

VIRGIN ISLANDS
SERVICE COMMISSIONS ACT, 2011
ARRANGEMENT OF SECTIONS

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I Assent

(Sgd.) Boyd McCleary, CMG, CVO,
Governor

19th July, 2011

VIRGIN ISLANDS

No. 8 of 2011

An Act to provide for the performance of the functions of the Public Service Commission, the Teaching Service Commission and the Judicial and Legal Services Commission and for matters connected thereto.

[Gazetted 25th July, 2011]

ENACTED by the Legislature of the Virgin Islands as follows:

PART I

PRELIMINARY

Short title and
commencement.

1. This Act may be cited as the Service Commissions Act, 2011 and shall come into force on such date as the Governor may, by Proclamation published in the *Gazette*, appoint.

Interpretation.

2. In this Act, unless the context otherwise requires,

“acting appointment” means the temporary appointment of an officer to a higher office whether or not that office is vacant;

“appointment” shall be construed in accordance with section 4 of the Constitution;

“Authorised Officer” means a person to whom the functions of the Governor have been delegated under or pursuant to section 92(8) or 93(3) of the Constitution;

“Chairman” means the Chairman of a Commission and includes any person who temporarily acts as the Chairman of the Commission or any other member presiding at a meeting of the Commission;

- “Chief Education Officer” has the meaning assigned to it under section 2 of the Education Act No. 10 of 2004;
2004;
- “Commission”, except for the purposes of section 7, means the Public Service Commission, the Teaching Service Commission or the Judicial and Legal Services Commission;
- “Constitution” means the Virgin Islands Constitution Order 2007; U.K.S.I. 2007 No.1678
- “court” means a court of competent jurisdiction;
- “Devolution Regulations” means the Appointment to Public Office (Devolution of Human Resource Functions) Regulations, 2008; S.I. No. 19 of 2008
- “Director” means the person holding or acting in the office of Director of Human Resources;
- “Head of Department” means an officer charged with the responsibility for the management of a particular Department;
- “institution of learning” means a high school, training centre, college or university;
- “Judicial and Legal Services Commission” means the Commission established under section 94 of the Constitution;
- “member” means a person appointed to a Commission, and includes a temporary member;
- “office” means a pensionable or non-pensionable post in the public service;
- “officer” means a person who is appointed to an office in the public service and includes a person appointed to act in such office;
- “pensions law” means the Pensions Act and any regulations made thereunder; Cap. 161
- “Permanent Secretary” means a person who holds or acts in the office of Cabinet Secretary, Permanent Secretary or Financial Secretary;
- “public service” means the service of the Crown in a civil capacity in respect of the Government of the Virgin Islands;
- “Public Service Commission” means the Commission established under section 91 of the Constitution;
- “relevant Commission”, in relation to an office or officer, means the Commission that is responsible for the office or officer under section 92, 93 or 95 of the Constitution, as the case may be;

“relevant office”, in relation to a Commission, means an office in the public service for which the relevant Commission is responsible under section 92, 93 or 95 of the Constitution, as the case may be;

“relevant officer”, in relation to a Commission, means a person who holds or acts in a relevant office;

“relevant service”, in relation to a Commission, means service in relevant offices;

“salary” means basic salary;

“Secretariat” means

(a) in the case of the Public Service Commission, the Department of Human Resources, and

(b) in the case of the Teaching Service Commission, the Department of Education;

“Secretary” means

(a) in the case of the Public Service Commission or the Teaching Service Commission, a person who holds or acts in the office of Secretary to that Commission, or

(b) in the case of the Judicial and Legal Services Commission, the person who serves as secretary to that Commission;

“seniority” means the ranking order of a position in relation to another or the date on which the officer entered the public service;

“Teaching Service Commission” means the Commission established under section 93 of the Constitution.

PART II

FUNCTIONS AND MEETINGS OF THE COMMISSIONS

Functions of
the
Commissions.

