

CAYMAN ISLANDS



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**THE PUBLIC SERVICE COMMISSION
(MISCELLANEOUS AMENDMENTS) REGULATIONS 1992**

THE PUBLIC SERVICE COMMISSION LAW (REVISED)

THE PUBLIC SERVICE COMMISSION (MISCELLANEOUS AMENDMENTS) REGULATIONS 1992

In exercise of the powers conferred upon the Governor by section 7 of the Public Service Commission Law (Revised), the following regulations are made.

- Citation. 1. These regulations may be cited as the Public Service Commission (Miscellaneous Amendments) Regulations 1992.
- Commencement. 2. (1) These regulations (except regulations 4, 10 and 11) shall commence on 1 July 1992.
- (2) Regulations 4, 10 and 11 shall commence on 1 October 1992.
- Interpretation. 3. In these regulations "the principal regulations" means the Public Service Commission Regulations, 1985.
- Regulation 23 amended. 4. Regulation 23 of the principal regulations is amended by omitting "two months before" and substituting "3 months before".
- Regulation 30 amended. 5. Regulation 30 of the principal regulations is amended –
- (a) by omitting from sub-regulation (1) "gratuity", and substituting "inducement allowance";
 - (b) by omitting from sub-regulation (2) "a gratuity", and substituting "an inducement allowance";
 - (c) by omitting from sub-regulation (2) "no gratuity", and substituting "no inducement allowance";
 - (d) by omitting from sub-regulation (2) "such gratuity", where it twice appears, and substituting "such inducement allowance".

- Regulation 38 amended. 6. Regulation 38(1) of the principal regulations is amended by omitting, "An appeal by a public officer shall lie to the Governor", and substituting, "A public officer may, by application made through the Commission, appeal to the Governor".
- Regulation 41 amended. 7. Regulation 41 of the principal regulations is amended by omitting sub-regulation (4) and substituting the following sub-regulations –
- (4) If the disciplinary proceedings initiated against an officer who has been interdicted are not substantiated the whole of the emoluments withheld from him shall be restored to him.
- (5) If the disciplinary proceedings initiated against an officer who has been interdicted are substantiated but do not result in the officer's dismissal the whole of the emoluments withheld from him shall be restored unless the punishment ordered as a result of the proceedings otherwise provides.
- Regulation 45 amended. 8. Regulation 45 (1) of the principal regulations is amended –
- (a) by omitting paragraph (c) and substituting the following paragraph –
- "(c) reduction in salary (which may be ordered to take effect from the start of any interdiction under regulation 41);";
- (b) by inserting after paragraph (c) the following paragraph –
- "(ca) where the officer concerned holds a probationary appointment – the extension of his period of probationary service;".
- Regulation 47 amended. 9. Regulation 47 is amended –
- (a) by omitting from sub-regulation (2), "If the officer does not furnish a reply to the charge or charges forwarded under paragraph (a) of sub-regulation (1) within the period specified or if, in the opinion of the Administrative Secretary, he fails to exculpate himself," and substituting, "If the officer furnishes a reply to the charge or charges forwarded under paragraph (a) of sub-regulation (1) within the period specified but, in the opinion of the Chief Secretary, he fails to exculpate himself,";
- (b) by inserting after sub-regulation (8) the following sub-regulation –
- "(9) If the officer –
- (a) does not furnish a reply to the charge or charges forwarded under paragraph (a) of sub-regulation (1) within the period specified; or
- (b) within that period admits he is guilty of the misconduct charged –

the Commission shall forward to the Governor a report on the misconduct charged, which shall include details of all relevant evidence of the misconduct, together with its advice. The Commission may advise such of the punishments specified in regulations 45 as it may deem appropriate in the circumstances."

Regulation 53 replaced.

10. Regulation 53 of the principal regulations is revoked and the following regulation is substituted –

"Increments.

(1) Awards within incremental scales may be paid to officers on completion of each year of satisfactory service.

(2) If a Head of Department is of the opinion that the annual increment of an officer should be granted, he shall, when sending the confidential report on the officer to the secretary in accordance with regulation 23, also send the appropriate form authorizing the Accountant General to pay the award when it becomes due.

(3) The secretary shall send the authorization to the Accountant General and certify that the officer's confidential report has been received in accordance with regulation 23.

(4) If a Head of Department is of the opinion that the annual increment of an officer should not be granted, he shall, when sending the confidential report on the officer to the secretary in accordance with regulation 23, send to the secretary and the officer a written notice specifying the reasons for his opinion.

(5) A notice sent to an officer under sub-regulation (4) shall have effect as if it were an order made in relation to him in disciplinary proceedings, and accordingly the officer shall have a right of appeal under regulation 38.

(6) The notice sent to an officer under sub-regulation (4) shall also inform the officer of his right to appeal under regulation 38."

Regulation 54 amended.

11. Regulation 54 of the principal regulation is amended –

(a) by omitting sub-regulation (1) and substituting the following sub-regulation –

"(1) If a Head of Department is of the opinion that an annual increment that has not been granted should be granted he

shall send a report on the officer's performance to the secretary together with the appropriate form authorising the Accountant to pay the award, indicating whether the increment should be treated as stopped or deprived. The secretary shall send the authorisation to the Accountant General.";

- (b) by omitting the first sentence of sub-regulation (2).

Made in Executive Council the 6th day of June, 1991.

MONA M. BANKS-JACKSON
Clerk of the Executive Council.