Where a Public Officer commits a breach of discipline under subregulation (1), the relevant Services Commission may institute, or recommend to the appropriate authority that disciplinary proceedings be instituted against the Public Officer.

10. (1) The Director shall:-

- (a) be the Secretary to the Services Commissions;
- (b) submit matters for consideration to a Services Commission with authority to deal with the matter;
- (c) give effect to, and notify other persons of the decisions of the Services Commissions; and
- (d) ensure that all documents relating to any matter subject to consideration by a Services Commission are submitted timeously to the Services Commission.

Duties of Director.

PART III **APPOINTMENT, PROMOTION AND RETIREMENT**

11. (1) Subject to subsection (2) below, all Public Officers shall hold office for an indeterminate period in accordance with the provisions of the Constitution, the Pensions Act and these Regulations.

Tenure of office of Public Officer. CAP. 4. Act 2/2001. CAP. 30.

(2) A person who is appointed under any written law or agreement for a specified period to an office in the Public Service shall cease

to be a Public Officer at the expiration of the period specified in such law or agreement.

**Appointment of
Public Officers.**

12. (1) Subject to subregulations (4), (5) and (6) of Regulation 4 and to subregulation (2) of this Regulation, each Services Commission shall:-

- (a) make all permanent appointments and promotions of suitably qualified officers; and
- (b) confirm individual officers in their appointments.

S.I. 84/1992.

(2) The power to appoint and confirm persons to the post of Office Assistant is delegated to Chief Executive Officer pursuant to the provisions of the Public Service Commission (Delegation of Power) Order.

**Eligibility for
appointment and
promotion.**

13. (1) In the performance of its functions in respect of appointments and promotions, each Services Commission shall take into account in respect of each officer:-

- (a) his general fitness;
- (b) his basic educational qualifications and any special qualifications;
- (c) any special course of training which he may have undergone;
- (d) grades and comments made in his performance appraisal reports;
- (e) any letters of commendation in respect of any special work done by the officer;
- (f) the duties of the post for which he is a candidate;
- (g) any specific recommendation of the Chief Executive Officer or Head of Department for filling the particular post;

- (h) the officer's previous employment, whether in the Public Service or otherwise; and
- (i) any special report which the Services Commission may require.

(2) Subregulation (1) also applies to acting appointments.

14. (1) On first appointment to the Public Service, an officer shall normally be required to serve a probationary period of one year.

**Probationary
service.**

(2) During the probationary period, a mid-year year performance appraisal report shall be submitted to the Director after the first six months and an end of year report at the end of the probationary period. The latter performance appraisal report shall form the basis of the officer's assessment for confirmation in his appointment.

(3) If, on the basis of the report, the performance of the officer has been:-

- (a) satisfactory, the Services Commission shall confirm his appointment with effect from the date of such appointment; and
- (b) unsatisfactory, the Services Commission shall terminate his appointment.

15. (1) Every person, on first appointment to the Public Service, shall be required to take and pass the prescribed medical examination which shall include a test for use of illegal drugs. Such examination shall be carried out by a Government Medical Officer within a three month period of appointment and assumption of duties by the officer.

**Medical examina-
tion on appoint-
ment.**

(2) The appointment of an officer who fails the medical examination and/or is tested positive for the use of illegal drugs shall be terminated.

16. (1) No person shall be appointed or promoted to a post for which he is not qualified.

**Criteria for
promotion.**

(2) A Services Commission, on considering the promotion of officers to fill vacancies, shall base its decision on the following factors in descending order of importance:-

- (a) Performance/Merit;
- (b) Integrity/Professionalism; and
- (c) Experience/Employment history.

Principles to be observed in respect of acting appointment.

17. (1) An officer who fulfills the criteria in Regulation 16 (2) and is appointed to act in a vacant post shall not be allowed to act for more than one year.

(2) An officer who is appointed to act in a post that is **not** vacant and for which he is qualified may be allowed to act in that post for a specified period.

(3) Where more than one serving officer, subject to performance and other relevant criteria, is eligible for appointment to act in a post, the appointment may be rotated between the eligible officers.

(4) If an officer's performance is considered unsatisfactory, his acting appointment shall be terminated.

Retirement of officers.

18. All Public Officers without exception shall retire on reaching the compulsory age of retirement (55 years) and shall not be re-employed except:-

- (a) where there is a chronic and existing shortage in a technical or professional field; and
- (b) where a serving Public Officer would not be denied an opportunity for advancement to a higher post.

Premature retirement.