3. (1) Subject to the Constitution, this Act and any Regulations made thereunder, the functions of a Commission shall be to

(a) advise the Governor with respect to appointments, promotions and transfers of relevant officers,

(b) advise the Governor with respect to the confirmation of individual officers to the relevant service and the passing of promotional or efficiency bars,

- (c) advise the Governor on any disciplinary matter pertaining to a relevant officer,
- (d) conduct or cause to be conducted any proceedings for the hearing of disciplinary proceedings for misconduct and complaints made by the public in relation to a relevant officer,
- (e) advise the Governor with respect to the removal from office of a relevant officer,
- (f) review and recommend legislation pertaining to appointments to, or removals from, relevant offices, or to the exercise of disciplinary control over relevant officers,
- (g) identify and address factors which inhibit and undermine discipline in a relevant service,
- (h) perform such other related functions as the Governor may from time to time direct.

(2) Without derogating from subsection (1), a Commission shall advise the Governor on the selection of persons for appointment to the relevant service, for the grant of study leave and for the award of scholarships for special training for the public service.

(3) Without derogating from subsection (1), where the relevant Commission is the Judicial and Legal Services Commission and, the relevant officer is a person holding the office of

- (a) Attorney General,
- (b) Director of Public Prosecutions,
- (c) Magistrate,

the Judicial and Legal Services Commission shall, in the exercise of its functions under subsection (1) (c), (d) or (e), act in compliance with section 95 (9) of the Constitution.

(4) Subsection (1) (c) shall not apply to disciplinary proceedings relating to minor misconduct that are delegated to Authorised Officers under the Devolution Regulations.

(5) Nothing in this section shall derogate from the provisions of section 92(9), 93 (2) and 96 (2) of the Constitution.

U.K.S.I.
2007
No.1678

Oaths of office and confidentiality.

4. (1) A person who is appointed to a Commission shall, as soon as practicable after being appointed, take the oath or make the affirmation set out in Form I of Schedule 1.

Schedule 1

(2) A person who is appointed or serves as Secretary, or as a member of the Secretariat, to a Commission shall, as soon as practicable after being appointed or assuming duty, take the oath or make the affirmation set out in Form II of Schedule 1.

(3) The deliberations, proceedings, and the records of the Commission are secret and confidential and shall not be made public, except as required to be produced under a court order in connection with any court proceedings or enquiry in respect of any matter under this Act.

(4) A member and a person who is appointed or serves as Secretary, or as a member of the Secretariat shall treat all records or information relating to a Commission as secret and confidential and shall not disclose or communicate same to any unauthorised person or allow any such person to have access to any such records or information.

(5) A member who contravenes subsection (4) commits misbehaviour and may be dealt with in accordance with section 91 (4) (d) or 94 (4) (d) of the Constitution.

(6) A person who is appointed or serves as Secretary or as a member of the Secretariat who contravenes subsection (4) commits misconduct.

(7) For purposes of this section, an “unauthorised person” is a person other than a person authorised to receive information under this Act or pursuant to a court order.

(8) Where an unauthorised person publishes information which comes to his or knowledge in contravention of this section, commits an offence and is liable on summary conviction to a fine of one thousand dollars.

Gazetting of appointments to a Commission.

5. The first appointments to a Commission and every subsequent appointment to, or change in, the membership of a Commission shall be published in the *Gazette*.

Remuneration.

6. The members of a Commission shall be paid such remuneration as the Cabinet may determine.

Meetings.

7. (1) This section does not apply to the Judicial and Legal Services Commission.

(2) A Commission shall meet as often as may be necessary for the purpose of performing its functions and such meetings shall be held on such days and at such time and place as the Chairman shall determine.

(3) In any case where the Chairman is absent from a meeting of a Commission, the members present may elect one of them to preside at the meeting.

8. (1) Decisions of a Commission shall be made in accordance with sections 91(6) and (7), 93(2) and 94(6) of the Constitution.

Decisions of Commissions.

(2) Subject to subsection (3), questions may also be decided by a Commission without a meeting by circulation of the relevant papers among the members and the expression of their views in writing and in such case the decision shall be the view of the majority of the members.

(3) If a member of the Public Service Commission or the Teaching Service Commission requires that a matter or question being dealt with by circulation of the relevant papers shall be reserved for consideration at the next following meeting of the Commission, a decision shall not be made on that matter or question except at a meeting of the Commission.

9. (1) The Secretary or Secretariat to a Commission shall ensure that

Minutes of meetings.

