

CHAPTER 34

SERVICE COMMISSIONS

1961-25

This Act came into operation on 16th October, 1961.

Amended by:

1961-26

1966-20

1975-48

1961-51

1964/8

1966-18

1967/168

Law Revision Orders

The following Law Revision Order or Orders authorized the insertion and removal of pages as the case may be under the Law Revision Act Cap.2 now repealed:

1985

Notes:

Act 1975—48 has not been proclaimed, but the text of that Act has been incorporated and printed in italics in this Act.

Guide to symbols in historical notes:

- indicates an amendment made by an Act

/ indicates an amendment made by statutory instrument

CHAPTER 34

SERVICE COMMISSIONS 1961-25

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SCHEDULE

**BARBADOS**

SERVICE COMMISSIONS

1961-25

An Act to make provision in relation to the functions of the Judicial and Legal Service Commission, the Teaching Service Commission, the Public Service Commission and the Police Service Commission and for other matters incidental thereto.

[Commencement: 16th October, 1961]

Short title

1. This Act may be cited as the *Service Commissions Act*.

Interpretation

2. For the purposes of this Act,

“Chairman” means the Chairman of the Judicial and Legal Service Commission, *the Chairman of the Teaching Service Commission*,* the Chairman of the Public Service Commission or the Chairman of the Police Service Commission, as the case may be;

**[Act 1975—48 has not been proclaimed, but the text of that Act has been incorporated and printed in italics in this Act.]*

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“Commission” means the Judicial and Legal Service Commission, the *Teaching Service Commission*,* the Public Service Commission or the Police Service Commission, as the case may be;

**[Act 1975—48 has not been proclaimed, but the text of that Act has been incorporated and printed in italics in this Act.]*

“Governor-General’s personal staff” means the offices from time to time established by the Minister by order under section 2 of the *Civil Establishment Act*, Cap. 21, as the offices which are to constitute the Governor-General’s personal staff.

[1975-48]

Disqualification from appointment to certain offices

3.(1) A member of a Commission to which this section applies shall not be or become a member of the executive of any association of civil servants, and if upon appointment to the Commission a person is a member of such an executive he shall, on such appointment, be deemed to have vacated his office as a member of such executive.

(2) A member of a Commission to which this section applies shall not, except with the permission of the Commission, attend any meeting of an association of civil servants or the executive thereof.

(3) This section applies to the Judicial and Legal Service Commission, the *Teaching Service Commission*,* and the Public Service Commission.

**[Act 1975—48 has not been proclaimed, but the text of that Act has been incorporated and printed in italics in this Act.]*

[1975-48]

Leave of absence

4. The Governor-General, acting in his discretion, may grant leave of absence from his duties to any member of the Commission.

Oaths of office

5. The members, Secretary and other officers (if any) of the Commission shall, before entering on their functions and duties, take an oath in the appropriate form as set out in the Schedule and such oath

- (a) in the case of the Chairman, shall be administered by a Justice of the Peace; and
- (b) in the case of the other members, the Secretary and other officers (if any) of the Commission, may be administered by a Justice of the Peace or by the Chairman.

Commissions' right of access to Governor-General

6. The Commission shall, for the purpose of performing its functions, have access to the Governor-General.

Regulations

7. Subject to Chapter VIII of the *Constitution*, the Governor-General acting in accordance with the advice of the Commission may make any regulations which he considers necessary or expedient for all or any of the following matters

- (a) consultation by the Commission with persons other than members of the Commission;
- (b) the conduct of examinations and the interviewing of public officers or candidates for the public service by the Public Service Commission;
- (c) *the conduct of examinations and the interviewing of candidates for the teaching service by the Teaching Service Commission**;

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[1975-48]

- (d) the forms and fees in connection with applications to the Public Service Commission *and the Teaching Service Commission*^{*}, reports of communications from those Commissions or for any other matter required by or under this Act;

**[Act 1975—48 has not been proclaimed, but the text of that Act has been incorporated and printed in italics in this Act.]*
[1975-48]

- (e) the conduct and discipline of the public service *and the teaching service*^{*}; and

**[Act 1975—48 has not been proclaimed, but the text of that Act has been incorporated and printed in italics in this Act.]*
[1975-48]

- (f) generally for giving effect to this Act.

