

VOL. 1

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**THE COMMONWEALTH OF DOMINICA
CONSTITUTION ORDER**

CHAPTER 1:01

S.I. 1978 No. 1027 (U.K.)

Amended by

S.I. 1978 No. 1521 (U.K.)

(Amendments to the Constitution (contained
in Schedule I to this Order) are not included)

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Acts passed to prescribe matters in pursuance of particular provisions of the Constitution –

- (a) Act No. 2 of 1975 (see section 110(1) of the 1967 Constitution - section 121(1) of the 1978 Constitution).
- (b) Act No. 15 of 1978 (see section 104 of the 1967 Constitution - section 71(4) of the 1978 Constitution).
- (c) Act No. 21 of 1984 (see section 88(6) of the 1978 Constitution).

CHAPTER 1:01

**THE COMMONWEALTH OF DOMINICA
CONSTITUTION ORDER**

ARRANGEMENT OF SECTIONS

SECTION

1. Citation and commencement.
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SCHEDULE.

CHAPTER 1:01

**THE COMMONWEALTH OF DOMINICA
CONSTITUTION ORDER**

1978 No. 1027 (U.K.)
1956 c.4 (U.K.)
* [1978 No. 1521 (U.K.)].

AN ORDER made under section 5(4) of the West Indies Act 1967 to establish the Constitution of Dominica.

**Commence-
ment.

[3rd November 1978]

WHEREAS the status of association of Dominica with the United Kingdom is to terminate on 3rd November 1978 and it is necessary to establish a new constitution for Dominica as a sovereign democratic republic within the Commonwealth styled the Commonwealth of Dominica:

AND WHEREAS the Associated State of Dominica has, by a resolution passed in the House of Assembly thereof on 12th July 1978, requested and consented to the making of this Order for that purpose:

1967 c.4 (U.K.).

NOW, THEREFORE, Her Majesty, by virtue and in exercise of the powers vested in Her in that behalf by section 5(4) of the West Indies Act 1967, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

Citation and
commencement.

1. (1) This Order may be cited as the Commonwealth of Dominica Constitution Order 1978.

(2) This Order shall come into operation on 3rd November 1978:

Provided that paragraph 3(8) of Schedule 2 shall come into operation forthwith.

Revocations.
S.I. 1967 No. 226 (U.K.).
S.I. 1971 No. 714 (U.K.).
32 of 1975.

2. The Dominica Constitution Order 1976, the Dominica Constitution (Amendment) Order 1971 and the Constitution (Ministerial Provisions) (Amendment) Act, 1975, which made provision for the constitution of the Associated State of Dominica, are revoked.

*Amendments to Schedule 1 (the Constitution) are not included.

**Note the proviso to section 1(2).

3. The Constitution of the Commonwealth of Dominica set out in Schedule 1 to this Order shall come into effect in Dominica at the commencement of this Order subject to the transitional provisions set out in Schedule 2 to this Order.

Establishment of Constitution.

SCHEDULE 1 TO THE ORDER

**THE CONSTITUTION OF
THE COMMONWEALTH OF DOMINICA**

Section 3.

Note

The Constitution (originally set out in the Schedule to this Order - Chap. 1:01), being the basic and supreme law of Dominica, has been published at the beginning of this Revised Edition immediately preceding but outside the framework of the Chapter series in which the ordinary laws of the State (classified according to subject matter) are published.

Subsidiary Legislation made under the Constitution are set out immediately after Schedule 2 to this Order.

SCHEDULE 2 TO THE ORDER

Section 3.

TRANSITIONAL PROVISIONS

ARRANGEMENT OF PARAGRAPHS

PARAGRAPH

1. Election of first President, etc.
2. Existing laws.
3. Parliament.
4. Ministers and Parliamentary Secretaries.
5. Office of Attorney General.
6. Existing public officers.
7. Oaths.

PARAGRAPH

8. Supreme Court Order.
9. Appeals Order.
10. Judicial Committee.
11. Protection from inhuman treatment.
12. Protection from deprivation of property.
13. Commonwealth citizen.
14. Interpretation.

Election of first
President, etc.

1. (1) A President shall be elected under section 19 of the Constitution as soon as is practicable after the commencement of this Constitution and in any case not later than ninety days from such commencement; and accordingly consultations for the purposes of subsection (1) of that section may take place at any time between the making of this Order and such commencement between the persons respectively holding office under the former Constitution as Premier and as Leader of the Opposition.

(2) Until such time as a person has assumed office as President, having been elected as such in accordance with section 19 of the Constitution, the person who immediately before the commencement of the Constitution held office as Governor of Dominica (or, if there is no such person, the person who was then acting as Governor) shall discharge the functions of the office of President and the provisions of section 28 of the Constitution shall apply in relation to him as if he were the holder of the office of President.

Existing laws.

2. (1) The existing laws shall, as from the commencement of the Constitution, be construed with such modifications, adaptations, qualifications and exceptions as may be necessary to bring them into conformity with the Constitution and the Supreme Court Order.

(2) Where any matter that falls to be prescribed or otherwise provided for under the Constitution by Parliament or by any other authority or person is prescribed or provided for by or under an existing law (including any amendment to any such law made under this section), that prescription or provision shall, as from the commencement of the Constitution, have effect (with such modifications, adaptations, qualifications and exceptions as may be necessary to bring it into conformity with the Constitution and the Supreme Court Order) as if it had been made under the Constitution by Parliament or, as the case may require, by the other authority or person.

(3) The President may by Order made at any time before 3 November 1979 make such alterations to any existing law as may appear to him to be necessary or expedient for bringing that law into conformity with the provisions of the Constitution and the Supreme Court Order or otherwise for giving effect or enabling to be given to those provisions.

(4) The provisions of this paragraph shall be without prejudice to any powers conferred by the Constitution or by any other law upon any person or authority to make provision for any matter, including the alteration of any existing law.

(5) For the purposes of this paragraph, the expression "existing law" means any Act, Ordinance, law, rule, regulation, order or other instrument made in pursuance of or continued in force by or under the former Constitution and having effect as part of the law of Dominica or of any part thereof immediately before the commencement of the Constitution.

3. (1) Until other constituencies are established for Dominica by Order in pursuance of section 57 of the Constitution and the Order has come into effect there shall, for the purposes of the election of Representatives, be twenty-one constituencies having the same boundaries as the constituencies into which Dominica is divided immediately before the commencement of the Constitution for the purpose of the election of elected members of the House under the former Constitution and those constituencies shall be deemed to have been established under that section.

Parliament.
[S.I. 1978 No.
1521 (U.K.)].

(2) Where any matter that falls to be prescribed or otherwise provided under the Constitution by Parliament or by any other authority or person is prescribed or provided for by or under any existing law (including any amendment to any such law made under this section), that prescription or provision shall, as from the commencement of the Constitution, have effect (with such modifications, adaptations, qualifications and exceptions as may be necessary to bring it into conformity with the Constitution and the Supreme Court Order) as if it had been made under the Constitution by Parliament or, as the case may require, by the other authority or person.

(3) The persons who, immediately before the commencement of the Constitution, are nominated Members of the House under the former Constitution shall vacate their seats in the House at the commencement of the Constitution but shall be eligible for appointment as

Senators in pursuance of the provisions of section 34 of the Constitution.

(4) The persons who, immediately before the commencement of the Constitution, are respectively the Speaker and Deputy Speaker and the Leader of the Opposition shall be deemed as from the commencement of the Constitution to have been elected as Speaker and Deputy Speaker or, as the case may be, appointed as Leader of the Opposition in accordance with the provisions of the Constitution and shall hold office in accordance with those provisions.

(5) Until Parliament otherwise provides, any person who holds or acts in any office the holdings of which would, immediately before the commencement of the Constitution, have disqualified him for membership of the House under the former Constitution shall be disqualified to be elected as a Representative or appointed or elected as a Senator as though provisions in that behalf had been made in pursuance of section 32(5) of the Constitution.

(6) The rules of procedure of the House under the former Constitution as in force immediately before the commencement of the Constitution shall, until it is otherwise provided by the House under section 52 of the Constitution, be the rules of procedure of the House but they shall be construed with such modifications, adaptations, qualifications and exceptions as may be necessary to bring them into conformity with the Constitution.

(7) Subject to the provisions of section 54 of the Constitution, Parliament shall, unless sooner dissolved, stand dissolved on 28 April 1980 (that is to say, five years from the first sitting of the House after the last dissolution of Parliament under the former Constitution).

* (8) The report of the Constituency Boundaries Commission under section 49 of the former Constitution that was required to have been submitted to the Governor not later than 9 June 1978 may be so submitted at any time before 3 November 1978 and –

(a) if the required report is so submitted before that date, the first report of the Commission under section 57 of the Constitution shall be submitted to the President not later than two years nor more than five years from the date on which the required report was submitted to the Governor; but

*Paragraph 3(8) came into operation on 25th July 1978.

(b) if the required report is not so submitted before that date, the first report of the Commission under section 57 of the Constitution shall be submitted to the President not later than 31 January 1979.

(9) Any person who, by virtue of this paragraph, is deemed as from the commencement of the Constitution to have been elected or appointed as Speaker or any other member of the House shall, before taking his seat in the House, take and subscribe the oath of allegiance in accordance with section 44 of the Constitution.

4. (1) The person who, immediately before the commencement of the Constitution, holds the office of Premier under the former Constitution shall, as from the commencement of the Constitution, hold office as Prime Minister as if he had been appointed thereto under section 59 of the Constitution. Ministers and
Parliamentary
Secretaries.

(2) The persons who, immediately before the commencement of the Constitution, hold office as Ministers (other than the Premier) or as Parliamentary Secretaries under the former Constitution shall, as from the commencement of the Constitution, hold the like offices as if they had been appointed thereto under section 59 or 67 of the Constitution.

(3) Any person holding the office of Prime Minister or other Minister by virtue of the provisions of sub-paragraphs (1) and (2) of this paragraph who, immediately before the commencement of the Constitution, was charged under the former Constitution with responsibility for any matter or any department of government, shall, as from the commencement of the Constitution, be deemed to have been assigned responsibility for that matter or department under section 61 of the Constitution.

* 5. Until Parliament or, subject to the provisions of any law enacted by Parliament, the President, acting in accordance with the advice of the Prime Minister, otherwise decides, the office of Attorney General shall be a public office. Office of
Attorney General.

6. Subject to the provisions of the Constitution, every person who immediately before the commencement of the Constitution holds or is acting in a public office under the former Constitution shall, as from the Existing public
officers.

*See Act No. 15 of 1978.

commencement of the Constitution, continue to hold or act in that office or the corresponding office established by the Constitution as if he had been appointed thereto in accordance with the provisions of the Constitution:

Provided that any person who under the former Constitution or any other law in force immediately before such commencement would have been required to vacate his office at the expiration of any period shall vacate his office at the expiration of that period.

Oaths.

7. Until such time as the oath of allegiance, the oath of secrecy or, in relation to any office, the oath of office is prescribed by law, that oath may be taken in the form prescribed immediately before the commencement of the Constitution, with the substitution, in the case of the oath of allegiance, of a reference to Dominica for the reference to Her Majesty Queen Elizabeth the Second, Her Heirs and Successors.

Supreme Court
Order.
S.I. 1967 No.
223 (U.K.).

8. The West Indies Associated States Supreme Court Order 1967 in so far as it has effect as part of the law of Dominica, may be cited as the Supreme Court Order and for the purposes of the law of Dominica-

- (a) the Supreme Court established by that Order shall, unless Parliament otherwise provides, be styled the Eastern Caribbean Supreme Court; and
- (b) references in that Order to the Premier of Dominica or to the Premier of any other independent state shall be construed as references to the Prime Minister of Dominica or, as the case may be, to the Prime Minister of that other state.

Appeals Order.
S.I. 1967 No.
224 (U.K.).

9. The West Indies Associated States (Appeals to Privy Council) Order 1967 may, in its application to Dominica, be cited as the Dominica Appeals to Judicial Committee Order and shall, to the extent that it forms part of the law of Dominica, have effect as if –

- (a) the expression “appeal” meant an appeal under section 106 of the Constitution;
- (b) the expression “Courts Order” included any law in force in Dominica altering the Supreme Court Order;
- (c) section 3 were revoked; and

(d) references to Her Majesty in Council were references to the Judicial Committee.

10. (1) The Judicial Committee shall have jurisdiction –

Judicial
Committee.

(a) to dispose of any petition to Her Majesty under section 99 of the former Constitution for special leave to appeal to Her Majesty in Council that was filed in the Office of the Judicial Committee before the commencement of the Constitution as if it were a petition for special leave to appeal to the Committee under section 106 of the Constitution; and

(b) to continue and dispose of any pending appeal to Her Majesty in Council under section 99 of the former Constitution where final leave to appeal has been granted by the Court of Appeal or special leave to appeal has been granted by Her Majesty before the commencement of the Constitution as if it were an appeal to the Committee under section 106 of the Constitution,

and to make such judgment and order thereon as they consider appropriate.

(2) Section 106 of the Constitution shall have effect as if subparagraph (1) of this paragraph formed part of that section.

11. Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of section 5 of the Constitution to the extent that the law in question authorises the infliction of any description of punishment that was lawful in Dominica immediately before 1 March 1967 (being the date on which Dominica became an Associated State).

Protection from
inhuman
treatment.

12. Nothing in section 6 of the Constitution shall affect the operation of any law in force immediately before 1 March 1967 or any law made on or after that date that alters a law in force immediately before that date and that does not –

Protection from
deprivation of
property.

(a) add to the kinds of property that may be taken possession of or the rights over and interests in property that may be acquired;

(b) make the conditions governing entitlement to compensation or the amount thereof less favourable to any person owning or having an interest in the property; or

(c) deprive any person of such right as is mentioned in subsection (2) of that section.

Commonwealth
citizen.

13. Until such time as Parliament otherwise prescribes, the expression "Commonwealth citizen" shall have the meaning assigned to it by the British Nationality Act 1948 or any Act of the Parliament of the United Kingdom altering that Act.

Interpretation.

14. (1) In this Schedule –

"the Constitution" means the Constitution set out in Schedule 1 of this Order;

"the former Constitution" means the Constitution in force immediately before the commencement of this Order.

(2) The provisions of section 121 of the Constitution shall apply for the purposes of interpreting this Schedule and otherwise in relation thereto as they apply for the purposes of interpreting and in relation to the Constitution.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order, which is made at the request and with the consent of the Associated State of Dominica under section 5(4) of the West Indies Act 1967, provides a new constitution for Dominica as a sovereign democratic republic within the Commonwealth styled the Commonwealth of Dominica to come into effect on 3 November 1978 upon the termination of the status of association of Dominica with the United Kingdom under the Act.

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CHAPTER. 1:01

**THE COMMONWEALTH OF DOMINICA
CONSTITUTION ORDER**

SUBSIDIARY LEGISLATION

STANDING ORDERS OF THE HOUSE OF ASSEMBLY

35/1986.
[12 of 1990].

made under section 52 of the Constitution

Commencement.

[26th May 1986]

Short title.

1. These Orders of the House of Assembly of the Commonwealth of Dominica may be cited as the –

STANDING ORDERS OF THE HOUSE OF ASSEMBLY.

Interpretation.

[12 of 1990].
S.I. 1978 No.
1027 (U.K.).

2. (1) In these Standing Orders –

“Constitution” means the Constitution of the Commonwealth of Dominica set out in Schedule 1 of the Commonwealth of Dominica Constitution Order, 1978;

“Clerk” means the Clerk of the House;

“Dominica” means the Commonwealth of Dominica;

“Government” means the Government of Dominica;

“House” means the House of Assembly of Dominica;

“meeting” means any sitting or sittings of the House commencing when the House first meets after being summoned at any time and terminating when the House is adjourned *sine die*, or at the conclusion of a session;

“Member” means a Member of the House;

“Minister” means a Minister of the Government of Dominica;

“Officer of the House” means the Clerk or other officer or person acting within the precincts of the House under the order of the Speaker and includes any constable on duty within the precincts of the House;

“Private Member’s motion” means a motion not moved by a member of the Cabinet with the authority of the Cabinet;

“session” means the sitting of the House commencing when it first meets after the prorogation or dissolution of the House at any time, and terminating when the House is prorogued, or is dissolved without having been prorogued;

“sitting” means a period during which the House is sitting continuously without adjournment, and includes any period during which the House is in Committee, or during which the House is suspended;

“stranger” means any person who is not a Member of the House, other than the Clerk, or any other servant of the House on official duty in the Chamber of the House;

“Supplementary Appropriation Bill” includes an Appropriation as mentioned in section 78 of the Constitution and section 5 of the Finance and Audit Act or any other law which replaces the same. Ch. 63:01.

(2) For the purposes of standing order 55(4), 57(4) or any other standing order, the expression “publication in the *Gazette*” has the meaning assigned to it in respect of a written law by section 10(3) of the Interpretation and General Clauses Act and that subsection shall apply to the publication required as if the Bill in question were a written law. Ch. 3:01.

(3) For the purposes of standing order 57 or any other standing order, the expression “printing” means the reproduction of written matter in printed or typographical form by whatever means including typewriting, cyclostyling or any other means.

SITTINGS AND ADJOURNMENTS

3. (1) Except for the purpose of electing a Speaker and Deputy Speaker after a general election, no Member shall take part in the proceedings of the House until he has made and subscribed the oath or affirmation of allegiance in the form set out in the Schedule to these Standing Orders. Oath of Allegiance. Schedule.

(2) Immediately following the election of a Speaker and Deputy Speaker after a general election, the Clerk shall administer the oath to the Speaker and Deputy Speaker and the other Members shall take the oath before the Speaker.

(3) At any other time, the oath shall be administered by the Speaker immediately after prayers.

Election of
Speaker.

4. (1) Whenever it is necessary in accordance with the provisions of section 36 of the Constitution for the House to elect a person to be Speaker, whether after a general election or when a vacancy in the office of Speaker has occurred in any other way, the procedure for the election shall be as provided in this standing order.

(2) Any Member, having first ascertained that the Member or other person to be proposed, is willing to serve if elected, may, addressing himself to the Clerk, propose any other Member not being a member of Cabinet, or Parliamentary Secretary, or any other suitable person, to the House as Speaker. The proposal shall be seconded, but no debate shall be allowed.

(3) If only one person is so proposed and seconded he shall be declared by the Clerk to have been elected as Speaker of the House.

(4) If more than one person is so proposed and seconded the House shall proceed to elect a Speaker by ballot.

(5) The procedure for the holding of a ballot shall be as follows:

- (a) every Member present shall, if he desires, write upon a ballot paper, to be supplied to him by the Clerk, the name of the person so proposed and seconded whom he desires to be Speaker;
- (b) the Clerk shall then call the names of all the Members and each Member who so desires shall, as his name is called, come to the Table and drop his ballot paper into a glass thereon in such a manner as not to disclose how he is voting;
- (c) when all Members who wish to do so have dropped their ballot paper in the glass, the Clerk shall examine the ballot papers and report the result of the ballot;
- (d) if no person receives a majority of votes, but two or more persons receive the same number of votes and that number of votes exceeds the number of votes received by any other person, a second ballot shall be taken in the manner prescribed in subparagraphs (e), (f) and (g) except that votes may then be cast only for one of the persons who received an equal number of votes;

- (e) if upon the holding of the second ballot, referred to in subparagraph (d), two or more persons receive an equal number of votes, subsequent ballots shall be held until one person has been duly elected;
- (f) a Member shall not drop any ballot paper into the glass save his own;
- (g) a Member who arrives after the names of the Members have been called and before the Clerk has begun his examination of the ballot papers, shall be entitled to record his vote in the manner prescribed in this standing order.

5. (1) Whenever the House first meets after a general election and before it proceeds to the despatch of any other business, except the election of Speaker, it shall elect a Member, who is not a member of the Cabinet, or a Parliamentary Secretary, to be Deputy Speaker and if the office of Deputy Speaker falls vacant for any other reason than a dissolution of the House, the House shall as soon as convenient elect another such Member to that office.

Election of
Deputy Speaker.

(2) The election of the Deputy Speaker shall be conducted in a similar manner to the election of the Speaker, save that the Speaker shall preside.

6. (1) The Speaker, or in his absence the Deputy Speaker, or in the absence of the Speaker or the Deputy Speaker, a Member (not being a member of Cabinet) elected by the House for the sitting, shall preside at the sittings of the House, and shall act as Chairman of Committees of the whole House.

Presiding in the
House and in
Committee.

(2) Save as otherwise provided in these Standing Orders, the Deputy Speaker, or other Member presiding, shall have all the authority and power of the Speaker when presiding or otherwise performing the functions of the Speaker.

(3) The Speaker may, without any formal communication to the House or to the Committee, request the Deputy Speaker to take the Chair.

(4) Whenever the unavoidable absence of the Speaker from any day's sitting is announced by the Clerk at the Table, the Deputy Speaker shall take the Chair and shall be invested with all the powers of the Speaker until the next sitting of the House, or for twenty-four hours, whichever period is the shorter.

(5) The Speaker in the House and the Chairman in Committee shall have power to regulate the conduct of business in all matters not provided for in these Standing Orders.

Seating of
Members.

7. (1) Until a seat has been allotted to each Member, Members who have taken the oath may sit in any seat.

(2) As soon as he thinks fit, the Speaker shall allot a seat to every Member and may vary such allotment from time to time.

Language.

8. (1) The proceedings and debates of the House shall be in the English Language.

(2) Every petition shall be in the English Language.

Duties of the
Clerk.

9. (1) The Clerk shall be responsible for keeping the minutes of proceedings of the House and of Committees of the whole House, which shall record the names of Members attending, all decisions taken and details of every division held.

(2) The Clerk shall submit the minutes of proceedings of each meeting to the Speaker for his signature, and shall then circulate copies thereof to Members before the commencement of the next meeting.

(3) The Clerk shall be responsible for the keeping from day to day of an Order Book showing all business appointed for any future day and any notices of questions or motions which have been set down for a future day whether for a day named or not given. The Order Book shall be opened to the inspection of Members at all reasonable hours.

(4) Subject to the provisions contained in paragraphs (3) and (4) of standing order 11, not less than twelve days before the date of a sitting, the Clerk shall post or otherwise despatch a notice of the sitting of each Member.

(5) The Clerk shall be responsible for preparing for each meeting an Order Paper containing the business for that meeting copies of which shall be posted or otherwise despatched to each Member so that whenever possible at least four clear days shall elapse before the House meets:

However, where the House has been adjourned to a specified date it shall not be necessary to post or otherwise despatch a further Order Paper, unless the date is more than twenty-one clear days after the time of the adjourned sitting.

(6) The Clerk shall be responsible for the custody of the votes, records, bills and other documents laid before the House, which shall be open to inspection by Members and other persons under such arrangements as may be sanctioned by the Speaker.

(7) The Clerk shall send to each Member a written notice directing attention to the Proclamation summoning the House.

(8) The Clerk shall be responsible for providing every Select Committee of the House with a clerk and shall, if required by the Committee and it is practicable for him to do so, himself attend upon it.

10. (1) The quorum of the House or of a Committee of the House shall consist of twelve members besides the person presiding at the sitting. Quorum.

(2) When at any sitting the attention of the Speaker or the Chairman in Committee of the House has been drawn to the absence of a quorum, the Speaker or Chairman, as the case may be, shall direct the Members to be summoned as if for a division.

(3) When the direction to summon Members has been given to the Clerk, the Speaker shall, after the expiration of five minutes from the giving of the direction, count the House. If a quorum is not then present the Speaker shall adjourn the House to be fixed by him without question put. The time and date shall not be more than seven days after the adjournment.

11. (1) The first sitting of every session of the House shall by Proclamation be held on such day as the President shall appoint in accordance with section 53 of the Constitution and thereafter the sittings of the House during any session shall be held on such days as the House may from time to time determine, or in the absence of such decision as the Speaker may direct. Sittings of the House.