- (a) minutes of its meetings and all decisions taken by it are recorded,
- (b) copies of its minutes and decisions are presented for confirmation by the Commission in a timely manner,
- (c) copies of its minutes and decisions are forwarded to the Governor in a timely manner after they are confirmed by the Commission.

(2) Where a member dissents on a decision, that member may request that his or her dissent and reasons for dissenting are recorded in the minutes or in relation to the decision and the Secretary or Secretariat shall so record such dissent and reasons.

10. (1) Where a member fails to attend three consecutive meetings of the Commission without reasonable excuse, the Chairman shall report the member's absence to the Governor.

Absences and vacancies.

(2) A member shall vacate office in accordance with the provisions of section 91(4), 93(2) or 94(4) of the Constitution, as the case may be.

Consultation with other persons.

11. In considering any matter or issue, a Commission may consult with any officer or other person whom the Commission considers proper and desirable for the purposes of the Commission, and may require that officer or person to attend before the Commission for the purpose of providing information, or to produce any official document relating to the matter or issue.

Failure to comply with request from Commission.

12. An officer who without reasonable cause or excuse

- (a) fails to appear before a Commission when required to do so, or
- (b) fails to comply with a request made by a Commission in accordance with section 11,

commits misconduct.

Supplying false information.

13. (1) An officer who, in connection with an application by a person for employment or promotion in the public service, or with any matter upon which it is the duty of a Commission or a Permanent Secretary or Head of Department to advise the Governor to make any decision, wilfully gives to the Commission or to any member thereof, or to any person or body of persons appointed to assist the Commission or a Permanent Secretary or Head of Department in the discharge of its, or his or her, duties, any information which he or she knows to be false or does not believe to be true, commits misconduct.

(2) A person, other than an officer, who in connection with an application by a person for employment or promotion in the public service, or with any matter upon which it is the duty of a Commission or a Permanent Secretary or Head of Department to advise the Governor to make any decision, wilfully gives to the Commission or to any member thereof, or to any person or body of persons appointed to assist the Commission or a Permanent Secretary or Head of Department in the discharge of its, or his or her, duties, any information which he or she knows to be false or does not believe to be true, commits an offence.

PART III

APPOINTMENTS, PROMOTIONS AND TRANSFERS

14. (1) When it becomes known that a vacancy will occur in the public service, a Permanent Secretary or Head of Department shall report the vacancy to the Secretariat and shall make recommendations regarding the filling of the vacancy, and the Secretariat shall forward all such reports to the Commission responsible for advising the Governor on the filling of the vacancy.

Vacancies in the public service.

(2) The Secretariat shall by circular and in any newspaper published and circulating in the Territory, give notice of a vacancy in the relevant service and, the Secretariat may notify a vacancy through any other public mediums whether in or outside the Territory.

(3) Subsections (1) and (2) shall not apply to those matters that are delegated to Authorised Officers under the Devolution Regulations.

15. (1) Subject to subsection (3), a Commission shall be responsible for

Procedure for appointments.

- (a) the conduct of interviews for appointment to relevant offices,
- (b) considering and determining, in accordance with this Act, whether an applicant has the necessary qualifications and is suitable for appointment to a relevant office,
- (c) advising the Governor of the applicant that it is recommending for appointment to a relevant office.

(2) Subject to subsection (3), the Secretary shall be responsible for

- (a) the form and manner in which applications are to be made for appointments to relevant offices,
- (b) receiving applications for appointment to relevant offices and short listing eligible applicants,
- (c) the conduct of any examinations for appointment to relevant offices.

(3) Subsections (1) and (2) shall not apply to those matters that are delegated to Authorised Officers under the Devolution Regulations.

(4) Notwithstanding subsection (2) (b), the Teaching Service Commission shall be responsible for receiving applications for appointment to offices in the Teaching Service and short listing eligible applicants.

Interviews.

16. A Commission may interview an applicant for appointment and shall, in respect of each applicant, consider

- (a) any educational qualifications or specialised training,
- (b) his or her ability to meet the specific requirements of the job,
- (c) any previous employment or experience in the public service or otherwise,
- (d) any letters of commendation,
- (e) any reports which the Commission may request the applicant to provide from
 - (i) the principal or president of an institution of learning that the applicant attended,
 - (ii) a previous employer, or
 - (iii) any referees named by the applicant.