[1975-48]

Giving false information to the Commissions

8. Any person who, in connection with an application by any person for appointment

- (a) in the public service;
- (b) to any of the offices to which section 93 *or* 93A^{*} of the *Constitution* applies; or
- *[Act 1975—48 has not been proclaimed, but the text of that Act has been incorporated and printed in italics in this Act.]*
- (c) to any office power to make appointments to which is vested in the Governor-General acting in accordance with the advice of the Police Service Commission,

or with any matter upon which it is the duty of the Commission to give advice to the Governor-General, wilfully gives

- (i) to the Commission; or
- (ii) to any member of the Commission; or

- (iii) to any person or body of persons consulted by the Commission pursuant to regulations; or
- (iv) to any public officer to whom any function of the Public Service Commission is delegated under section 95 of the *Constitution*; or
- (v) to any officer in the Police Force to whom any function of the Police Service Commission is delegated under section 97 of the *Constitution*,

any information which is false or misleading in any material particular, shall be liable on summary conviction to a fine not exceeding \$1 000 or to imprisonment for a term not exceeding 1 year or to both such fine and imprisonment.

[1975-48]

Communications of Commissions privileged

9. A person shall not in any legal proceedings be permitted or compelled to produce or disclose any communication, whether written or oral, which has taken place between the Commission or any member of the Commission and the Government or the Governor-General or any member of the Governor-General's personal staff, or the head of a department of Government, or any communication between any member of the Commission and the Chairman or between the members in exercise of, or in connection with the exercise of, the functions of the Commission, unless the Governor-General, after consultation with the Chairman, consents in writing to such production or disclosure.

Publication and disclosure to unauthorised persons

10.(1) No member of the Commission or any other person shall, without the written permission of the Governor-General, publish or disclose to any unauthorised person or otherwise than in the course of duty the contents or any part of the contents of any document, communication or information whatsoever which has come to his knowledge in the course of his duties in respect of any matters relating to the functions of the Commission.

- (2) Any person who
- (a) knowingly contravenes any of the provisions of subsection (1); or
 - (b) having possession or knowledge of any information which to his knowledge has been disclosed in contravention of subsection (1), publishes or discloses to any other person any such information otherwise than for the purpose of any prosecution under this Act,

shall be liable on summary conviction to a fine of \$1 000 or to imprisonment for 1 year or to both such fine and imprisonment.

Influencing or attempting to influence the Commissions

11.(1) Any person who, otherwise than in the course of his duty, directly or indirectly by himself or by any other person, in any matter whatsoever, influences or attempts to influence any decision

- (i) of the Commission; or
- (ii) of any member of the Commission; or
- (iii) of any public officer to whom any function of the *Teaching Service Commission** or the Public Service Commission is delegated under section 93B* or 95, as the case may be, of the *Constitution*; or
 - *[Act 1975—48 has not been proclaimed, but the text of that Act has been incorporated and printed in italics in this Act.]
 - *[Act 1975—48 has not been proclaimed, but the text of that Act has been incorporated and printed in italics in this Act.]
 - [1975-48]
- (iv) of any officer in the Police Force to whom any function of the Police Service Commission is delegated under section 97 of the *Constitution*

shall be liable on summary conviction to a fine of \$2 000 or to imprisonment for 2 years or to both such fine and imprisonment.

- (2) Nothing contained in this section shall prohibit any person from giving a certificate or testimonial to any applicant or candidate for
- (i) any of the offices to which section 93 *or* 93A* of the *Constitution* applies; or
**[Act 1975—48 has not been proclaimed, but the text of that Act has been incorporated and printed in italics in this Act.]*
 - (ii) any public office; or
 - (iii) any office in the Police Force.

Fiat of the Director of Public Prosecutions

12. A prosecution under this Act shall not be instituted except by or with the consent of the Director of Public Prosecutions.

[1964/8]

SCHEDULE

(s.5)