(2) The sittings of the House shall begin at 10 o'clock of the forenoon unless some other hour has been fixed by the Speaker.

(3) Not less than twelve days before the date of a sitting the Clerk shall post or otherwise despatch a notice of the sitting addressed to each Member at his usual place of abode or such address as a Member may have registered with the Clerk as that to which he wishes such notice to be sent.

However, in case of urgency or emergency of which the Speaker shall be the sole judge, a sitting of the House may be summoned on such shorter notice as he may determine, and such notice may be given to Members by such means as the urgency of the case permits.

(4) When the House has adjourned to a specified date no further notice shall be necessary, unless the date is more than twelve days after the adjourned sitting.

Adjournment.

12. (1) Upon the conclusion of all business appointed at a meeting, the Speaker shall call upon a Minister to move “That this House do now adjourn” and upon that question being agreed to, the House shall adjourn.

(2) A Minister may move “That this House do now adjourn” at any time after the conclusion of questions at any sitting but any other Member may only move such a motion under standing order 13 (Adjournment - Definite Matter of Urgent Public Importance).

(3) Upon any motion “That this House do now adjourn” moved under paragraph (1) or paragraph (2), debate may take place in which any matter for which the Government is responsible may be raised by any Member who has obtained the right to raise a matter on the motion for the adjournment of the House that day. In any such debate any Minister or the Attorney General may speak more than once in reply to Members raising matters.

(4) Any Member who wishes to raise a matter under the provisions of paragraph (2) at a particular sitting shall give notice of the matter in writing to the Speaker not less than three days before the sitting concerned.

Adjournment -
definite matter of
urgent public
importance.

13. (1) A motion for the adjournment of the House shall not be made until public business has been concluded, except it is on behalf of the Government, or unless a Member rise in his place at the end of questions and ask leave to move the adjournment of the House for the purpose of discussing a definite matter of urgent public importance.

(2) A Member who wishes so to ask leave to move the adjournment of the House shall, before the commencement of the sitting, hand to the Speaker a written notification of the matter which he wishes to discuss.

(3) The motion shall not be made unless –

(a) the Speaker is satisfied –

- (i) that the motion does not anticipate a matter which has been previously appointed for consideration by the House or with reference to which a notice of motion has previously been given;
- (ii) that no opportunity for the discussion of the question raised by the motion will arise in the ordinary course of the meeting; and
- (iii) that the motion is definite, and that the matter is urgent and of public importance; and

(b) the leave of the majority of the House is obtained for the motion.

(4) If the Speaker is satisfied that the motion may properly be made, and the leave of the House in that behalf is granted, the motion shall be considered forthwith.

(5) Not more than one such motion shall be made at the same sitting; and not more than one matter shall be discussed on the same motion.

14. The Speaker may at any time suspend a sitting for a stated period not exceeding ten days.

Suspension of House by Speaker.

MEMBERS AND OFFICERS OF THE HOUSE

15. (1) Any Member who is unable to attend a meeting of the House to which he has been summoned shall acquaint the Clerk as early as possible of his inability to attend.

Absence of Members.

(2) If without leave or order of the Speaker previously obtained, any Member is absent from three consecutive meetings of the House to which he has been separately summoned during the same session, such Member shall vacate his seat.

ARRANGEMENT OF BUSINESS

16. Unless the House otherwise directs, the business of each sitting day shall be transacted in the following order:

Order of business.

- (a) Formal entry of Speaker.
- (b) Prayers.
- (c) Administration of oath or affirmation of allegiance to new Members.
- (d) Obituary and congratulatory remarks.
- (e) Confirmation of minutes.
- (f) Messages from the President.
- (g) Announcements by the Speaker.
- (h) Presentation of Papers and of Reports from Committees.
- (i) Petitions.
- (j) Government notices.
- (k) Unofficial notices.
- (l) Questions.
- (m) Statement by Ministers.
- (n) Personal explanations.
- (o) Motions relating to the business of the House moved by a Minister.
- (p) Introduction of Bills.
- (q) Public business.
- (r) Requests for leave to move the adjournment of the House on matters of urgent public importance.

Contents of
public business.

17. (1) Public business means proceedings on motions of which notice has been given and on Bills which have been introduced into the House.

(2) Unless the House otherwise directs the order of public business shall be as follows:

- (i) Government business.
- (ii) Private Members business.

(3) Government business shall consist of motions proposed to be made and Bills sponsored by Ministers and shall be set down in such order as the Government think fit.

(4) Private Members business shall be set down on the Order Paper in the order in which it was entered in the Order Book.

18. (1) Except on the recommendation of the President signified by a Minister, the House shall not –

Business for which President's recommendation is required.

- (a) proceed upon any Bill (including any amendment to a Bill) which, in the opinion of the person presiding in the House, would dispose of or charge any public revenue or public funds of Dominica or alter any disposition thereof or charge thereon or impose, alter or repeal any rate, tax or duty;
 - (b) proceed upon any motion (including any amendment to a motion) the effect of which, in the opinion of the person presiding in the House, is that provision should be made for any of the purposes aforesaid;
 - (c) receive any petition which, in the opinion of the person presiding in the House, requests that provision be made for any of the purposes aforesaid.
- (2) The President's recommendation shall be signified –
- (a) in the case of a Bill or a petition, on the presentation thereof; and
 - (b) in the case of a motion or an amendment, whether to a Bill or to a motion, on the mover being called to move that motion or amendment.

PAPERS

19. (1) Every Paper shall be presented by a Minister or by the Attorney General and its presentation shall be recorded in the minutes of proceedings.

Presentation of Papers.

(2) The Member presenting a Paper may make a short explanatory statement of its contents.

(3) All Statutory Instruments which do not require the approval of the House shall be laid on the Table as soon as may be after being made.

(4) All Papers presented to the House shall be ordered to lie upon the Table without question put, and any motion for the printing thereof shall be determined without amendment or debate.

PETITIONS

Presentation of
petitions.

20. (1) Every petition intended to be presented to the House shall conclude with a prayer setting forth the general object of the petition.

(2) A petition shall not be presented to the House unless it has been endorsed by the Clerk as being in accordance with the rules in regard to petitions.

(3) The Member presenting a petition may state concisely the purport of the petition.

(4) All petitions shall be ordered to lie upon the Table without question put unless a Member when presenting a petition move for it to be read, printed or referred to a Select Committee.

(5) The House shall not receive any petition –

(a) which is not addressed to the House and which is not properly and respectfully worded;

(b) which has not at least one signature on the sheet on which the prayer of the petition appears and which has not at least the prayer at the head of each subsequent sheet of signatures; or

(c) except on the recommendation of the President signified by a Minister which in the opinion of the person presiding in the House would dispose of or charge any public revenue or public funds of Dominica or alter any disposition thereof or charge thereon or impose, alter or repeal any rate, tax or duty.

QUESTIONS

Nature of
questions.

21. Subject to the provisions of these Standing Orders, questions may be put to Ministers relating to public affairs for which they are officially responsible.

Notice of
question.

22. (1) A question shall not be asked without notice, unless it is of an urgent character or relates to the business of the day, and the Member has obtained the leave of the Speaker to ask it.

(2) Notice of a question may be handed by a Member to the Clerk when the House is sitting, or may be sent to or left at the office of the Clerk at any time during the hours prescribed for the purpose. Every such notice must be signed by the Member giving it.

(3) The reply to any question may be deferred to the next meeting of the House unless the Member asking the question has given not less than fourteen clear days' notice in writing of his intention to ask the same.

(4) A Member who desires an oral answer to a question shall so indicate clearly on his notice and such a question shall be put down for a day to be named by the member being a day not earlier than fourteen clear days after the question has been submitted to the Clerk. A question not indicated for an oral answer may be put down for the next meeting of the House and the answer when received shall be circulated with the minutes of proceedings.

(5) If a Member asks the permission of the Speaker to ask a question orally without notice on the ground that it is of an urgent character and relates to a matter of public importance or to the arrangement of business, the Speaker may permit the question to be asked without notice if he is satisfied that it is of that nature, and that sufficient private notice of the question has been given or is to be given by the Member concerned to the responsible Minister to enable the question to be answered.

23. (1) The right to ask a question shall be subject to the following general rules, as to the interpretation of which the Speaker shall be the sole judge: Contents of questions.

- (a) The proper object of a question is to obtain information on a question of fact within the official responsibility of the Minister to whom it is addressed, or to ask for official action.
- (b) A question shall not include the names of persons, or any statements of fact, unless they are necessary to render the question intelligible.
- (c) If a question contains a statement of fact, the Member asking it shall make himself responsible for the accuracy of the statement, and no question shall be based upon a newspaper report or upon an unofficial publication.

- (d) No Member shall address the House upon any question, and a question shall not be made the pretext for a debate.
- (e) Not more than one subject shall be referred to in any one question, and a question shall not be of excessive length.
- (f) A question shall not contain arguments, inferences, opinions, imputations, epithets, ironical expressions or hypothetical cases.
- (g) A question shall not be asked –
 - (i) which raises an issue already decided in the House, or which has been answered fully during the current session, or to which an answer has been refused under standing order 24(6);
 - (ii) seeking information about matters which are in their nature secret;
 - (iii) regarding proceedings in a Committee which have not been placed before the House by a report from the Committee;
 - (iv) which deals with matters referred to a Commission of Enquiry or within the jurisdiction of the Chairman of a Select Committee;
 - (v) as to the character or conduct of any person except in his official or public capacity;
 - (vi) about any matter then pending before any Court of Justice, or which reflects on the decision of a Court of Justice;
 - (vii) reflecting on the character or conduct of any person whose conduct can only be challenged on a substantive motion under standing order 44(6) or may not be raised as provided under standing order 44(8);
 - (viii) referring discourteously to, or seeking information about the internal affairs of any territory within the Commonwealth or of a friendly foreign country;
 - (ix) seeking information which can be found in accessible documents or ordinary works of reference.

(h) A question shall not solicit the expression of an opinion, or the solution of an abstract legal question, or of a hypothetical proposition.

(2) If the Speaker is of the opinion that any question of which a Member has given notice to the Clerk infringes the provisions of any standing order or is in any way an abuse of the right of questioning, he may direct –

(a) that the Member concerned be informed that the question is out of order; or

(b) that the question be entered in the Order Book with such alterations as he may direct; or

(c) in the case of a question which a Member has sought to ask without notice, that it may be so asked with such alterations as he may direct.

24. (1) At the time appointed for the asking and answering of questions under standing order 16 (Order of business), the Speaker shall call in turn upon each Member in whose name a question stands upon the Order Paper, in the order in which the questions are printed. Each Member so called shall rise in his place and ask the question by reference to its number on the Order Paper, and the Minister questioned shall give his reply.

Manner of asking and answering questions.

(2) Subject to the provisions of paragraph (6) of this standing order the answer to a question shall state only the relevant facts necessary to a reply and shall not contain accusations, discourteous statements or epithets, imputations, sarcastic or insulting references, ironical expressions or hypothetical cases.

(3) Not more than three questions requiring an oral answer shall appear on the Order Paper in the name of the same Member for the same day and any question in excess of this number shall not be called by the Speaker but shall be answered as provided in paragraph (4) of this standing order, save that no postponement shall be allowed.

(4) Other questions shall be answered in writing by the Minister to whom the question was addressed and copies of the answer shall be sent to the Clerk, who shall send a copy to the Member in whose name the question stood upon the Order Paper and cause the answer to be circulated with the minutes of proceedings.

(5) After the answer to a question has been given supplementary questions may, at the discretion of the Speaker, be put for the purpose of elucidating the answer given, but the Speaker may refuse any such question which in his opinion introduces matters not relative to the original question, or which infringes any of the provisions of standing order 23 (Contents of questions), and may in that case direct that the question not be reported in the Official Report.

(6) A Minister may decline to answer a question, if the publication of the answer would in his opinion be contrary to the public interest.

Time allotted to questions.

25. Not more than a half hour shall be allotted to oral answers to questions on any day. Questions so requiring an oral answer which have not received an oral answer within this period shall be dealt with as in standing order 24(4) (Manner of asking and answering questions) unless the Member asking such a question has given instructions for the question to be referred to a future sitting.

PERSONAL EXPLANATIONS

Personal explanations.

26. With the leave of the Speaker, a Member may make a personal explanation at the time appointed under standing order 16 (Order of business) although there is no question before the House; but no controversial matter may be brought forward nor may debate arise upon the explanation.

His explanation must be succinct and so framed as not to provoke debate. Prior to making it and one hour or more before the commencement of the sitting of the House, he must hand in a notice to the Speaker setting out the substance of his remarks.

MOTIONS AND AMENDMENTS THERETO QUESTIONS FOR DEBATE

Scope for motions.

27. (1) Subject to section 50 of the Constitution and to these Standing Orders, any member may propose by way of motion any matter for debate in the House.

(2) Except on the recommendation of the President signified by a Minister the House shall not proceed upon any motion the effect of which, in the opinion of the Speaker, would dispose of or charge any public revenue or funds of the territory or alter any disposition thereof or charge thereon or impose, alter or repeal any rate, tax or duty.

(3) The signification of the recommendation of the President shall be recorded in the minutes of proceedings.

(4) A motion shall not contain personal opinions or controversial allegations unnecessary to the main issue upon which the House is being moved to declare its will or any explanation or argumentation.

28. Except as hereinafter provided no Member shall move a motion unless he has given notice in writing of the motion either at some previous sitting of the House or to the Clerk in writing not less than fourteen clear days previous to the sitting of the House at which the motion is to be made. Notice of motion.

29. (1) Where under these Standing Orders notice is required the notice shall be given in writing, signed by the Member and addressed to the Clerk. The notice shall be handed to the Clerk or sent to, or left at, the Clerk's office. Form of notice.

(2) If the Speaker is of opinion that any notice of motion which has been received by the Clerk infringes the provisions of any standing order or is in any other way out of order, he may direct –

- (a) that the Member concerned be informed that the notice of motion is out of order; or
- (b) that the notice of motion be entered in the Order Book with such alterations as he may direct.

(3) Not more than two notices of motion in the name of the same Member other than a Minister may be entered on the Order Paper of any sitting.

PERIOD OF NOTICE

30. (1) Except as provided in paragraph (2), a Government motion shall not be debated earlier than the day following the day upon which it was first published in the Order Paper. Period of notice.

(2) Except as provided in standing order 71 (Reports from Select Committees), a Private Member's motion shall not be debated earlier than four clear days from the day upon which it was first published in the Order Paper.

Motions without notice.

31. Notwithstanding the provisions of standing order 28 (Notice of motion), the following motions may be moved without notice:

- (a) a motion for the amendment of the minutes of the House, or for the adoption, modification or rejection of the Report of any Committee;
- (b) a motion for the reference of any matter to a Committee;
- (c) a motion made when the House is in Committee;
- (d) a motion by way of amendment to any motion being debated in the House;
- (e) a motion for the adjournment of the House or of any debate;
- (f) a motion for the withdrawal of a Bill;
- (g) a motion for the recommittal of a Bill;
- (h) a motion for the withdrawal of strangers;
- (i) a motion relating to a matter of privilege;
- (j) a motion for the suspension of a Member;
- (k) a motion for the suspension of any of the standing orders of the House;
- (l) a motion that the question be now put;
- (m) any motion made under the provisions of section 18 of the Customs Import and Export Tariffs Ordinance or any provision substituted for the same.

Cap.265.
(1961.Ed.).

Dispensing with notice.

32. Where a motion or any other proceeding of the House is one that requires notice, the notice may not be dispensed with except with the consent of the Speaker and the assent of the majority of Members present at the time.

Seconding of motions.

33. The question upon a motion or an amendment shall not be proposed by the Speaker unless the motion or amendment has been seconded:

Provided that –

- (a) Government business shall not require seconding unless otherwise provided for in these Standing Orders;
- (b) in Committee a seconder shall not be required.

34. (1) If a Member does not move a motion or amendment which stands in his name when he is called on, it shall be removed from the Order Paper unless some other Member, duly authorised by him in writing, move it in his stead: Provided that Government business may be moved by any Minister or by the Attorney General.

Motions not moved or seconded.

(2) No question shall be proposed upon a motion or amendment, which under these Standing Orders is required to be seconded, if it is not so seconded, and no record of proceedings upon the motion or amendment shall be entered in the minutes of proceedings.

35. (1) A motion directly concerning the privileges of the House shall take precedence of all other public business.

Privilege motions.

(2) If during a sitting of the House a matter suddenly arises which appears to involve the privileges of the House and which calls for the immediate intervention of the House, the proceedings may be interrupted, save during the progress of a division, by a motion based on the matter.

36. (1) On a motion being made and when necessary seconded, the Speaker shall propose the question to the House, and after debate, if any, shall put the question for the decision of the House.

Proposal of motion by Speaker.

(2) If a motion embodies two or more separate propositions, the propositions may be proposed by the Speaker as separate questions.

(3) If a Member desires to vary the terms of a motion standing in his name, he may do so by giving an amended notice of motion, provided that the amendment does not in the opinion of the Speaker materially alter any principle embodied in the original motion or scope thereof. The amended notice of motion shall run from the time at which the original notice of motion was given.

37. (1) When any motion is under consideration in the House or in a Committee thereof an amendment may be proposed to the motion if it is relevant thereto.

Amendment to motions.

(2) An amendment may be proposed to any such amendment if it is relevant thereto.

(3) An amendment to a motion may be moved and seconded at any time after the question upon the motion has been proposed by the Speaker or Chairman, and before it has been put by the Speaker or Chairman at the conclusion of the debate upon the motion. When every such amendment has been disposed of, the Speaker or Chairman shall either again propose the question upon the motion as amended, as the case may require, and after any further debate which may arise thereon, shall put the question to the House or Committee for its decision.

(4) (a) An amendment to a motion shall take one of the following forms:

- (i) to leave out one or more words of the motion;
- (ii) to insert or add one or more words in or at the end of the motion; or
- (iii) to leave out one or more words in or at the end of the motion and to insert or add one or more words instead.

(b) On every amendment the question to be proposed shall be "That this amendment be made".

(5) (a) Any amendment to an amendment which a Member wishes to propose may be moved and seconded at any time after the question upon the original amendment has been proposed, and before it has been put at the conclusion of the debate on the original amendment.

(b) The provisions of paragraph (4) shall apply to the discussion of amendments to amendments except that the question to be proposed shall be "That this amendment to the amendment be made".

(c) When every such amendment to an amendment has been disposed of, the Speaker shall either again propose the question upon the original amendment, or shall propose the question upon the original amendment as amended, as the case may require.

(6) Any amendment, whether in the House or in Committee of the whole House, shall be put into writing by the mover and delivered to the Clerk before the question is proposed thereon.

(7) When the question upon an amendment to a motion has been proposed by the Speaker or Chairman an earlier part of the motion may not be amended unless the amendment under discussion is withdrawn.

(8) An amendment shall not raise any question which, by these Standing Orders, can only be raised by a substantive motion after notice.

38. The Speaker shall be the sole judge of the admissibility of any amendment. Admissibility.

39. (1) A motion may be withdrawn at the request of the mover, after it has been moved, by leave of the House or Committee before the question is fully put thereon. Withdrawal of motions.

(2) A motion so withdrawn may be made again provided that notice as required by these Standing Orders is given.

(3) If an amendment has been proposed to the question the original motion cannot be withdrawn until the amendment has been disposed of.

40. No motion shall be proposed which is the same in substance as any motion which has been resolved by the House in the affirmative or negative during the previous six calendar months. Re-introduction of motions.

RULES OF DEBATE

41. (1) A Member desiring to speak shall rise in his place and if called upon shall address the Chair. No Member shall speak unless called upon by the Speaker or Chairman. Time and manner of speaking.

(2) If two or more Members rise at the same time, the Speaker or Chairman shall call upon the Member who first catches his eye.

(3) Subject to paragraph (4), no Member shall speak more than once on any question except –

(a) in explanation, as prescribed in paragraph (5); or

(b) in reply, in the case of the mover of a substantive motion or the Member in charge of a Bill;

but any Member may, without prejudice to his right to speak at a later period of the debate, rise in his place and second a motion or amendment in the formal words - “Mr. Speaker, I second the motion”.

(4) In Committee, a Member may speak more than once on any question, but the Chairman shall have a discretion to regulate debate, in the exercise of which he shall be guided by the rules relating to debate in the House; and his rulings on the termination of speeches shall be final.

(5) A Member who has spoken on a question may, with the Speaker's permission, again be heard to offer explanation of some material part of his speech which he claims has been misrepresented, but he shall not introduce new matter. He must offer the explanation immediately at the conclusion of the speech which calls for it.

(6) (a) Subject to subparagraphs (b) and (c), no Member shall address the House for more than thirty minutes on any question.

(b) The mover of an original motion shall be entitled to forty-five minutes for his opening speech and twenty minutes for his reply.

(c) The time limited by this paragraph may be extended at any time by motion made and carried without amendment or debate; and the ruling of the Speaker as to the time taken by any Member shall be final.

(7) A Member who has spoken may speak again when a new question has been proposed by the Speaker or Chairman, such as a proposed amendment or a motion for the adjournment of the debate.

(8) A Member shall not read his speech except with the leave of the Speaker or Chairman, but he may read extracts from written or printed papers in support of his argument, and may refresh his memory by reference to notes.

(9) No Member may speak on any question after it has been fully put to the vote by the Speaker or Chairman, that is, after the voices of the Ayes and Noes have been collected.

Right of reply.

42. (1) The mover of a motion may reply after all the other Members present have had an opportunity of addressing the House and before the question is put, and after the reply no other Member may speak except as provided in paragraph (2).

(2) A Minister may conclude a debate on any motion which is critical of Government, or reflects adversely on or is calculated to bring discredit upon the Government or a Government Officer.

Interruptions.

43. No Member shall interrupt another Member except –

(a) by rising to a point of order, when the Member speaking shall resume his seat and the Member interrupting shall simply direct attention to the point which he desires to bring to notice and submit it to the Speaker or Chairman for decision; or

- (b) to elucidate some matter raised by that Member in the course of his speech, if the Member speaking is willing to give way and resume his seat and the Member wishing to interrupt is called by the Speaker or Chairman; or
- (c) by rising to claim closure under standing order 47 (Closure of debate).

44. (1) Subject to the provisions of standing orders 12 and 13, debate upon any motion, Bill or amendment shall be relevant to the motion, Bill or amendment and a Member shall confine his observations to the subject under discussion. Contents of speeches.

(2) Reference shall not be made to any matter which is *sub judice*, in such a way as might in the opinion of the Chair prejudice the interests of parties thereto.

(3) It shall be out of order to attempt to reconsider any specific question upon which the House has come to a conclusion during the current session except upon a substantive motion for rescission.

(4) It shall be out of order to use offensive, and insulting or disrespectful language about Members or against the House of Assembly.

(5) The *ex-officio* Member and Ministers shall be referred to by the designation of the offices held by them, elected Members other than Ministers shall be referred to by the names of the districts for which they have been elected, and Senators other than Ministers shall be referred to by name.

(6) No Member shall impute improper motives to any Member of the House or indulge in personalities except on a substantive motion moved for the purpose.

(7) The name of the President shall not be used to influence the House.

(8) The conduct of the President, Members or Judges of the Eastern Caribbean Supreme Court shall not be raised except upon a substantive motion moved for that purpose.

45. (1) When an amendment proposes to leave out words and to add or insert other words instead of them, debate upon the question "That this amendment be made" may include both the words proposed to be left out and those proposed to be added or inserted. Scope of debate.

[Subsidiary]

(2) On an amendment proposing only to leave out words or to add or insert words, debate shall be confined to the omission, addition or insertion of such words respectfully.

