

M O N T S E R R A T

**PUBLIC SERVICE COMMISSION (AMENDMENT) ACT**

No. 10 of 2011

**ARRANGEMENT OF SECTIONS**

1.	Short title and commencement .....	3
2.	Short title amended .....	4
3.	Interpretation .....	4
4.	Section 2 amended .....	4
5.	Sections 3, 4 and 5 repealed .....	4
6.	Section 6 amended .....	4
7.	Section 7 repealed .....	6
8.	Section 10 amended .....	6
9.	Section 11 amended .....	6
10.	Public Service Commission Regulations amended .....	6

**SCHEDULE .....** 7

**AMENDMENTS TO THE REGULATIONS .....** 7

1.	Short title amended .....	7
2.	Regulation 2 amended .....	7
3.	Regulation 3 amended .....	8
4.	Regulations 4 amended .....	8
5.	Regulation 7 deleted .....	8
6.	Regulation 8 amended .....	8
7.	Regulation 10 amended .....	8
8.	Regulation 12 amended .....	8
9.	Regulation 16 amended .....	8
10.	Regulation 18 amended .....	9
11.	Regulation 19 amended .....	9
12.	Regulation 20 amended .....	9
13.	Regulation 23 amended .....	10
14.	Regulation 25 amended .....	10
15.	Regulation 26 amended .....	10
16.	Regulation 28 amended .....	10
17.	Regulation 29 amended .....	10
18.	Regulation 31 amended .....	11

---

Montserrat  
Public Service Commission (Amendment) Act, 2011  
No. 10 of 2011

---

19.	Regulation 33 amended.....	11
20.	Regulation 34 amended.....	11
21.	Regulation 35 amended.....	11
22.	Regulation 36 amended.....	11
23.	Regulation 37 amended.....	12
24.	Regulation 38 amended.....	12
25.	Regulation 39 amended.....	12
26.	Regulation 40 amended.....	12
27.	Regulation 41 amended.....	13
28.	Regulation 47 amended.....	13
29.	Regulation 48 amended.....	13
30.	Regulation 49 amended.....	13
31.	Regulation 50 amended.....	13
32.	Regulation 51 amended.....	14
33.	Forms 1 and II amended.....	14

Montserrat  
Public Service Commission (Amendment) Act, 2011  
No. 10 of 2011

---

**I ASSENT**

**Adrian Davis**  
**GOVERNOR**

DATE: 17.8.2011

**M O N T S E R R A T**

No. 10 of 2011

AN ACT TO AMEND THE PUBLIC SERVICE COMMISSION ACT (CAP. 01.06).

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council of Montserrat and by the Authority of the same as follows—

**1. Short title and commencement**

This Act may be cited as Public Service Commission (Amendment) Act, 2011 and shall come into force on a date fixed by the Governor acting on the advice of Cabinet.

Montserrat  
Public Service Commission (Amendment) Act, 2011  
No. 10 of 2011

---

**2. Short title amended**

The title of the Public Service Commission Act is hereby amended by deleting the word “Commission” and accordingly any reference in any enactment to the Public Service Commission Act (Cap. 01.06) shall be construed as a reference to the “Public Service Act”.

**3. Interpretation**

In this Act—

“**principal Act**” means the Public Service Commission Act (Cap. 1.06).

**4. Section 2 amended**

Section 2 of the principal Act is amended in subsection (1) by inserting the following definitions in alphabetical order:

“**Commission**” means the Public Service Commission established under section 32 of the Montserrat Constitution Order 2010;

“**Deputy Governor**” means the person appointed as such under section 23 of the Montserrat Constitution Order 2010;

“**public service**” has the same meaning as defined in the section 107(1) of the Montserrat Constitution Order 2010; ”.

**5. Sections 3, 4 and 5 repealed**

Sections 3, 4 and 5 of the principal Act are repealed.

**6. Section 6 amended**

Section 6 of the principal Act is repealed and replaced with the following:

**“6. Regulations**

- (1) The Governor may make regulations not inconsistent with the Montserrat Constitution Order 2010 in general, and sections 24, 39, 84, 85, 109, 111 and 112 in particular—
  - (a) respecting the functions and operation of the Office of the Deputy Governor in accordance with sections 24 and 84 of the Constitution;
  - (b) respecting the functions and operations of the Commission in accordance with section 83 of the Constitution; and
  - (c) respecting the public service, including regulations in accordance with section 84(3) and 85(3) of the Constitution.
- (2) Regulations made under this Act may be made—
  - (a) so as to apply, adopt or incorporate any matter contained in any document, code, standard, rule, specification or method formulated, issued, prescribed or published by any person whether—
    - (i) wholly or partially or as amended by the regulations;
    - (ii) as formulated, issued, prescribed or published at the time the regulations are made or at any time before then; or
    - (iii) as formulated, issued, prescribed or published from time to time; and

Montserrat  
Public Service Commission (Amendment) Act, 2011  
No. 10 of 2011

---

(b) so as to impose a penalty not exceeding a fine of \$20,000 or imprisonment for 2 years for a contravention of the regulations.”

