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CONSTITUTION OF THE REPUBLIC OF SINGAPORE

PUBLIC SERVICE  
(DISCIPLINARY PROCEEDINGS)  
REGULATIONS 2023

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In exercise of the powers conferred by Article 116(1) of the Constitution of the Republic of Singapore, the President makes the following Regulations:

PART 1

PRELIMINARY

**Citation**

1. These Regulations are the Public Service (Disciplinary Proceedings) Regulations 2023.

**Definitions**

2. In these Regulations —

“Commission” means —

- (a) in relation to a Judicial Service Officer — the Judicial Service Commission;  
(b) in relation to a Legal Service Officer — the Legal Service Commission; and  
(c) in relation to any other public officer — the Public Service Commission;

“Committee” means a Committee appointed under regulation 15;

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“complainant” means a person who makes a complaint under regulation 4;

“complaint” means a complaint under regulation 4;

“demote” means reduce in rank;

“public officer” has the meaning given by Article 2(1) of the Constitution and modified by Article 103(1) of the Constitution;

“working day” means any day other than a Saturday, Sunday or public holiday.

### **Application**

3. These Regulations apply to and in relation to a public officer who is confirmed on the permanent establishment.

## PART 2

### PROCEEDINGS ON DISCIPLINARY COMPLAINTS

#### *Division 1 — Complaint*

### **Grounds for complaint**

4. A complaint may be made to the Commission that a public officer is guilty of misconduct or neglect of duty.

### **Who may complain**

5. The following persons may make a complaint:

(a) a member of the Commission;

(b) a Permanent Secretary;

(c) a Deputy Attorney-General (but not against a public officer, not being a Judicial Service Officer or Legal Service Officer, holding a post in the Attorney-General’s Chambers);

(d) a Solicitor-General;

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- (e) the Chief Executive, Attorney-General's Chambers (but not against a Judicial Service Officer or Legal Service Officer holding a post in the Attorney-General's Chambers);
  - (f) the Auditor-General;
  - (g) the Clerk of Parliament;
  - (h) the Secretary to the Public Service Commission;
  - (i) the Secretary to the Judicial Service Commission;
  - (j) the Secretary to the Legal Service Commission;
  - (k) the Registrar of the Supreme Court (but not against a public officer, not being a Judicial Service Officer or Legal Service Officer, holding a post in the Supreme Court, Family Justice Courts or State Courts);
  - (l) the Chief Executive, Office of the Chief Justice (but not against a Judicial Service Officer or Legal Service Officer holding a post in the Supreme Court, Family Justice Courts or State Courts);
  - (m) the Principal Private Secretary to the President;
  - (n) the Secretary to the Prime Minister;
  - (o) the Secretary to the Cabinet.

*Division 2 — Proceedings where dismissal or  
demotion not contemplated*

**Application**

- 6.** This Division applies if —
- (a) a complaint is made to the Commission against a public officer (called in this Division the accused officer); and
  - (b) the Commission considers that the subject of the complaint is not serious enough to warrant proceedings with a view to dismissal or demotion.

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**Notice of complaint, etc.**

7.—(1) The complainant must give the accused officer a notice of complaint.

(2) The notice of complaint must be in writing and must set out —

(a) the case against the accused officer; and

(b) any other matter that is proposed to be taken into consideration (including any adverse records of the accused officer).

(3) The notice of complaint must be approved by the Commission before it is given to the accused officer.

(4) After the accused officer is given the notice of complaint, he or she must not resign without the prior permission of the Commission.

(5) Paragraph (4) ceases to apply on the date on which the Commission's decision on the complaint takes effect.

**Right of reply**

8. The accused officer must be given a reasonable opportunity to reply to the notice of complaint.

**Investigation**

9. The Commission may cause the complaint to be investigated in any manner.

**Decision of Commission**

10.—(1) In deciding on the complaint, the Commission must consider —

(a) the case against the accused officer;

(b) any reply by the accused officer to the notice of complaint;

(c) the results of any investigation; and

(d) any other relevant matter stated in the notice of complaint.