(3) Debate upon any motion “That the debate be now adjourned,” or that “This House do now adjourn” if moved during any debate, or in Committee upon any motion “That the Chairman do report progress and ask leave to sit again”, shall be confined to the matter of such motion; and a Member who has made or seconded such motion shall not be entitled to move or second any similar motion during the same debate.

Anticipation.

46. (1) It shall be out of order to anticipate a Bill by discussion upon a motion dealing with the subject matter of that Bill.

(2) It shall be out of order to anticipate a Bill or a notice of motion by discussion upon an amendment or a motion for the adjournment of the House.

(3) In determining whether discussion is out of order on the grounds of anticipation, regard shall be had by the Chair to the probability of the matter anticipated being brought before the House within a reasonable time.

Closure of
debate.

47. (1) After a question has been proposed any Member may at any time during the course of debate rise in his place and claim to move “That the question be now put” and unless it appears to the Chair that that motion is an abuse of the rules of the House or an infringement of the rights of the minority, the question “That the question be now put” shall be put forthwith. No debate on that motion shall be allowed, and if the motion is carried, the debate then before the House shall cease and the question before the House shall be put forthwith.

(2) When the motion “That the question be now put” has been carried, and the question consequent thereon has been decided, any Member may claim that any other question already proposed from the Chair be now put and if the assent of the Chair is given the question shall be put forthwith and decided without amendment or debate.

Rules for
Members not
speaking.

48. During a meeting of the House a Member –

- (a) shall enter or leave the House with decorum;
- (b) shall not read books, newspapers, letters or other documents save such as relate to the business before the House;

- (c) shall not bring into the House, brandish, display or expose in any manner whatsoever any firearm or any other dangerous or offensive weapon or instrument;
- (d) shall maintain silence while another Member is speaking, and shall not interrupt, except in accordance with these Standing Orders; and
- (e) shall otherwise conduct himself in a fit and proper manner.

RULES OF ORDER

49. (1) The Speaker in the House and the Chairman in Committee shall be responsible for the observance of the rules of order in the House and Committee respectively and their decision upon any point of order shall not be open to appeal and shall not be reviewed by the House except upon a substantive motion made after notice.

Responsibility for order in the House and in Committee.

(2) When the Speaker, or Chairman, rises any Member then speaking or wishing to speak shall immediately resume his seat and the House, or the Committee, shall be silent.

50. (1) The Speaker or the Chairman, after having called the attention of the House or of the Committee to the conduct of a Member who persists in irrelevance or tedious repetition either of his own arguments or of the arguments used by other Members in debate, may direct him to discontinue his speech and to resume his seat.

Order in the House and in the Committee.

(2) (a) Any Member who has used objectionable or unparliamentary expressions and on being called to order has refused to withdraw the words or expressions or to explain them, and has not offered an apology for the use thereof to the satisfaction of the House may be proceeded against and dealt with as though he had committed an offence under paragraph (2)(b) .

(b) The Speaker or the Chairman shall order any Member whose conduct is grossly disorderly to withdraw immediately from the House during the remainder of that sitting. If a direction to withdraw under this paragraph is not complied with at once or if, on any occasion, the Speaker or the Chairman considers that his powers under the previous provisions of this paragraph are inadequate, the Speaker or Chairman may name such Member in pursuance of the procedure prescribed in paragraph (3).

(3) If a Member shows disregard for the authority of the Chair, or abuses the rules of the House by persistently and wilfully obstructing the business of the House, or otherwise, the Speaker or the Chairman shall direct the attention of Members to the incident mentioning by name the Member concerned. Whenever a Member has been so named by the Speaker or by the Chairman, then –

- (a) if the offence has been committed in the House, the Speaker shall call upon a Minister to move “That Mr..... be suspended from service of the House”. The Speaker shall put the question on the motion forthwith, no seconder being required and no amendment, adjournment or debate being allowed;
- (b) if the offence has been committed in the Committee, the Chairman shall forthwith suspend the proceedings of the Committee and, as soon as the House has resumed, shall report the circumstances, whereupon the procedure provided for in subparagraph (a) shall be followed;
- (c) if any such motion is carried, and a Member is suspended, his suspension on the first occasion shall last until the next meeting of the House, and on the second occasion for a period of six months, and on the third and any subsequent occasion for a period of one year or unless sooner determined by the House. Any remuneration to which a Member is entitled as a Member of the House shall cease for the period of his suspension.

(4) Not more than one Member shall be named at the same time, unless several Members present together have jointly committed the offence.

(5) A Member who is directed to withdraw or who is suspended under this standing order shall forthwith leave the House and its precincts.

(6) If any Member who has been directed to withdraw or who has been suspended under this standing order, refuses at any time to obey the direction of the Speaker to withdraw from the House and its precincts, the Speaker shall call the attention of the House to the fact that recourse to force is necessary in order to compel obedience to his direction, and the Member named by him as having so refused to obey his direction shall thereupon without further question put be suspended from the service of the House during the remainder of the session.

(7) The Speaker may request any Officer of the House to remove forcibly any Member who has been directed to withdraw or who has been suspended and who still refuses or fails to leave the House and may if he thinks it necessary suspend the sitting during the removal of the Member.

(8) A Member who is directed to withdraw or is removed or suspended under this standing order shall not be entitled to attend the sitting from which he was thus debarred or in a case of suspension to attend any sitting or enter the precincts of the House until the termination of his suspension.

(9) In case of grave disorder arising in the House, the Speaker may, if he thinks it necessary to do so, adjourn the House without question put, or suspend the sitting for a time to be named by him.

(10) In the case of a breach of privilege the following procedure shall be observed:

- (a) the Member must first make a complaint that there has been a breach of privilege and then declare that he intends to propose a motion to that effect;
- (b) the motion must set out the accusation in explicit but moderate terms, together with the facts of the case. It must propose that the House come to a decision on the alleged fault after consideration by the House or after considering a report from a Select Committee following an inquiry by the Committee as of right. The motion is not susceptible to amendment or division;
- (c) the mover and the Member whose conduct is impugned may speak for twenty minutes each. When they have concluded, the matter shall either be considered by the House or a Select Committee appointed to investigate the matter. In addition to its finding, the Committee may include recommendations in its report;
- (d) the House shall concur in or reject the report of the Committee within fifteen days after it is tabled. The findings of the report are not amendable by the House;
- (e) if the accusation is founded, the House shall decide on the penalty, taking into account the recommendations from the Committee, if any.

(11) Nothing in this standing order shall be taken to deprive the House of the power of proceeding against any Member according to any resolution of the House.

VOTING

Decision of questions.

51. (1) Save as otherwise provided in the Constitution, or in these Standing Orders, all questions proposed for decision in the House or in Committee shall be determined by a majority of the votes of Members present and voting.

(2) Neither the Speaker nor any other Member presiding shall vote unless the votes of the other Members are equally divided in which case he shall give a casting vote.

Personal pecuniary interest.

52. (1) A Member shall not move any motion or amendment relating to a matter in which he has a direct personal pecuniary interest or speak on any such matter, whether in the House or in any Committee, without disclosing the nature of that interest, and shall in no circumstances vote on any such matter.

(2) A motion to disallow a Member's vote on the ground of personal pecuniary interest shall be moved only as soon as the numbers of the Members voting on the question have been declared.

(3) The Speaker or Chairman shall have discretion whether or not to propose the question upon such a motion, and in exercising the discretion shall have regard to the character of the question upon which the division was taken and to the consideration whether the interest therein of the Member whose vote is challenged is direct and pecuniary and not an interest in common with the rest of the citizens of the State or whether his vote was given on a matter of State policy.

(4) On the question for the disallowance of a Member's vote being proposed, the Member concerned shall be heard in his place and shall then withdraw from the House or Committee for the duration of the debate and any vote on the question.

(5) If the motion for the disallowance of a Member's vote is agreed to, the Speaker or Chairman shall direct the Clerk to correct the numbers voting in the division accordingly.

Collection of voices.

53. (1) At the conclusion of a debate upon any question, the Speaker or Chairman shall put that question for the decision of the House, and shall collect the voices of the Ayes and of the Noes, after which no further debate may take place upon that question.

(2) The result shall be declared by the Speaker or Chairman stating "I think the Ayes have it" or "I think the Noes have it" as the case may be, but any Member may challenge the opinion of the Chair by claiming a division.

54. (1) A division shall be taken by the Clerk calling each Member's name and asking each Member separately how he desires to vote and recording the vote accordingly. The Clerk shall then announce the number of those who have voted for and of those who voted against the proposal and the Speaker or Chairman shall declare the result of the division. Divisions.

(2) Every Member present, unless he expressly says that he declines to vote, shall record his vote either for the Ayes or the Noes. The Clerk shall enter in the minutes of proceedings the record of each Member's vote, and shall add a statement of the names of Members who declined to vote.

(3) If a Member states that he voted in error or that his vote has been counted wrongly, he may claim to have his vote altered provided that the claim is made as soon as the Clerk has announced the numbers and before the Chair has declared the result of the division. Upon the claim being made the Speaker or Chairman, at his sole discretion shall either direct the Clerk to alter that Member's vote or direct that a fresh division be held.

BILLS

55. (1) Except as provided in paragraph (3) any Member may move for leave to introduce a Bill of which he has given notice but a Bill may be presented to the House on behalf of the Government after notice without an order of the House for its introduction. Introduction and first reading.

(2) A notice of the presentation of a Bill on behalf of the Government may be entered on the Order Paper for the day following the day on which it was received by the Clerk.

(3) The House shall not proceed upon any Bill or amendment to a Bill, or upon any motion for leave to introduce a Bill, which in the opinion of the Speaker would contravene section 50 of the Constitution.

(4) A Bill, whether presented in pursuance of an order of the House after leave given or without such order, shall be delivered to the Clerk at his office or handed to the Clerk at the Table by the Member who gave notice of the Bill. The Clerk shall then read aloud the short title of the Bill, which without question put shall then be recorded in the minutes as having been read a first time and ordered to be published in the *Gazette* if not already so published.

(5) A Bill to which a Minister has appended a certificate of urgency, in such form as may be prescribed by the Speaker, may, with the Speaker's consent, be presented without notice. A Bill so presented without notice under this paragraph shall be ordered to be published in the *Gazette*.

Assent to certain Bills.

56. (1) A Bill the purpose of which is to enact legislation within the provisions of section 42(2) of the Constitution shall not be submitted for the assent of the President unless on its final reading in the House it has been supported by the votes of not less than two-thirds of all the elected members of the House.

(2) A Bill which aims at enacting legislation falling within the provisions of section 42(3) of the Constitution shall not be submitted for the assent of the President unless –

- (a) the procedure set out in section 42(3) of the Constitution has been complied with; and
- (b) the Speaker or Deputy Speaker, as the case may be, forwards with the Bill a certificate under his hand that all the provisions of section 42(3) of the Constitution have been complied with.

Printing and circulation of Bills.

57. (1) The Clerk shall be responsible for the printing of Bills from the draft forwarded to him by the Member in charge of the proposed Bill and, before any Bill is printed, he shall satisfy himself that –

- (a) the Bill is divided into successive clauses numbered consecutively;
- (b) the Bill has in the margin a short summary of each clause; and
- (c) the provisions of the Bill do not go beyond its title.

(2) As soon as possible after the printing of a Bill the Clerk shall circulate a copy to every Member. The Bill shall be accompanied by a short explanatory statement of its objects. No bill shall be read a second time until it has been printed and circulated to Members.

(3) In the case of any Bill which in the opinion of the Speaker would make provision for imposing or increasing any charge on the revenue or other funds of the State, an estimate of the probable cost to the State shall be supplied by the Member and circulated with the Bill.

(4) The Clerk shall as soon as possible cause every Bill to be published in the *Gazette*.

(5) Paragraphs (2) and (4) shall be subject to the provisions of the Customs and Excise Laws (Commencement) Act and the Provisional Collection of Taxes Act.

Ch. 69:04.
Ch. 63:02.

58. (1) The Member moving the second reading of a Bill may state the object of the Bill and the reasons for its introduction and when a motion for the second reading of a Bill has been made and seconded there may be a debate upon the general merits and principles of the Bill.

Second reading.

(2) To the question "That the Bill be now read a second time" an amendment may be proposed to leave out the word "now" and add at the end of the question "upon this day, six months or some other date" or an amendment may be moved to leave out all the words after the word "that" in order to add words stating the object and motive on which the opposition to the Bill is based, but such words must be strictly relevant to the Bill and not deal with its details.

(3) If the motion "That the Bill be now read a second time" is carried the Bill shall stand referred to a Committee of the whole House to consider the Bill clause by clause, and amend it in such manner as may be deemed necessary, unless at this stage of the proceedings the House on motion made, decides that the Bill shall be referred to a Select Committee. The motion shall not require notice if made immediately after the Bill has been read a second time, in which event the question thereon shall be put without amendment or debate.

(4) When a Bill has been committed to a Select Committee, no further proceedings shall be taken thereon until the Select Committee has presented its report to the House.

(5) On the order for a Committee of the whole House on a Bill being read, the Speaker may leave the Chair without question put.

59. A motion for the second reading of a Bill, the purpose of which is to alter section 42 of the Constitution or Schedule I to the Constitution, or any of the provisions of the Courts Order specified in Part II of

Second reading
of certain Bills

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that Schedule or section 3 of the West Indies Associated States (Appeals to Privy Council) Order, 1967 shall not be made unless there has been an interval of not less than ninety days between the introduction of the Bill in the House and the date on which the motion for the second reading of the Bill in the House is made by the Member responsible for the Bill.

Functions of
Committees on
Bills.

60. (1) Any Committee to which a Bill is committed shall not discuss the general merits and principles of the Bill but only its details.

(2) Any such Committee may make such amendments in and additions to the Bill as it thinks fit, being amendments and additions relevant to the subject matter of the Bill; but where a Committee desires to make any amendment or addition which is not within the title of the Bill, it shall amend the title accordingly and shall report the same specially to the House.

Procedure in
Committee of the
whole House on
a Bill.

61. (1) The Chairman in Committee of the whole House shall call the number of each clause in succession. If no amendment is proposed thereto, or when all proposed amendments have been disposed of, he shall propose the question "That the clause (or the clause as amended) stand part of the Bill" and, when all Members who wish to speak thereon have spoken, he shall put that question to the Committee for its decision.

(2) Any proposed amendments of which notice has not been given shall be handed to the Chairman in writing.

(3) The following provisions shall apply to amendments relating to Bills:

- (a) an amendment must be relevant to the subject matter of the Bill and to the subject matter of the clause to which it relates;
- (b) an amendment must not be inconsistent with any clause already agreed to or with any previous decision of the Committee;
- (c) an amendment must not be such as to make the clause which it proposes to amend unintelligible or ungrammatical;
- (d) if an amendment refers to, or is not intelligible without, a subsequent amendment or schedule, notice of the subsequent amendment or schedule must be given before or when the first amendment is moved so as to make the series of amendments intelligible as a whole;

- (e) in order to save time and repetition of arguments, the Chairman may allow a single discussion to cover a series of interdependent amendments, clauses or schedules;
- (f) the Chairman may refuse to allow an amendment to be moved which is, in his opinion, frivolous or meaningless;
- (g) except upon the recommendation of the President to be signified by a Minister, the Committee shall not proceed upon any amendment which, in the opinion of the Chairman, would have effect in any of the ways described in standing order 18(1) and (2);
- (h) the Chairman may at any time during the discussion of a proposed amendment withdraw it from the consideration of the Committee if, in his opinion, the discussion has shown that the amendment violates the provisions of this standing order.

(4) The provisions of standing order 37 (4) and (5) (Amendment to motions) shall apply to the discussion of amendments to Bills, with the substitution where appropriate throughout of the word "clause" for the word "motion" or the word "question" and of the word "Chairman" for the word "Speaker" and the word "Committee" for the word "House".

(5) A clause may be postponed, unless a decision has already been taken upon an amendment thereto. Postponed clauses shall be considered after the remaining clauses of the Bill have been considered and before new clauses brought up.

(6) Any proposed new clause shall be considered after the clauses of the Bill have been disposed of and before consideration of any schedule to the Bill.

However, a new clause proposed in substitution for a clause which has been disagreed to may be considered immediately after the disagreement.

(7) On the title of any new clause being read by the Clerk the clause shall be deemed to have been read a first time. The question shall then be proposed "That the clause be read a second time"; if this is agreed to, amendments may then be proposed to the new clause. The final question to be proposed shall be "That the clause (or the clause as amended) be added to the Bill".

(8) Schedules shall be disposed of in the same way as clauses and any proposed new schedule shall be considered after the schedules to the Bill have been disposed of, and shall be treated in the same manner as a new clause.

(9) When every clause and schedule and proposed new clause or schedule has been dealt with, the preamble, if there is one, shall be considered and the question put "That this be the preamble to the Bill". No amendment to the preamble shall be considered which is not made necessary by a previous amendment to the Bill.

(10) If any amendment to the title of the Bill is made necessary by an amendment to the Bill, it shall be made at the conclusion of the proceedings detailed above, but no question shall be put that the title (as amended) stand part of the Bill; nor shall any question be put upon the enacting formula.

(11) When all proceedings on the Bill have been concluded the House shall resume its sitting and the Chairman shall report the Bill to the House with or without amendment.

(12) If any Member, before the conclusion of proceedings on a Bill, moves to report progress and the motion is carried, or if the proceedings in a Committee of the whole House have not been finished at the moment of interruption, the Chairman shall cause the sitting of the House to be resumed and shall report the progress to the House, and shall call on the Member in charge of the Bill to name a day for the resumption of proceedings on the Bill. A day for the resumption of the proceedings shall be named by the Member in charge of the Bill.

(13) A Committee having met to consider a Bill shall proceed with its consideration, except that during the proceedings on a Bill the Member in charge of the Bill may, subject to the discretion of the Chairman, move a motion "That the Committee do not proceed further with the Bill". If the motion is carried the Committee shall then report the Bill to the House as so far amended or without amendment, as the case may be, and make a special report explaining its proceedings on the Bill, and the special report and the Bill shall be ordered to lie upon the Table without question put.

Procedure on
Select Committee
on a bill.

62. A Select Committee on a Bill shall be subject to standing orders 69 (Select Committees) and 70 (Chairman's vote in Select Committee) but before reporting the Bill to the House it shall go through the Bill as provided in standing order 61 (Procedure in Committee of the whole House on a Bill).

63. As soon as a Bill has been reported from a Committee of the whole House the Member in charge may – Procedure on reporting of Bills.

- (a) give notice of his intention to move the third reading on a future day; or
- (b) move without notice that the House proceed to the third reading forthwith. No amendment may be moved to such a motion and if the motion is not agreed to, the provisions of subparagraph (a) shall apply.

64. (1) If any Member desires to delete or amend any provision contained in a Bill as reported from a Committee of the whole House or to introduce any new provision therein he may at any time before a Member rises to move the third reading of the Bill, move that the Bill be recommitted either wholly or in respect only of some particular part or parts of the Bill or some proposed new clause or new schedule, no notice of the motion being required, and if the motion is agreed to, the Bill shall stand so recommitted. The House may then, upon motion made, resolve itself into Committee to consider the business so recommitted either forthwith or upon a later day. Recommittal of Bills reported from Committee of the whole House.

(2) When the whole Bill has been recommitted, the Committee shall go through the Bill as provided in standing order 61 (Procedure in Committee of the whole House on a Bill).

(3) When a Bill has been recommitted in respect only of some particular part or parts or of some proposed new clause or new schedule, the Committee shall consider only the matter so recommitted and any amendment which may be moved thereto.

(4) When all the proceedings upon the recommittal of a Bill have been concluded, the provisions of standing order 61(11) (Procedure in Committee of the whole House on a Bill) shall apply.

(5) When a Bill has been reported after recommittal, no further motion to commit the Bill shall be allowed.

65. (1) When a Bill has been reported from a Select Committee the House may proceed to consider the Bill as so reported upon a motion “That the report of the Select Committee on the Bill be adopted”, to which motion amendments may be proposed to leave out all the words after “that” in order to add words to the effect that the Bill be committed either in whole or in part to a Committee of the whole House. Procedure on Bills reported from Select Committee.

(2) If –

- (a) that motion is agreed to without amendment, the Bill shall be ordered to be read a third time; or
- (b) that amendment is agreed to, the Bill shall be recommitted to a Committee of the whole House, and ordered to be considered,

either forthwith or on a day to be appointed by the Member in charge of the Bill.

(3) A Committee of the whole House upon a Bill recommitted under the provisions of this standing order shall proceed in accordance with standing order 64(2) (Recommittal of Bills reported from Committee of the whole House), and the conclusion of its proceedings and the remaining proceedings on the Bill shall be subject to paragraph (4) of that standing order.

Third Reading of Bills.

66. (1) On the resumption of the House after the conclusion of the committee stage a Bill may, on motion made, be read the third time, or at some subsequent sitting. The question upon the motion for the third reading of the Bill shall be “That the Bill be now read a third time”.

(2) On the third reading of a Bill, amendments may be proposed to the question “That the Bill be now read a third time” similar to those which may be proposed on second reading.

(3) Amendments for the correction of errors or oversights may, with the Speaker’s permission, be made before the question for the third reading of the Bill is put from the Chair, but no amendments of a material character shall be proposed.

(4) When a Bill has been read a third time, a printed copy of it signed by the Clerk shall be forwarded by the Clerk to the President for his assent.

Withdrawal of Bills.

67. The Member in charge of a Bill may, at the beginning of any stage of the proceedings on a Bill at a sitting, announce that he withdraws the Bill and the Speaker shall thereupon direct that the Bill be withdrawn.

If, however, on such announcement being made another Member signifies his willingness to take charge of the Bill, the Bill shall be proceeded with according to order and the Member who has so signified shall be deemed for all purposes to be the Member in charge of the Bill.

68. More than one Bill dealing with the same subject matter may be introduced but, once the second reading of a Bill has been agreed to or negatived, no question shall be proposed during the same session for the second reading of another Bill containing substantially the same provisions.

Bills on the same subject matter.

SELECT COMMITTEES

69. (1) The House may by Order appoint any of its Members to be a Select Committee for the purpose of examining and reporting on the clauses of any proposed Bill or for any other purpose. The House may also appoint the Chairman of such Select Committee and specify the terms of reference of the Committee.

Select Committees.

(2) In the absence of any appointment by the House a Select Committee shall elect its own Chairman. In the absence of the Chairman the Committee shall appoint another of its members to act in his place whose tenure of office shall be for the day of his appointment only.

(3) Every Select Committee shall be so constituted as to ensure as far as is possible, that the balance of parties in the House is reflected in the Committee.

(4) In the event of the death of a Member appointed to a Committee, or if his seat becomes vacant for any other reason, the House shall appoint another Member in his place, and in so doing shall observe the provisions of paragraph (3).

(5) Unless the House otherwise directs three members, or, if the member of the Select Committee does not exceed four, two members shall form a quorum.

(6) A Select Committee may continue its sittings although the House is adjourned and shall not stand dissolved until the presentation to the House of its report, or until discharged by the House, or until the prorogation or dissolution of the House, whichever first happens.

(7) When it is intended to examine any witnesses before a Select Committee, the Member of the House or party requiring the witnesses shall deliver to the Clerk of the Committee two days at least before the day appointed for their examination, a list containing the names, residences and occupations of the witnesses. The evidence of every witness shall be taken down and when printed sent in proof to the witness. The witness shall be at liberty to suggest corrections as may be approved by the Chairman.

(8) Except by leave of the House no Select Committee of the House shall sit while the House is sitting.

Chairman's vote
in Select
Committee.

70. If the Speaker is the Chairman of a Select Committee he shall have a casting vote if the votes are equally divided, but shall not have an original vote. In the absence of the Speaker from the Chair the Member presiding shall have an original vote, and a casting vote if the votes are equally divided.

Reports from
Select Commit-
tee.