**7. Section 7 repealed**

Section 7 of the principal Act is repealed.

**8. Section 10 amended**

Section 10 of the principal Act is amended by deleting “\$1,000” and substituting “\$7,500”.

**9. Section 11 amended**

Section 11 of the principal Act is amended by deleting “\$2,000” and substituting “\$10,000”.

**10. Public Service Commission Regulations amended**

The Public Service Commission Regulations are amended as set out in the Schedule.

**SCHEDULE**

**AMENDMENTS TO THE REGULATIONS**

**1. Short title amended**

The short title is repealed and replaced by “Public Service Regulations”.

**2. Regulation 2 amended**

Regulation 2 is amended by deleting the definitions of “Act”, “authorised officer” “Chairman”, “Chief Establishment Officer”, “Commission”, “member”, “office of emolument”, “pension law”, “prescribed form”, “public office”, “public service”, “Secretary” and substituting the following in alphabetical order:

“**Act**” means the Public Service Act;

“**authorised officer**” means an officer to whom powers of the Deputy Governor are delegated by the Governor under section 84 of the Constitution;

“**Chairman**” means the Chairman of the Commission and includes an acting Chairman;

“**member**” means any person appointed to the Commission under section 32 of the Constitution;

“**pensions law**” has the same meaning as in section 88(2) of the Constitution;

“**prescribed form**” means the appropriate form as may from time to time be prescribed by the Deputy Governor;

“**public office**” has the same meaning as in section 107(1) of the Constitution;

“**Secretary**” means the chief executive officer of the Secretariat of the Commission.”

Montserrat  
Public Service Commission (Amendment) Act, 2011  
No. 10 of 2011

---

**3. Regulation 3 amended**

Regulation 3 is amended by:

(a) deleting paragraph (a) and substituting the following:

“(a) an office mentioned in section 85 of the Constitution.”;

(b) deleting paragraphs (b) and (c);

(c) deleting paragraph (e) and substituting the following:

“(e) an office in the Royal Montserrat Police Service.”

**4. Regulations 4 amended**

Regulation 4 is amended by deleting the word “staff” and substituting the word “Secretariat”.

**5. Regulation 7 deleted**

Regulation 7 is deleted.

**6. Regulation 8 amended**

Regulation 8 is amended in sub-regulation (1) by deleting the words “Notwithstanding Regulation 7 but”.

**7. Regulation 10 amended**

Regulation 10 is amended by deleting the proviso.

**8. Regulation 12 amended**

Regulation 12 is amended by deleting the word “staff” and substituting the word “Secretariat”.

**9. Regulation 16 amended**

Regulation 16 is amended—



Montserrat  
Public Service Commission (Amendment) Act, 2011  
No. 10 of 2011

---

- (a) in sub-regulation (1) by deleting the word “Governor” and substituting the words “Deputy Governor”; and
- (b) by deleting sub-regulation (2) and substituting the following:

“(2) The Commission shall not make any such recommendation in relation to any function if it has been assigned to an authorised officer.”.

**10. Regulation 18 amended**

Regulation 18 is amended—

- (a) in sub-regulations (1) and (3) by deleting the words “Chief Establishment Officer” and substituting the words “Deputy Governor” wherever it occurs; and
- (b) in sub-regulation (3) by inserting after the words “the Secretary” the words “ or the authorised officer to whom the matter is assigned.

**11. Regulation 19 amended**

Regulation 19 is amended in sub-regulation (1)—

- (a) by deleting the word “Secretary” and substituting the words “Deputy Governor” wherever it occurs; and
- (b) by deleting the words “when so directed by the Commission or authorised officer”;

**12. Regulation 20 amended**

Regulation 20 is amended in sub-regulation (2)(i) by deleting the words “Chief Establishment Officer” and substituting the words “Deputy Governor”.

Montserrat  
Public Service Commission (Amendment) Act, 2011  
No. 10 of 2011

---

**13. Regulation 23 amended**

Regulation 23 is amended in sub-regulation (1) by deleting the words “Chief Establishment Officer” and substituting the words “Deputy Governor” occurs.

**14. Regulation 25 amended**

Regulation 25 is amended by deleting sub-regulation (1) and substituting the following:

“(1) The Deputy Governor shall be responsible for the form and manner in which applications are to be made for appointments to public offices. The Commission or the authorised officer shall be responsible for the conduct of any examinations for recruitment to such offices, and shall determine whether any candidate has the necessary qualifications for appointment to such offices.”