19. (1) An officer may, at any time after attaining the age of fifty (50) years, and before attaining the age of fifty-five (55) years, apply to the relevant Services Commission for permission to retire, stating in his application the grounds on which the application is based.

(2) If the Services Commission considers the officer's application to have merit, it may allow him to prematurely retire.

20. Public Officers may be permitted or called upon to retire, before attaining the age of fifty-five (55) years, in the public interest.

Retirement in the public interest.

21. Save in exceptional cases, no one who is retired on medical grounds shall be re-employed in the Public Service, but if re-employed, such person shall be required to undergo medical examination to determine his fitness to resume duties.

Re-employment of officers retired on medical grounds.

22. (1) The modes by which a Public Officer may leave the Public Service are:-

Modes of leaving the Public Service.

- (a) on dismissal or removal in consequence of disciplinary proceedings;
- (b) on compulsory retirement due to age;
- (c) on voluntary retirement;
- (d) on retirement on medical grounds;
- (e) on the expiry or other termination of an appointment for a specified period;
- (f) on the abolition of his office;
- (g) in the case of a Public Officer on probation, on the termination of his appointment;
- (h) on compulsory retirement for the purpose of facilitating improvement in the organization of his Ministry or Department; or
- (i) on abandonment of office;
- (j) on dismissal on security grounds.

(2) Notwithstanding anything contained in these Regulations, where a Public Officer is dismissed on the ground specified in para-

graph (j) of regulation (1), it shall not be necessary for the Commission to disclose to such officer the details of his dismissal if the Commission, on the advice of the relevant Ministry or Department, is satisfied that it would not be in the public interest so to do.

PART IV **DISCIPLINE OF PUBLIC OFFICERS**

Authority to discipline Public Officers.

23. (1) The power to discipline Public Officers is vested in each of the Services Commission seised with the matter; provided that where there is a law which provides the necessary means of dealing with disciplinary offences in the case of any member of the Public Service, proceedings shall be taken under such law. In all other cases the Services Commission shall deal with cases of discipline at its discretion.

(2) An officer aggrieved by a decision of a Services Commission may apply in writing to the relevant Services Commission for a review of the Services Commission's decision, within twenty-one days of the notification of such decision, stating in his application the grounds on which the review should be made.

Appeal against decision of Public Services Commission lie to Belize Advisory Council.

(3) Appeals against the decision of a Services Commission to remove a Public Officer from office or to exercise disciplinary control over a Public Officer shall lie to the Belize Advisory Council.

Post of officer appealing not to be filled.

(4) The post occupied by a Public Officer who has filed an appeal to the Belize Advisory Council against a decision of a Services Commission shall not be substantively filled while the appeal is in progress.

**Delegation of power to Chief Executive Officers.
S.I. 84/1992.**

24. (1) The power to discipline persons appointed to the post of Office Assistant and to discipline Public Officers in respect of abuse of Government vehicles is delegated to Chief Executive Officers pursuant to the provisions of the Public Services Commission (Delegation of Powers) Order.

(2) The Chief Executive Officer may exercise disciplinary control over all officers in his Ministry in respect of any matter connected with the unauthorized use and abuse of Government vehicles and may, where the complaint of such abuse is proved:-

- (a) levy a fine by deduction from salary to recover cost of damage, gasoline, wear and tear and other expenses arising from such abuse; or
- (b) administer an oral or written reprimand.

(3) In any case where the Chief Executive Officer considers that a more severe punishment is justified than he is authorized to impose under subregulation (2) above, he shall refer such case to the relevant Services Commission with his recommendations thereon.

25. An officer against whom disciplinary action is taken by the Chief Executive Officer in exercise of the powers under Regulation 24 (2) may request the Services Commission to review any decision taken by the Chief Executive Officer under that Regulation within twenty-one days of the date of the decision.

Appeal to Public Services Commission.

26. A Public Officer who, without reasonable excuse, does an act which:-

Conditions for disciplinary action.

- (a) amounts to failure to perform in a proper manner any duty assigned to him, including discourtesy to members of the public;
- (b) contravenes any of the provisions of these Regulations, the Public Service Regulations or any other Regulations for the time being governing the conduct of Public Officers; or
- (c) is prejudicial to the efficient conduct of the Public Service or tends to bring the Public Service into disrepute,

is liable to disciplinary proceedings for that misconduct in accordance with the provisions of these Regulations.

27. (1) An officer whose appointment has been confirmed may be dismissed at any time on the grounds of misconduct, insubordination or gross inefficiency at work.

Dismissal for misconduct, insubordination or gross inefficiency.

