

LOCAL GOVERNMENT SERVICE COMMISSION REGULATIONS

2003

LOCAL GOVERNMENT SERVICE ACT 2003

Local Government Service Commission Regulations, 2003

IN EXERCISE of the powers conferred on the council by section 26 of the Local Government Service Act, 2003, these Regulations are hereby made.

PART I. GENERAL

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| Citation | 1. The regulations may be cited as the Local Government Service Commission Regulations, 2003. |
| Interpretation | 2. In these regulations, unless the context otherwise require

“Chairperson” means the Chairperson of the Commission and includes, in the absence of the Chairperson, the Vice Chairperson;

“Chief Executive” means a person duly appointed as Chief Executive of a Council.

“Commission “ means the Local Government Service Commission established under Section 118 of the Local Government Act, 2002;

“he”, “him” and “his” also means, where the context so requires, “she”, “her” and “hers”,

“himself” also means, where the context to requires, “herself”;

“Head of Department” means a person appointed under section 46 of the Local Government Act, 2002; |

“member” means any person duly appointed as a member of the Commission and any person appointed to act as a member;

“non-pensionable officer” means an officer serving under a contract or agreement, which does not provide for the payment of a pension;

“official document” means any document or paper prepared by any local government officer in the course of his employment or any document or paper, which comes into the custody of any local government officer in the course of such employment;

“secretary” means the person appointed under these regulations as Secretary of the Commission;

“seniority” means the relative seniority of officers and except as may be otherwise provided by the Commission or in these regulations shall be determinable and shall be regarded as having always been determined as follows:-

- (i) as between officers of the same grade:-
 - (a) by reference to the dates on which they respectively entered the grade;
 - (b) if any officers entered that grade on the same day by reference to their seniority on the day immediately preceding that day;
 - (c) if any officers who entered the same grade on the same day did so by appointment and not by promotion (excluding promotion from non-pensionable to a pensionable grade), their seniority relative to each other shall be determined by reference to their respective ages;
- (ii) as between officers of different grades on the same salary scale or the same flat rate of salary, by reference to the dates on which they respectively entered their grades;
- (iii) as between officers of different grades on different salary scales, by reference to the maximum point on their salary scales, a flat rate of salary being regarded

for this purpose as a salary scale with a maximum point equivalent to the flat rate:

Provided that when assessing the seniority of a pensionable local government officer, service in a non-pensionable capacity shall not be taken into account;

“transfer” means the authorized movement of an officer from one Council to another;

PART II. THE LOCAL GOVERNMENT SERVICE COMMISSION

Members and decision

3. (1) The Chairperson, and in his absence the Vice Chairperson, shall preside at and have the control of all meetings of the Commission and may exclude any matter which is irrelevant to the business of the Commission.
- (2) Any member who is present at a meeting when a decision is made shall be entitled to dissent there from and have his or her dissent and reason therefore out in the records of such meetings.

Secretary to the Commission

4. (1) The Secretary to the Commission shall be the person appointed by the Commission:

Provided that where it is intended that a local government officer should fill the post, the appointment shall not be made until the Commission has consulted the Chief Executive.

- (2) The Secretary shall not be a member of the Commission and his functions and duties shall be limited to matters of an administrative nature, to tender advice on procedural matters and such other duties as the Commission may direct.

Records

5. A record shall be kept of the members present and of the business transacted at every meeting of the Commission.

Circulation of papers

6. Decision may be made by the Commission without a meeting by circulation of relevant papers among the members:

Provided that-

- a) If any member requires that a decision on a matter being dealt with by circulation of the relevant papers shall be deferred until the subject matter shall be considered at a meeting of the Commission, no decision shall be made on that subject except at a meeting of the Commission; and
- b) Where a member dissents from a view recorded by a majority of members on papers circulating for a decision, the decision shall not be implemented until that member records for this view.

PART III. APPOINTMENTS, PROMOTION AND TRANSFERS

7. The Commission shall consider and decide all matters relating to-

General functions in regard to appointment etc.

- a) The appointments, confirmation of appointments, acting appointments, promotions and transfers of local government officers;
- b) the selection of local government officers to undergo training courses related to departmental posts;
- c) petitions by local government officers, submitted in accordance with the provisions of these regulations.