71. (1) (a) A member of a sessional Committee may bring a report up for their consideration and the report shall be entered in full in the minutes of proceedings of the Committee. When all the reports have been brought up the Chairman shall propose the reports in order until one is accepted as a basis for discussion, beginning with his own report and proceeding with the remainder in the order in which they were brought up. The question to be proposed by the Chairman on a report shall be that the Chairman's or Member's report be read a second time. When this question has been agreed to it shall not be proposed on further reports but portions thereof may be offered as amendments to the reports under consideration if they are relevant to it.

(b) The Committee shall then go through the report and the provisions of standing order 61(1) to (7) (Procedure in Committee of the whole House on a Bill) shall apply as if the report were a Bill and the paragraphs were the clauses of the Bill.

(c) When consideration of the report is concluded and when all proposed new paragraphs have been considered the Chairman shall put the question that this report be the report of the Committee of the House.

(2) Every Select Committee shall make a report to the House upon the matters referred to them before the end of the session in which the Committee were appointed, but if a Committee finds itself unable to conclude its investigation before the end of the session, it may so report to the House.

(3) A Select Committee may make a special report relating to the powers, functions and proceedings of the Committee on any matter which it may think fit to bring to the notice of the House.

(4) A report or special report together with the minutes of proceedings of a Select Committee and the minutes of any evidence taken before that Committee shall be presented to the House by the Chairman or other Member deputed by the Committee and shall be

ordered to lie upon the Table and be printed or otherwise dealt with as the House may direct without question put.

(5) The minutes of proceedings of a Committee shall record all proceedings upon the consideration of any report or Bill in the Committee and upon every amendment proposed to the report or Bill together with a note of any division taken in the Committee and of the names of Members voting therein.

(6) The report of a Select Committee may be taken into consideration on a motion "That the report of the Select Committee on be adopted".

(7) The evidence taken before any Select Committee and any documents presented to the Committee shall not be published by any member of the Committee or by any other person before the Committee has presented its report to the House.

72. There shall be a Select Committee to be known as the Public Accounts Committee to consist of four members to be appointed by the House, as soon as may be after the beginning of each session. It shall be the duty of the Committee to examine the accounts showing the appropriation of the sums granted by the House to meet the public expenditure of the State, and such other accounts as may be referred by the House or under any law to the Committee, together with the report of the Director of Audit on any such accounts.

Public Accounts Committee.

FINANCIAL PROCEDURE

73. (1) The Minister responsible for Finance shall lay before the House the estimates of expenditure for the financial year or any supplementary estimates and shall immediately thereafter move a resolution "That this House approves the Estimates of Expenditure for the year", or "That this House approves the Supplementary Estimates" as the case may be.

Approval of estimates.

(2) After the motion for the approval of the estimates of expenditure for the financial year or for the approval of the supplementary estimates has been seconded, the Minister responsible for Finance shall in the case of the estimates of expenditure make his annual financial statement or budget speech, or in the case of the supplementary estimates a financial statement.

(3) In the case only of the estimates of expenditure for the financial year the debate on the resolution shall be adjourned to a date to be named by the Minister responsible for Finance.

(4) On conclusion of the debate the estimates shall be referred to a Committee of the whole House which shall be called the Committee of Supply of the whole House. The deliberations of the Committee shall be in public.

(5) There shall be allotted a maximum of two days for the consideration of the estimates of expenditure in the Committee of Supply.

(6) Upon any day allotted under paragraph 5 no motion shall be moved except by a Minister upon any proceedings upon the estimates, and the proceedings shall not be interrupted or postponed under any standing order.

(7) The Chairman may name the hour upon any day allotted under paragraph 5 at which proceedings upon any head of expenditure in the estimates shall be concluded.

(8) If in case of any head of expenditure in the estimates the hour so named is reached before the business concerned is disposed of, the Chairman shall forthwith put any question necessary to dispose of that business.

(9) If in the case of any head of expenditure in the estimates the proceedings thereon are concluded before the hour named, the next head may be entered upon forthwith.

(10) The Chairman shall call the title of each head of expenditure in turn, and shall propose the question "That the sum of \$..... for Head stand part of the Estimates" and unless an amendment is proposed under the provisions of standing order 74 the debate on that question may include any detail under that head. Any such debate shall be confined to the policy of the service for which the money is to be provided and shall not deal with the details of revenues or funds for which that service is responsible.

(11) When the question upon every head of expenditure has been decided, the Chairman shall put the question that the estimates (as amended) be reported to the House, which question shall be decided upon without amendment or debate. Upon such question being agreed to, the House shall resume, and the Chairman shall report the estimates to the House.

(12) As soon as the estimates have been reported to the House, the Speaker shall put the question to the House, which question shall be decided without amendment or debate.

74. (1) An amendment to any head of expenditure to increase the sum allotted thereto whether in respect of any item or subhead or of the head itself shall be moved by the Minister responsible for Finance who shall signify to the Committee the recommendation of the Cabinet to the increase. Every such amendment shall take the form of a motion "That Head be increased by \$..... (in respect of Subhead Item) or (Subhead)".

Amendments to
heads of estimates.

(2) An amendment to increase a head whether in respect of any item or subhead or of the head itself shall take precedence over an amendment to reduce the head in the same respect, and if it is carried no amendment to reduce the head in that respect shall be called.

(3) An amendment to any head of expenditure to reduce the sum allotted thereto in respect of any item therein may be moved by any Member, and shall take the form of a motion "That Head be reduced by \$..... in respect of (or by leaving out) Subhead Item".

(4) An amendment to reduce a head in respect of any subhead or by leaving out a subhead shall only be in order if the subhead is not itemised.

(5) An amendment to reduce a head without reference to a subhead therein shall only be in order if the head is not divided into subheads.

(6) An amendment to leave out a head shall not be in order.

(7) In the case of each head, amendments in respect of items or subheads in that head shall be considered in the order in which the items or subheads to which they refer stand in the head in the estimates.

(8) When notice has been given of two or more amendments to reduce the same item, subhead or head they shall be considered in the order of the magnitude of the reductions proposed, the amendment proposing the largest reduction being placed first in each case.

(9) Debate on every amendment shall be confined to the item, subhead or head to which the amendment refers, and after an amendment to an item or subhead has been disposed of, no amendment or debate on a previous item or subhead of that head shall be permitted.

(10) When all amendments in respect of any particular head of expenditure have been disposed of the Chairman shall again propose the question "That the sum of \$..... for Head..... stand part of the Estimates", or shall propose the amended question "That the (increased) (reduced) sum of \$..... for the Head stand part of the Estimates", as the case may require. The debate on any such question shall be subject to the same limitations that apply to a debate arising under standing order 73(10) (Approval of estimates).

The Appropriation Bill.

75. (1) When the estimates of expenditure have been approved by the House, the Minister responsible for Finance shall introduce in the House a Bill known as the Appropriation Bill which shall provide for the issue from the Consolidated Fund of the sums required in the estimates of expenditure, and for the appropriation of those sums to the services specified in the estimates of expenditure.

(2) After the Appropriation Bill has been introduced and read a first time the motion for the second reading of the Bill shall be proposed forthwith and the question thereon shall be decided without debate.

(3) The Appropriation Bill shall stand referred to a Committee of the whole House.

Procedure in Committee of the whole House.

76. (1) On consideration of the Appropriation Bill in the Committee of the whole House the clauses of the Bill shall stand postponed until after consideration of the Schedule or Schedules.

(2) On consideration of the Schedules each head of expenditure shall be considered with the appropriate approved estimate.

(3) The Chairman shall call the title of each head of expenditure in turn, and shall propose the question "That the sum of \$..... for Head stand part of the Schedule", and no debate may take place on that question.

(4) When all the heads in a Schedule have been disposed of, the Chairman shall put forthwith without amendment or debate the question "That the Schedule (as amended) stand part of the Bill".

(5) When every Schedule has been disposed of the Chairman shall call successively each clause of the Bill and shall forthwith propose the question "That the clause stand part of the Bill" and unless a consequential amendment is moved, that question shall be disposed of without amendment or debate.

(6) A consequential amendment may be moved only by a Minister or the Attorney General, and may be moved without notice; and the question thereon shall be put forthwith without amendment or debate. When the question on the last of any such amendments to a clause has been decided the Chairman shall forthwith put the question "That the clause as amended stand part of the Bill" and that question shall then be decided without amendment or debate.

(7) When the question upon every clause of the Bill has been decided, the House shall resume its sitting and the Chairman shall report the Bill to the House with or without amendment.

77. As soon as the Appropriation Bill has been reported to the House, a Minister shall move a motion that the Bill be read a third time. The motion shall not require to be seconded and shall be decided without amendment or debate.

Third reading of
Appropriation
Bill.

78. If from time to time whether in the course of a particular financial year or after its close a Supplementary Appropriation Bill is presented in accordance with section 80 of the Constitution and with standing order 73 then the debate on the second reading thereof shall be strictly confined to the matters for which additional expenditure is required and when the question thereon has been agreed to, the Bill shall not be committed and the question "That the Bill be now read a third time" shall be put forthwith without amendment or debate.

Supplementary
Appropriation
Bills.

MISCELLANEOUS

79. (1) Every Bill not being a Government measure intended to affect or benefit some particular person, association, or corporate body, in this standing order called a "Private Bill", shall contain a clause saving the rights of the State, all bodies political and corporate and all others, except such as are mentioned in the Bill and those claiming by, from, or under them, and shall be introduced into the House under the provisions of this standing order.

Private Bills.

(2) Any Bill not being a Government measure which, in the opinion of the Speaker, appears to affect directly private rights or property, shall be introduced into the House as a Private Bill under the provisions of this standing order.

(3) A Private Bill shall be introduced by a Member only –

(a) on petition from the promoters, stating the objects of and reasons for the Bill; and

(b) after notice of the Bill has been given by not less than three successive publications of the Bill in the *Gazette* and, in addition to the notice in the *Gazette*, after three publications in a newspaper circulating in Dominica of a notice containing a statement of the objects of and the reasons for the Bill.

(4) The petition shall be presented by being lodged with the Clerk, and shall be read at the first sitting of the House after it is so lodged and, thereupon the Speaker shall put the question that the promoters be allowed to proceed.

(5) (a) When leave to proceed has been granted, two copies of the Bill shall be lodged with the Clerk within three months next after the leave has been granted.

(b) On lodging the Bill, the promoters shall pay to the Clerk a sum of money sufficient to meet the expenses of printing and shall deposit with the Clerk a bond or other security executed by two sufficient persons obliging them to pay on demand to the Clerk any excess over the deposited sum required for such expenses.

(c) The Clerk shall cause the Bill lodged with him to be printed as early as possible, and at the first sitting of the House after the printing is completed the Speaker if he is satisfied that the notices required by paragraph (3) have been published shall put the question that the Bill be read a first time upon which no discussion shall be allowed. After the Bill is read a first time, it shall stand upon the notice paper for second reading at the next sitting of the House and the promoters may propose any amendments, which they think fit, but the Speaker, if he considers the amendments beyond the scope of the Bill, shall report his opinion to the House.

(6) Upon the day ordered for second reading the Speaker shall, unless the House otherwise orders, propose the question that the Bill be read a second time.

(7) After the Bill has been read a second time, it shall stand referred to a Select Committee to be chosen by the House.

(8) (a) Every Select Committee on such a Bill shall require proof of the facts and other allegations set forth in the Bill as showing that it is expedient that the Bill should be passed, and may take such oral or other evidence as it may think requisite; and thereafter if the Select Committee finds that the said facts and allegations are not proved, it shall report to the House accordingly, and thereupon no further proceedings shall be taken with reference to the Bill, unless the House makes a special order to the contrary.

(b) If the Select Committee finds that the said facts and allegations have been proved, the Committee shall consider the several clauses of the Bill; and may strike out clauses, add new clauses, and make any other amendments which it thinks necessary, and in respect of such new clauses, and other amendments shall describe their purpose in a special report to the House. No new clauses or amendments shall be allowed in such a Bill which are foreign to the objects of and reasons for the Bill or which are beyond its scope.

(9) No person, other than a Member of the House, shall be heard in opposition to any Private Bill, unless he has previously lodged a petition with the Clerk showing the nature of his objections to the Bill, and stating whether his objections extend to the whole or some part of the preamble, if any, or to the clauses of the said Bill, and praying that he may be heard by himself or his Counsel against the Bill.

(10) Subject to the provisions of this standing order, all petitions against a Bill containing a prayer that the petitioners be heard by themselves or Counsel shall stand referred to the Select Committee and the Select Committee shall hear all such opposers who appear to have a *locus standi*.

(11) The Select Committee shall examine the Bill and make such amendments thereto as it thinks proper, and shall report to the House that it has examined the Bill, and (if the fact be so), made amendments thereto, and shall make to the House such recommendations, if any, as it thinks fit.

(12) After the report of the Select Committee has been presented to and adopted by the House, the Speaker shall put the question, without amendment or debate, that the Bill be read a third time.

(13) As soon as practicable after any Private Bill is passed, rejected, dropped or abandoned, the Clerk shall make out an account showing the expenses of printing, and shall transmit the same, signed by him, to the Minister responsible for Finance who thereupon shall, if

the amount of the account is less than the sum lodged by the promoters transfer the amount to the general revenue of the State and pay the balance to the depositors, their executors or administrators.

(14) If the account for the expenses of printing exceeds the sum lodged, the Minister responsible for Finance shall transfer that sum to the general revenue, and the Attorney General shall, in the event of the promoters failing to pay the Minister responsible for Finance the balance, take proceedings to enforce payment of the balance.

Employment of
Members in
professional
capacity.

80. No Member of the House shall appear before the House or any Committee thereof as Counsel or Solicitor for any party or in any capacity for which he is to receive a fee or reward.

Report of
debates.

81. (1) An official report of all speeches made in the House shall be prepared under the supervision of the Clerk acting under such instructions as the Speaker may give.

(2) The report shall be published in such form as the Speaker may direct, and a copy thereof shall be sent to each Member as soon as practicable.

Strangers.

82. (1) Strangers shall be admitted to debates in the House under such rules as the Speaker may make from time to time for that purpose.

(2) If, at any sitting of the House, any Member shall move that strangers withdraw, the Speaker shall forthwith put the question "That strangers do withdraw" without permitting any debate or amendment.

(3) The Speaker may, whenever he thinks fit, order the withdrawal of strangers from any part of the House and its precincts, and may order the doors of the House to be closed.

(4) Strangers shall withdraw from the House and its precincts when called upon to do so by the Speaker.

Press.

83. The Speaker may grant a general permission to the representative of any journal to attend the sittings of the House under such rules as he may make from time to time for that purpose. If such rules are contravened, the permission may be revoked.

Suspension of
Standing Orders.

84. Any one or more of these Standing Orders may after notice, or with the leave of the Speaker, be suspended on a motion made by a Member at any sitting.

85. (1) Unless the Speaker otherwise directs, not less than seven days' notice of a motion to amend the Standing Orders shall be given, and the notice shall be accompanied by a draft of the proposed amendment.

Amendment of
Standing Orders.

(2) A motion to amend the Standing Orders shall be set down for the earliest sitting after the expiration of the notice.

(3) When the motion is reached, the mover shall move the motion, and after it has, if necessary, been seconded, the motion shall be referred forthwith, without any question being put thereon, to a Select Committee, and no further proceedings shall be taken on any such motion until the Committee has reported thereon.

86. (1) Subject to the provisions of standing order 87(1) (Rules in cases not provided for by Standing Orders) the Speaker shall have power to regulate the conduct of business in all matters not provided for in these Standing Orders.

General authority
of the Speaker.

(2) The Speaker shall be responsible for the management and general administration of the House.

(3) A decision by the Speaker, whether relating to these Standing Orders or to a matter for which these Standing Orders do not provide, shall not be challenged save upon a substantive motion moved for that exclusive purpose.

87. (1) In any matter not herein provided for, resort shall be had to the usage and practice of the House of Commons of the Parliament of Great Britain and Northern Ireland, which shall be followed as far as the same may be applicable to this House, and not inconsistent with these Standing Orders nor with the practice of this House.

Rules in case not
provided for by
Standing Orders.

(2) In cases of doubt the Standing Orders of this House shall be interpreted in the light of the relevant usage and practice of the House of Commons, but no restrictions which the House of Commons has introduced by standing order shall be deemed to extend to this House or its Members until the House has provided by standing order for the restriction.

APPENDIX

(STANDING ORDER NO. 3)

OATH OF ALLEGIANCE

I,, do swear that I will faithfully bear true allegiance to the Commonwealth of Dominica, according to law.

So help me God.

AFFIRMATION OF ALLEGIANCE

I,, do solemnly affirm that I will faithfully bear true allegiance to the Commonwealth of Dominica according to law.

PRAYER

Almighty God Who, in Thy infinite wisdom and providential goodness, hast appointed the offices of Rulers and Councils for the welfare of society and the just government of man; we beseech Thee to behold with Thy abundant favour, us Thy servants, who Thou hast been pleased to call to the performance of such important trusts in Dominica. Let Thy blessing descend upon us here in this House assembled, and grant that we may, as in Thy presence treat and consider all matters that shall come under our deliberation, in so just and faithful a manner as to promote Thy honour and glory, and to advance the good of those whose interests Thou has committed to our charge; all which we ask in the name, and for the sake of Our Lord and Saviour, Jesus Christ. Amen.



SUBSIDIARY LEGISLATION

BOUNDARIES COMMISSION ORDER

5/1989.

made under section 57 of the Constitution

- | | |
|--|---|
| <p>1. This Order may be cited as the –</p> <p style="text-align: center;">BOUNDARIES COMMISSION ORDER.</p> <p>2. Dominica is divided into twenty-one constituencies, the boundaries whereof are defined in the Schedule hereto.</p> <p>3. This Order shall come into force on the next dissolution of Parliament.</p> | <p>Short title.</p> <p>Number of constituencies.</p> <p>Commencement.</p> |
|--|---|

SCHEDULE

Clause 2.

1. CASTLE BRUCE CONSTITUENCY

- | | |
|--------|---|
| NORTH: | From the intersection of the eastern boundary of the parish of St. Joseph and the Pont Cassé – Hatton Garden Road at D'leau Gommier along a straight line to the most westerly source of the Madjini River, then along the Madjini River to its estuary at Raymond Bay; |
| EAST: | The sea; |
| SOUTH: | From the estuary of the Rosalie River, then along its northern branch to a point on the Pont Cassé – Rosalie Road due west of Freeport, then along a straight line to the intersection of the Pont Cassé – Rosalie Road and the Sourischol River, then along a straight line due south-west to Brown's River, then along Brown's River to its source, then in a straight line to the intersection of the Pont Cassé – Rosalie and Castle Bruce roads; |

WEST: From the intersection of the Pont Cassé – Rosalie Bruce roads along a straight line to the intersection of the eastern boundary of the parish of St. Joseph and the Pont Cassé – Hatton Garden Road at D'leau Gommier;

This area includes Castle Bruce, Good Hope, Petite Soufriere and San Sauveur.

2. COLIHAUT CONSTITUENCY

NORTH-EAST: From the sea along the boundary line dividing the parishes of St. Joseph and St. Peter to the source of the Espagnole River at Rosé then along a straight line to Morne Diablins;

SOUTH-EAST: From Morne Diablins along a straight line to the point on the boundary line dividing the parishes of St. Peter and St. Joseph due south of Morne Les Resources, then along that boundary line to the sea;

WEST: The sea;

This area includes Bioche, Colihaut and Dublanc.

3. COTTAGE CONSTITUENCY

NORTH: The sea;

EAST: From the sea along the boundary line dividing the parishes of St. John and St. Andrew to Morne Brulés;

SOUTH-EAST: From Morne Brulés along a straight line to a point on the northern branch of the North River due east of Grange, then along the North River to its estuary;

WEST: The sea;

This area includes Capuchin, Clifton, Cottage and Lagon.

4. GRAND BAY CONSTITUENCY

NORTH: From Soufriere Ridge on the western boundary of the parish of St. Patrick along a straight line to the source of the Micham River, then along the Micham River to its intersection with the Loubiere – Grand Bay road, then along a straight line due east to a point in the Geneva River, then along the Geneva River to its estuary;

EAST: The sea;

SOUTH-EAST: The sea;

SOUTH: The Sea;

WEST: The western boundary of the parish of St. Patrick;

This area includes Bordieux, Grand Bay and Montine.

5. LA PLAINE CONSTITUENCY

NORTH: From the Fresh Water Lake in a straight line to the source of the Taberi River, then along that river to its estuary;

EAST: The sea;

SOUTH: From the estuary of the Pointe Mulatre River, along that river to River Jack, then along River Jack to its source, then in a straight line to Mome Anglais;

NORTH-WEST: From Mome Anglais along a straight line to the Fresh Water Lake;

This area includes Boetica, Delices and La Plaine.

6. MAHAUT CONSTITUENCY

- NORTH:** From the estuary of the Layou River along the southern bank to its intersection with the Layou – Pont Cassé road at York Valley Estate, then along that road to Layou Park Estate;
- NORTH-EAST:** From Layou Park Estate along the Western side of the Layou – Pont Cassé road to the road junction at Pont Cassé then along a straight line to Mome Trois Pitons;
- SOUTH-EAST:** From Mome Trois Pitons in a straight line to the source of the Checkhall River, then along the Checkhall River to its intersection with the Roger – Pont Cassé road;
- EAST:** From the intersection of the Checkhall River and Roger – Pont Cassé road, then along a straight line due south to a point in the Boeri River;
- SOUTH-EAST:** From the point in the Boeri River on the eastern boundary of this constituency, along that river to its estuary;
- WEST:** The sea;
- This area includes Canefield, Campbell, Massacre, Mahaut, Roger, Springfield and Warner.

7. MARIGOT CONSTITUENCY

- NORTH-WEST:** From Mome Diablotins in a straight line to the source of Toulaman or Tweed River, commonly called the Londonderry River, then along that river to its estuary;
- EAST:** From the estuary of the Londonderry River along the sea shore to the estuary of the Pagua

River, then along that river to its intersection with Ravine Cheval Blanc;

SOUTH-EAST: From the intersection of Ravine Cheval Blanc and the Pagua River along the Pagua River to Deux Branches, then along a straight line to the intersection of the eastern boundary of the St. Joseph and the Pont Cassé – Hatton Garden road at D’leau Gommier;

SOUTH-WEST: From the intersection of the eastern boundary of the St. Joseph and the Pont Cassé – Hatton Garden road at D’leau Gommier, along the south-western boundary of the parish of St. Andrew to Morne Diablotins;

This area includes Marigot and Melville Hall.

8. MORNE JAUNE/RIVIERE CYRIQUE CONSTITUENCY

NORTH: The southern boundary of the Castle Bruce constituency;

EAST The sea;

SOUTH: The northern boundary of the La Plaine constituency;

SOUTH-WEST: From the Fresh Water Lake in a straight line due north on the western boundary of the parish of St. David, then along that parish boundary to the Boeri Lake, then in a straight line to Morne Trois Pitons;

NORTH-WEST: From Morne Trois Pitons in a straight line to the intersection of the Castle Bruce and Pont Cassé – Rosalie roads.

This area includes Grand Fond, Morne Jaune and Riviere Cyrique.

9. PAIX BOUCHE CONSTITUENCY

NORTH: From Solicher along a straight line to the most westerly source of the Thibaud River, then along the Thibaud River to a point due westerly west of another point on the Blenheim – Vieille Case road one-third of a mile from Sandwich Bay, then along that road to a point north-east of Sandwich Bay, then along a straight line to Sandwich Bay, then along the seashore to the estuary of the Hodges River;

SOUTH-EAST: From the estuary of the Hodges River, along that river to its intersection with the eastern boundary of the Northern Forest Reserve at Never Fail, then along a straight line to Morne Diablotins;

WEST: From Morne Diablotins along the western boundary of the parish of St. Andrew to a point due south of the source of the Beauplan River, then along that river to its intersection with the Blenheim River;

SOUTH-WEST: From the intersection of the Blenheim and Beauplan rivers, then westerly along the Blenheim River to La Source, then along the Boulissi River to its source, then along a straight line to Morne Brulés, then along the western boundary of the parish of St. Andrew to Solicher.