Principles for selection for appointments and promotions.

17. (1) A Commission shall advise on the appointment of an applicant and promotion of an officer based on merit and ability and an assessment of the relative suitability of the applicant or officer for that position.

(2) In the performance of its functions under this section, a Commission shall take into account the following matters in addition to those referred to in section 16:

- (a) the competencies of the applicant,
- (b) the results of any examination taken in preparation for appointment to the particular office or another office in the public service,
- (c) the two most recent evaluations of an applicant's overall performance as reflected in annual performance management reports by any Permanent Secretary, Head of Department or other senior officer under whom the applicant worked, if the applicant is an officer,
- (d) any specific recommendation of the Director, Chief Education Officer, Permanent Secretary or the Head of Department for filling of the particular office,

- (e) any specifications which may be required from time to time in relation to the particular office,
- (f) the applicant's knowledge and understanding of the duties of the office,
- (g) any relevant special reports for which the Commission may call not being a report referred to in section 16 (e),
- (h) the capability of the applicant to perform the duties of the office to which he seeks to be appointed,
- (i) the applicant's most recent police clearance certificate,
- (j) the most recent Succession Planning Reports provided by the Permanent Secretary or Head of Department.

(3) A Commission shall make decisions relating to appointments, transfers and promotions without discrimination on the grounds of political affiliation, race, colour, ethnic origin, religion, sex, sexual preference, marital status, physical disability, age, sexual orientation, family relations or economic status.

18. (1) The Director, Permanent Secretary or Head of Department shall ensure that any recommendations made in relation to an acting appointment as a prelude to a substantive appointment are based on the principles specified in section 17.

Principles for selection for an acting appointment as a prelude etc.

(2) An officer selected for an acting appointment, in consequence of a recommendation made under subsection (1), shall not have any special claim to the post in which he or she was acting.

(3) An officer appointment to act in consequence of a recommendation made under subsection (1), may not be appointed to act for a period in excess of a year.

(4) In considering the claims of eligible officers for a substantive appointment, a Commission shall take into account the claims of all eligible officers.

19. In order to assist the Commissions in performing their duties,

- (a) Permanent Secretaries and Heads of Department shall, furnish to the Secretariat performance management reports on the anniversary date of officers serving in their Ministries or Departments.

Confidential reports to assist the Commission.

- (b) Permanent Secretaries and Heads of Department shall in each year on or before the last day of February, furnish to the Secretariat comprehensive succession plans in respect of officers serving in their Ministries or Departments and the reports shall relate to the twelve months ended on the preceding 31st day of December.

PART IV

PROBATIONARY APPOINTMENTS

Probationary period.

20. (1) On first appointment to the public service, an officer may be required to serve a probationary period of one year unless a shorter term is specified in the letter of appointment of that officer.

(2) On promotion in the public service, an officer may be required to serve a probationary period of one year unless a shorter term is specified in the letter of appointment of that officer.

PART V

SECONDMENT AND DETERMINATION OF APPOINTMENTS

Secondment.

21. (1) An officer may be seconded to or from any statutory body or private or public sector organisation with the approval of the Governor, on the advice of the relevant Commission, and such secondment may involve a change of designation and duties.

(2) For the purposes of the pensions law, the secondment of an officer to an agency pursuant to this section shall not be considered as a break in the employment of that officer in the public service.

(3) The secondment of an officer made contrary to subsection (1) is void.

Abandonment as reason for termination of appointment.

22. Unless declared otherwise by the Governor, an officer who is absent from duty for a continuous period of ten working days without reasonable excuse, shall be deemed to have resigned from the relevant service and thereupon his or her office becomes vacant and the officer ceases to be an officer.