Supervision of recruitment

8. In order to discharge its duties under of these regulations, the Commission shall exercise supervision over and approve all schemes for admission to any local government office by examination, over arrangements for special training for the Local Government Service, and over all other methods of recruitment.

Advertisement of vacancies

9. (1) Where vacancies are not to be filled by the normal processes of promotion or by the results of examinations or scholarships prescribed by any approved scheme, the existence of the vacancies shall, unless the Commission otherwise directs, be notified to the public by advertisement in time to enable candidates to made application in accordance with such advertisement.

- (2) Where a post is to be advertised –
 - a) the requirements of the post and qualifications necessary for it shall be settled by the Chief Executive;
 - b) details of the draft advertisement shall be agreed between the Commission and the Chief Executive;
 - c) the Commission shall publish the advertisement, and shall consider any replies to it in consultation with the Chief Executive.

Principles relating to selection for appointment

- 10.. (1) In making first appointments, the Commission shall be guided by the principal that no consideration shall be given to the recruitment of a non-Gambian unless and until, after a review of the claims of all Gambian candidates, the Commission is satisfied beyond reasonable doubt that no qualified and suitable Gambian candidate is available.
- (2) Where no suitable Gambian candidate is available for any post, the Commission shall decide whether the post shall be filled by a non-Gambian on pensionable or contract terms and in reaching its decision shall have regard to the probability or otherwise of a suitable Gambian becoming available, the probability or otherwise of further vacancies occurring in the same class of appointment and the need to attract the best available candidate.

Principles Relating to promotion, acting appointments and special

- 11. (1) In considering the claims of person in the Local Government Service for promotion, merit and ability shall be taken into account as well as seniority, experience and official qualifications.
- (2) Recommendations for promotion made by the Head of Department shall be submitted on the prescribed form and shall state whether the person recommended is the senior officer in his department eligible for promotion, and, where this is not the case, detailed reasons shall be given in respect of such person in that

same department over whom it is proposed that the person recommended should be promoted.

- (3) The procedure for making acting appointments and for recommending officers for special courses of training shall be the same as that prescribed for making a promotion, save that when recommending an acting appointment it should be stated whether or not the officer recommended for acting appointment is in every way qualified to perform all, or only a part, of the duties of the office in which he is to act.
- (4) (a) The power to make acting appointments is hereby delegated to the Chairperson, without prejudice, however, to his right to refer the question of any such acting appointment to the other members, in his discretion.

(b) The Chairperson may, if a question of urgency arises, dispense with the procedures specified under this regulations with regard to acting appointments.

Detailed
Procedure
Relating to
appointments,
promotion and
transfer

12. The following procedure shall govern the submission to the Commission of proposals for appointments, confirmation of appointments, promotions and transfers in the classifications specified:

- (a) As soon as it is known that a vacancy will occur in a Category V post, the Chief Executive shall provide a report and recommendations for filling the post, and shall forward them to the Secretary, who shall lay the papers before the Commission.
- (b) As soon as it is known that a vacancy will occur in a post other than Category V post or a post in regard to which powers have been delegated to the Chief Executive.
 - (i) The Head of Department shall report the matter to the Chief Executive and shall forward with such report his recommendations;

(ii) Upon receipt of the report and the recommendations, the Chief Executive shall forward them together with his own recommendations to the Secretary, who shall lay the papers before the Commission;

© If, upon receipt of the papers specified in paragraphs (a) and (b) of this regulation, the Commission or the Chairperson considers that the post should be advertised, the Secretary shall arrange with the Chief Executive for such advertisement to be published;

(d) The Chief Executive shall notify the Commission immediately a vacancy occurs in any established post other than a post in respect of which control has been delegated to him under regulation 13 of these regulations.

Delegation of appointment in certain categories to Chief Executive

13. (1) There is hereby delegated to the Chief Executive-
- (a) in respect of officers in Category I and II of the Local Government Service, authority to make appointments and promotions to an within the Categories;
 - (b) in respect of persons temporarily employed other than in Categories IV and V of the Local Government Service, authority to make appointments on a month-to-month basis, not exceeding in aggregate a period of three months without the prior approval of the Commission:

Provided that when any such person has been so employed for such period, the Chief Executive shall inform the Commission of the fact and the established post, if any against which such person is being held.