This area includes Anse de Mai, Calibishie, Hampstead and Paix Bouche.

10. PETITE SAVANNE CONSTITUENCY

NORTH: The southern boundary of the La Plaine Constituency;

EAST: The sea;

SOUTH: The sea, then along the northern boundary of the Grand Bay Constituency;

SOUTH-WEST: From the intersection of the boundaries of the parishes St. Luke, St. Mark and St. Patrick along the eastern boundary of the parish of St. Luke then along the northern boundary of the parish of St. Luke to Morne Canot;

NORTH-WEST: From Morne Canot along a straight line to Morne Anglais.

This area includes Bagatelle, Bellevue Chopin, Fond St. Jean and Petite Savanne.

11. PORTSMOUTH CONSTITUENCY

NORTH: The southern boundary of the Cottage Constituency to Morne Brulés, then along part of the south-western boundary of the Paix Bouche Constituency to the intersection of the Blenheim and Beauplan rivers;

EAST: The Western boundary of the Paix Bouche Constituency;

SOUTH-WEST: The north-eastern boundary of the Colihaut Constituency;

WEST: The sea;

This area includes Dos D'Ane, Bornes, Glanvillia and Portsmouth.

12. ROSEAU CENTRAL CONSTITUENCY

NORTH: From the estuary of the Roseau River, along that river to a point west of the Teachers' Training College at Bath Estate;

- NORTH-EAST:** From a point in the Roseau River west of the Teacher's Training College at Bath Estate along the river in a south-easterly direction to a point known as Under Power;
- SOUTH-EAST:** From the point in the Roseau River known as Under Power in a south-westerly direction to the eastern gate of the Botanical Gardens then along the main road through the Botanical Gardens to the southern gate of the Botanical Gardens, then southerly along Bath Road to its intersection with Victoria Street then along a straight line to the sea;
- SOUTH-WEST:** The sea.

13. ROSEAU NORTH CONSTITUENCY

- NORTH-EAST:** The south-western boundary of the Mahaut Constituency;
- EAST:** From the intersection of the Boeri River and the eastern boundary of the Mahaut Constituency along a straight line to the intersection of the Trafalgar and Wotten Waven roads;
- SOUTH-EAST:** From the intersection of the Trafalgar and Wotten Waven roads westerly along the northern side of the main road towards Roseau, then along the St. Aroment and Goodwill cliffs to the intersection of the northern and north-eastern boundaries of the Roseau Central Constituency, then along the northern boundary of the Roseau Central Constituency;
- WEST:** The sea;
- This area includes Goodwill, Fond Cole, Mome Daniel and Pottersville.

14. ROSEAU SOUTH CONSTITUENCY

NORTH: From the intersection of the northern and north-eastern boundaries of the Roseau Central Constituency along the southern boundary of the Roseau North Constituency to the intersection of the Trafalgar and Wotten Waven roads, then along a straight line to the intersection of the Roseau River and River Claire, then along River Claire to Curbin Estate.

SOUTH-EAST: From Curbin Estate along a straight line to Morne Anglais along a straight line to Morne Canot.

SOUTH: From Morne Canot along the southern boundary of the parish of St. George to the sea;

WEST: From the intersection of the southern and western boundaries of the parish of St. George along the sea shore to its intersection with the south-eastern boundary of the Roseau Central Constituency, then along the south-eastern and north-eastern boundaries of the Roseau Central Constituency;

This area includes Bath Estate, Elmshall, Giraudel, Kings Hill Loubiere, Morne Bruce and Newtown.

15. ROSEAU VALLEY CONSTITUENCY

NORTH-WEST: From the intersection of the Checkhall River and the Roger – Pont Cassé road on the south-eastern boundary of the Mahaut constituency, then along the boundary to Morne Trois Pitons;

NORTH-EAST: The south-western boundary of the Morne Jaune/Riviere Cyrique Constituency;

[Subsidiary]

Boundaries Commission Order

- SOUTH-EAST: From the Fresh Water Lake along the north-western boundary of the La Plaine Constituency to Curbin Estate;
- SOUTH: From Curbin Estate along the northern boundary of the Roseau South Constituency to the intersection of the Trafalgar and Wotten Waven roads;
- WEST: The eastern boundaries of the Roseau North and Mahaut Constituencies;

This area includes Cockrane, Laudat, Morne Prosper, Trafalgar and Wotten Waven.

16. SALISBURY CONSTITUENCY

- NORTH-WEST: The south-eastern boundary of the Colihaut Constituency;
- NORTH-EAST: The south-western boundary of the Marigot Constituency;
- SOUTH: From the intersection of the Eastern Boundary of the Parish of St. Joseph and the Pont Cassé – Hatton Garden road and D'leau Gommier along a straight line to the southern source of the Macoucheri river at Petit Macoucheri;
- SOUTH-EAST: From the southern source of the Macoucheri River at Petit Macoucheri along the Macoucheri River to its estuary;
- WEST: The sea;

This area includes Coulibistrie, Morne Rchette and Salisbury.

17. SALYBIA CONSTITUENCY

- NORTH:** The sea;
- EAST:** The sea;
- SOUTH:** The northern boundary of the Castle Bruce Constituency;
- NORTH-WEST:** The south-eastern boundary of the Marigot Constituency;
- WEST:** The eastern boundary of the Marigot Constituency;
- This area includes Atkinson, Bataca, Crayfish River, Salybia and Sineku.

18. SOUFRIERE CONSTITUENCY

- NORTH:** From the sea, along the southern boundary of the Roseau South Constituency to Mome Canot, then along the northern boundary of the parish of St. Luke;
- EAST:** From the intersection of the northern and eastern boundaries of the parish of St. Luke, then along the western boundary of the Petite Savanne Constituency, then along the western boundary of Grand Bay Constituency to the sea;
- SOUTH:** The sea;
- WEST:** The sea;
- This area includes Pointe Michel, Scotts Head and Soufriere.

19. ST. JOSEPH CONSTITUENCY

- NORTH-WEST:** The south-eastern boundary of the Salisbury Constituency;
- NORTH:** The southern boundary of the Salisbury Constituency;
- EAST:** The western boundary of the Castle Bruce Constituency;
- SOUTH-EAST:** The north-western boundary of the Morne Jaune/Riviere Cyrique Constituency;
- SOUTH-WEST:** The north-eastern boundary of the Mahaut Constituency;
- SOUTH:** The northern boundary of the Mahaut Constituency;
- WEST:** The sea;
- This area includes Layou, Mero and St. Joseph.

20. VIEILLE CASE CONSTITUENCY

- NORTH:** The sea;
- EAST:** The sea;
- SOUTH:** From Sandwich Bay along the northern boundary of the Paix Bouche Constituency to Solicher;
- WEST:** From Solicher along the eastern boundary of the Cottage Constituency to the sea.
- This area includes Penville, Thibaud and Vieille Case.

21. WESLEY CONSTITUENCY

NORTH: The sea;

EAST: The sea;

SOUTH-EAST: The north-western boundary of the Marigot Constituency;

NORTH-WEST: The south-eastern boundary of the Paix Bouche Constituency;

This area includes Wesley and Woodford Hill.

SUBSIDIARY LEGISLATION

PUBLIC SERVICE COMMISSION REGULATIONS

ARRANGEMENT OF REGULATIONS

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REGULATION

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SUBSIDIARY LEGISLATION

PUBLIC SERVICE COMMISSION REGULATIONS31/1975.
[16/1976
25/1980].**deemed to be made under section 84(13) of the Constitution*

[27th November 1975]

Commencement.

PART I

1. These Regulations may be cited as the –

Short title.

PUBLIC SERVICE COMMISSION REGULATIONS.

2. In these Regulations –

Interpretation.

“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 and pensionable terms of service in a public office to a person recruited and serving on contract terms of service or in an unestablished capacity 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 previous period of engagement on contract terms in the same or other public office; the transfer of an officer serving in a public office in the public service which is not purely a departmental posting within a grade or class of a department of the Ministry; the appointment of public officer to act in any public office other than the office to which he is substantively appointed;

*These Regulations were made under section 76(13) of the former Constitution (S.I. 1967 No. 226) and continued in force by paragraph 3 of Schedule 2 to the Commonwealth of Dominica Constitution Order (S.I. 1978 No. 1027) - Ch: 1:01.

- “the Chairman” means the person appointed under the provisions of section 84 of the Constitution as Chairman of the Commission and includes any temporary Chairman;
- “the Commission” means the Public Service Commission constituted under the provisions of section 84 of the Constitution;
- “Committee” means a committee appointed under the provisions of regulation 36(3) of these Regulations;
- “court” means a court of competent jurisdiction;
- “disciplinary control” includes control in so far as it relates to dismissal;
- “member” means any person appointed to the Commission under the provisions of section 84 of the Constitution and includes any acting member;
- “non-pensionable officer” includes an officer serving under a contract or agreement which does not provide for the payment of a pension;
- “office of emolument” in relation to the definition of public officer means any pensionable or non-pensionable post which is shown under a personal emolument sub-head in the estimates;
- “official document” means any document or paper prepared by any public officer in the course of his employment or any document or paper which comes into the custody of any public officer in the course of such employment;
- “the Constitution” means the Constitution of Dominica;
- “Permanent Secretary” means the person who exercises supervision over the Department concerned or over the Department in which the officer concerned holds a post, as the case may be;
- “posts in respect of which the power to appoint and promote has been delegated” means posts carrying a salary which does not exceed \$3,000 per annum or such other sum as the Commission may determine from time to time;
- “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 was last substantively appointed;

“public office”, “public officer” and “public service” have the same meanings as are assigned to those expressions in relation to section 85 of the Constitution except that the definition of the expression “office of emolument” used therein shall be limited to the meaning given thereto in these Regulations;

“public officer in respect of whom disciplinary control has been delegated” means a public officer who is in receipt of a salary not exceeding the rate of \$3,000 per annum or such other sum as the Commission may determine from time to time;

“salary” means basic salary;

“secondment” means the transfer of an officer in a particular service to serve for a period in an office in another service or in an office in the public service or in an office under another Government or under a Statutory Board or organization approved by Government;

“the Secretary” means the person appointed 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 as follows:

- (a) As between officers of the same grade –
 - (i) by reference to the dates on which they respectively entered the grade;
 - (ii) if any officers entered that grade on the same day by reference to their seniority on the day immediately preceding that day;
 - (iii) if any officers who entered the same grade on the same day did so by appointment and not by promotion (excluding promotion from a non-pensionable to a pensionable grade), their seniority relative to each other shall be determinable by reference to their respective ages;
- (b) 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;
- (c) 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 by himself or any other person in a non-pensionable capacity shall not be taken into account;

“transfer” means the conferment, whether permanently or otherwise, of some public office other than that to which the officer was last substantively appointed, not being a promotion, but the posting of an officer between duty posts in the same departmental grade or class or division shall not be regarded for this purpose as a transfer.

PART II

PUBLIC SERVICE COMMISSION

Appointment and
functions of
Secretary.

3. (1) The President shall appoint a Secretary to the Commission who shall not be a member and who shall have the following duties:

- (a) to submit, whether in writing or orally, matters for the decision of the Commission;
- (b) to attend meetings of the Commission and to take minutes of the meetings for subsequent confirmation by the Commission;
- (c) to carry out the decisions of the Commission;
- (d) to ensure that all documents and papers relating to any matter being or to be considered by the Commission are made available to the Commission;
- (e) to be responsible for administrative matters relating to the functions of the Commission; and
- (f) to operate an annual confidential report system for officers.

(2) The Commission may appoint a suitable stenographer to take minutes at meetings.

Delegation of
powers.

4. (1) Subject to the provisions of these Regulations a member or a public officer may exercise some of the functions of the Commission.

(2) Any such exercise shall be authorised by the Commission and shall be in respect of such function, for such period, in respect of such particular case or class of cases, and be subject to such terms and conditions, as may be stipulated by the Commission, in keeping with the provisions of the Constitution.

5. (1) The Commission shall meet as often as may be necessary for the purpose of performing its functions, and such meetings shall be held at such places and times and on such days as the Commission shall determine.

Procedure and meetings.

(2) The Chairman, or in his absence the Deputy Chairman, shall preside at meetings of the Commission, or in the absence of both the Chairman and the Deputy Chairman from the meetings such other member of the Commission as may be designated by the President in accordance with the provisions of section 84 of the Constitution.

(3) The Chairman or other member presiding at a meeting shall have an original vote, and in the event of an equality of votes, he shall have a casting vote as well.

6. A record shall be kept of the members present and of the business transacted at every meeting of the Commission. Any member who is present at a meeting when a decision is made shall be entitled to dissent therefrom and to have his dissent and his reasons therefor set out in the record of the meeting.

Record of meetings and decisions.

7. Decisions may be made by the Commission without a meeting by circulation of the relevant papers among the members and the expression of their views in writing and in such case the decision shall be the view of the majority of members expressing a view.

Other decisions.

However, 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 is considered at a meeting of the Commission no decision shall be made on that subject except at a meeting of the Commission.

8. 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.

Documents to be made available.

[Subsidiary]

Public Service Commission Regulations

Privilege from disclosure in legal proceedings.

9. Any report, statement or other communication or record of any meeting, inquiry or proceedings which the Commission may make in exercise of its functions or any member may make in performance of his 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 the production is not in the public interest.

Protection of members from legal proceedings.

10. The Chairman and any member shall have such and the like protection and privilege in case of any action or suit brought against him for any act done or omitted to be done in the execution of his duties under these Regulations as is by law given to the acts done or words spoken by a Judge of the Supreme Court in the exercise of his judicial office.

PART III

APPOINTMENTS, PROMOTIONS, TRANSFERS AND SECONDMENTS

Advertisement of vacancies.

11. Where vacancies are not to be filled by the normal processes of promotion as laid down in an approved scheme of service or by the 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 the advertisement.

Principles and procedures applicable to selection for promotion.

12. (1) From time to time as vacancies occur the Commission shall consider the eligibility of all officers for promotion, and in considering the claims of persons for promotion merit and ability shall be taken into account as well as seniority, experience and official or special qualifications.

(2) In the performance of its functions under subregulation (1), the Commission shall take into account as respects each officer such considerations as –

- (a) his general fitness;
- (b) his seniority;
- (c) his basic educational qualifications and any special qualifications;

- (d) any special course of training he undertook (whether at the expense of Government or otherwise);
- (e) his confidential reports;
- (f) any letters of commendation in respect of special work done by the officer;
- (g) the duties of which he has a knowledge;
- (h) the duties of the post for which he is a candidate;
- (i) any specific recommendation of the Permanent Secretary or Head of Division for the filling of the particular post;
- (j) any previous employment in the public service or otherwise;
- (k) any special reports for which the Commission may call;
- (l) the result of approved objective tests.

(3) Recommendations made to the Commission for promotion shall state whether the person recommended is the senior officer in the department or grade eligible for promotion and, where this is not the case, detailed reasons shall be given in respect of each person in that same department or grade over whom it is proposed that the person recommended should be promoted.

13. In order to discharge its duties under regulation 12, the Chairman shall issue such directions as may be necessary for the maintenance of a system of annual confidential reports on public officers and for their safe custody by the Secretary; as well as for the compilation of a list showing the seniority of members of the public service.

Maintenance of annual confidential report system.

14. The procedure for making acting appointments shall be the same as that prescribed in these Regulations for making a promotion. When recommending to the Commission an acting appointment, it should be stated whether or not the officer recommended for acting appointment is in every way qualified to perform all the duties of the office in which he is to act.

Principles and procedure applicable to selection for acting appointments.

15. The procedure for making appointments shall be followed where it is desired to select an officer for a scholarship or a special course of training which is designed to fit him for a higher post or which may enhance his qualifications for immediate promotion.

Selection for scholarships and courses.

Procedure in cases of urgency.

16. When it is necessary to make an appointment, promotion or transfer of a public officer, the procedure in the subsequent regulations in this Part shall be followed except that where any delay involved in carrying out such procedure is likely to cause serious inconvenience the Permanent Secretary shall report the matter to the Chairman who may as a matter of urgency advise an acting appointment without regard to that procedure.

Procedure for appointments, promotion, transfers and secondments.

17. The appointment, promotion, transfer and secondment of public officers other than those to whom sections 86, 88 and 89 of the Constitution apply, shall be made by the Commission and the following procedure shall be followed –

- (a) as soon as it is known that a vacancy will occur in any office of the public service to which those regulations apply, the Permanent Secretary shall communicate to the Secretary in writing his recommendations regarding the filling of the vacancy;
- (b) on the creation of a new post in his Ministry, the Permanent Secretary shall forward his recommendations to the Secretary, including his recommendation as to how the post should be filled and whether or not the post should be advertised;
- (c) if the Commission requires that the post should be advertised, the Permanent Secretary shall submit an advertisement to the Commission for approval and publication. The Commission shall arrange for the publication of the advertisement and shall consider the replies to the advertisement in the light of the recommendations made on the application by the Permanent Secretary;
- (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 candidate for such posts;
- (e) the Commission shall decide whether a Selection Board shall be constituted to interview candidates, what the composition of the Board shall be and the form in which the report of the Board shall be submitted to the Commission. The Commission may, if it sees fit, summon any of the candidates for interview by the Commission;

- (f) the Commission shall on first appointment of officers fix the remuneration of such officers.

18. Subject to any special or general directions by the Commission, Permanent Secretaries are authorised to make appointments and promotions to all pensionable or non-pensionable posts in respect of which the power to appoint and promote has been delegated to them. In exercising these powers Permanent Secretaries are required to follow the general principles set out in the preceding regulations in this Part.

Procedure for the exercise of delegated powers.

19. (1) The Chairman may cause notice of any vacancy in the public service which the Commission is requested to fill to be sent to the General Secretary of the appropriate representative body of public officers inviting suggestions for the filling of such posts, and may also require him to attend and give evidence before it concerning any matter the Commission is required to consider.

Consultation with representative bodies and membership therein.

(2) Only those persons over whom the Constitution vests in the Commission powers of disciplinary control and the powers of removal from office shall be recognised by the Commission, as being capable of holding office in, or of being members of, a representative body of public officers.

PART IV

DETERMINATION OF APPOINTMENTS AND EXTENSION OF PROBATIONARY SERVICE

20. Where a post, which is one of a number of such posts, has been abolished but one or more such posts remain the Permanent Secretary shall make a report thereon to the Secretary stating his recommendations with reasons therefor as to which substantive holder of such post shall have his appointment terminated for consideration and determination by the Commission.

Termination of appointment on abolition of office.

21. If it appears to a Permanent Secretary that the appointment of a non-pensionable public officer shall be terminated (otherwise than as provided in regulations 20, 22 or 23) the Permanent Secretary shall, in writing, set out the reasons and require the officer to show cause, in writing, why his service should not be terminated. If no reply is received by the Permanent Secretary within two weeks of the receipt thereof or if the Permanent Secretary considers that no adequate cause has been shown –

Termination of non-pensionable appointment.

- (a) in the case of an officer in respect of whom disciplinary control has been delegated, the Permanent Secretary may terminate the appointment;
- (b) in the case of any other officer, the Permanent Secretary shall report the case, giving his reasons for and forwarding any representations made by the officer to the Secretary for the decision of the Commission.

Probationary
appointment.

22. (1) Unless otherwise provided in the conditions of employment, the appointment of an officer not already in the service shall normally be subject to a probationary period of two years. At the end of the period of probation the officer shall, unless his probationary period is terminated or extended, be confirmed in his appointment.

(2) Where a public officer holds a probationary appointment, six months before the expiration of the probationary appointment the Permanent Secretary shall consider whether the officer should on the expiration be confirmed in his post, whether a further period of probationary service is necessary to determine whether the officer should be so confirmed or whether the officer should not remain in the public service. If the officer is one whom the Permanent Secretary may dismiss he shall act according to his discretion in the matter. In other cases if the Permanent Secretary is of the opinion that the period of probationary service should be extended or that the officer should not remain in the public service, the Permanent Secretary shall report the matter together with his reasons therefor to the Secretary with his observations for the decision of the Commission.

(3) Where a public officer holds a probationary appointment and the Permanent Secretary at any time during the period of probationary appointment is of the opinion that the appointment should be terminated, the Permanent Secretary shall follow the procedure required in subregulation (2) where he is of the opinion that an officer holding a probationary appointment should not remain in the public service.

(4) The Commission may at any time during the period of appointment on probation of an officer, and without giving any reason therefor terminate the appointment of that officer upon one month's notice in writing or on payment of one month's salary in lieu thereof.

23. (1) Where a public officer is serving under a contract which provides for the termination of that contract by notice before the expiration of the period of service stipulated in the contract and the officer's Permanent Secretary is of the opinion that such contract should be so terminated, he shall report the matter to the Secretary with his recommendations thereon.

Premature termination of contract and withholding of gratuity. [25/1980].

However, where it appears to the Permanent Secretary or to the Commission that there is any doubt whether under the terms of the contract the termination can be lawfully effected, the Permanent Secretary or the Commission, as the case may be, shall refer the case to the Solicitor General for advice.

(2) Where a public officer is serving under a contract which provides for the payment of a gratuity on completion of satisfactory service and the officer's Permanent Secretary is of the opinion that no gratuity or part only of the gratuity should be paid, he shall report the matter to the Secretary with his recommendations thereon for the decision of the Commission.

However, where it appears to the Permanent Secretary or to the Commission that there is any doubt whether under the terms of the contract the gratuity can be lawfully withheld or reduced, the Permanent Secretary or the Commission, as the case may be, shall refer the case to the Solicitor General for advice.

PART V DISCIPLINE

24. (1) An officer who without reasonable excuse does an act which –

Misconduct defined.

- (a) amounts to failure to perform in a proper manner any duty imposed upon him as such;
- (b) contravenes any of the provisions of these Regulations;
- (c) contravenes any written law relating to the particular service of which he is a member, or
- (d) is otherwise prejudicial to the efficient conduct of the particular service of which he is a member or tends to bring that service into disrepute,

is guilty of misconduct and liable to such punishment as is prescribed in regulation 34.

Regulations to govern disciplinary procedure.

(2) All acts of misconduct by public officers shall be dealt with under this Part as soon as possible after the time of their occurrence.

Grounds for criminal prosecution. [25/1980].

25. When a preliminary investigation or a disciplinary inquiry discloses that an offence against any law may have been committed by a public officer, the Permanent Secretary, unless action by the Police has been or is about to be taken, shall, consult the Solicitor General as to whether a prosecution should be instituted and, if he does not advise a prosecution, as to whether disciplinary action should be taken or continued under the appropriate regulation. In the latter case the charges framed against the officer shall be approved by the Solicitor General before the officer is required to answer them or before the inquiry proceeds.

No disciplinary action while criminal proceedings pending.

26. If criminal proceedings are instituted against a public officer in any court, proceedings for his 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 therefrom.

Disciplinary action after acquittal on criminal charge.

27. A public officer acquitted of a criminal charge in any court shall not be dismissed or otherwise punished on any charge upon which he has been acquitted, but nothing in these Regulations shall prevent his being dismissed or otherwise punished on any other charges arising out of his conduct in the matter, unless the charges raise substantially the same issues as those on which he has been acquitted.

Copies of evidence of inquiries.

28. A public officer in respect of whom a disciplinary inquiry is to be held shall be entitled to receive a free copy of any documentary evidence relied on for the purpose of the inquiry, or to be allowed access to it. He may also be given a copy of the evidence (including documents tendered in evidence) after the inquiry is closed, on payment of twenty-five cents for each document tendered in evidence and a charge of ten cents for every hundred words after the first hundred words of the record of evidence, for a copy of that record; but no copies of office order, minutes, reports or recorded reasons for decisions shall be issued to him.