(2) If the Commission decides that the case against the accused officer is proved on a balance of probabilities —

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- (a) the Commission may impose one or more penalties on the accused officer (for example, a reprimand, a fine, or stoppage or deferment of increment); but
  - (b) the Commission must not dismiss or demote the accused officer.
- (3) If the Commission considers that the results of any investigation disclose grounds to require the accused officer to retire in the public interest (whether or not the case against the accused officer is proved on a balance of probabilities) —
- (a) the Commission must give the accused officer a reasonable opportunity to reply to those grounds; and
  - (b) after considering any reply by the accused officer, the Commission may require the accused officer to retire in the public interest —
    - (i) without further proceedings under these Regulations; and
    - (ii) with or without a reduction in retirement benefits.
- (4) The Commission must inform the complainant of its decision.
- (5) The complainant must cause the accused officer to be given written notice of the Commission’s decision.
- (6) The Commission’s decision takes effect on the date after the day on which the written notice is given to the accused officer, unless some other date is specified in the written notice at the direction of the Commission.

*Division 3 — Proceedings where dismissal or  
demotion contemplated*

**Application**

- 11.** This Division applies if —
- (a) a complaint is made to the Commission against a public officer (called in this Division the accused officer); and

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- (b) the Commission considers that the subject of the complaint is serious enough to warrant proceedings with a view to dismissal or demotion.

### **Charges to be framed**

**12.**—(1) The complainant must reduce the complaint into one or more charges.

(2) A charge must be definite.

(3) Every charge must be approved by the Commission.

### **Notice of charge, etc.**

**13.**—(1) The complainant must give the accused officer written notice (called in this Division the notice of charge) about —

(a) the charge or charges against the accused officer; and

(b) any other matter that is proposed to be taken into consideration (including any adverse records of the accused officer).

(2) After the accused officer is given the notice of charge, he or she must not resign without the prior permission of the Commission.

(3) Paragraph (2) ceases to apply on the date on which the Commission's decision on the complaint takes effect.

### **Right of reply**

**14.**—(1) The accused officer may reply in writing to the notice of charge.

(2) The reply must be given within 14 working days after the notice of charge is given.

(3) If the accused officer fails to reply within the time in paragraph (2), the complainant must give the accused officer a written reminder, which must state that —

(a) the accused officer may reply to the notice of charge within 14 working days after the written reminder is given; and



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(b) if the accused officer fails to do so, the Commission may proceed to decide on the charge against the accused officer without appointing a Committee.

(4) For the purposes of this regulation, the accused officer is taken to have replied to the notice of charge even if his or her reply does not dispute the charge.

### **Referral of charges to Committee**

**15.**—(1) Subject to this regulation, the Commission must appoint a Committee and refer the charge or charges in the notice of charge against the accused officer to the Committee.

(2) The Commission may decline to refer a charge in the notice of charge to a Committee if —

- (a) the accused officer fails to reply to the notice of charge within the period in regulation 14(3)(a);
- (b) the accused officer replies to the notice of charge and admits to the charge in his or her reply;
- (c) the accused officer replies to the notice of charge but his or her reply does not dispute the charge; or
- (d) the accused officer replies to the notice of charge and his or her reply disputes the charge but —
  - (i) the Commission is of the preliminary opinion that further investigations are not necessary;
  - (ii) the accused officer is informed of the Commission's preliminary opinion and given at least 14 working days to submit any representations or documents; and
  - (iii) after considering any representations or documents submitted by the accused officer, the Commission decides that further investigations are not necessary.

(3) If the Commission declines to refer any charge in the notice of charge to a Committee, a Committee need not be appointed.

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(4) If a charge against the accused officer is not referred to a Committee, the Commission may proceed to decide on the charge in accordance with regulation 29.

### **Committee to inquire into charges**

16. A Committee appointed under regulation 15 must inquire into the charge or charges referred to it by the Commission.

### **Representation in inquiry**

17.—(1) In an inquiry (whether or not by way of an oral hearing), the Committee may permit the accused officer to be represented by —

- (a) an advocate and solicitor;
- (b) another public officer; or
- (c) a member of the Panel of Union Officials.

(2) The public officer mentioned in paragraph (1)(b) must not be senior in rank to —

- (a) any member of the Committee; or
- (b) if the inquiry is by way of oral hearing — the public officer presenting evidence on behalf of the Government.

(3) For the purposes of paragraph (1)(c) —

- (a) a Panel of Union Officials is to be constituted;
- (b) the Panel is to consist of a maximum of 6 members;
- (c) appointments to the Panel are to be made by the Public Service Commission; and
- (d) an appointment to the Panel must be for a specified period (which must not exceed 3 years) and may be renewed.

