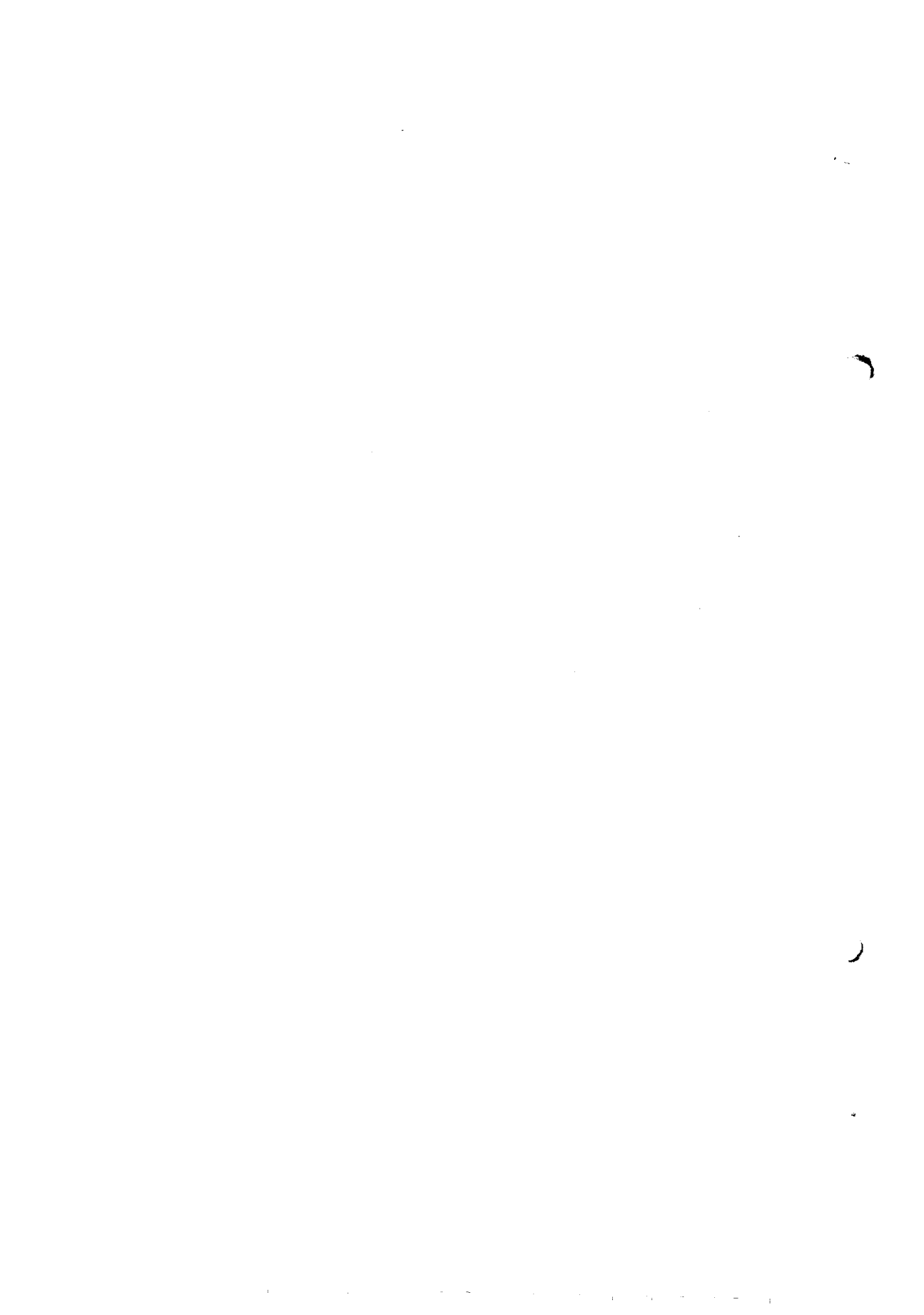


CHAPTER 34**SERVICE COMMISSIONS****ARRANGEMENT OF SECTIONS****SECTION**

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SCHEDULE**THE LAWS OF BARBADOS**



CHAPTER 34

SERVICE COMMISSIONS

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.