Appeals. [16/1976].

29. (1) An appeal or petition by a public officer shall lie to the Public Service Board of Appeal against an order made in relation to him in disciplinary proceedings by the Commission under the provisions of these Regulations; and to the Commission against an order made in relation to him in proceedings by a public officer exercising powers of

disciplinary control under the provisions of these Regulations, and thereafter to the Public Service Board of Appeal.

(2) On communicating to an officer a decision there shall also be communicated the fact that an appeal may be lodged with the Public Service Board of Appeal; but failure to communicate such fact shall not invalidate the decision.

30. (1) Public officers referred to in the First Schedule may exercise powers of disciplinary control of public officers in respect of whom disciplinary control has been delegated in accordance with the provisions of regulations 31, 36, 37 and 39.

Delegated powers of public officers. First Schedule.

(2) Public officers or persons referred to in Parts 2 and 3 of the Second Schedule may hold disciplinary inquiries and investigations in accordance with the provisions of regulations 36 and 37.

Second Schedule.

(3) A decision of the award of punishment made under regulation 30(1), though appealed against under regulation 29, shall nevertheless remain in full force or effect until the appeal is finally determined under regulation 29.

31. (1) If in any case the Commission or a public officer considers that the interests of the public service require that a public officer should cease forthwith to exercise the powers and functions of his office, the Commission may interdict or suspend him from the exercise of these powers and functions, if proceedings for his dismissal are being taken or are about to be taken or if criminal proceedings are being instituted against him.

Interdiction and suspension.

(2) An officer who is interdicted shall, subject to the provisions of regulation 32, receive such emoluments, not being less than one half, as the authority empowered to dismiss him thinks fit.

(3) If the disciplinary proceedings do not result in the officer's dismissal or other punishment the whole of the emoluments withheld from him shall be restored to him when the final decision is made. If the punishment is other than dismissal he may be refunded such proportion of the emoluments withheld from him as the authority empowered to dismiss him may think fit.

32. A public officer adjudged by a court to be guilty of a criminal charge which in the opinion of his Permanent Secretary is serious enough to warrant his dismissal shall not receive any emoluments from the date of the judgment pending the decision of the Commission.

Non-payment of salary on conviction on a criminal charge.

Interdicted
officers not to
leave the
territory.

33. An officer who is under interdiction may not leave the territory without the permission of the Commission.

Punishments.

34. The following are the punishments which may be ordered as a result of proceedings under this Part:

- (a) dismissal;
- (b) reduction in rank; reduction in salary;
- (c) deferment of increment;
- (d) stoppage of increment;
- (e) fine not exceeding seven days pay;
- (f) reprimand;
- (g) summary dismissal for absence from the State without permission.

Retirement in the
public interest.

35. Notwithstanding the provisions of regulation 34, on completion of proceedings instituted for the dismissal of a public officer, the Commission may, if of opinion that the officer does not deserve to be dismissed but that the proceedings disclose grounds for requiring him to retire in the public interest, require him to do so.

Proceedings for
dismissal of an
officer.
[16/1976].

36. (1) Whenever a Permanent Secretary considers it necessary to institute proceedings against a pensionable public officer who is serving in a department under his supervision, on the ground of misconduct which if proved would justify his dismissal from the public service, he shall cause such preliminary investigation as he considers necessary to be made, and shall, after considering the results of the preliminary investigation –

- (a) if he considers that charges should be framed against the officer and after consulting the Solicitor General as to the terms of the charge or charges, forward to the officer a statement of the charge or charges framed against him together with a brief statement of the allegations, in so far as they are not clear from the charges themselves, on which each charge is based; and shall call on the accused officer to state in writing before a day to be specified any grounds on which he relies to exculpate himself; or

(b) if he considers that, if the offence is proved, some penalty other than dismissal is likely to be appropriate, shall arrange for the procedure described in regulation 37 or 38, as the case may be, to be followed.

(2) If the officer does not furnish a reply to any charge forwarded under subregulation (1)(a) within the period specified, or, in the opinion of the Permanent Secretary, fails to exculpate himself, the Permanent Secretary shall forward the case to the Secretary with all relevant statements and documents and his comments thereon.

(3) On the case being forwarded to the Secretary under subregulation (2), the Commission may appoint a Committee to enquire into the matter. One member of the Committee may be a person with legal qualifications who shall be Chairman. The head of the officer's department shall not be a member of the Committee.

(4) The Committee shall inform the accused officer that on a specified day the charges made against him will be investigated by them and that he will be required to appear before it to defend himself.

(5) If witnesses are examined by the Committee the accused officer shall be given an opportunity of being present and of putting questions on his own behalf to the witnesses, and no documentary evidence shall be used against him unless he has previously been supplied with a copy thereof or given access thereto.

(6) The Committee shall, if so requested, permit the Permanent Secretary concerned or the accused officer to be represented by a public officer, a legal practitioner, his staff association or any other person of his choice.

(7) If during the course of the inquiry grounds for the framing of additional charges against the accused officer are disclosed the Committee shall inform the Permanent Secretary concerned of the same and, if he thinks fit to recommend proceedings against the accused officer upon such grounds, the same procedure shall be followed in respect of additional charges as was adopted in respect of the original charges.

(8) The Committee, having inquired into the matter, shall forward their report thereon to the Secretary, accompanied by the record of the charges framed, the evidence led, the defence, and other proceedings relevant to the inquiry.

(9) The Commission, after consideration of the report of the Committee, may, if it is of opinion that the report should be amplified in any way or that further investigation is desirable, refer the matter back to the Committee for further investigation and report.

(10) The decision of the Commission on each charge preferred against the accused officer shall be communicated to him (but not the reasons for the decision).

Proceedings
against an officer
for misconduct
not warranting
dismissal.
[16/1976].

37. (1) Where a Permanent Secretary considers it necessary to institute disciplinary proceedings for misconduct against a pensionable or non-pensionable public officer serving in a department under his supervision but is of the opinion that the misconduct alleged is not serious enough to warrant proceedings under regulations 36 he shall cause such preliminary investigation as he considers necessary to be made. After considering the results of the preliminary investigation the Permanent Secretary shall, if he considers that the facts provide a *prima facie* case against the officer, forward to the officer a statement of the charge or charges against him and shall call upon him to state in writing before a date to be specified, any grounds on which he relies to exculpate himself.

(2) If the officer does not furnish a reply within the period specified or does not, in the opinion of the Permanent Secretary exculpate himself, the Permanent Secretary shall forward to the Secretary copies of the reports on the case, the charge or charges and the officer's reply, if any, together with his own comments.

(3) On a case being forwarded to the Secretary under subregulation (2), the Commission shall arrange for a public officer holding powers of inquiry under the provisions of these Regulations to hold an inquiry at which the accused officer shall be permitted to be present and shall be allowed to cross-examine the witnesses, if any. The accused officer shall also be allowed access to all documentary evidence against him and shall be allowed to adduce witnesses to his defence.

(4) The public officer holding the inquiry shall, if so requested, permit the Permanent Secretary concerned or the accused officer to be represented by a public officer, a legal practitioner, his staff association or any other person of his choice.

(5) The public officer having inquired into the matter shall forward his report thereon to the Secretary accompanied by the record

of the charges framed, the evidence led, the defence and other proceedings relevant to the inquiry as well as his comments and recommendations on the matter.

(6) The Commission, after considering the report of the inquiring officer, may, if it is of the opinion that the report should be amplified in any way or that further investigation is desirable, refer the matter back to the public officer who conducted the inquiry for further investigation and report.

(7) The decision of the Commission on each charge against the accused officer shall be communicated to him but not the reasons for the decision.

(8) Notwithstanding the provisions of this regulation, if at any stage during proceedings taken under it –

- (a) it appears to the Permanent Secretary that the offence, if proved, would justify dismissal; or
- (b) the Permanent Secretary considers that, if the offence is proved, proceedings for the retirement of the officer from the service on grounds of public interest would be more appropriate,

the proceedings shall be discontinued and the procedure in regulation 36 or 38, as the case may be, shall be followed.

38. (1) Whenever a Permanent Secretary considers it desirable in the public interest that a pensionable public officer serving in a department under his supervision should be required to retire from the public service on grounds which cannot suitably be dealt with under regulation 36, he shall report the full facts of the case to the Secretary together with his comments thereon.

Proceedings
against an officer
for retirement in
the public
interest.

(2) The Commission may obtain from any public officer under whom such public officer has served a report as to his work and conduct and may allow any such officer to consider the report and to show cause why he should not be retired from the public service.

(3) If the Commission, after considering the officer's statement and having regard to all the circumstances of the case, is of the opinion that the officer should be retired from the service in the public interest, it shall determine accordingly.

Criminal conviction of a public officer.

39. If a pensionable public officer is adjudged guilty of a criminal charge in a Court, the Permanent Secretary shall report the matter to the Secretary with his recommendation as to penalty. A copy of the charge or charges and of the judgment (and of the proceedings of the Court if available) shall be forwarded to the Secretary. The Commission shall consider the judgment (and the proceedings if available) and if it is of the opinion that the officer should be dismissed or subjected to some lesser disciplinary penalty on account of the conviction for the offence of which he has been adjudged guilty, the Commission shall determine the appropriate penalty which may include dismissal notwithstanding the provisions of these Regulations.

Withholding and restoration of increments.

40. (1) If a Permanent Secretary is of the opinion that an annual increment in salary of a public officer holding a post in his department under his supervision should be withheld on the grounds of unsatisfactory service during the previous year not amounting to general inefficiency or misconduct, or for failure to pass a prescribed examination, he shall –

- (a) if the officer is one in respect of whom disciplinary control has not been delegated, forward a report together with his recommendation to the Secretary and the Commission shall take appropriate action;
- (b) in other cases, withhold the increment.

(2) If a Permanent Secretary is of the opinion that an annual increment in salary of a public officer which has been withheld should be restored, he shall –

- (a) if the officer is one in respect of whom disciplinary control has not been delegated, forward a report together with his recommendation to the Secretary and the Commission shall take appropriate action on the matter;
- (b) if the officer is one in respect of whom disciplinary control has been delegated, restore the increment.

Summary Dismissal.

41. An officer who is absent from the State without permission is liable to summary dismissal.

PART VI
MISCELLANEOUS

42. Officers are required to discharge the usual duties of the office to which they are appointed and any other suitable duties which the President or the Permanent Secretary may call upon them to perform.

Performance of duties.

43. Notwithstanding the provisions of these Regulations, a Permanent Secretary to whom disciplinary power has been delegated may impose a fine not exceeding fifty dollars, or such other sum as the Commission may determine from time to time, after such inquiry as he may think fit in the circumstances of any minor offence committed by a public officer in respect of whom disciplinary control has been delegated which in his opinion does not warrant formal proceedings in accordance with the foregoing regulations.

Fine for minor offences.
[16/1976].

44. Whenever, under the preceding regulations, a Permanent Secretary to whom power has been delegated takes proceedings against a public officer, he shall inform the Secretary of the action taken and shall ensure that at each stage of the proceedings the Secretary is kept informed.

Notification of proceedings taken under delegated power.

45. Despite its general delegation of powers, it shall be open to the Commission, after inquiry and consultation with the Permanent Secretary, to resume its powers in any particular case to provide for or discontinue disciplinary proceedings against a public officer.

Resumption of delegated power.

46. Any case not covered by these Regulations shall be reported to the Secretary and the Commission may issue instructions as to how the case shall be dealt with, and the case shall be dealt with accordingly.

Cases not provided for.

[Subsidiary]

*Public Service Commission Regulations*Regulation 30.
[25/1980].**FIRST SCHEDULE**

Solicitor General
 Secretary to the Cabinet
 Chief Establishment Officer
 Director of Audit
 Financial Secretary
 President's Secretary
 Permanent Secretary
 Secretary for External Affairs
 Secretary to the Commission

Regulation 30.
[25/1980].**SECOND SCHEDULE****PART 1**

Public Officers authorised to exercise certain disciplinary powers.

Solicitor General
 Secretary to the Cabinet
 Chief Establishment Officer
 Director of Audit
 Financial Secretary
 President's Secretary
 Permanent Secretary
 Secretary for External Affairs
 Secretary to the Commission

PART 2

Public Officers authorised to hold inquiries and investigations.

Accountant General
 Agricultural Officer
 Assistant Secretary
 Chief Agricultural Officer
 Chief Education Officer
 Chief Executive Officer
 Chief Forest Officer

Chief Medical Officer
Chief Technical Officer
Collector of Customs
Comptroller of Inland Revenue
Director of Surveys and Commissioner of Lands
Education Officer
Labour Commissioner
Legal Assistant
Magistrate
Permanent Secretary
Postmaster
Registrar of the Supreme Court
Senior Executive Officer
Secretary and Chief Technical Officer (C.H. & P.A.)
Graduate Teacher, Dominica Grammar School
Social Development officer.

PART 3

Other persons.

Any person, not being a public officer or a person in any way connected directly or indirectly with any of the parties involved, whom the Commission may appoint after consultation with the appropriate representative body, the Permanent Secretary or the public officer in cases where the officer is not represented by a representative body.

SUBSIDIARY LEGISLATION

POLICE SERVICE COMMISSION REGULATIONS**ARRANGEMENT OF REGULATIONS**

REGULATION

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SUBSIDIARY LEGISLATION

49/1976.
[37/1984
12 of 1990].

POLICE SERVICE COMMISSION REGULATIONS

deemed to be made under section 84 of the Constitution

Commencement.

[27 January 1977]

PART I

PRELIMINARY

Short title.

1. These Regulations may be cited as the –
POLICE SERVICE COMMISSION REGULATIONS.

Interpretation.

2. In these Regulations –
 - “acting appointment” means the temporary appointment of a police officer whether on promotion to a higher office or otherwise whether that office is vacant or not;
 - “appointment” means the appointment of a person in an office in the Police Service;
 - “Board of Appeal” means the Public Service Board of Appeal constituted under section 93 of the Constitution;
 - “the Chairman” means the Chairman of the Commission;
 - “the Commission” means the Police Service Commission constituted under section 91 of the Constitution;
 - “Commissioner” means the Commissioner of Police;
 - “Deputy Commissioner” means the Deputy Commissioner of Police;
 - “Secretary” means the Secretary of the Commission;
 - “police officer or officer” means a member of the Police Service or Force;
 - “Permanent Secretary” means, unless otherwise stated, the Permanent Secretary in the Ministry responsible for the Police Service;
 - “promotion” means the appointment of a police officer to an office in the Police Service in a range carrying a higher remuneration;
 - “Police Service”, “Service” or “Force” means the Police Service or Force established under the Act.

PART II
THE POLICE SERVICE COMMISSION

3. (1) The Chairman and other members of the Commission shall, as soon as practicable after appointment, take the oath or make the affirmation set out in Form I of the Schedule.

Oaths of office.
Schedule.

(2) Every person appointed a member of the staff of the Commission shall, as soon as possible after appointment, take the oath or make the affirmation set out in Form II of the Schedule.

(3) The Secretary of the Public Service Commission shall be the Secretary to the Police Service Commission.

4. (1) The Commission shall meet as often as may be necessary for the purpose of performing its functions and the meetings shall be held on such days and at such times and places as the Chairman shall determine.

Meetings.

(2) Where a member fails to attend at least one meeting in any one month over a period of three months without reasonable excuse the Commission shall make a report to the President.

5. (1) The Chairman shall preside at meetings of the Commission, and in the absence of the Chairman from any meeting, the members present shall elect one of their number to preside at that meeting.

Procedure,
quorum and
voting.

(2) At any meeting of the Commission three members shall constitute a quorum.

(3) All questions for discussion at a meeting of the Commission shall be decided by a majority of the votes of the members present and voting.

(4) The Chairman or other member presiding at a meeting shall have an original vote, and in the event of an equality of votes, he shall have as well a second or casting vote.

6. (1) Notwithstanding regulation 5 but subject to subregulation (2) of this regulation, questions may also be decided by the Commission without a meeting by circulation of the relevant papers among the members and the expression of their views in writing and in such case the decision shall be made on that matter or question except at a meeting of the Commission.

Decisions other
than at meetings.

(2) If any member requires that a decision on a matter be deferred until the subject matter thereof be considered at a meeting no decision shall be made on that subject except at a meeting of the Commission.

Record of meetings and decisions.

7. (1) The Secretary shall ensure that minutes of all meetings of the Commission and all decisions arrived at under regulation 6 shall be duly recorded and kept and that the same be presented for confirmation by the Commission as soon as possible at a subsequent meeting or by individual members on circulation thereof.

Dissents.

(2) Any member of the Commission who dissents from a decision may require that his dissent and reasons for dissenting be recorded in the Minutes.

Consultation with other persons.

8. (1) The Commission in considering any matter or question may consult with any police officer or public officer or other person as the Commission may consider proper and desirable and may require any police officer to attend for the purpose of assisting the Commission in its deliberations and producing any official documents relating to such matter or question.

(2) Where a public officer other than a police officer fails to comply with the provisions of this regulation, the Commission shall report the public officer to the appropriate Service Commission for consideration by that Service Commission.

Non compliance.

9. (1) A police officer who without reasonable cause or excuse fails to appear before the Commission when required to do so, or fails to comply with any request made by the Commission, or with any requirement of these Regulations, is guilty of an offence.

(2) A police officer who is guilty of an offence under this regulation shall be liable to be dismissed from the Service.

Instrument of delegation to be published.

10. (1) Whenever the Commission delegates any of its powers in accordance with subsection (3) of section 83 of the Constitution, the Secretary shall publish the delegation by Notice in the *Gazette*.

(2) A Notice published under subregulation (1) shall contain the following information:

(a) the powers delegated;

(b) the person or persons to whom the delegation is made;

- (c) the extent of the delegation;
 - (d) the terms and conditions of the delegation and the manner in which matters dealt with under the delegated authority may reach the Commission.
- (3) Any power so delegated shall be exercised in such manner as the Commission shall direct.
- (4) Every delegation under this regulation shall be revocable.

11. Where in the performance of his duties the Chairman or a member of the Commission is required to sign any document, the Chairman or a member of the Commission, as the case may be, may sign the document by impression thereon a facsimile of his signature.

Commission may sign by impression of signature.

PART III

APPOINTMENTS, PROMOTIONS AND TRANSFERS

12. The Commission may prescribe from time to time the form and manner in which –
- (a) applications are to be made for appointment to the Police Service;
 - (b) examinations and interviews are to be conducted for entry into the Police Service.

Commission to determine form of application.

13. (1) Every application for appointment to the office of constable shall be made in writing to the Secretary or by personal appearance in response to any advertisement issued by the Secretary through the Press and Radio, stating the place, date and time at which a candidate may present himself for selection.

Application for appointment of constable.

(2) The Commissioner shall make a preliminary selection of candidates who have the qualifications prescribed in the Police Regulations.

Ch. 14:01
(Sub. Leg.).

(3) A candidate selected shall be required to pass a medical test prescribed in the Police Regulations, and if the candidate is successful he shall be required to take an educational test.

(4) A candidate who qualifies for appointment to the office of constable shall be interviewed by a Selection Board consisting of the

Deputy Commissioner, an Assistant Superintendent and the Superintendent in charge of the Police Training School, if this officer is available.

(5) The candidates shall be placed in order of merit on the basis of the education test and the interview.

Appointment to
office in First
Division.

14. (1) Every application for appointment to an office in the Service shall be made in writing to the Secretary on the prescribed form.

(2) A candidate who has the prescribed qualifications may be selected for appointment to the office of Assistant Superintendent, either from persons who hold an office in the Police Service or on an open competitive basis prescribed by the Commission from persons outside the Police Service.

Establishment of
Promotions
Advisory Board.

15. (1) A Promotions Advisory Board is established which shall consist of –

- (a) a member of the Commission selected by the Commission who shall be Chairman;
- (b) the Deputy Commissioner of Police;
- (c) one Assistant Superintendent of Police nominated by the Prime Minister, and
- (d) the Permanent Secretary of the Ministry responsible for the Police.

(2) A police officer may apply to the Promotions Advisory Board to be allowed to take any promotion examination when he has been in the Service for at least three years but subject to subregulation (3), the qualifying period of three years may be waived where the police officer is in possession of the educational qualifications equivalent or superior to the qualifications prescribed in the Police Regulations.

Ch. 14:01
(Sub. Leg.).

(3) In order to determine whether a police officer who applies to take a promotion examination is a suitable candidate to take the examination, the Promotions Advisory Board shall examine the record of every such police officer.

(4) A police officer who is successful in the promotion examination shall be interviewed by the Commission and shall be placed in order of merit based on performance in the examination and the interview.

(5) Notwithstanding subregulation (4), where the Commission delegates to the Commissioner the power to make appointments on promotion to any office in the Service, a police officer who is successful in the promotion examination for appointment to such office shall be interviewed jointly by the Chairman of the Promotions Advisory Board, the Chairman of the Examination Board and the Commissioner and shall be placed in order of merit based on performance in the examination and the interview.

Examination cards.

16. Notwithstanding that a police officer may have been successful in a promotion examination, if such police officer is not appointed on promotion within three years, he shall resit the examination for promotion.

Officer to resit examination.

17. Whenever in the opinion of the Commission it is possible to do so and it is in the best interest of the Service, appointments shall be made from within the Service in accordance with regulations.

Appointments to be by competition within the Police Service.

18. Where the Commission considers that there is no suitable candidate already in the Police Service available for the filling of any vacancy or that having regard to qualifications, experience and merit it would be advantageous and in the best interest of the Service that the services of a person not already in the service be secured, the Commission may authorise the advertisement of the vacancy.

Advertisement of vacancies.

19. (1) All examinations in the Police Service shall be set and the papers marked by such Examination Board as may be appointed for the purpose.

Examination cards.

(2) The Commissioner shall be responsible for the conduct of examinations set under subregulation (1).

20. (1) In considering the eligibility of police officers for promotion, the Commission shall take into account the seniority, experience, educational qualifications, merit and ability, together with the relative efficiency of such police officers and, in the event of an equality of efficiency of two or more police officers, shall give consideration to the relative seniority of the police officers available for promotion to the vacancy.

Principles of selection for promotion.

(2) In the performance of its functions under subregulation (1) the Commission shall take into account as respects each police officer—

- (a) his general fitness;
- (b) the position of his name on the seniority list or his position on the list of results of the promotion examination;
- (c) any special qualifications;
- (d) any special courses of training that he may have undergone (whether at the expense of Government or otherwise);
- (e) the evaluation of his overall performance as reflected in annual staff reports by the Permanent Secretary, by the Commissioner or other police officer under whom the police officer worked;
- (f) any letters of commendation or special reports in respect of any special work done by the police officer;
- (g) the duties of which he has had knowledge and experience;
- (h) any specific recommendation of the Commissioner for filling the particular office;
- (i) any previous employment of his in the Service or in the public service, or otherwise;
- (j) any special reports for which the Commission may call;
- (k) his devotion to duty.

Duty to keep seniority lists.

21. (1) The Secretary, the Permanent Secretary and the Commissioner shall keep up-to-date seniority lists of all officers holding offices in the Service.

(2) The Commissioner shall ensure for purposes of making recommendations for promotion and acting appointments that up-to-date seniority lists are kept of all police officers in the Service showing in respect of each officer the date of appointment to his present office, date of appointment to his previous office, and date of first appointment in the Service.

(3) The seniority of a police officer shall be determined by the date of his appointment to the particular office in which he is serving. The seniority of police officers promoted to the same office from the same date shall be in accordance with their seniority in their previous office.

(4) Where police officers have entered the Service by competitive examination and are appointed to the same office with effect from the same date, their relative seniority shall be determined according to the order of merit in which they were placed in the examination and interview.

22. (1) The seniority of an officer who voluntarily resigns from the Service and is subsequently re-appointed to it shall be reckoned from the date of his re-appointment.