(2) The Chief Executive acting under the provisions of paragraph (1) (b) of this regulation may cause advertisements to be made of vacancies and may set up an Appointment Advisory Board to advise him in the exercise of his powers.

- (3) Nothing in this regulation shall be construed so as to permit the Chief Executive to fill any vacancy in the Local Government Service without first obtaining financial clearance from the appropriate authority if any form of financial control has been imposed in that respect.

Appoint-
ment of
convicted
persons

- 14. Notwithstanding anything in this Part of these regulations contained, no proposal or application for the appointment to any local government office of any person who has been at any time convicted of any criminal offence involving fraud or other dishonesty shall, be made to or considered by the Commission, unless the Chief Executive has been informed of such person's conviction and has agreed that such proposal or application, shall be made or considered.

De-
Claration
of secrecy

- 15. (1) All officers appointed by the Local Government Service Commission shall before taking their office swear before a Commission for Oaths or a Notary Public, a Declaration of Secrecy.
- (2) Any officer who acts contrary to the Declaration of Secretary Commits an offence and liable on summary conviction thereof to a fine not exceeding one thousand dalasis or to imprisonment for a term not exceeding three months, or to both such fine and imprisonment.

PART IV. – REMOVAL FROM OFFICE, REVOCATION OF APPOINTMENTS AND EXTENTION OF PROBATIONARY SERVICE

Revoca-
tion of
appointment
on abolition
of office

- 16. Where an office, which is one of a number of such offices, h has been abolished but one or more such offices remain, the Chief Executive shall -
 - a) if the office is one in respect of which the power to appoint, promote and transfer has been delegated, determine which substantive holder of such office shall have his appointment revoked;

- b) in any other case report the matter to the Secretary and shall forward with such report his recommendations for the decision of the Commission.

Revo-
Cation
non-pen-
sionable
appoint-
ment

- 17. (1) If it appears to the Chief Executive that the appointment of a non-pensionable local government officer should be revoked (otherwise than as provided in regulation 16), the Chief Executive shall, in writing, set out the reasons and require the officer to show cause, in writing, why his appointment should not be revoked; if no reply is received by the Chief Executive within ten days of the receipt thereof or if the Chief Executive considers that no adequate cause has been shown-
 - a) in the case of an officer in respect of whom disciplinary control has been delegated, the Chief Executive may revoke the appointment and report the matter to Commission;
 - b) in any other case, the Chief Executive shall report the matter to the Secretary and shall forward such report and his recommendations thereon;
- (2) The Secretary shall, upon receipt of the report and the recommendations lay the papers before the Commission.
- (3) The powers of the Commission under this regulation are hereby delegated to the Chairperson, without prejudice, however, to his right to refer any such matter to the other members of the Commission.

Revo-
cation
of pension-
able appoint-
ment

- 18. (1) If it appears to a Head of Department that there is reason why a local government officer, who has attained the age of 45 years and who holds a pensionable office, should be called

Upon to retire from the Local Government Service, the Head of Department shall report the matter with his reasons therefore to the Chief Executive, and in no case shall the officer be addressed on the matter before the Chief Executive has considered the recommendation submitted by the Head of Department.

- (2) If the Chief Executive is satisfied that the Head of Department has made a prima facie case, he shall address the officer stating that unless he is prepared to retire voluntarily under the provisions of the Pensions Regulations, it is proposed to take steps to require him to retire.
- (3) If the Officer does not avail himself or herself of the opportunity to retire voluntarily within fourteen days of being so addressed, he may within that period make such representations as he wishes to the Commission through his Head of Department and the Chief Executive, and the Chief Executive shall forward such representations, with the report of the Head of Department and his own recommendations to the Secretary, which shall lay the matter before the Commission.
- (4) If the officer does not avail himself or herself of the opportunity to make representations, the Chief Executive shall obtain the Commission's approval before compulsorily retiring the officer.

