

**NO. OF 2024**

**VIRGIN ISLANDS  
SERVICE COMMISSIONS (AMENDMENT) BILL, 2024**

**ARRANGEMENT OF SECTIONS**

**SECTION**

- 1... Short title.
- 2... Section 2 amended.
- 3... Section 3 amended.
- 4... Sections 16A and 16B inserted.
- 5... Section 17 amended.
- 6... Schedule inserted.

I ASSENT

Governor.  
, 2024

**VIRGIN ISLANDS**

No. of 2024

**A Bill for**

**AN ACT** TO AMEND THE SERVICE COMMISSIONS ACT (NO. 8 OF 2011) TO PROVIDE FOR VETTING OF SPECIFIED OFFICERS AND TO PROVIDE FOR CONNECTED MATTERS.

[Gazetted , 2024 ]

ENACTED by the Legislature of the Virgin Islands as follows:

**Short title.**

1. This Act may be cited as the Service Commissions (Amendment) Act, 2024.

**Section 2 amended.**

2. The Service Commissions Act (referred to in this Act as the “principal Act”) is amended in section 2 by inserting the following definitions in the proper alphabetical order:

““applicant” means a person applying for a post in the Public Service;

“independent body” means any external entity contracted in accordance with section 16A (3) to perform the vetting process;

“processing” in relation to information, has the same meaning given to it in section 2 of the Data Protection Act, No. 3 of 2021;

“vetting” means the process of gathering and processing information about an individual’s background including personal information, employment records, criminal records, financial records and other relevant information to evaluate the individual’s suitability for employment within the Public Service;

“vetting clearance” means the approval granted after the vetting process is completed.”.

**Section 3 amended.**

3. The principal Act is amended in section 3(1) by inserting after paragraph (b), the following:

“(ba) vet or cause to be vetted, specified officers, or applicants for a post in the public service;”

**Sections 16A and 16B inserted.**

4. The principal Act is amended by inserting after section 16 the following new sections:

**“Vetting Requirement**

**16A.** (1) An applicant shall not serve in the public service unless that person is granted vetting clearance in accordance with this Act and Regulations made under this Act.

(2) An officer in a department or office referred to in Schedule 1A, who fails vetting, shall not continue to serve in active duty until a determination is made by the relevant Commission.

(3) For the purposes of this section, the Commission is responsible for vetting persons under this Act and may, for that purpose, outsource the vetting process to an independent body subject to such terms and conditions as the Commission may specify in the outsourcing agreement.

(4) For the purposes of this section, the relevant Commission shall by Notice published in the *Gazette*, specify

- (a) when vetting shall commence for the officers in the Ministries or departments prescribed in Schedule 1A; and

- (b) the prescribed period for submitting any relevant documents related to the vetting process.

(5) An applicant who

- (a) refuses to submit to vetting; or
- (b) fails to submit the prescribed form within the prescribed period; or
- (c) is not granted vetting clearance,

shall be deemed to have failed the vetting process and shall not be considered for further recruitment in the Service.

(6) An officer who

- (a) refuses to submit to vetting; or
- (b) fails to submit the prescribed form within the prescribed period; or
- (c) is not granted vetting clearance,

shall be deemed to have failed the vetting process and shall not continue to serve in active duty until a determination is made by the relevant Commission.

### **Continuous vetting**

**16B.** (1) Every officer required to be vetted pursuant to section 16A shall be vetted once every five years except for senior officers, who shall be vetted every three years.

(2) Notwithstanding subsection (1), an officer shall be subject to vetting

- (a) prior to being promoted;
- (b) where, in the opinion of the Commission, information with respect to that particular officer has come to light that may require that officer to be vetted; or
- (c) where an officer was not granted vetting clearance and is required to resubmit to vetting.”.

**Section 17 amended.**

5. Section 17(2) of the principal Act is amended by

(a) inserting immediately after paragraph (i) the following new paragraph:

“(j) the vetting report prepared for the purposes of this Act or regulations made under this Act; and

(b) redesignating paragraph (j) as (k).

**Schedule 1A inserted.**

12. The principal Act is amended by inserting immediately after Schedule 1 the following new Schedule:

**“SCHEDULE 1A**

[Section 16A(2), (4)(a)]

**Departments and Offices Subject to Vetting**

Customs

Department of Immigration

His Majesty’s Prison”.

Passed by the House of Assembly this      day of                      2024.

ck,  
Speaker.

ns,  
Clerk of the House of Assembly.

## **OBJECTS AND REASONS**

This Bill seeks to amend the Service Commissions Act (No. 8 of 2011) (referred to in this Act as “the principal Act”) to provide for the vetting of specified officers in the Public Service pursuant to Recommendations B39 of the Commission of Inquiry report and the Government of the Virgin Islands’ subsequent agreement via the “Framework for Implementation of the Recommendations of the Commission of Inquiry Report and Other Reforms.

Clause 1 would set out the short title.

Clause 2 seeks to insert several new definitions.

Clause 3 seeks to include in the functions of the Commissions the power to vet, or cause to be vetted, specified officers, or applicants for a post in the public service.

Clause 4 seeks to insert two new sections, 16A and 16B which would provide that the Commission is responsible for vetting specified persons under this Act and may, for that purpose, outsource the vetting process to an independent body subject to such terms and conditions as the Commission may specify.

Clause 5 seeks to amend section 17 of the principal Act by requiring the Commissions to consider any vetting report prepared for the purposes of the Act or regulations made under the Act when advising the selection of individuals for appointments and promotions.

Clause 6 seeks to insert a new Schedule which would provide for the Departments and Offices subject to vetting.

Governor.