Seniority of officer to be reckoned from date of appointment or re-appointment.

(2) In any case not covered by regulation 20 or 21 or by subregulation (1) of this regulation, the Commission shall determine the seniority of the officer.

23. (1) The Commissioner shall ensure that any recommendation made in relation to an acting appointment as a prelude to a substantive appointment shall be based on the principles prescribed in regulation 20.

Recommendations for acting appointments.

(2) Where in the exigencies of the Service, it has not been practicable to apply the principles prescribed in regulation 20, a police officer selected for an acting appointment in consequence of a recommendation made under subregulation (1) shall not thereby have any special claim to the substantive appointment.

(3) In considering the claims of eligible candidates for a substantive appointment, the Commission shall take into account the claims of all eligible officers.

24. (1) Where an acting appointment falls to be made otherwise than as a prelude to a substantive appointment, the police officer appointed shall –

Principles of selection for acting appointment not as prelude to appointment.

(a) as a general rule be the senior police officer eligible for the acting appointment;

(b) assume and discharge the duties and responsibilities of the office to which he is appointed to act.

(2) In making an acting appointment under subregulation (1), the Commission shall examine whether the exigencies of the Service would best be served by appointing a police officer next in line of seniority from another division to act when there is a police officer in the same division who is capable of performing the duties of the higher

grade, and in such examination the question of additional Government expenditure for travelling and subsistence allowances and any other expenditure shall be borne in mind.

Commissioner to notify eligible police officers of vacancy.

25. (1) Where an acting appointment falls to be made whether as a prelude to a substantive appointment or not the Commissioner shall notify the police officers who are eligible for consideration.

(2) The Commissioner shall, after notification as required by subregulation (1), allow a period of seven days to elapse before forwarding any recommendations for the filling of the vacancy, for the purpose of allowing the police officers to make representations on the filling of the vacancy.

(3) Where representations have been made by or on behalf of any police officer, the Commissioner shall forward the representations in their original form to the Secretary.

(4) When it is necessary to make an appointment, promotion or transfer of a police officer, the procedure in the subsequent regulations in this Part shall be followed except that, where any delay involved in carrying out the procedure is likely to cause serious inconvenience, the Secretary to the Cabinet shall report the matter to the Chairman who may as a matter of urgency advise an acting appointment without regard to that procedure.

Commissioner to submit recommendations to Commission in advance.

26. The Commissioner shall submit, well in advance, recommendations for acting appointments to permit of their consideration by the Commission before the date on which the acting appointment is intended to become effective, but the Commission may waive the provisions of this regulation where the necessity to submit recommendations has been occasioned by sudden illness or very special circumstances or in any other circumstances which the Commission may consider appropriate.

Commissioner to state reasons for passing over officer.

27. In submitting recommendations for acting appointments in any office, the Commissioner shall state the reasons why police officers, if any, are being passed over.

Transfers.

28. (1) Where the Commission proposes to transfer a police officer, the Commission shall, except where the exigencies of the Service do not permit, make an order of transfer in writing and shall give not less than fourteen days notice to the officer who is to be transferred.

(2) In considering the transfer of a police officer the Commission shall take into account any hardship that the transfer may occasion to the officer.

(3) Subregulation (2) shall not apply where a transfer is ordered as a penalty imposed for an offence under these Regulations or Regulations made under the Police Act.

Ch. 14:01.

29. (1) A police officer's date of appointment shall normally be the date on which he assumes the duties of the office to which he has been appointed.

Date of appointment.

(2) If a police officer is selected from appointment from outside Dominica, the date of appointment shall be the date specified in the letter of appointment.

30. (1) A candidate selected for first appointment to the Police Service shall undergo a medical examination by a District Medical Officer and shall not be confirmed in his appointment unless and until he has been passed as medically fit.

Medical examination.

(2) The Commissioner shall make appropriate arrangements for the new appointee to be medically examined as soon as practicable after his selection for first appointment.

(3) The Medical Officer who examines the new appointee shall submit his medical report on the prescribed form to the Secretary as soon as practicable after the examination.

(4) The Secretary shall inform the new appointee whether the medical report is favourable or unfavourable.

(5) All communications relating to the medical report on a new appointee shall be strictly confidential and any officer who communicates the details of any such medical report to any other person except for the purpose of, and as provided for, in this regulation shall be guilty of an offence and be liable to dismissal from the Police Service.

(6) Where the officer who commits a breach of subregulation (5) is not a police officer, the Commission shall report the officer to the appropriate Service Commission for consideration by that Service Commission.

PART IV
STAFF REPORTS

Staff Reports.

31. (1) The Commissioner shall forward to the Secretary and Permanent Secretary in each year –

(a) in respect of all police officers who are within the scale of pay, a staff report not later than sixty days before an increment is due to an officer; and

(b) in respect of all police officers who are at the maximum in the scale of pay or who receive a fixed pay, a staff report not later than the anniversary of the date of appointment of an officer to the office.

(2) A staff report shall relate to the period of service during the immediately preceding twelve months.

(3) In the preparation of a staff report, the Commissioner shall be guided by his own deliberate judgment and shall in the report –

(a) make an unbiased assessment of the police officer's performance and conduct over the past twelve months; and

(b) give an indication of the future prospects of the police officer.

(4) A staff report shall be in such form as may from time to time be prescribed by the Commission and shall be made in respect of every police officer whether he holds an acting appointment, a temporary appointment or is employed for a specified period.

Officer to be informed of adverse report.

32. In order that a police officer may be given every opportunity to correct any shortcomings which he might evince during the course of the twelve months' period of service to be reported on, the Commissioner shall –

(a) as and when such shortcomings are noticed, cause the police officer to be informed in writing thereof;

(b) when adverse markings are included in the staff report, cause the police officer to be informed in writing thereof before he submits the report to the Secretary and the Permanent Secretary.

33. (1) A staff report made in respect of an officer under regulation 31 shall be the basis for determining the eligibility of an officer for – Annual increments.

(a) an increment, and

(b) promotion.

(2) Where the Commissioner in a report made under regulation 31 recommends that an increment ought not to be granted, he shall notify the police officer in writing, not later than sixty days before the increment is due, of the reasons for which he considers that the increment ought not to be granted, and the police officer may within seven days of the receipt of the notification make representations in writing, through the Commissioner to the Commission.

(3) An annual increment shall not be suspended except on the authority of the Commission.

(4) Where the Commission after considering any representation by a police officer made under subregulation (2) supports the recommendations of the Commissioner referred to in subregulation (2), or where in the opinion of the Commission a report made under regulation 31 does not justify the payment of an increment to the police officer, the Commission shall notify the police officer in writing of its decision to suspend the payment of the increment.

(5) The Commission may suspend under subregulation (4) the payment of an increment subject to subregulation (6) for a period not exceeding six months.

(6) Where the Commission suspends an increment under subregulation (4) for a specified period, the Commissioner shall, not less than thirty days before the expiration of the specified period, make a report on the police officer and if in the opinion of the Commission-

(a) the report justifies the payment of the increment, the Commission shall grant the increment which shall be payable from the date of the report justifying the payment;

(b) the report does not justify the payment of the increment, the Commission may suspend the payment of the increment for a further period not exceeding six months.

(7) Where the Commission suspends the payment of an increment to a police officer under this regulation, the suspension shall not affect the police officer's incremental date.

PART V

PROBATIONARY APPOINTMENTS

Period of probation on first appointment.

34. Except as otherwise provided in this Part, a police officer on first appointment to the Police Service shall be required to serve on probation for a period of two years.

Probation not required or may be offset in certain cases.

35. (1) Where a police officer is to be appointed to an office in which he has performed the duties, whether in an acting or temporary capacity, for periods of equal or longer duration than the period of probation prescribed in regulation 34, the police officer shall not be required to serve on probation.

(2) Where a police officer is appointed on promotion to an office in which he has acted satisfactorily for periods of less duration than the period of probation prescribed in regulation 36, not more than one year and not less than six months acting service may be offset against the period of probation.

Probation on promotion.

36. (1) Subject to regulation 35, a police officer who is appointed on promotion to an office may be required to serve on probation for one year in the office to which he is promoted.

(2) Subject to subregulation (3), where within two years immediately preceding his promotion, a police officer has served in an acting appointment in the office to which he is promoted, the period of probation shall be abated by the extent of the aggregate of service in the acting appointment unless the Commission otherwise directs.

(3) In calculating the aggregate of service in an acting appointment for the purpose of subregulation (2), only continuous service of three months or more shall count.

Waiver of portion of period of probation.

37. Where a police officer is promoted before he has completed the full period of probation in his former office, the unserved portion of that period of probation shall be deemed to be waived and the police officer deemed to be confirmed in that appointment.

Treatment on probation.

38. The following principles shall be observed for the treatment of a police officer during his period of probation:

- (a)** the police officer on probation shall be given an opportunity to learn his work and be tested as to his suitability for it;

- (b) he shall be accorded all possible facilities for acquiring experience in his duties;
- (c) he shall be subject to continual and sympathetic supervision;
- (d) so far as the exigencies of the Service permit, he shall be assigned to duty only where such observation is possible; and
- (e) if at any time during his period of probation he exhibits tendencies which render it in any way doubtful that he is likely to become fit for confirmation in his appointment, these shall at once be drawn to his attention in writing by the Commissioner and he shall be given such assistance as may be possible to enable him to correct his faults.

39. (1) In the case of a police officer serving a two-year period of probation, the Commissioner shall furnish to the Secretary and Permanent Secretary three confidential reports as follows: Confidential reports.

- (a) a first report after the police officer has completed one year's service;
- (b) an interim report six months before the period of probation expires; and
- (c) a final report one month before the period of probation expires.

(2) In the case of a police officer serving a one year period of probation, the Commissioner shall furnish to the Secretary and Permanent Secretary two confidential reports as follows:

- (a) a first report six months before the period of probation expires;
- (b) a final report one month before the period of probation expires.

(3) The Secretary shall report to the Commission whenever the Commissioner fails to submit a confidential report on an officer on probation within the terms specified in this regulation.

(4) In submitting the final report, the Commissioner shall make a firm recommendation –

- (a) that the police officer be confirmed in the appointment;
- (b) that the period of probation be extended;

- (c) that the police officer's appointment on probation be terminated; or
- (d) that the police officer return to his former grade of office.

(5) The report of the Commissioner under this regulation shall not be seen by the police officer on probation, but any adverse comments on his work shall be in specific terms; the officer shall be notified in writing in duplicate as early as possible, so that he should have sufficient time in which to make an effort to correct his shortcomings before his period of probation expires. The police officer shall retain the original notification and shall sign the duplicate and return it to the Commissioner for the record.

Extension of probation.

40. (1) Before any recommendation is made to the Commission for the extension of a police officer's period of probation or for the termination of his appointment, the Commissioner shall inform the police officer of this recommendation and of the specific reasons therefor and he shall invite the police officer to submit any representations he may wish to make.

Termination of probation.

(2) Subject to the provisions of these Regulations, the first appointment on probation of a police officer may, at any time during the period of probation, be terminated by the Commission without assigning any reason.

Confirmation of appointment.

41. (1) If, after consideration of the final report of the Commissioner, the Commission is satisfied that the police officer's probationary service has been satisfactory, he shall be confirmed in his appointment with effect from the date of appointment.

(2) If the Commission is not satisfied that the police officer's probationary service has been satisfactory, the period of probation may be extended for a further period.

Incremental date when period of probation extended.

42. Where a police officer's period of probation has been extended and he is subsequently confirmed in his appointment, the Commission may direct that the police officer's increment be paid –

- (a) with effect from the date following that on which the extended period of probation expired without change in the incremental date; or

- (b) with effect from the date following that on which the extended period of probation expired which would then become his incremental date.

43. The Commissioner shall keep a record of every police officer who has been appointed on probation in the Service. Commissioner to keep record.

PART VI

RESIGNATION, RETIREMENTS AND TERMINATION OF APPOINTMENTS

44. (1) A police officer who wishes to resign shall give to the Commission notice in writing of his intention at least one month before the date on which he wishes to relinquish his appointment, but the Commission may waive the requirement of notice in whole or in part if it thinks fit. Resignation.

(2) Notwithstanding any regulation respecting the nonforfeiture of leave, a police officer who fails without reasonable cause to comply with subregulation (1) may forfeit all benefits and privileges accruing to him.

(3) An officer is not entitled to withdraw his notice of resignation before the resignation becomes effective, but the Commission may accept the withdrawal if tendered in writing at any time before the effective date of the resignation.

(4) The officer's resignation should be accepted when the Commission is of the view that it is in the interest of the Force to do so.

45. A police officer who is absent from duty without leave for a period of one week shall be declared by the Commission to have resigned his office and thereupon the office becomes vacant and the police officer ceases to be a police officer. Abandonment.

46. The services of a police officer shall be terminated for the reasons stated hereafter: Reasons for termination of appointment.

- (a) Where the police officer holds a permanent appointment –
- (i) on dismissal or removal in consequence of disciplinary proceedings;
 - (ii) on compulsory retirement;

- (iii) on voluntary retirement;
 - (iv) on retirement for medical reasons;
 - (v) on being retired in the public interest;
 - (vi) on resignation without benefits payable under any written law providing for the grant of pensions, gratuities or compensation;
 - (vii) on the abolition of office;
 - (viii) for negligently causing death or grievous bodily harm to a member of the Force;
 - (ix) is convicted of a criminal offence involving violence, fraud or dishonesty.
- (b) Where the police officer holds a temporary appointment –
- (i) on the expiry or other termination of an appointment for a specified period;
 - (ii) where the office itself is of a temporary nature and is no longer necessary;
 - (iii) on the termination of appointment in the case of a police officer on probation;
 - (iv) on the termination of appointment in the case of an officer holding a non-pensionable office with no service as a pensionable officer;
 - (v) on dismissal or removal in consequence of disciplinary proceedings;
 - (vi) on retirement for medical reasons;
 - (vii) for negligently causing death or grievous bodily harm to a member of the Force;
 - (viii) is convicted of a criminal offence involving violence, fraud or dishonesty.
- (c) Where the police officer is on contract his services shall be terminated in accordance with the terms of the contract.

Compulsory and voluntary retirement.

47. A police officer –

- (i) shall be required to retire on attaining the age of sixty years; or
- (ii) may with the approval of or on the direction of the Commission retire on attaining the age of fifty-five years; or

- (iii) may, with the permission of the Commission, retire on attaining the age of fifty years, if he has had not less than thirty years continuous service.

48. The Commission shall inform the Secretary and the Permanent Secretary of all officers in the Service who are within one year of the compulsory retirement age.

Commissioner to notify Secretary of officers to retire compulsorily.

49. (1) If it appears to the Commission that a police officer who has attained the age of fifty years ought to be called upon to retire from the Service, the Commission shall advise the police officer accordingly.

Premature retirement.

(2) Any such police officer shall be afforded an opportunity of submitting to the Commission any representations he may wish to make regarding his proposed retirement.

(3) If the Commissioner after considering the representations, if any, made by the police officer, is of the opinion that, having regard to all the circumstances of the case, the police officer should be retired in the public interest, the Commission shall require the police officer to retire on such date as the Commission shall determine, and the police officer shall be retired accordingly.

50. (1) Where it is represented to the Commission or the Commission considers it desirable in the public interest that any police officer should be required to retire from the Police Service on grounds which cannot suitably be dealt with under any of these regulations, it shall call for a full report on the police officer from the Commissioner and shall take into account the police officer's previous record during the last proceeding five years or where the police officer has less than five years service, the police officer's record during his period of service.

Retirement in the public interest.

(2) If, after considering the report and the record and giving the police officer an opportunity of submitting a reply to the grounds on which his retirement is contemplated, and having regard to the condition of the Police Service, the usefulness of the police officer thereto, and all the other circumstances of the case, the Commission is satisfied that it is desirable in the public interest to do so, it shall require the police officer to retire on such date as the Commission shall determine, and he shall be retired accordingly.

51. (1) The Commission may terminate the appointment of a police officer on grounds of inefficiency as a result of a number of adverse reports.

Termination of appointment on grounds of inefficiency.

(2) Where the Commissioner makes a recommendation in writing that the appointment of a police officer should be terminated on grounds of inefficiency, the police officer shall be informed in writing of the recommendation and shall be given an opportunity to make representations thereon.

(3) Where a police officer makes representations under subregulations (2), the representations shall be forwarded in their original form to the Commission by the Commissioner together with such comments as the Commissioner thinks fit.

(4) The Commission may, upon application of the police officer or on its own motion, cause an investigation to be made before making a final decision.

Married female officers.

52. The Commission may terminate the appointment of a female police officer on the grounds that her family obligations are affecting the efficient performance of her duties and the procedure for the termination of the appointment shall be in accordance with subregulations (2), (3) and (4) of regulation 51. A gratuity may be recommended by the Commission in such case.

Medical Boards.

53. (1) A Medical Board shall be held whenever it is necessary for a police officer to be examined with a view to ascertaining whether or not the officer should be retired on grounds of ill-health, or in any case or class of case in which the Commission directs.

(2) A police officer may be required by the Commission to undergo a medical examination at any time.

(3) A police officer who is required to undergo a medical examination shall submit himself to be examined by a Medical Board at such time and place as the Commissioner may direct on behalf of the Board.

(4) Where a police officer, through refusal or neglect to obtain specialist advice or to obtain treatment when so recommended by the Medical Board, falls sick and in consequence is unable to perform his duties, the Commission may direct that the period during which he is unable to perform his duties shall be counted as leave without pay.

(5) Whenever it is considered necessary for a police officer to be examined with a view to ascertaining whether or not he should be retired on grounds of ill-health, the Commissioner shall make a recommendation to this effect to the Commission and where there is a medical

record of the police officer, the record shall be made available to the Medical Board.

(6) Where a deterioration in the work of the police officer is the reason or one of the reasons for requesting that the police officer undergo a medical examination, the Commissioner shall submit, with his recommendation under subregulation (5), a detailed report on any change in the quality of the officer's work in order to assist the Medical Board in carrying out the medical examination of the police officer concerned.

54. A police officer who is medically boarded and found unfit for further service shall not be allowed to remain on duty after receipt of the Medical Board's report, and shall be granted such annual leave and accumulated annual leave for which he is eligible or two months' leave, whichever is the greater, as from the date on which he is notified of his unfitness for further duty. Unfit officers.

PART VII CONDUCT

55. A police officer shall conduct himself at all times in such a manner that he does not bring discredit on the reputation of the Police Service or of the Public Service. General conduct.

56. (1) A police officer shall carry out all lawful orders of an officer senior in rank and shall at all time punctually and promptly perform all appointed duties and attend to all matters within the scope of his office. Duties of police officer.

(2) A police officer shall be responsible for the state of his command and for the conduct and efficiency of all under his command, and for his department or district.

(3) In the absence of the police officer referred to in subregulation (2), the authority and responsibility of that officer shall devolve upon the next in seniority unless the Commissioner otherwise specifically directs.

(4) In the discharge of his duties, a police officer shall be courteous and polite to members of Government, members of the Service and to members of the public.

(5) A police officer who fails to comply with this regulation commits an offence and is liable to summary dismissal.

Absence without
leave.

57. (1) A police officer shall not be absent from duty without leave or reasonable excuse.

(2) A police officer shall not leave the country without permission in writing of the Commissioner or, in cases of emergency of a superior officer who shall report forthwith, in writing, to the Commissioner.

(3) A police officer who contravenes this regulation commits an offence and is liable to summary dismissal.

Activities outside
the Service.

58. (1) A police officer's whole time shall be at the disposal of the Government. Accordingly –

(a) a police officer may not at any time engage in any activity which would in any way tend to impair his usefulness as a police officer, nor may he engage in any occupation or undertaking which might in any way conflict with the interest of the Police Service or be inconsistent with his position as a police officer;

(b) a police officer shall not engage in any trade or any professional, commercial, or industrial undertaking without the prior approval of the Commission;

(c) notwithstanding that prior approval may have been given, the Commission may at any time after notice to the police officer and after holding an inquiry prohibit a police officer from –

(i) engaging in any trade, professional, commercial or industrial undertaking;

(ii) regularly undertaking private work for remuneration, if the Commission is of the opinion that the police officer's activity tends to impair his usefulness as a police officer or conflicts with the interests of the Service or is inconsistent with his position as a police officer.

(2) A police officer who is engaged in any of the activities that are described in subregulation (1) shall within sixty days of the coming into operation of these Regulations apply for approval to the Commission through the Commissioner to continue to engage in such activities.

(3) A police officer who makes an application under subregulation (2) may continue to engage in such activities until he is notified of the decision of the Commission with respect to his application.

59. A police officer may not call a public meeting to consider any action of the Government or actively participate in the proceedings of a meeting called for such a purpose or procure signatures to any public petition regarding the actions of the Government. Nothing in these Regulations shall affect a police officer's right to participate actively in any meeting called or sign any petition prepared by his staff association on matters affecting the Service.

Officer not to call public meeting or participate in certain public meetings.

60. (1) A police officer shall not make public or communicate to the Press or to individuals or make private copies of documents, papers or information of which he may have become possessed in his official capacity, unless his duties require him to do so.

Officer not to publish information.

(2) An officer who contravenes this regulation commits an offence.

(3) An officer who contravenes any of the provisions of any written law relating to official secrets commits an offence notwithstanding that he may be charged with an offence under any such written law.

61. A police officer, whether on duty or on leave of absence, shall not allow himself to be interviewed on questions of public policy or on matters affecting the defence or military resources of Dominica or of any other country unless his official duties require him to do so.

Officer not to allow interview on questions of public policy.

62. (1) A police officer shall not, without permission of the Commissioner, broadcast on the radio or television or publish in any manner any statement which is in the nature of a personal comment on any national or local political policy or administrative matter unless his official duties require him to do so.

Officer not to publish comment on international or local matter.

(2) A police officer may, with the permission of the Commissioner, publish in his own name articles relating to other subjects of general interest or give broadcast talks on the radio or television on such subjects.

(3) Where the Commissioner is in any doubt as to the propriety of any proposed publication or broadcast under this regulation, he shall refer the matter to the Permanent Secretary.

[Subsidiary]

Police Service Commission Regulations

Officer not to contribute, edit or manage newspaper. [12 of 1990].

63. Except in the case of the official organs of staff associations or professional association, a police officer shall not, without express permission in writing of the Commission, act as editor of any newspaper or take part directly or indirectly in the management of a newspaper, or contribute anonymously thereto, any statement or article which may reasonably be regarded as a commentary on the politics of the country or the administration of the Force or of the Government or that of any other Government.

Rules relating to broadcast talks.

64. Broadcast talks by police officers shall be governed by the following rules:

Lectures or talks which are not necessary for departmental purposes may be given by police officers who are experts in a particular subject, whether or not they have specialised in this subject in their official capacity. In all such cases, if the subject matter is related to the work or the policy of the Service, or if the broadcaster is to be announced by his departmental title, the prior authority of the Commissioner is required with the object of ensuring –

- (i) that there is nothing in the lecture or talk contrary to the public interest or inconsistent with the status of a police officer, and
- (ii) that the standing of the speaker is sufficient to justify the delivery by him of a lecture under his departmental title.

Subject to these conditions, and to the due observance of any professional rule that may be in force as the acceptance of remuneration for such services, it shall be open to a police officer to make his own terms with the broadcasting authority, but in these cases the work involved in the preparation and delivery of the lecture or talk shall be done outside official hours.

Return of indebtedness.

65. (1) A police officer who incurs indebtedness to the extent that it impairs his efficiency or it has brought or is likely to bring the Service into disrepute, is guilty of an offence.

(2) A police officer shall not be a party to an accommodation bill.

(3) A police officer who fails to comply with this regulation is guilty of an offence.

(4) The Commission may require a police officer to authorise deductions from his pay for the repayment of any debt to the Government.