Probationary appointment

- 19. (1) On his or her first appointment to a pensionable post, a local government officer shall hold his appointment on probation for three years and any promotion may be made subject to a trial period of such length as the Commission may specify.
- (2) If any time during the probation or trial period of any officer the Head of Department considers that such period should be reduced, he shall report the matter together with his recommendations to the Chief Executive-
- (3) Where a local government officer holds an appointment on probation, or where a promotion has been made subject to a trial period, then the Head of Department shall, three months before the expiration of the probationary period or of the trial period, consider-
 - (a) whether the officer shall on the expiration therefore be confirmed in a pensionable post or in his promotion, as the case may be;

- (b) whether a further probationary period or trial period is necessary for the purpose of determining whether the officer should be confirmed as aforesaid; or
 - (c) whether the officer should cease to be in the Local Government Service, or, in the case of an officer promoted for a trial period, should revert to his or her previous grade.
- (4) If the Head of Department, on considering the matter under paragraph (3) of this regulation, is of opinion that the officer should be confirmed on the expiry of the probationary period or substantively promoted at the end of the trial period, he shall report the matter to the Chief Executive and shall forward with such report his recommendations.
 - (5) If, on considering the matter under paragraph (3) of this regulation, the Head of Department is of the opinion that the probation period or trial period should be extended, or if at any time during such period he considers that the officer should not remain in the Local Government Service, or, in the case of any officer promoted for a trial period, should revert to his previous grade, the Head of Department shall report the matter together with his recommendations to the Establishment Chief Executive.
 - (6) Upon receipt of any report and recommendations prescribed by this regulation, the Chief Executive shall forward them together with his own recommendations to the Secretary, who shall lay the papers before the Commission.

PART V. DISCIPLINE

Disciplinary
functions
of the
Commission

- 20. (1) The Commission shall be the sole responsible authority matters concerning the disciplinary control of local government officers.

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| Delegation of disciplinary authority to Chief Executive | 21. | Disciplinary control of officers listed below is hereby delegated to the Chief Executive, who shall be known for this purpose as the gat responsible authority- |
| | | (a) Officers in Categories I and II of the Local Government Service, as defined from time to time in Service Rules; |
| | | (b) Persons appointed temporarily on month-to month or day-to day basis to posts in Categories III and IV of the Local Government Service. |
| Disciplinary Proceedings to follow this regulation | 22. | All acts of misconduct by local government officers shall be dealt with under this Part of these regulations as soon as possible after the time of discovery of the misconduct. |
| Cases not covered by these regulation | 23. | Any case not covered by these regulations shall be reported to the Chief Executive which may make recommendations on the same to the Commission, which shall issue instructions as to the manner in which the case shall be dealt with, and the case shall be dealt with accordingly. |
| Power of Commission to direct proceedings | 24. | Notwithstanding anything contained in these regulations, the Commission may direct that disciplinary proceedings shall be instituted in any case which comes to its attention, subject to the advice of the Attorney General as to whether criminal prosecution should be first instituted. |
| Grounds for criminal prosecution | 25. | When a preliminary investigation or a disciplinary enquiry disclosed that an offence against any law may have been committed by a local government officer, the Chief Executive shall, unless legal proceedings have been or are about to be taken, consult the Attorney General as a whether a prosecution should be instituted. |
| No Disciplinary proceedings while | 26. | If criminal proceedings are instituted against a local government officer in any court, proceedings for his dismissal upon any grounds involved in the criminal charge shall not be taken until the conclusion of the criminal proceedings and the determination of any appeal there from. |

Inter-
diction

27. (1) If in any case the authority who is empowered under this Part of these regulations to dismiss any local government Officer shall consider it in the interest of the Local Government Service that any local government officer should cease forthwith to exercise his powers and functions in view of the fact that proceedings for the dismissal of such local government officer are to be taken or that criminal proceedings are being instituted against him, such authority may interdict such local government officer from the exercise of his powers and functions.
- (2) An officer who is interdicted shall, subject to the provisions of regulations 28 of these regulations, receive such emoluments, not being less than one half, as the authority empowered to dismiss him shall think fit and shall not be entitled to receive any increment in salary falling due during the period of such interdiction to which he would have been entitled had he not been interdicted.
- (3) Subject to the provisions of paragraph (4) of this regulation, if the disciplinary proceedings do not result in the officer's dismissal or other punishment the whole of the emoluments withheld from him shall be restored to him, including any increment in salary, when the final decision is made.
- (4) In cases in which the officer is found guilty of the charges, or some of them, which are the cause of the interdiction, he or she shall not be entitled to receive that portion of his or her emoluments, which have been withheld.
- (5) Except in the case of the interdiction of a Head of Department, the powers of the commission under this regulation are hereby delegated to the Chairperson.