### **New charges during inquiry**

18.—(1) In an inquiry (whether or not by way of an oral hearing), the Commission may direct the Committee to inquire into a fresh charge against the accused officer.

(2) In the direction, the Commission must specify whether the fresh charge is in addition to, or in substitution of, the original charge.

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- (3) The fresh charge must —
- (a) arise from —
    - (i) the same or substantially the same facts as the original charge against the accused officer;
    - (ii) evidence given in the proceedings on the original charge; or
    - (iii) the conduct of the accused officer in the proceedings on the original charge;
  - (b) be definite; and
  - (c) be approved by the Commission.
- (4) On receiving the direction, the Committee must immediately suspend the inquiry.
- (5) The accused officer must be given a fresh notice of charge, which must set out —
- (a) the fresh charge; and
  - (b) any other matter that is proposed to be taken into consideration (including any adverse records of the accused officer).
- (6) The accused officer may, within 14 working days after the fresh notice of charge is given, reply in writing to that notice.
- (7) The Committee may resume the inquiry only after —
- (a) the accused officer has replied to the fresh notice of charge; or
  - (b) the time within which the accused officer may reply to the fresh notice of charge has elapsed.
- (8) Without limiting regulation 35, the Committee may consider any evidence given in respect of the original charge if the evidence is relevant to the fresh charge.

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**Inquiry by way of oral hearing**

- 19.**—(1) An inquiry must be by way of an oral hearing unless —
- (a) the accused officer consents to dispense with an oral hearing;
  - (b) the Committee considers that no witnesses of fact are required or that no witnesses of fact are willing or able to give evidence at an oral hearing; and
  - (c) the Committee considers that there is no dispute of fact or that any dispute of fact can be decided without holding an oral hearing.
- (2) In an inquiry by way of an oral hearing, regulations 20 to 25 apply.

**Oral hearing — notice and attendance**

- 20.**—(1) The accused officer must be informed of the date on which the oral hearing starts.
- (2) The accused officer must attend the oral hearing.
- (3) However, if the accused officer is absent without reasonable cause —
- (a) the oral hearing may proceed without the accused officer; and
  - (b) the Committee may make an adverse inference from the absence.

**Oral hearing — rights of accused officer**

- 21.**—(1) At the oral hearing, the accused officer may —
- (a) give evidence on his or her own behalf;
  - (b) call witnesses on his or her own behalf; and
  - (c) cross-examine other witnesses.
- (2) If a document is to be admitted in evidence at the oral hearing, the accused officer must be given access to the information in the document at a reasonable time before the document is admitted.

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(3) To avoid doubt, the Committee is not responsible for securing the attendance of any witness whom the accused officer wishes to call.

### **Oral hearing — presentation of cases**

22. At the oral hearing —

- (a) the evidence on behalf of the Government is to be presented by a public officer nominated by the complainant; and
- (b) the Committee may permit the accused officer to be represented in accordance with regulation 17.

### **Oral hearing — restrictions on adjournments**

23.—(1) The Committee must proceed with the oral hearing from day to day, and must not adjourn except in accordance with this regulation.

(2) An adjournment must be recorded in the report of the Committee.

(3) An adjournment must not exceed 14 days unless permission is given by the Commission.

### **Oral hearing — attempts to impede**

24.—(1) If the Committee is satisfied that the accused officer or the representative of the accused officer is impeding the oral hearing, the Committee must warn the accused officer or the representative.

(2) If the Committee is satisfied that a warning under paragraph (1) is being disregarded, the Committee —

- (a) must make a written note of this;
- (b) must carry on with and complete the oral hearing in any manner it sees fit; and
- (c) may, in the case of the accused officer's representative, exclude the representative from the proceedings.

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- (3) In this regulation, “impeding” —
- (a) includes attempting to impede; and
  - (b) in relation to the representative of an accused officer, also includes doing any act that amounts to misconduct.

**Oral hearing — time for Committee to submit report after end of hearing**

**25.**—(1) The Committee must submit its report on the charge against the accused officer within 14 working days (or any longer time allowed by the Commission) after the end of the oral hearing.

- (2) The Committee’s report must comply with regulation 27.

**Inquiry other than by oral hearing**

**26.** In an inquiry other than by way of an oral hearing —

- (a) the Committee must report on the charge within 14 working days (or any longer time allowed by the Commission) after —

(i) considering any documents or submissions; and

(ii) taking any other step it sees fit to investigate and inquire into the charge; and

- (b) the Committee’s report must comply with regulation 27.