(2) An officer who is dismissed shall be entitled to payment of salary *in lieu* of all vacation leave accrued to him.

(3) An officer who is dismissed forfeits all claims to retirement benefits.

Inefficiency and minor misconduct, procedures to be followed.

28. (1) If, after oral warning by Head of Department or Chief Executive Officer of inefficiency or misconduct, an officer's work or conduct does not improve, he shall be warned in writing and required to acknowledge receipt of such warning in writing. In aggravated cases, a copy of the correspondence shall be sent to the Office of the Services Commission.

(2) Where disciplinary action is recommended for minor misconduct, the following procedures apply:-

- (a) the officer shall be notified in writing of the grounds upon which it is recommended that he be disciplined, and he shall be given full opportunity of exculpating himself; and
- (b) the Head of Department shall forward to the Services Commission a copy of the allegation and the officer's explanation together with the Head of Department's report on the matter and such other reports as he considers relevant to the matter.

(3) If the relevant Services Commission is satisfied that grounds for disciplinary action exists, it may institute disciplinary proceedings.

(4) On the conclusion of the disciplinary proceedings referred to in subregulation (3), if the Services Commission is of the opinion that:-

- (a) the officer should be exonerated, it shall exonerate the officer and dismiss the case;
- (b) the allegation is proved it shall impose such penalty upon the officer as it thinks fit, such as a caution, reprimand, fine or demotion.

Proceedings in serious misconduct cases.

29. (1) In cases of serious inefficiency or misconduct for which dismissal or retirement may be considered the appropriate penalty, the following procedures apply:-

- (a) the officer shall be notified in writing of the grounds upon which it is intended to dismiss him and he shall be given full opportunity of exculpating himself;
- (b) the Head of Department shall forward to the relevant Services Commission a copy of the allegation and the officer's explanation together with the Head of Department's own report on the matter and such other reports as the Head of Department considers relevant to the matter;
- (c) where the officer fails to respond or acts in such a manner as to obstruct the matter, the Head of Department may advise the Services Commission accordingly in his report;
- (d) upon receipt of the report, the Services Commission may cause further investigation to be made into the matter with the aid of the Head of Department or such other person as the Services Commission may appoint;
- (e) if the Services Commission is satisfied that sufficient investigation has already taken place, it may institute disciplinary proceedings;
- (f) the officer may, if he wishes, request that he appears before and be heard by the Services Commission with or without a Union representative, an attorney-at-law or some other person to assist him at the hearing, and such request shall be granted;
- (g) if any witnesses are called to give evidence, the officer, his union representative, attorney-at-law or such other person shall be entitled to be present and to put questions to the witnesses;
- (h) no documentary evidence shall be used against the officer unless he has previously been supplied with a copy thereof or given access thereto.

(2) If, on the conclusion of the disciplinary proceedings, the Services Commission is of the opinion that:-

- (a) the officer should be exonerated, it shall exonerate the officer and dismiss the case;
- (b) the officer should be dismissed or retired, it shall dismiss or retire the officer; or
- (c) some lesser penalty other than the penalties referred to in paragraph (b) should be imposed on the officer, the Services Commission may impose such lesser penalty, such a caution, reprimand, fine or demotion.

Standard of proof.

30. The standard of proof in disciplinary proceedings under these Regulations shall be on a balance of probabilities.

Commission not bound by rules of evidence.

31. In disciplinary proceedings or other deliberations, each Services Commission may inform itself in such manner as it thinks fit, without regard to the rules of evidence or to other legal technicalities and form.

Commission to proceed with hearing in absence of officer.

32. (1) If without good reason, the officer against whom disciplinary proceedings have been instituted does not attend the hearing, the relevant Services Commission may proceed and conclude the matter in his absence.

(2) Where good reason is given the Services Commission on behalf of the officer as to why he is unable to attend the hearing, the Services Commission may postpone the matter but not to the extent that quick and effective discipline is prejudiced.

(3) For the purposes of this Regulation, the fact that an officer was in prison during the course of the disciplinary proceedings does not amount to good reason.

Record of disciplinary proceeding to be prepared.

33. In any disciplinary proceedings, a record of proceedings shall be made which shall contain statements of evidence, the findings of the Services Commission, together with reasons for the finding and the penalty imposed.

34. The Services Commission shall, as soon as possible, inform the officer in writing of its findings, the penalty imposed on him, of his right to appeal the determination of the Services Commission to the Belize Advisory Council and of the time required for making such application.

Officer to be informed of right of appeal.