Non-
payment
of salary
on convic-
tion on a
criminal
charge

28. (1) A local government officer adjudged by a court to be guilty of a criminal charge shall not receive any emoluments from the date of such judgment pending the decision of the Commission to dismiss him.

(2) The powers of the Commission under this regulations are hereby delegated to the Chairperson.

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| Interdicted officer not to leave the Gambia | 29. | An officer who is under interdiction may not leave the Gambia |
| Disciplinary Action after Acquittal on Criminal Charge | 30. | <p>(1) Where a local government officer has been acquitted of a criminal charge in any court, disciplinary proceedings had been taken.</p> <p>(2) Such proceedings shall be based on infringement of Service Rules or the Local Government Finance and Audit Act, Local Government Service Act or these Regulations unless the Attorney General advises that no further disciplinary proceedings shall be taken or continued.</p> |
| Petitions generally | 31. | Petitions against decision of the Chief Executive shall be made by the petitioner to the Commission. |
| | 32. | Upon receipt of the petition the commission shall consider it and shall either confirm the decision, or vary it as it sees fit, and the Commission's decision will be conveyed to the petitioner by the Secretary, a copy being sent to the Chief Executive. |
| Petition against decisions of the Commission | 33. | Petitions against decisions made by the Commission shall be entertained by the Commission only if additional factual information not presented to the Commission during its initial deliberations is included in the petition, which shall be addressed to the Secretary. |
| Time limit | 34 | Petitions shall be considered unless received by the appropriate authority within three weeks of the date upon which the decision out of which the petition arises is addressed to the officer, unless the authority considering the petition considers that special circumstances warrant consideration out of time. |

Not more than one petition at a time

35. Subject to the provisions of regulations 33 of these regulations, not more than one petition on any particular case shall be considered and the Commission's decision on any petition shall be final.

Punishment

36. (1) The following are the punishments which may be ordered as a result of proceedings under this part of these regulations:
- (a) Dismissal;
 - (b) Reduction in rank;
 - (c) Reduction in salary;
 - (d) Deferment of increment;
 - (e) Stoppage of increment;
 - (f) Fine, not exceeding one month's emoluments;
 - (g) Reprimand;

Provided that nothing in this regulation shall be construed so as to-

- (i) limit the powers conferred in these regulations to require a local government officer to retire from the Local Government Service on the grounds of public interest;
- (ii) interfere with any power to order surcharge.

- (2) The powers in respect of deferment of increment and stoppage of increment are hereby delegated to the Chairperson.

Procedure by Commission

37. (1) The procedure to be followed by the responsible authority, and which shall govern cases in which no specific law or regulation has been contravened but in which the officer's work or conduct are considered to be satisfactory, shall be as follows:
- (a) a First Warning letter, setting out the officer's deficiencies, and requiring him to improve his work or conduct;
 - (b) a Second Warning letter, issued three months after First, repeating the charges of the First;

- (c) a letter informing the officer of the punishment which has been imposed, which may be issued only after three months have elapsed from the date of issue of the Second Warning letter.
- (2) Where no Second Warning is considered necessary, or, after the issue of a Second Warning, no punishment is awarded, the officer shall be informed that his work or conduct is now considered satisfactory, and he is required to maintain the new standards reached.
- (3) Where the Chief Executive is the responsible authority, the letter of punishment shall issue directly, copies of all letters being sent to the Commission.
- (4) Where the Commission is the responsible authority, the Chief Executive shall-
 - (a) in the case of a reprimand, issue the letter himself; and
 - (b) in all cases, refer the matter, with his recommendations as to the appropriate punishment, to the Commission, from which the punishment letter will then be issued.
- (5) Notwithstanding the provisions of paragraphs (1),(2),(3 and (4) of this regulation, the Local Government Service Commission may revoke the appointment of an officer upon giving him a month's notice or paying him a month's salary in lieu of such notice, if it is satisfied that the observance of the procedures under regulations 39 of these regulations is not in the public interest.