23. The modes by which an officer may leave the public service are as follows: Modes of leaving the public service.

- (a) where the officer holds a permanent and pensionable appointment,
 - (i) on dismissal or removal in consequence of disciplinary proceedings under Regulations made under this Act,
 - (ii) on retirement under the pensions law,
 - (iii) on retirement for medical reasons,
 - (iv) on being retired in the public interest,
 - (v) on resignation with or without benefits payable under any enactment providing for the grant of pensions, gratuities or compensation,
 - (vi) on abolition of office,
 - (vii) on abandonment of office in accordance with section 22,
 - (viii) on conviction for a criminal offence with a sentence of imprisonment,
- (b) where the officer holds a temporary appointment,
 - (i) on the expiry or other coming to an end of an appointment for a specified period,
 - (ii) where the office itself is of a temporary nature and is no longer necessary,
 - (iii) on the termination of appointment in the case of an officer on probation,
 - (iv) on the termination of appointment in the case of an officer holding a non-pensionable office with no service in a pensionable office,
 - (v) on the termination of appointment in the public interest,
 - (vi) on dismissal or removal in consequence of disciplinary proceedings,
 - (vii) on grounds of being declared medically unfit to work,
 - (viii) on conviction for a criminal offence with a sentence of imprisonment,

- (c) where the officer is on contract, his or her services shall be terminated in accordance with the terms of the contract.

Retirement.

24. (1) An officer whether holding a pensionable or non-pensionable post shall retire from the public service in accordance with the pensions law.

(2) An officer who is eligible to retire in accordance with the pensions law may be permitted by the Governor to remain in the public service where

- (a) the prospects of serving officers are not jeopardised,
- (b) the vacancy cannot otherwise be filled immediately, and
- (c) the retired officer is certified to be medically fit for re-engagement.

Termination of appointment on abolition of office etc.

25. (1) Where a post, being one of a number of like posts, has been abolished, but one or more of the posts remain, the Permanent Secretary or Head of Department shall submit to the Secretariat for consideration by the relevant Commission, a report thereon containing his or her recommendations, with reasons therefor, as to which substantive holder of such post ought to have his or her appointment terminated and the Commission shall advise the Governor as it may think proper and, if it thinks fit, may advise that the officer concerned be transferred to another post not lower in status than that which has been abolished.

(2) Subsection (1) shall apply in relation to the termination of appointments for the purpose of facilitating improvement in the organisation of a Ministry or Department in order to effect greater efficiency or economy.

(3) Where a Permanent Secretary or Head of Department makes a recommendation under this section, the Permanent Secretary or Head of Department shall, at the same time, notify the officer concerned in writing of the recommendation, and such officer may, within seven days of the receipt of the notification, make representations thereon and any such representations shall be forwarded in their original form through the Secretariat to the relevant Commission by the Permanent Secretary or Head of Department together with such comments as the Permanent Secretary or Head of Department thinks fit.

Retirement in the public interest.

26. (1) Where it is represented to a Commission, or a Commission considers it desirable in the public interest, that a relevant officer ought to be required to retire from the public service on grounds which cannot suitably be dealt with under any other provision of this Act, it shall call for a full report on the officer from the Permanent Secretary or Head of Department of every Ministry or Department in which the officer has served during the last preceding ten years.

(2) If after considering such reports and giving the officer an opportunity of submitting a reply to the grounds on which his or her retirement is contemplated, and

having regard to the conditions of the relevant service and the usefulness of the officer thereto, and all the other circumstances of the case, the Commission is satisfied that it is desirable in the public interest to do so, it shall advise the Governor that the officer be required to retire.

27. Where the appointment of an officer is terminated under section 25 or 26, his or her service shall terminate on such date as the Governor may decide and the question of his or her pension shall be dealt with in accordance with the provisions of the pensions law.

Pension.

PART VI

DISCIPLINE AND DISCIPLINARY PROCEDURES

28. (1) A Commission shall deal with disciplinary proceedings against relevant officers in the light of reports from Permanent Secretaries and Heads of Departments or otherwise.

Functions of Commissions with regard to discipline.

(2) Where a Commission is of the opinion that disciplinary proceedings should be instituted against a relevant officer, the Commission may advise the Governor that such proceedings be instituted.

(3) A Commission may, before advising the Governor under subsection (2), obtain the advice of the Attorney General.

(4) The conduct of disciplinary proceedings shall be in accordance with Regulations made under this Act.