**Contents of Committee’s report**

**27.**—(1) The Committee’s report under regulation 25 or 26 —

- (a) must state whether, in the opinion of the Committee, the charge against the accused officer has been proved on a balance of probabilities; and

- (b) may state any other matter the Committee considers relevant.

(2) The Committee’s report must include an annex setting out the information obtained by the Committee, whether from an oral hearing or elsewhere.

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(3) The annex must be in the form of a narrative instead of questions and answers, but the Committee may record any question and answer if it sees fit.

### **Commission may require further consideration by Committee**

**28.**—(1) The Commission may, at any time during an inquiry or after the Committee submits its report —

- (a) require the Committee to meet again to consider further evidence; and
- (b) give further directions for that purpose.

(2) The accused officer must be given at least 14 days' notice of any further meeting of the Committee pursuant to paragraph (1).

### **Decision of Commission**

**29.**—(1) In deciding on the charge against the accused officer, the Commission must consider —

- (a) any reply by the accused officer to the notice of charge;
- (b) if a Committee is appointed — the report of the Committee;
- (c) if a Committee is not appointed — the available facts; and
- (d) any other relevant matter stated in the notice of charge.

(2) If the Commission decides that the charge against the accused officer is proved on a balance of probabilities, the Commission may decide to take one (and only one) of the following actions:

- (a) dismiss the accused officer;
- (b) demote the accused officer;
- (c) impose one or more lesser punishments on the accused officer (for example, a reprimand, a fine, or stoppage or deferment of increment);
- (d) require the accused officer to retire in the public interest —
  - (i) without further proceedings under these Regulations;
  - and

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- (ii) with or without a reduction in retirement benefits.
- (3) The Commission must inform the complainant of its decision.
- (4) The complainant must cause the accused officer to be given written notice of the Commission's decision.
- (5) The Commission's decision takes effect on the date after the day on which the written notice is given to the accused officer, unless some other date is specified by the Commission.
- (6) If the accused officer is dismissed, he or she forfeits all claim to any allowance or other benefit that he or she would have enjoyed but for the dismissal.

### **Withdrawal of charge before decision**

**30.** The Commission may, at any time before deciding on the charge against the accused officer, direct that the charge be withdrawn.

#### *Division 4 — Supplementary provisions about Committees*

### **Composition of Committee**

- 31.** A Committee is to consist of —
- (a) 2 public officers; and
  - (b) a person who is not a public officer.

### **Appointments to Committee**

**32.—**(1) The members of a Committee are to be appointed by the Commission from a panel.

- (2) For the purposes of paragraph (1) —
- (a) the Public Service Commission, the Judicial Service Commission and the Legal Service Commission must each constitute a panel;
  - (b) appointments to a panel are to be made by the Commission that constituted the panel; and



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(c) an appointment to a panel must be for a specified period (which must not exceed 3 years) and may be renewed.

(3) The Commission must cause each member of a Committee to be notified of the member's appointment.

### **Quorum of Committee**

33. Any 2 members of a Committee constitute a quorum.

### **Committee is not judicial or quasi-judicial body**

34. A Committee is not a judicial or quasi-judicial body.

### **Committee not bound by rules of evidence**

35. A Committee is not bound by the Evidence Act 1893 or by any other rule of evidence, but may inform itself on any matter in any manner.

### **Committee need not act formally**

36. Subject to these Regulations, a Committee need not act formally.

### **Allowances to Committee members who are not public officers**

37.—(1) An allowance must be paid in accordance with this regulation to the member of a Committee who is not a public officer.

(2) In a case where the Committee holds an inquiry by way of an oral hearing —

(a) for each full day of the oral hearing, the allowance is to be a daily rate determined by the Permanent Secretary; and

(b) for each half day of the oral hearing, the allowance is to be at half the daily rate determined under sub-paragraph (a).

(3) In a case where the Committee holds an inquiry other than by way of an oral hearing, the allowance is to be at a rate determined by the Permanent Secretary.

(4) In this regulation, "Permanent Secretary" means the Permanent Secretary for the Public Service Division of the Prime Minister's Office.