Pro-
ceedings
for dis-
missal

38. Whenever it appears necessary to institute disciplinary proceedings for misconduct, which, if proved, would justify dismissal from the Government Service, the procedures in the next following regulation shall be observed.

Con-
duct
of
disci-
plinary
proceedings

39. The procedures to be followed by the Commission as defined in regulations 43 of these regulations in cases where an officer is suspected of any specific act of misconduct shall be as follows:

- (a) preliminary enquiry shall be held by the responsible authority who shall, on the advice of the Attorney General, frame charges;
- (b) the officer shall be addressed, the charges conveyed to him, and the officer must state in writing before a date to be specified, any grounds on which he relies to exculpate himself;
- (c) if the officer fails to furnish a reply to any charges by the specified date or if, in the opinion of the responsible authority he fails to exculpate himself, then the responsible authority shall submit a full report on the matter to the Commission which shall appoint a Committee to enquire further into matter;
- (d) the Committee shall inform the officer that on a specified date the charges preferred against him shall be investigated by it, and that he may be allowed, or may be required to appear before it;
- (e) at the completion of the enquiry, the Committee shall prepare a report, which shall include a record of the charges framed, the evidence adduced, the defence and any other matter relevant to the enquiry:

Provided that if, in the opinion of the Commission, following a preliminary enquiry under paragraph (a) of this regulation, the appropriate punishment is reprimand, stoppage of increment or deferment of increment, the Commission may impose such punishment and dispose of the case.

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| Legal pre-sentation | 40. | An investigating Committee instituted in accordance with these regulations shall permit an accused officer to be represented in person or, at his own expense by a Counsel of his own choice and the Council shall, in like manner, be permitted to be represented by a local government officer. |
| Accused to be present in certain case | 41. | If an Investigating Committee examines witnesses, the Officer must be given the opportunity of being present and of putting questions on his own behalf to the witnesses; and no documentary evidence shall be used against him unless he has previously been supplied with a copy thereof or given access hereto. |
| Copies of evidence | 42. | An officer may, at the completion of the enquiry and upon payment of fifty bututs for every hundred words or a fraction thereof after the first hundred words of the record of evidence, be given a copy of |

at enquiries the record of evidence including documents tendered in evidence.

Authorities 43. (1) The authority responsible for instituting preliminary enquires
appoint shall be-

investigating
Communities

- (a) in the case of officers in Categories IV and V which Include Heads of Departments, the Chief Executive;
- (b) in the case of officers other than those to whom Paragraph (a) of this regulation applies and for whom the Commission is the responsible authority, the Head of Department in which the officer holds his or her post.

(2) Where a case arises in which it is considered necessary to investigate the conduct of the Chief Executive, the authority responsible to institute a preliminary enquiry is the Chairperson.

44. (1) investigating Committees shall be composed as follows:

Composition
of
Committees

- (a) in the case of officers holding Category V posts or Heads of Departments, not less than two and not more than three members one of whom must be the Vice Chairperson of the Commission who shall be Chairperson and the other a member of the Judicial Service Commission;
- (b) in the case of officers in Category IV posts, one member of the Commission and one member of the Judicial Service Commission;
- (c) In the case of officers to whom neither paragraph (a) nor paragraph (b) of this regulation applies and in respect of whom no disciplinary control has been delegated under regulation 21 of these regulations, one member of the Commission.

(2) No findings of an Investigating Committee shall be held invalid by reasons of the absence of any member at any of the Committee's sittings.

45. (1) The Secretary to the Commission shall serve as Secretary to any Investigating Committee instituted in accordance with these regulations.

Secre-
to Investi-
gating Com-
mittee

(2) Where the Secretary is for any reason unable to perform his functions as Secretary to any Investigating Committee, the Commission shall appoint an officer in the Local Government Service not below the rank of an Administrative Assistant to serve as Secretary to any Investigating Committee.