29. (1) Where criminal proceedings are instituted in any court against an officer, proceedings for his or her dismissal upon any grounds arising out of the criminal charge shall not be taken until after the court has given judgment and the time allowed for an appeal from the judgment has expired, and where an officer after conviction has appealed, proceedings for his or her dismissal shall not be taken until after the withdrawal or determination of the appeal.

Disciplinary proceedings following criminal charges.

(2) Nothing in this section shall prevent an officer being interdicted from duty pursuant to section 30.

30. (1) Where disciplinary or criminal proceedings have been or are about to be instituted against an officer and the relevant Commission is of the opinion that the public interest requires that the officer should forthwith cease to perform the functions of his or her office, the Commission may advise the Governor to

Interdiction.

(a) interdict the officer from the performance of the functions of his or her office, and

- (b) permit the officer, subject to section 32, to receive such proportion of the salary of his or her office, not less than one half as the Commission considers appropriate taking into account all the relevant circumstances.

(2) Notwithstanding subsection (1), where the relevant Commission is of the opinion that the officer's continued presence on the job is not likely to jeopardise or influence the investigation, the relevant Commission may advise the Governor to

- (a) allow the officer to remain in his or her current position, or
- (b) assign the officer to another office temporarily where such assignment is not likely to hinder in any way the disciplinary proceedings.

(3) If disciplinary proceedings against any such officer result in his or her exculpation, the officer shall be entitled to the full amount of the salary and other benefits which he or she would have received if he or she had not been interdicted but if the proceedings result in any punishment other than dismissal, the relevant Commission shall advise the Governor that the officer be allowed such salary as the Commission thinks fit or as the Commission considers appropriate taking into account all the relevant circumstances.

(4) An officer who is under interdiction from duty may not leave the Territory without first notifying the Secretariat of his or her intention to leave the Territory.

31. An officer in respect of whom a disciplinary enquiry is to be held shall be entitled without charge to him or her to receive copies of or to be allowed access to any documentary evidence relied on for the purpose of the enquiry, and the officer shall also be given upon request a copy of the evidence, including copies of documents tendered in evidence, after the enquiry is closed.

32. An officer acquitted in any court of a criminal charge shall not be dismissed or otherwise punished in respect of any charge of which he or she has been acquitted, but nothing in this section shall prevent disciplinary proceedings being brought in accordance with this Act in respect of any other lesser charge arising out of his or her conduct in the matter unless such other proceedings relate substantially to the same charge as that in respect of which he or she has been acquitted.

33. (1) An officer convicted of an offence and sentenced to imprisonment, shall be dismissed from the public service with effect from the date of judgment by the court, but may, with the approval of the Governor, be re-appointed to the relevant service in accordance with section 92, 93 (3) or 95 of the Constitution.

(2) An officer dismissed from the public service pursuant to this section shall not receive any of his or her emoluments after the date of judgment by the court.

Copies of evidence at enquiries.

Officer acquitted of a criminal charge.

Non-payment of emoluments on conviction of a criminal charge.
U.K.S.I. 2007
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Disciplinary penalties.

34. (1) The penalties which may be imposed on an officer against whom a disciplinary charge has been established are

- (a) dismissal,
- (b) demotion,
- (c) deferment or withholding of increment,
- (d) severe reprimand,
- (e) reprimand.

(2) Corrective measures as prescribed by Regulations made under this Act, may also be applied.

35. Where following disciplinary proceedings a relevant officer is found guilty of misconduct, and the Commission is of the opinion that the misconduct does not warrant proceedings under section 36 with a view to dismissal, the Commission may advise the Governor to impose such punishment other than dismissal as may seem just. Misconduct not warranting dismissal.

36. (1) Where a report on an officer alleges misconduct, the Permanent Secretary or Head of Department shall in his or her report to the relevant Commission state the charge or charges against the officer and the disciplinary proceedings shall be conducted in accordance with Regulations made under this Act. Disciplinary Proceedings.

(2) Before making a report under subsection (1), the Permanent Secretary or Head of Department may consult the Attorney General for his or her advice.

PART VII

MISCELLANEOUS

37. Every member shall observe the Code of Conduct specified in Schedule 2. Code of conduct. Schedule 2.

38. (1) A Commission may from time to time appoint one or more committees to assist with conducting investigations in relation to disciplinary proceedings under this Act. Special committees.