1961—25.
1961—26.
1961—51.
1966—18.
1966—20.
L.N. 8/1964.
L.N. 168/
1967.
1975—48.

[16th October, 1961] Commence-
ment.

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

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*,¹ the Chairman of the Public Service Commission or the Chairman of the Police Service Commission, as the case may be;

Inter-
pretation.
1975—48.

“Commission” means the Judicial and Legal Service Commission, *the Teaching Service Commission*,¹ the Public Service Commission or the Police Service Commission, as the case may be;

“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*, as the offices which are to constitute the Governor-General’s personal staff.

Cap. 21.

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

Disqualifica-
tion from
appointment
to certain
offices.

¹Act 1975—48 has not been proclaimed, but the text of that Act has been incorporated and printed in italics in this Act.

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.

1975—48.¹

(3) This section applies to the Judicial and Legal Service Commission, the *Teaching Service Commission*,¹ and the Public Service Commission.

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

Schedule.

(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. 1975—48.¹

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;

¹ Act 1975—48 has not been proclaimed, but the text of that Act has been incorporated and printed in italics in this Act.

- (c) *the conduct of examinations and the interviewing of candidates for the teaching service by the Teaching Service Commission*¹; 1975—48.¹
- (d) the forms and fees in connection with applications to the Public Service Commission *and the Teaching Service Commission*¹, reports of communications from those Commissions or for any other matter required by or under this Act; 1975—48.¹
- (e) the conduct and discipline of the public service *and the teaching service*¹; and 1975—48.¹
- (f) generally for giving effect to this Act.

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 93A¹ of the *Constitution* applies; or
- (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

¹Act 1975—48 has not been proclaimed, but the text of that Act has been incorporated and printed in italics in this Act.

not exceeding \$1 000 or to imprisonment for a term not exceeding 1 year or to both such fine and imprisonment.

Communica-
tions of Com-
missions
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 dis-
closure to
unauthoris-
ed 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 attempt-
ing to
influence the
Commis-
sions.

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*¹ or the Public Service Commission is delegated under section 93B¹ or 95, as the case may be, of the *Constitution*; or 1975—48.¹
- (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 93A¹ of the *Constitution* applies; or
- (ii) any public office; or
- (iii) any office in the Police Force.

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

Fiat of the
Director of
Public
Prosecu-
tions.
L.N. 8/
1964.

¹Act 1975—48 has not been proclaimed, but the text of that Act has been incorporated and printed in italics in this Act.

s.5

SCHEDULE

A. To be taken by Chairman or Member.

OATH OF OFFICE

I,,
 having been appointed (to act) as¹ Chairman¹ of the Judicial and Legal
 being Member
 Service Commission /Teaching Service Commission/ Public Service Commis-
 sion/Police Service Commission¹ do swear¹
 solemnly and sincerely declare and affirm
 that I will freely and without fear or favour, affection or illwill give my counsel
 and advice to the Governor-General of Barbados in connection with all such
 matters as may be referred to the said Commission under the *Constitution*,
 and that I will not directly or indirectly reveal any such matters to any un-
 authorised person or otherwise than in the course of duty.

Sworn¹ before me this.....day of.....,19.....
Declared

.....¹
Chairman
 Justice of the Peace

B. To be taken by Secretary or other officer.

OATH OF OFFICE

I,....., having
 been appointed (to act) as Secretary to the Judicial and Legal Service
 Commission /Teaching Service Commission / Public Service Commission/
 Police Service Commission,¹ do swear¹
 solemnly and sincerely declare and affirm

¹Delete where not appropriate.

that I will not directly or indirectly reveal to any unauthorised person or otherwise than in the course of duty any matter which may be referred to the said Commission under the *Constitution*.

Sworn¹ before me this.....day of....., 19.....
Declared

.....

Chairman¹

Justice of the Peace

¹Delete where not appropriate.