46. (1) At the completion of any enquiry, the Secretary to the Investigating Committee shall forward the report of the Committee, including the record of the charges framed, the evidence adduced, the defence and any other matter relevant to the enquiry to the Chairperson.

Reports

(2) Every report forwarded to the Chairperson must state whether the charges preferred against any officer have been proved or not and to recommend what appropriate punishment should be imposed on the officer.

47. (1) The Commission, after considering the report of the Committee, may if it is of the opinion that certain matters in the report should be clarified in any way or that further investigation is desirable, refer the matter to the Committee for further clarification or investigation as the case may be.

Consi-
Deration
o report
b Com-
Mission

(2) The Commission shall, in the light of the Committee's recommendations, determine which, if any, of the punishments set out in regulation 36 of these regulations shall be imposed on the officer:

Provided that no member of the Commission who has served as a member of the Investigating Committee and whose report is being considered by the Commission, shall take part in the Consideration of that Committee's report,

(3) The decision on each charge preferred against the accused officer shall be communicated to him by the Secretary to the Commission, and copies of the letters notifying the officer of the decision shall be sent to the Chief Executive and the authority responsible for instituting the preliminary enquiry.

48. (1) In the exercise of the powers delegated to him under regulations 21 of these regulations, whenever the Chief Executive considers it necessary to institute disciplinary proceedings against a local government officer and is of the opinion that the misconduct alleged is serious enough, if proved, to warrant dismissal, the Chief Executive shall, after such preliminary enquiries as he may consider necessary

and on the advice of the Attorney General, frame charges against the officer.

- (2) The charges to be communicated to the officer in accordance with regulation 39 of these regulations.
- (3) The Chief Executive shall report to the Secretary to the Commission any action taken by him under this regulation.

Crimi-
nal con-
victions

49. When a local government officer is convicted for a criminal offence, the judgment and any other relevant particulars shall be considered and action taken as follows:

- (a) in respect of officers holding Category V posts, or who are Heads of Department, the Chief Executive shall consider the matter and submit its recommendations for punishment to the Commission.
- (b) In respect of all officers not included in paragraph (a) and (c) of this regulation, the Head of Department shall consider the matter and submit his recommendations to the Commission through the Chief Executive.
- (c) In respect of officers for whom the Chief Executive is the responsible authority, the Chief Executive shall consider the matter and award such punishment from among those listed in regulation 36 (1) of these regulations as he thinks fitting; reporting any action taken to the Commission.

Retire-
ment
termi-
nation
In public
Interest

50. The authorities designated in regulation 43 of these regulations may at any time after making such enquiries as they see fit recommend to the Commission that an officer be required to retire from the local Government Service, or that his services be terminated, in the public interest:

Provided that before making such recommendation, the authority shall give to the officer concerned the opportunity to make representations to the authority and shall report in full to the Secretary the grounds on which the recommendation is made together with any representations made by the officer.

- Absence from duty
51. (1) Where any local government officer is absent from duty without leave or reasonable cause for a period exceeding fourteen days and the officer can not be traced within a period of twenty days of commencement of such absence, or if traced, no reply to a charge of absence without leave is received from him within ten days after the dispatch of charge to him-
- (a) in case of a local government officer in respect of whom disciplinary control has been delegated, the authority empowered to dismiss him may summarily dismiss him, and declare his post vacant;
- (b) in any other case, the Head of Department shall report the matter to Chief Executive who shall inform the Secretary, and the Commission shall consider the case and may summarily dismiss him and declare his post vacant.
- (2) The powers of the Commission under this regulation are hereby delegated to the Chairperson.

PART VI. MISCELLANEOUS

- Punctuality
52. Heads of Department are required to keep an Attendance Register, which should be signed by members of staff immediately on arrival at work. An officer reporting on duty ten minutes or later should be reported to the Chief Executive for appropriate disciplinary action by the Commission.
- Inter-pretation of Local Government Act And these regulations
53. The commission, or the Chief Executive may, at any time, in the case of any difference of opinion in the interpretation of the Local Government Service Act or of these regulations, consult the Attorney General who shall give his opinion on the matter.

MADE THIS DAY OF 2003

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CHAIRMAN