

**PUBLIC SERVICE (DELEGATION OF POWERS)
ORDER**

(ARTICLE 110)

S.I. 2/1975
S.I. 16/1977
S.I. 8/1989
S.I. 109/1991
S.I. 3/2008
S.I. 60/2011
Citation.

1. This Order may be cited as the Public Service (Delegation of Powers) Order.

2. The power —

Delegation of powers.

(a) to appoint on probation or on temporary terms, other than a contract officer (as defined in section 2 of the Public Service Act) or on promotion or transfer, to any office specified in Part I of the Schedule to this Order;

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(b) to remove any such officer from any such office or to exercise disciplinary control over any such officer holding any such office save in any case where the officer has been convicted on the same facts of a criminal offence; and

(c) to grant, defer or withhold any increment of any officer serving in any such office other than an officer appointed on temporary terms or on probation,

S.I. 16/1977,
para. 2.

shall be exercisable, subject to the provisions of this Order, by the officers for the time being lawfully exercising the functions of the offices specified in Part II of the said Schedule in respect of the Ministries and Departments of Government with which they are respectively concerned.

3. The powers conferred upon officers by paragraph 2 of this Order shall be exercised in accordance with the terms of any relevant regulations at the time in force under Article 125(1) of the Constitution, subject to the following conditions and restrictions —

Conditions of exercise of powers.

(aa) every appointment under paragraph (c) of Part I of the Schedule may be made above the minimum of the salary scale;

S.I. 60/2011, s. 3.

(b) every appointment other than a temporary appointment shall be on probation for twelve months and confirmation of appointment after completion of probation shall in all cases be referred to the Public Service Commission;

(c) every temporary appointment shall be on a daily, weekly or monthly basis;

- (d) no appointment shall be made of any person who has been convicted of a criminal offence without prior consultation with the Director of Public Personnel;
- (e) in any case where an officer exercises any of the powers delegated to him under this Order he shall without delay make a report in duplicate to the Director of Public Personnel and a copy of such report shall be forwarded to the Public Service Commission; in the case of first appointments the report shall be accompanied by completed Application for Employment Forms.

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4. The power to appoint an officer in accordance with the provisions of section 17(1) of the Public Service Act, to discharge the duties of an office of responsibility (as defined in section 16 of that Act) other than the office of Head or Deputy Head of a Department shall be exercisable by the officers specified in Part II of the Schedule to this Order in respect of the Ministries and Departments of Government with which they are respectively concerned:— Provided that no such appointment shall be made for any period in excess of four weeks:

Provided further that the officer so appointed shall —

- (a) be the senior officer in the Ministry or Department in the rank of the office of responsibility in which he is to act; and
- (b) be fully qualified in every way to discharge the duties of that office.

Appeals to Public
Service
Commission.

5. Any officer other than an officer on hourly or daily rates of pay or who has completed less than fifty-two weeks of continuous service on weekly rates may appeal to the Public Service Commission in accordance with the provisions of any relevant regulation at the time in force under Article 125(1) of the Constitution against any decision in any disciplinary proceedings taken against him under the authority of the foregoing provisions of this Order, and it shall be the responsibility of the officer conducting such proceedings to inform the officer concerned of such right of appeal.

Delegation to
officers of or
above the rank of
Assistant
Superintendent
of Prisons.

- 6.** The power —
- (a) to appoint to the office of prison officer, shall be exercisable by the officer for the time being lawfully exercising the functions of the office of Superintendent of Prisons;

- (b) to exercise disciplinary control over any person holding the office of prison officer, shall be exercisable by the respective officers for the time being lawfully exercising the functions of the offices of Superintendent of Prisons, Deputy Superintendent of Prisons and Assistant Superintendent of Prisons;

and any such power shall be exercisable subject to and in accordance with the provisions of the Prisons Act[‡] and any subsidiary legislation made thereunder.

No. 29 of 1965.

7. The power to interdict any public officer, other than a public officer holding an office referred to in Article 109(1) of the Constitution or specified in Part II of the Schedule to this Order, from the exercise of the powers and functions of his office in accordance with regulation 37 of the Public Service Commission Regulations, shall be exercisable by the Director of Public Personnel.

Delegation of power of interdiction.
S.I. 8/1989.

8. Nothing in this Order contained shall authorise the exercise of disciplinary control in respect of any matter in respect of which an officer has been convicted of a criminal offence, or the requiring of any officer to retire in the public interest.

Limitation of disciplinary powers.

9. Nothing in this Order contained shall be construed to prevent the exercise by the Governor-General acting on the advice of the Public Service Commission of any power the exercise of which has been delegated under the Order.

Saving of powers of Governor-General.

SCHEDULE (Paragraphs 2 and 4)

PART I

- (a) Any officer remunerated at hourly, daily or weekly rates and provided for in the Estimates under the heading “Other Charges” or “Special Expenditure” or “Non-recurrent Expenditure”; *S.I. 16/1977.*
- (b) any office marked in the Estimates as being within Scales AF12, C1, D14, F18, FS7, H10, M, T, TR11, U11, or W14; *S.I. 109/1991.*
- (c) any officer marked in the Estimates as being within Scales E7, E8, E9, E10, E11 and E12; *S.I. 60/2011, s. 2.*
- (d) any non-pensionable office for which provision is made in the Estimates at a salary *per annum* of less than the basic *S.I. 60/2011, s. 2.*

[‡] This Act (formerly Ch. 208) was repealed and replaced by the Correctional Services Act, 2014 (No. 8 of 2014) – now Ch. 208.

minimum salary of the scales listed in paragraph (b) above;

S.I. 109/1991.
S.I. 60/2011, s. 2.

- (e) any office marked in the Estimates as being within the following scales —
- (i) N10 — N9;
 - (ii) N7 at a salary not exceeding the basic minimum;
 - (iii) S13;
 - (iv) S10 at a salary not exceeding the basic minimum.

PART II

Secretary to Cabinet

Financial Secretary

Director of Legal Affairs

Permanent Secretary

Director of Public Personnel

Commissioner of Police

Auditor General

Registrar, Supreme Court

S.I. 3/2008. Registrar, Court of Appeal

Secretary to the Service Commissions Clerk, House of Assembly