(2) In relation to any committee selected under subsection (1), a Commission may

- (a) determine the composition and form in which any report of the committee is to be submitted, and
- (b) where it considers it necessary, carry out interviews with any member of a committee.

39. No suit shall lie against a member of a Commission, a member of a special committee or a member of a Secretariat for an act done in good faith in the execution of his or her functions under this Act.

Immunity from suit.

40. A person, not being a member of a Commission, who contravenes section 13 (2) commits an offence and is liable on summary conviction to a fine not exceeding two thousand dollars, and in default of payment, to imprisonment for a term not exceeding two years.

Offences and penalties.

41. (1) The Governor, acting after consultation with the relevant Commission, may make regulations for the purposes of giving effect to this Act.

(2) Without prejudice to the generality of subsection (1), regulations under this section may provide for

- (a) the manner in which information required under this Act shall be collected or obtained,
- (b) the forms to be used for the purposes of this Act and the nature of particulars to be furnished therein,
- (c) the manner in which notices and other communications issued under this Act shall be served or issued,
- (d) anything required or authorised by this Act to be prescribed.

SCHEDULE 1

[Section 4]

**OATH / AFFIRMATION OF OFFICE AND CONFIDENTIALITY
Form I**

**Oath / Affirmation of Office and Confidentiality
for Members of a Commission**

I..... do swear (or solemnly affirm) that I will faithfully execute the office of Chairman/Member of the Public Service Commission / Teaching Service Commission / Judicial and Legal Services Commission and without fear or favour, affection or ill-will and that in the execution of the functions of that office I will know, uphold and preserve the Constitution of the Virgin Islands.

I further solemnly swear / affirm that I will not reveal to any person or persons, not being the Governor or Secretariat, otherwise than in the course of duty any information in connection with the business of the Commission or the nature or content of any document which may come to my knowledge in the course of my duties as Chair / a Member of the said Commission.

So help me God (To be omitted in affirmation).

Sworn/Declared before me this.....day of.....20.

Form II

**Oath / Affirmation of Office and Confidentiality for Members of
the Secretariat of a Service Commission**

I, do solemnly swear (or affirm) that I will faithfully execute the office of without fear or favour, affection or ill-will and that in the execution of the functions of that office I will know, uphold and preserve the Constitution of the Virgin Islands.

I further solemnly swear (or affirm) that I will faithfully and honestly serve the public with integrity, impartiality, and with transparency.

I..... do swear (or solemnly affirm) that I will not directly reveal to any unauthorised person or persons otherwise than in the course of duty any information in connection with the business of the Commission which may come to my knowledge in the course of my duties as Secretary / a Member of the Secretariat to the said Commission.

So help me God (To be omitted in affirmation).

Sworn/Declared before me this.....day of.....20....

SCHEDULE 2
CODE OF CONDUCT

[Section 37]

A member of the Commission shall

- (a) not in return for anything done, or to be done, or omitted to be done in the execution of his or her duties, ask for or accept for himself or herself or any person, any money, property benefits or favours of any kind over and above that which he or she is lawfully entitled to receive for the performance of his or her duties;
- (b) make decisions relating to appointments, transfers and promotions without discrimination on the grounds of political affiliation, race, colour, ethnic origin, religion, sex, sexual preference, marital status, physical disability, age, sexual orientation, family relations or economic status;
- (c) not for himself or herself or for anyone else accept any gifts, benefit or advantage from anyone in the performance of his or her official functions.
- (d) not allow private interests to conflict with his or her duties or improperly influence his or her conduct in the performance of his or her public duties;
- (e) not allow the pursuit of his or her private interest to interfere with the proper discharge of his or her public duties;
- (f) not for his or her personal advantage, benefit or gain, make use of, or communicate to any unauthorised person, except in the performance of his or her official duties, the contents of any document, or any information, or matter required in the course of his or her official duties which are not available to the public;
- (g) while he or she is a member of the Commission shall disclose any contract or any other interest which they have or have had with the Government during the tenure of his or her office.

Passed by the House of Assembly this 28th day of June, 2011.

(Sgd.) Roy Harrigan,
Speaker.

(Sgd.) Phyllis Evans,
Clerk of the House of Assembly.