35. Where the officer lodges an appeal with the Belize Advisory Council within the specified period, the penalty shall take effect pending the determination of the appeal by the Belize Advisory Council.

Effect of appeal on operation of penalty.

36. If the disciplinary proceedings disclose grounds for so doing, the Services Commission may require the officer to retire in the public interest.

Retirement in the Public Interest.

37. (1) Where the Services Commission is informed of an alleged act of misconduct by an officer and the Services Commission is of the reasonable opinion that the public interest or the reputation of the Service requires it, the Services Commission may suspend the officer from duty by notice in writing until further notice.

Suspension.

(2) The effective date of suspension is the date specified in the notice.

(3) An officer who is suspended shall cease to report for the duties of his office immediately on receipt of the notice.

(4) The Services Commission shall review the alleged act of misconduct resulting in the suspension and may institute disciplinary proceedings accordingly.

(5) An officer who is suspended from duty shall make himself available to the Services Commission until the conclusion of the matter.

(6) Subject to subregulation (8), where disciplinary proceedings are not instituted within sixty (60) days of the date of suspension, the officer shall resume duty and the suspension shall be set aside and the officer shall be treated for all intents and purposes as if the suspension had never occurred.

(7) Where the Services Commission believes the circumstances warrant an extension of time, the period referred to in (6) above

may be extended by the Services Commission by notice in writing to the officer concerned in order to conclude the matter as a matter of urgency.

(8) Where the Services Commission extends the suspension of an officer, it shall advise the officer in writing, in the notice referred to in subregulation (7), of its reasons.

Disciplinary proceedings against an officer who has been criminally charged.

38. (1) The Services Commission may institute disciplinary proceedings against an officer who has been criminally charged.

(2) Disciplinary proceedings may be instituted under subregulation (1) notwithstanding that the officer has appealed a conviction arising out of the criminal proceedings.

Disciplinary proceedings during criminal investigations or pending criminal proceedings.

39. Disciplinary proceedings may be instituted by the Services Commission where an officer's conduct is the subject of:-

- (a) an investigation by the Police; or
- (b) criminal proceedings in any court.

Disciplinary proceedings arising out of acquittal of criminal proceedings.

40. An officer who is acquitted of a criminal charge in any court is not precluded from having proceedings instituted against him under these Regulations in respect of an alleged act of misconduct arising out of that criminal charge.

Dismissal upon return of guilty verdict in criminal charge.

41. (1) Where an officer pleads guilty to a criminal charge, or a criminal charge is proved against an officer, no disciplinary proceedings are necessary before dismissal is effected. The Services Commission shall consider the court's findings and request the officer to show cause as to why he should not be dismissed.

(2) The Services Commission, after hearing the officer, may either dismiss the officer or impose such penalty as it sees fit.

Disciplinary procedures for officers on secondment.

42. (1) An officer who, while on secondment, is alleged by the receiving organization to have committed an offence, shall be returned by the receiving organization to his original Department and shall be suspended by the Services Commission from duty pending an investigation into the case.

(2) The Services Commission may proceed to institute disciplinary proceedings against such officer in accordance with this Part.

PART V **TRANSFERS**

43. All Public Officers are subject to transfers.

Transfers.

44. (1) The Services Commission shall approve all transfers in the Public Service except where it is otherwise stipulated in the Constitution or any subsidiary legislation made thereunder.

Authority to transfer.

(2) In accordance with the provisions of the Public Services Commission (Delegation of Power to Transfer) Order, 1994, the power to transfer Public Officers within the clerical, secretarial, administrative and accounting grades is hereby delegated to the Chief Executive Officer, Ministry of the Public Service.

S.I. 83/1994.

(3) In respect of the administrative and accounting grades, the Chief Executive Officer, Ministry of the Public Service shall exercise the said power to transfer after consultation with the Administrative and Accounts Posts Panel.

(4) The power to transfer officers within a Ministry is hereby delegated to Chief Executive Officers pursuant to the Public Services Commission (Directions in Writing Delegating Power to Chief Executive Officers to make Intra-Ministerial Transfers) Notice, 2000.

**G. 48/2000.
N. 862/2000.**

45. Any Public Officer aggrieved by the decision of the Chief Executive Officer, Ministry of the Public Service, or any other Chief Executive Officer, as the case may be, to transfer him, may request the relevant Services Commission to review the decision and the Services Commission may review and vary any such decision of the Chief Executive Officer.

Right to appeal to Commission.

46. A Chief Executive Officer shall give a Public Officer notice of intention to transfer him between the months of January and March of each year.

Notice of transfer.