66. (1) A police officer against whom bankruptcy proceedings have been taken or who becomes insolvent or who has been declared a bankrupt shall within seven days report that fact to the Commission. Bankruptcy.

(2) A police officer who fails to make a report under subregulation (1) is guilty of an offence.

67. A police officer shall not solicit the intervention or influence of members of Parliament, Ministers, members of the Commission, or prominent members of the community to support or advance his individual claims in the Service. Officer not to solicit the intervention of officials.

68. (1) Except with the permission of the Commission, a police officer shall not accept – Gifts or rewards.

(a) any gifts or rewards from any member of the public or from any organisation for services rendered in the course of his official duties; or

(b) any present which is likely to influence him in the performance of his duties.

(2) Nothing in subregulation (1) shall prohibit a police officer from accepting a gift from a personal friend.

69. Notwithstanding regulation 68 or 70 a police officer may accept a present offered by – Exceptions.

(a) a representative of a foreign government on the occasion of an official visit to that country;

(b) a community organisation, on a social occasion where the gift represents the work or achievement of that organisation;

(c) other officers in the Force on the occasion of his marriage or on retirement or on transfer.

70. (1) A police officer shall not receive from any subordinate police officer or police officers any present, complimentary address or other congratulatory expression except with the permission of the Commissioner. Police officer not to accept present from subordinate officers.

(2) Where the police officer who is to be the recipient of any present, complimentary address or other congratulatory expression referred to in subregulation (1), is the Commissioner, he shall not receive the same except with the permission of the Commission.

Legal proceedings by officers.

71. A police officer who desires to initiate legal proceedings on his own behalf against another police officer or against a member of the public in connection with any matter which arose out of and in the course of his duty shall apply to the Commission for permission so to proceed.

Application to initiate legal proceedings to be in writing.

72. An application under regulation 71 shall be in writing and shall be addressed to the Secretary and forwarded through the Permanent Secretary for transmission to the Commission.

Refusal of application to initiate legal proceedings.

73. The Commission may refuse the application under regulation 71 if the Commission is of the opinion that the proceedings would be—

- (a) contrary to the best interest of public policy;
- (b) detrimental to discipline and the good reputation of the Service.

Offences under regulation 10 of the Police Regulations. [12 of 1990]. Ch. 14:01. (Sub. Leg.).

74. A police officer who commits any offence against discipline under regulation 10 of the Police Regulations is liable to such punishment as is prescribed by regulation 101 of these Regulations.

PART VIII

DISCIPLINARY PROCEDURE

Officer liable to disciplinary proceedings. [12 of 1990]. Ch. 14:01.

75. A police officer who fails to comply with any regulation, order or directive for the time being in force in the Police Service or with any of these Regulations, or commits an offence prescribed in these Regulations, or any other Regulations made under the Police Act, is liable to disciplinary proceedings in accordance with the procedure prescribed in these Regulations.

Officer to report criminal charge.

76. (1) Where a police officer is charged with a criminal offence in any court of law, the matter shall be reported forthwith –

- (a) if the charge is laid by a private person, by the police officer to the Commissioner who shall notify the Permanent Secretary for the information of the Commission;
- (b) if the charge is laid by the police, by the Commissioner to the Permanent Secretary for the information of the Commission.

(2) A police officer who fails to comply with subregulation (1)(a) commits an offence against discipline.

77. (1) Where a report or allegation is received from which it appears that a police officer may have committed an offence, the Commissioner shall forthwith report the matter to the Secretary for the information of the Commission. Commissioner to report officer.

(2) Subject to subregulation (3), the Commission, after considering the report made under subregulation (1), may institute disciplinary proceedings against the police officer.

(3) Where an offence against any law appears to have been committed, the Commission, before acting under subregulation (2), shall ascertain from the Attorney General whether he contemplates criminal proceedings against the police officer concerned; and, if the Attorney General advises that criminal proceedings are contemplated, the Commission shall not institute disciplinary proceedings before the determination of the criminal proceedings.

(4) Where the Commission, under section 92 of the Constitution, has delegated to the Commissioner or other police officer its powers of exercising disciplinary control in the Service, the provisions of subregulation (1) shall not have effect and the reference in subregulations (2) and (3) to the Commission shall be construed as a reference to the Commissioner or other police officer, as the case may be.

78. The Commissioner shall report any case not covered by these Regulations to the Secretary and the Commission may issue instructions as to how the case shall be dealt with and the case shall be dealt with accordingly. Commission to issue instructions on how certain cases be dealt with.

79. (1) When the Commission becomes aware of any offence and the Commission is of the opinion that the public interest or the repute of the Service requires it, the Commission may direct the police officer in writing to cease to report for duty until further notice from the Commission, and a police officer so directed shall cease to perform the functions of his office forthwith. Suspension by Commission.

(2) A police officer directed to cease to perform the duties of his office in accordance with subregulation (1) shall continue to draw full pay until such date as shall be specified in an order made by the Commission under regulation 80.

Interdiction.

80. (1) Where there have been or are about to be instituted against any police officer –

- (a) disciplinary proceedings for his dismissal; or
- (b) criminal proceedings,

and where the Commission is of opinion that the public interest requires that that police officer should forthwith cease to perform the functions of his office, the Commission shall interdict him from such performance.

(2) The effective date of interdiction shall be –

- (a) where a police officer has continued to perform the duties of his office, the date of receipt by him of the notification of his interdiction;
- (b) where in accordance with regulation 79, a police officer has ceased to perform the duties of his office, such date as the Commission may direct.

(3) A police officer so interdicted shall, subject to the provisions of regulation 105 be permitted to receive such proportion of the pay of his office, not being less than one-half, as the Commission may determine after taking into consideration the amounts being deducted per month from the pay of the police officer.

(4) If the disciplinary proceedings against any such police officer result in his exoneration, he shall be entitled to the full amount of the remuneration which he would have received if he had not been interdicted, but if the proceedings result in any punishment other than dismissal the police officer shall be allowed such pay as the Commission may in the circumstances determine.

(5) A police officer who is under interdiction from duty shall not leave the country without the permission of the Commission; any such police officer who leaves the country without such permission commits an offence and is liable to summary dismissal.

Investigation of charges.

81. (1) Where a report or allegation is received from which it appears that a police officer may have committed an offence the Commissioner shall, in addition to making a report as required by regulation 77, concurrently warn the police officer in writing of the report or allegation and shall forthwith refer the matter to an investigating officer appointed by him.

(2) The Commissioner may appoint a person who is not a member of the Force; but, an investigating officer who is a member of the Force shall hold an office higher than that of the officer against whom the allegation has been made.

(3) The investigating officer shall, within three days of his appointment, give the police officer a written notice specifying the time, not exceeding seven days, within which he may in writing give an explanation concerning the report or allegation to the investigating officer.

(4) The investigating officer shall request those persons who have direct knowledge of the alleged offence to make written statements within seven days of the receipt of the request for the information of the Commission.

(5) The investigating officer shall, with all possible dispatch, but not later than twenty-one days from the date of his appointment, forward to the Commission, for the information of the Commission, the original statements and all relevant documents, together with his own report on the particular act.

(6) The Commission, after considering the report of the investigating officer and any explanation given under subregulation (3), shall decide whether the police officer should be charged with an offence and if the Commission decides that the police officer should be so charged, the Commission shall, as soon as possible, cause the police officer to be informed in writing of the offence with which the police officer is charged, together with such particulars as will leave the police officer under no mis-apprehension as to the precise nature of the alleged offence.

(7) Where in the explanation given under subregulation (3), the police officer makes an admission of guilt, the Commission may determine the penalty to be awarded without further inquiry.

(8) Where the Commission, under section 92 of the Constitution, has delegated to a police officer its duty of deciding under subregulation (6) whether a police officer shall be charged and charging such police officer with an offence, the reference in subregulations (4), (5), (6) and (7) to the Commission shall be construed as a reference to that police officer.

82. Where a police officer is charged with an offence he shall as soon as possible be given a copy of any written explanation he may have made under regulation 81(3).

Documents to be
supplied to
accused.

[Subsidiary]

Police Service Commission Regulations

Officer to admit or deny charge in writing and may include explanation.

83. (1) Where a police officer is charged with an offence, the police officer shall be requested to state in writing within a specified period whether he admits or denies the charge and shall be allowed to give to the disciplinary tribunal or the Commission any explanation he may wish.

(2) Where a police officer admits the charge under subregulation (1) he shall be allowed to include in his explanation any extenuating circumstances in mitigation.

Hearing on failure to admit or deny charge.

84. Where a police officer –

- (a) fails to give an explanation under regulation 81(3); or
- (b) fails to admit or deny the charge under regulation 83(1); or
- (c) gives an explanation under regulation 81(3) or regulation 83(1), that –
 - (i) places the facts in dispute; or
 - (ii) does not exculpate him,

the hearing shall proceed as though the police officer denied the charge.

Witnesses.

85. (1) The police officer shall be allowed to state the names and addresses of any witnesses to relevant facts whom he may desire to give evidence at the hearing of the case.

(2) Any such witness who is a police officer shall be ordered to attend at the hearing of the case and any other witness shall be given due notice that his attendance is desired and of the time and place of the hearing.

Appointment of disciplinary tribunal. [37/1984].

86. (1) Where the Commission under regulation 81(6) charges a police officer with an offence and the provisions of regulations 84 apply, the Commission may appoint a disciplinary tribunal to hear the evidence and find the facts.

(2) A disciplinary tribunal which the Commission appoints under subregulation (1) may be constituted of –

- (a) one police officer; or
- (b) an uneven number of police officers not being less than three; or
- (c) any suitable person, not being a member of the Police Service.

(3) A police officer selected under subregulation (2) shall hold an office higher than that of the police officer charged but in no case shall hold an office lower than the office of Inspector.

87. (1) It shall be the duty of every police officer and every person appointed under regulation 86 to hear the evidence, find the facts and make a report to the Commission in accordance with regulation 93 as soon as possible, and an officer may not be permitted any leave, other than sick leave or maternity leave, until the report is made to the Commission.

Duty of officers appointed to disciplinary tribunal.

(2) Where a police officer who is a member of a disciplinary tribunal constituted of three members, is granted six leave for an indeterminate period, the disciplinary tribunal may, notwithstanding regulation 86(2)(b), continue to hear the case and make a report in the absence of that officer, but such tribunal shall not be constituted of less than two members.

88. A police officer who is charged with an offence shall not be permitted to take leave, other than sick leave or maternity leave, until the determination of the case.

Officer on charge not to be permitted leave.

89. (1) The following procedure shall apply to the hearing by a disciplinary tribunal of a case against a police officer charged with an offence:

Procedure at hearing. [37/1984].

- (a) the police officer shall be summoned to appear at the hearing of the case and shall be given full opportunity to defend himself;
- (b) the case against the police officer may be presented by a police officer, but such police officer shall be the holder of an office higher than that of the police officer charged;
- (c) before the case against the police officer is presented, the police officer may submit that the facts alleged in the charge are not such as to constitute the offence with which he is charged, and the disciplinary tribunal shall make a report of the submission to the Commission for its decision;
- (d) at the hearing before a disciplinary tribunal, the police officer may conduct his defence either in person or may be represented by a police officer of his choice or by his

staff association or by counsel or solicitor; where the police officer is represented by such police officer or by his staff association or by counsel or solicitor, the police officer or his representative may cross-examine the witnesses called in support of the case against him;

- (e) a true record of the proceedings at the hearing of the case shall be taken and a copy of the record shall be made available to the police officer if he desires to appeal.

(2) Nothing in this regulation shall be construed so as to deprive the police officer from making a submission at any time that the facts disclosed in the evidence do not support the charge.

Adjournment of hearing.

90. The hearing of any case may be adjourned from time to time as may appear necessary for due hearing of the case.

Hearing in absence of accused officer.

91. (1) If the police officer does not attend the hearing of the charge without good reason, the hearing may be proceeded with and concluded in his absence, but if good reason is given to the disciplinary tribunal by or on behalf of the police officer why the police officer is unable to attend the hearing shall be postponed or adjourned, as the case may be.

(2) Where, owing to the absence of the police officer, it is not possible to comply with the procedure described in regulation 81(1), regulation 82, 83 and 84 and regulation 91(1), that procedure shall be dispensed with.

Standard of proof.

92. (1) The standard of proof in any proceedings under this Part shall not fall below that required in a court of law in criminal cases.

(2) The rules governing the admissibility of evidence shall be observed but the rules relating to the proof of documents may be waived except where a particular document is an issue in the proceedings.

(3) No documentary evidence shall be used against the officer unless he has previously been supplied with a copy thereon or given access thereto.

(4) Any explanation given by a police officer under regulation 81(3) shall not be admissible at any hearing unless the explanation is put in evidence by the police officer charged.

93. (1) The disciplinary tribunal shall make a report to the Commission and the report shall contain its findings of fact and an expression of its opinion as to the meaning and nature of the facts found together with the record of the proceedings required by regulation 89(1)(e). Tribunal to report.

(2) The disciplinary tribunal shall not disclose the contents of the report made under subregulation (1) to the police officer charged or to any other officer not authorised to receive the report. Report confidential.

(3) A police officer who contravenes this regulation commits an offence.

94. (1) Where during the course of the hearing of a case and before the hearing is concluded by the disciplinary tribunal constituted of one police officer, it appears to the disciplinary tribunal that there are grounds disclosed which could form the basis of a charge for which the penalty that could be imposed could be any one of the penalties specified in regulation 101, the disciplinary tribunal shall adjourn the hearing for a period not exceeding fourteen days and shall forthwith report its findings of fact with a report of the proceedings up to date to the Commission. Disciplinary tribunal may adjourn and report to Commission.

In this subregulation, a reference to the Commission may be construed as a reference to the officer to whom the Commission has delegated its powers under section 92 of the Constitution.

(2) Where the police officer receives a report of the proceedings, he shall submit that report to the Commission, and if in the opinion of the Commission –

(a) the police officer should be charged with other offences, the Commission shall cause the officer to be so charged and the proceedings before the disciplinary tribunal shall cease; or

(b) the police officer, on the findings of fact submitted, may be liable to any one of the penalties specified in regulation 101(b) to (e), the Commission may direct the disciplinary tribunal to continue the hearing of the evidence, find the facts and make a report to the Commission.

(3) On consideration of the report of the disciplinary tribunal the Commission may impose any one of the penalties, other than dismissal, specified in regulation 101.

Disciplinary tribunal to report where evidence insufficient.

95. (1) Where the disciplinary tribunal constituted of three police officers in hearing the evidence finds that the evidence is insufficient to support the charge or charges, the disciplinary tribunal shall report to the Commission on its findings of fact together with the record of the proceedings as required in regulation 89(1)(e) without calling on the officer for his defence.

(2) If on receipt of the report and record of the proceedings under subregulation (1) the Commission is of the opinion that the report should be amplified in any respect or that further inquiry is desirable, it may refer the case back to the disciplinary tribunal for further enquiry or report accordingly.

Disciplinary tribunal to report further grounds disclosed at hearing.

96. Where the disciplinary tribunal constituted of three police officers in hearing the evidence is of the opinion that the evidence discloses other offences, the disciplinary tribunal shall report the matter to the Commission and if the Commission thinks fit to proceed against the police officer in support of the offences, it shall cause the police officer to be informed in writing of any further charges made and the procedure prescribed in these Regulations in respect of the original charge shall apply in respect of such charges.

Penalties that may be imposed under delegated authority.

97. (1) The Commission, on consideration of the report under regulation 93, may either exonerate the police officer or impose any penalty specified in regulation 101(1)(f),(g) or (h).

(2) The Commission shall, as soon as possible after the hearing of the charge, inform the officer in writing of its findings and of the penalty imposed on him, of his right to apply for a review and of the time specified in regulation 106 for making the application.

(3) Where the officer –

- (i) makes application for a review within the time specified in regulation 106, the penalty shall not take effect pending determination by the Board of Appeal;
- (ii) does not make application for review, the penalty shall take effect at the expiration of the time specified in regulation 106 for making the application.

(4) In this regulation a reference to the Commission shall be construed as a reference to the officer to whom the Commission has delegated its powers under section 92 of the Constitution.

98. (1) Where on consideration of the report of the findings of fact by a disciplinary tribunal under regulation 93 the Commission is of the opinion that –

Commission to inform officer of penalty imposed and of his right of review.

- (a) the police officer should be exonerated, the Commission shall exonerate the police officer;
- (b) the police officer should be dismissed, the Commission shall dismiss the police officer; or
- (c) some penalty other than dismissal should be imposed on the police officer, the Commission may impose any of the penalties specified in regulation 101(1)(b) to (h).

(2) The Commission shall, as soon as possible after the hearing of the charge, inform the police officer in writing of its findings and the penalty imposed on him, of his right to apply for a review and of the time specified in regulation 106 for making the application.

(3) Where the police officer –

- (a) makes an application for review within the time specified in regulation 106, the penalty shall not take effect pending determination of the Board of Appeal;
- (b) does not make application for review, the penalty shall take effect at the expiration of the said time.

(4) Where the Commission under subregulation (1) informs the police officer that the penalty imposed on him is dismissal the police officer, notwithstanding that he makes application for review within the time specified in regulation 106, shall not receive any pay or allowances from the date specified by the Commission.

(5) The failure to inform a police officer of his right to make application for review and of the specified time for making the application shall not invalidate the decision of Commission.

99. Where after consideration of the report of the disciplinary tribunal, the Commission is of the opinion that the police officer does not deserve to be dismissed by reason of the charges alleged but that the proceedings disclose other grounds for removing him from the Police Service in the public interest, the Commission may make an order for the removal of the police officer under the provisions of regulation 50.

Commission may remove officer in public interest.

100. The proceedings before a disciplinary tribunal shall be held in private.

Proceedings in private.

Penalties.

101. (1) The following are the penalties that may be imposed by the Commission by disciplinary proceedings brought against a police officer in respect of an offence:

- (a) dismissal, that is termination of appointment;
- (b) reduction in an office, that is removal to another grade with an immediate reduction in pay;
- (c) reduction of remuneration, that is an immediate adjustment of remuneration to a lower point on the scale of remuneration attached to the particular office;
- (d) deferment of increment, that is a postponement of the date on which the next increment is due, with corresponding postponements in subsequent years;
- (e) stoppage of increment, that is no payment for a specified period of an increment otherwise due;
- (f) transfer;
- (g) fine;
- (h) reprimand.

(2) Where a fine is imposed the amount of the fine shall be deducted from the pay of the police officer in such manner as may be specified at the time the penalty is imposed.

No disciplinary action while criminal proceedings pending.

102. (1) Where criminal proceedings have been instituted in any Court against a police officer, no proceedings for his dismissal upon any grounds arising out of the criminal charge shall be taken until after the Court has determined the matter and the time allowed for an appeal from the decision of the Court has expired; but where a police officer on conviction has appealed, the Commission may commence proceedings after the withdrawal or determination of the appeal.

(2) Nothing in this regulation shall prevent the officer being interdicted from duty pursuant to regulation 80.

Disciplinary action after acquittal of a criminal charge.

103. A police officer acquitted of a criminal charge in any Court shall not be dismissed or otherwise punished in respect of any charge of which he has been acquitted, but nothing in this regulation shall prevent his being dismissed or otherwise punished in respect of any other charge arising out of his conduct in the matter, unless such other charge is substantially the same as that in respect of which he had been acquitted.

104. If a police officer is convicted in any Court of a criminal charge, the Commission may consider the relevant proceedings on the charge and if it is of the opinion that the police officer ought to be dismissed or subjected to some lesser punishment in respect of the offence of which he has been convicted the Commission may thereupon dismiss or otherwise punish the police officer without the institution of any disciplinary proceedings under these Regulations.

Officer convicted of criminal charge.

105. (1) A police officer convicted of a criminal charge and sentenced to imprisonment without the option of a fine or convicted of a criminal charge involving –

Non-payment of remuneration on conviction on a criminal charge.

(a) dishonesty,

(b) fraud, or

(c) moral turpitude

shall not receive any pay or allowance after the date of conviction pending consideration of his case by the Commission.

(2) The Commission may direct that a police officer convicted of a charge described in subregulation (1) shall cease to perform the duties of his office forthwith.

(3) Notwithstanding that a police officer convicted of a charge described in subregulation (1) has appealed against the conviction, the police officer shall not receive any pay or allowance after the date of conviction.

PART IX

REVIEWS

106. (1) In subregulation (2) of this regulation and in regulation 112 the expression “findings of the Commission” includes the findings of a disciplinary tribunal in the exercise of the functions of the Commission by delegation under section 92 of the Constitution.

Reviews of findings of Commission.

(2) Subject to regulation 107 a police officer who is aggrieved at the findings of the Commission in disciplinary proceedings may apply for a review of the findings on any grounds to the Board of Appeal.

(3) An application for a review under subregulation (2) shall be in writing and shall have annexed to it statement of the grounds on which the application is based.

Time to make application.

(4) The application for a review shall be sent to the Commission within fourteen days from the date when the police officer received notification of the decision which he desires to have reviewed; but where the Commission is satisfied on the application of the police officer, that by reason of the special circumstances of the case it is just and right that a review should be entertained after the period aforesaid, the application for the review shall be sent to the Commission by such date as it shall fix.

(5) An application under this regulation shall be addressed to the Secretary and it shall be a sufficient compliance with these Regulations if the application is posted within the time specified in subregulation (4) in a registered letter so addressed.

(6) On receipt of the application, the Secretary shall within fourteen days send to the Chairman of the Board of Appeal and to the Commissioner and the Permanent Secretary copies of the application for a review, the statement of the grounds on which the application for a review is based and the report of the disciplinary tribunal submitted in accordance with regulation 93.

(7) The Secretary shall be the respondent for the purposes of the review, and may appear in person or be represented by a legal or other representative.

(8) The Secretary shall send to the Board of Appeal such number of additional copies of any of the documents forwarded under subregulation (6) and such papers, reports, records and other documents as the Board of Appeal may specify.

Review against penalty only.

107. (1) Nothing in regulation 106 shall be construed so as to give a right of review to the Board of Appeal to a police officer who is aggrieved on the grounds only that the penalty imposed upon him is unduly severe.

(2) A police officer who is aggrieved on the grounds specified in subregulation (1) may apply for a review of the penalty to the Commission within the time specified in subregulation (4) of regulation 106 and in the manner prescribed in subregulation (5) of the said regulation.

Communication on record of proceedings of Commission privileged.

108. Any report, statement or other communication on record of any meeting, inquiry or proceedings which the Commission may make in exercise of its functions or any member may make in performance of his duties, or in discharge of any duty to the Commission or to any police

officer, shall be privileged in that its production may not be compelled in any legal proceedings if the President certifies that the production is not in the public interest.

109. The Chairman and any member shall have such and the like protection and privilege in case of any action or suit brought against him for any act done or omitted to be done in the execution of his duties and under these Regulations as is by law given to the acts done or words spoken by a Judge of the Supreme Court in the exercise of his judicial office. Reports to be privileged.

SCHEDULE

Regulation 3.

FORM I

OATH (OR AFFIRMATION) OF OFFICE

I, do swear/solemnly declare and affirm, that I will without fear, favour, affection or ill-will, well and truly perform my duties in the office of Chairman/Member of the Police Service Commission in the exercise of the powers vested in the Police Service Commission under the Constitution and that I will not directly or indirectly reveal any information to any unauthorised person or otherwise than in the course of duty. So help me God.

Sworn/declared before me this day of , 19 .

Judge of the High Court.

FORM II

OATH (OR AFFIRMATION) OF OFFICER OF THE COMMISSION

I, do swear/solemnly declare and affirm that I will not directly or indirectly reveal to any unauthorised person or persons or otherwise than in the course of duty any information in connection with the business of the Commission which may come to my knowledge in the course of my duties as Secretary/ to the said Commission. So help me God.

Sworn/declared before me this day of , 19 .

Judge of the High Court.

