

# STATUTORY INSTRUMENTS

1999, No. 18

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## **Public Service Board of Appeal Regulations, made by the Board under section 108(3) of the Antigua and Barbuda Constitutional Order 1981.**

1. These Regulations may be cited as the Public Service Board of Appeal Regulations 1999. Short title.

2. In these Regulations — Interpretation.

“the Board” means the Public Service Board of Appeal for Antigua and Barbuda established under section 106 of the Constitution;

“Commission” means the Public Service Commission or the Police Service Commission established under sections 99 and 101 of the Constitution;

“the Constitution” means the Antigua and Barbuda Constitution Order 1981;

“Minister” means the Minister of Government responsible for Public Service Affairs;

“Officer” means public officer and public officer has the same meaning as defined in section 127 of the Constitution.

3. (1) Every appeal to the Board shall be made in writing and signed by the officer concerned and shall specify — Time and manner of lodging appeals.

(a) the decision of the Commission in respect of which the appeal is made; and

(b) the grounds upon which the public officer intends to rely in support of his appeal.

(2) Every notice of appeal shall be lodged at the office of the Minister within the period of fifteen days after the date upon which the public officer was informed of the decision in respect of which the appeal is made.

(3) The notice of appeal shall include an address for service where the officer concerned may readily be contacted, and shall, if possible, include a post office box number or facsimile number.

(4) Every appeal to the Board shall be accompanied by a filing fee of One Hundred Dollars (\$100).

Minister to forward notice of appeal to the Board.

4. The Minister shall, upon receipt of the notice of appeal, forward the same within seven days to the Establishment Secretary who shall, within seven days of the receipt of the Notice from the Minister forward the same to the Chairman of the Board together with the personal file relating to the officer concerned.

Sittings of the Board.

5. (1) The Board shall sit at such time and in such places as may be convenient for the purpose of hearing any appeal and shall notify the officer in writing of the proposed time and place of the hearing at least seven days in advance thereof.

(2) The date and place of the hearing shall be given to the officer at the address for service specified in his notice of appeal, either by registered vote or, where no sufficient postal address or facsimile number has been specified, through the Ministry or department of Government in which the officer is currently serving.

(3) Receipt of the notification at such address is deemed to be good service thereof upon the officer in all cases.

Officer entitled to be present and to be represented.

6. (1) The officer who is appealing against a decision of the Commission is entitled to be present and to be heard in support of his appeal.

(2) The officer is also entitled to be represented by counsel and if he is so represented at the hearing of the appeal his attorney may address the Board instead of the officer.

No fresh evidence at the hearing.

7. Unless by leave of the Board and for good cause shown, no fresh evidence which was not before the Commission upon their consideration of the matter shall be admitted at the hearing of the appeal.

Board to proceed in default of appearance.

8. If the officer fails to appear and it is shown to the satisfaction of the Board that notification of the time and place of hearing has been duly served in accordance with regulation 5, the Board shall proceed with the hearing and determination of the appeal in his absence.

9. When the Board has heard and determined an appeal, the Chairman shall within seven days of making the decision communicate the decision reached to the Minister, who shall thereupon inform the officer concerned.

Notification of decision of Board.

10. Where the Board allows an appeal under these Regulations, it may order that the fee payable under regulation 3 shall be returned to the officer concerned.

Board to order fee to be returned to officer.

11. (1) No appeal shall lie to the Board at the instance of any public officer, who, at the date of the decision of the Commission in respect of which it is sought to appeal, is the substantive holder of an office in the approved salary scale the emoluments of which do not exceed Ten Thousand Dollars (\$10,000).

Exclusion of certain appeals.

(2) For the purposes of this regulation any officer appointed upon monthly, weekly or hourly rates of pay shall be deemed to be holder of an office the emoluments of which are equal to the annual value of his appointment.

12. No appeal shall lie to the Board against any recommendation for the imposition upon any officer of any of the following penalties—

Appeal against certain penalties excluded.

- (a) deferment of increment;
- (b) withholding of increment; and
- (c) reprimand.

Made this 19th day of April, 1999.

**Clarence Edwards, *Chairman***

**William Archibald King OBE, *Member***

**Ruth Limerick, *Member***

**Henry Greaux, *Member***

**Henson Barnes OBE, *Member***

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Printed at the Government Printing Office, Antigua and Barbuda,  
by Donovan Southwell, Acting Government Printer  
— By Authority, 1999.