47. (1) Transfers shall be effected during the months of July and August of each year to facilitate the smooth transfer of officers with children attending school during a current school year.

Tour of duty.

(2) It is expected that the need to effect the transfer of some officers outside the period stated will arise. This should be the exception rather than the rule and sound reasons must be advanced in such cases.

Duration of tour of duty after transfer.

48. A transfer in the Public Service shall normally be for a tour of two to three years. It shall not be less than two years unless the exigencies of the Service otherwise require.

Transfers not to be used as a punitive measure.

49. Transfers are for the benefit of the Public Service, as well as Public Officers, and shall not be used as a punitive measure by Chief Executive Officers. All officers shall be transferred on a rotation basis to ensure equity and fairness.

PART VI **PENSIONS, GRATUITIES AND OTHER RETIREMENT** **BENEFITS**

Compulsory retirement.

50. All Public Officers, without exception, shall retire on reaching the compulsory retirement age of fifty-five (55).

Retirement on medical grounds.

51. (1) In cases of retirement on the grounds of ill-health the recommendation of a Medical Board appointed by the Director of Health Services comprising of not less than two Medical Officers (one of whom shall be a specialist) shall be submitted. The report shall state clearly that the officer is incapable by reason of an infirmity of mind or body of discharging the duties of his office efficiently and that such infirmity is likely to be permanent.

(2) If the relevant Services Commission is satisfied with the medical advice given it shall approve the retirement of the officer on medical grounds.

Claims for pensions. CAP. 30.

52. Pensions, gratuities and other retirement benefits of Public Officers shall be determined in accordance with the relevant provisions of the Pensions Act and Regulations made thereunder from time to time.

Qualification for pensions.

53. All claims to pensions, gratuities and other retirement benefits shall be made on the prescribed form and shall be submitted to the Accountant General's Office, as soon as the question of an officer's

retirement has been settled. The form must be accompanied by the necessary supporting documents and must be certified by the officer's Head of Department to the effect that all the particulars contained therein are correct. The supporting documents shall consist of the following:-

- (a) birth certificate;
- (b) pension form completed and signed by the Head of Department;
- (c) statutory declaration, where there are discrepancies in the birth certificate or where the birth certificate is not available;
- (d) the officer's election to receive either a full pension or a reduced pension and gratuity; and
- (e) a statement of the officer's indebtedness, if any, to Government.

54. If there is any doubt on any point which is likely to affect the computation and award of an officer's retirement benefits, the Chief Executive Officer, Ministry of the Public Service, shall be consulted as early as possible with a view to ensuring the correctness of the particulars raising the doubt, prior to submission.

Doubt regarding computation of officer's retiring benefits.

55. In cases where it is not possible to locate the necessary records in relation to an officer's service, statutory declarations attesting to such service, shall be submitted by three reliable and responsible persons who know the career history of the officer in the Public Service. The status of the declarant shall be stated and he should also be able to give the source of his knowledge of the facts contained in the declaration.

Statutory declaration as to officer's service.

56. The legal personal representative or beneficiary of an officer who dies while in the service of the Government shall be entitled to a death-in-harness gratuity in accordance with the Pensions Act.

Death-in-harness gratuity.

CAP. 30.

57. In cases where an officer has rendered unbroken service under one or more employing bodies (e.g., Government, Primary Schools or a Statutory Board) a detailed statement of his service with each

Requirement as to other pensionable service.

employing body shall be forwarded to the Director, who shall forward the request to the Governor-General with the advice of the Services Commission for the approval of this service to be continuous for pension purposes.

Claims under
the Widows
and
Children's
Pensions
Act.
CAP. 32.

58. (1) On the death of an officer who contributed to the Widows and Children's Pension Fund, pension shall be paid to the wife, children under sixteen years of age, and children over sixteen years of age pursuing full time education.

(2) Officers shall submit certified copies of their marriage certificates and the birth certificates of their children to the Accountant General's Office as soon as possible after employment, so that their details are recorded by that office. This will facilitate early payment of benefits in the event of death.

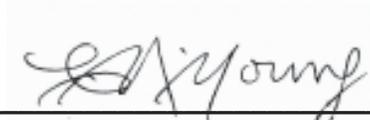
Resignation
gratuities.
CAP. 30.

59. Resignation gratuities shall be granted in accordance with section 7 of the Pensions Act, and any Regulations which may from time to time be made thereunder.

Commence-
ment.

60. These Regulations shall come into force on the 15th day of November, 2001.

MADE by the Governor-General this 15th day of November, 2001.



(COLVILLE N. YOUNG)

Governor-General