
The Constitution

CONSTITUTION (SECURITY GUARDS) (DISCIPLINARY) S.I. 1979/ RULES, 1979 121.

Authority: These rules were made on 26th July, 1979 by the Governor-General under section 63(2) of the *Constitution*.

Commencement: 20th August, 1979.

1. These Rules may be cited as the *Constitution (Security Guards) (Disciplinary) Rules, 1979*.

2. For the purposes of these rules

“Head of the Civil Service” means the Head of the Civil Service referred to in section 2 of the *Pensions Act*;

Cap. 25.

“official log-book” means a book provided for the purpose of being used for the recording of the details of any occurrence during a tour of duty of a security guard;

“Permanent Secretary” means the Permanent Secretary responsible for the Service;

“security guard” means a person who holds any unestablished or temporary post so designated; and includes a senior security guard or chief security guard;

“Security Guard Service” or “Service” means the body of security guards employed as such in the service of the Crown;

“security officer” means a person who

(a) holds a public office so designated, and

(b) is charged with supervisory responsibility for security guards;

“tour of duty” means a period during which a security guard is posted for duty.

3. These rules apply to all persons employed as security guards in the service of the Crown.

4. A security guard shall not wear his uniform except he is on duty.

5. Any security guard who

- (a) is disorderly;
- (b) acts in a manner prejudicial to the discipline of the Service;
- (c) is insubordinate by word, act or demeanour;
- (d) is oppressive towards another member of the Service;
- (e) uses obscene, abusive or insulting language to a member of the Service;
- (f) disobeys any lawful or reasonable request made to him;
- (g) is neglectful of his duty;
- (h) malingers, idles or gossips on duty;
- (i) fails to use his best endeavours while on duty;
- (j) fails to make any report or disclose any information that ought reasonably to be reported or disclosed;
- (k) unreasonably fails to make an entry in a log-book;
- (l) is unreasonably absent from duty;
- (m) discloses any information that he ought not reasonably to disclose;
- (n) receives any bribe, tip or other inducement;
- (o) is uncivil to any member of the public;
- (p) is habitually late for duty or is unpunctual;
- (q) causes any loss of or damage to Government property;
- (r) drinks any alcoholic beverage or is drunk while on duty;
- (s) lends money to, or borrows money from, any member of the Service;
- (t) knowingly or negligently makes any statement that he knows to be false or does not believe to be true;

(u) destroys or mutilates any official document or alters or erases any record,
is guilty of an offence against discipline.

6. Where it comes to the knowledge of any person that a member of the Service has committed an offence against discipline, that person shall, as soon as may be, make a report to a security officer, who shall, as soon as possible thereafter, serve on that member a notice in writing of the report.

7. (1) Where a report made under paragraph 6 discloses *prima facie* evidence of a criminal offence, the security officer to whom the report was made shall submit that report, together with all documents or things relating to the matter, to the Permanent Secretary; and the Permanent Secretary shall report the matter to the Commissioner of Police.

(2) Where a report under paragraph 6 does not indicate the institution of criminal proceedings, the security officer to whom the report was made shall thereupon conduct a thorough investigation of the matter and submit a full written report of his findings to the Permanent Secretary for adjudication by him.

(3) A security officer may obtain statements from any person making a report to him or from witnesses for the purposes of any investigation under this paragraph.

8. (1) Where a disciplinary or criminal charge is brought against a member of the Service, the Permanent Secretary may interdict that member from the performance of his duties.

(2) A member of the Service interdicted under this rule shall, during the period of interdiction, be paid half the wages to which he would have been entitled had he not been so interdicted.

(3) Where a person interdicted under this paragraph in respect of a criminal or disciplinary charge is acquitted of the charge, he is entitled to that part of his wages that had been withheld.

(4) Where an investigation held under rule 7(2) results in any disciplinary action other than dismissal of a member of the

Service, that member shall be paid such portion of any of his wages that had been withheld as the Permanent Secretary determines.

9. (1) Where it appears from the nature of a report or an allegation that a member of the Service has committed a criminal offence, that member shall not be asked to make a statement in respect of that report or allegation but shall be told that he is not obliged to say anything, but that he may, if he so desires make a written or oral statement to a security officer.

(2) Where a member of the Service is requested by a security officer to make any written or oral statement in respect of any report or allegation made against that member that does not disclose the commission of a criminal offence, that member shall comply with the request.

(3) Where criminal proceedings are instituted against a member of the Service, all disciplinary proceedings shall be stayed pending determination of the criminal proceedings.

10. A member of the Service who is acquitted of a criminal charge shall not be subject to any disciplinary proceedings in respect of the matter giving rise to that charge, but nothing in these rules prevents him from being punished in respect of any other charge arising out of his conduct in the criminal proceedings unless that other charge is substantially the same as that in respect of which he was acquitted.

11. Where a member of the Service is convicted in any court of a criminal offence, the Permanent Secretary may consider the proceedings of that court, and, without instituting disciplinary proceedings, impose a penalty under these rules.

12. (1) The Permanent Secretary may impose the following penalties under these rules

- (a) a reprimand in writing;
- (b) a fine of \$50;
- (c) withholding of increment for 1 year;

- (d) suspension from duty on reduced pay, being not more than half-pay for a period of 8 weeks;
- (e) reduction in rank;
- (f) dismissal.

(2) Where a member of the Service is interdicted from the performance of his duties and any part of his wages is withheld, any fine payable by him under these rules may be deducted from that part of his wages so withheld.

13. (1) A person aggrieved by a decision of the Permanent Secretary may, within 3 working days of a receipt by that person of a notice of the decision, submit to the Permanent Secretary an application in writing for a review of the decision.

(2) The Permanent Secretary shall, within 3 working days of the receipt by him of an application under sub-paragraph (1), submit that application together with a written report of the proceedings out of which the decision arose to the Head of the Civil Service.

(3) The Head of the Civil Service shall, within 14 working days of the receipt by him of an application and report under this rule adjudicate the matter, and his decision is final.

(4) The Head of the Civil Service may

- (a) affirm, modify or reverse the decision of the Permanent Secretary; or
- (b) make such other order for disposing of the application as justice requires.

14. Where a member of the Service applies for a review of a decision of the Permanent Secretary, that decision shall be stayed, but the member may, if he is not suspended or interdicted, be so suspended or interdicted pending the determination of the review.

15. A member of the Service may attend any investigation held under these rules or may be represented by a friend, attorney-at-law, or representative of a trade union of which he is a member.

16. Where a member of the Service commits a series of offences that, in the opinion of the Permanent Secretary, prejudices the proper administration of the Service, that member may be dismissed.