**15. Regulation 26 amended**

Regulation 26 is amended in sub-regulation (1) by deleting the word “Governor” and substituting the words “Deputy Governor” wherever it occurs.

**16. Regulation 28 amended**

Regulation 28 is amended by deleting the words “Chief Establishment Officer” and substituting the words “Deputy Governor”.

**17. Regulation 29 amended**

Regulation 29 is amended in sub-regulation (3) by deleting the words “Chief Establishment Officer” and substituting the words “Deputy Governor”.

Montserrat  
Public Service Commission (Amendment) Act, 2011  
No. 10 of 2011

---

**18. Regulation 31 amended**

Regulation 31 is amended in sub-regulation (1) by deleting the word “Governor” and substituting the words “Deputy Governor”.

**19. Regulation 33 amended**

Regulation 33 is amended by deleting the words “Chief Establishment Officer” and substituting the words “Deputy Governor”.

**20. Regulation 34 amended**

Regulation 34 is amended—

- (a) by deleting sub-regulation (1); and
- (b) in sub-regulation (2) by deleting the word “Governor” and substituting the words “Deputy Governor”.

**21. Regulation 35 amended**

Regulation 35 is amended—

- (a) in sub-regulation (1)—
  - (i) by deleting the words “Chief Establishment Officer” and substituting the words “Deputy Governor”;
  - (ii) by deleting the word “Governor” and substituting the words “Deputy Governor”;and
- (b) in sub-regulation (2) by deleting the words “Governor” and substituting the words “Deputy Governor”.

**22. Regulation 36 amended**

Regulation 36 is amended in sub-regulation (1)(b) by—

Montserrat  
Public Service Commission (Amendment) Act, 2011  
No. 10 of 2011

---

- (a) deleting the words “Chief Establishment Officer” and substituting the words “Deputy Governor”;
- (b) deleting the word “Governor” and substituting the words “Deputy Governor”.

**23. Regulation 37 amended**

Regulation 37 is amended by deleting the word “Governor” and substituting the words “Deputy Governor”.

**24. Regulation 38 amended**

Regulation 38 is amended in sub-regulation (3)—

- (a) by deleting the words “Chief Establishment Officer” and substituting the words “Deputy Governor”; and
- (b) by deleting the words “Attorney General” and substituting the words “Director of Public Prosecution” wherever it occurs.

**25. Regulation 39 amended**

Regulation 39 is amended in sub-regulation (2) by deleting the word “Governor” and substituting the words “Deputy Governor”.

**26. Regulation 40 amended**

Regulation 40 is amended—

- (a) by deleting the words “Chief Establishment Officer” and substituting the words “Deputy Governor”; and
- (b) by deleting the words “Attorney General” and substituting the words “Director of Public Prosecution”.

Montserrat  
Public Service Commission (Amendment) Act, 2011  
No. 10 of 2011

---

**27. Regulation 41 amended**

Regulation 41 is amended in sub-regulations (2) and (3) by deleting the word “Governor” and substituting the words “Deputy Governor”.

**28. Regulation 47 amended**

Regulation 47 is amended—

- (a) in sub-regulation (1) by deleting the words “in terms of General Order 406”;
- (b) in sub-regulation (2)(b) by—
  - (i) deleting the words “Chief Establishment Officer” and substituting the words “Deputy Governor”; and
  - (ii) deleting the word “Governor” and substituting the words “Deputy Governor”; and
- (c) in sub-regulation (5) by deleting the word “Governor” and substituting the words “Deputy Governor”.

**29. Regulation 48 amended**

Regulation 48 is amended in sub-regulation (2) by deleting the word “Governor” and substituting the words “Deputy Governor”.

**30. Regulation 49 amended**

Regulation 49 is amended in sub-regulations (1) and (2) by deleting the word “Governor” and substituting the words “Deputy Governor”.

**31. Regulation 50 amended**

Regulation 50 is amended—

Montserrat  
Public Service Commission (Amendment) Act, 2011  
No. 10 of 2011

---

- (a) in sub-regulation (2)(a) by deleting the words “Attorney General” and substituting the words “Director of Public Prosecution”; and
- (b) in sub-regulation (2)(b), (k) and (l) by deleting the word “Governor” and substituting the words “Deputy Governor”.

**32. Regulation 51 amended**

Regulation 51 is amended—

- (a) in paragraphs (c) and (d) by deleting the word “Governor” and substituting the words “Deputy Governor”;
- (b) in paragraph and (e) by deleting the words “Chief Establishment Officer” and substituting the words “Deputy Governor”.

**33. Forms 1 and II amended**

Form I and II is amended by deleting the word “Commission” and substituting the words “Public Service Commission”.

**T. Bodkin**  
**SPEAKER**

Passed the Legislative Council this 5th day of August, 2011.

**Lynette Farrell**  
**CLERK OF COUNCIL (Ag.)**