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PART 3

EFFECT OF CRIMINAL PROCEEDINGS

**If criminal proceedings pending**

**38.**—(1) This regulation applies if criminal proceedings are pending against a public officer.

(2) While the criminal proceedings are pending, the public officer must not resign without the prior permission of the Commission.

(3) A complaint may still be made against the public officer under Part 2, and proceedings under Part 2 on the complaint may start and continue.

(4) However, if charges against the public officer have been brought under Division 3 of Part 2 (proceedings where dismissal or demotion contemplated), the Commission must not decide on any charge that is based on grounds that are related to the subject matter of the criminal proceedings.

(5) For the purposes of this regulation —

- (a) criminal proceedings start when the public officer is charged for an offence;
- (b) if the public officer is granted a discharge (whether or not amounting to an acquittal) in the criminal proceedings, those proceedings are no longer pending; and
- (c) if the time within which an appeal may be made in the criminal proceedings has not elapsed, those proceedings are deemed to still be pending even if an appeal has not been made.

**If criminal proceedings result in conviction**

**39.**—(1) This regulation applies if a public officer is convicted of an offence by a court.

(2) The Commission may start proceedings under this regulation to dismiss, demote or otherwise punish the public officer.

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(3) In proceedings under this regulation —

- (a) the Commission must cause the public officer to be given written notice about any matter (other than the available record of proceedings of the court) that is proposed to be considered;
- (b) after the public officer is given the written notice, he or she must not resign without the prior permission of the Commission;
- (c) sub-paragraph (b) ceases to apply on the date on which the Commission's decision in the proceedings takes effect; and
- (d) the Commission need not appoint a Committee under regulation 15, but must give the public officer a reasonable opportunity of being heard.

(4) In deciding whether to punish the public officer, the Commission may consider —

- (a) the available record of proceedings of the court; and
- (b) any matter notified to the public officer under paragraph (3)(a).

(5) Unless the Commission directs otherwise, the public officer is not entitled to any emoluments for the period —

- (a) starting on and including the date of the conviction; and
- (b) ending on and including the date on which the Commission decides whether to punish the public officer.

(6) If the public officer had his or her increment withheld while the proceedings for the offence are pending, the Commission may order the withheld increment to be forfeited in addition to any other punishment imposed by the Commission.

(7) If the public officer is dismissed in proceedings under this regulation, he or she forfeits all claim to any allowance or other benefit that he or she would have enjoyed but for his or her dismissal.

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**If criminal proceedings result in acquittal**

**40.**—(1) This regulation applies if a public officer is acquitted of an offence.

(2) To avoid doubt, a complaint may still be made against the public officer under Part 2, and proceedings under Part 2 on the complaint may start and continue.

**PART 4****INTERDICTION****Interdiction where criminal proceedings started, etc.**

**41.**—(1) The Commission may interdict a public officer from the exercise of the functions and powers of his or her office if —

- (a) one or more of the following circumstances apply:
- (i) the public officer is being investigated under any written law for committing an offence;
  - (ii) criminal proceedings are pending against the public officer;
  - (iii) the public officer is convicted of an offence;
  - (iv) a Permanent Secretary informs the Commission in writing that the public officer is being investigated by a Ministry or department and a complaint under Part 2 (proceedings on disciplinary complaints) may be made against the public officer;
  - (v) proceedings under Division 3 of Part 2 (proceedings where dismissal or demotion contemplated) are pending against the public officer;
  - (vi) the Commission considers there are grounds for starting proceedings under Part 5 (retirement in public interest) against the public officer;
  - (vii) proceedings under Part 5 are pending against the public officer; and

- (b) the Commission considers that the public interest requires the public officer to immediately cease to exercise those functions and powers.

(2) In this regulation, “Permanent Secretary” includes a person who may make a complaint against the public officer.

### **Withholding of emoluments during and after interdiction period**

**42.**—(1) If a public officer is interdicted, the Commission may order that his or her emoluments —

- (a) be wholly or partly withheld for the whole or any part of the period of interdiction; and
- (b) continue to be withheld even after —
- (i) the interdiction is lifted; or
- (ii) he or she ceases to be a public officer.

(2) However, the emoluments of the public officer must not continue to be withheld under paragraph (1)(b) if none of the circumstances in regulation 41(1)(a) apply to the public officer.

### **Forfeiture of withheld emoluments**

**43.**—(1) In a case where a public officer is interdicted and has his or her emoluments withheld under regulation 42, the Commission may order that the withheld emoluments be wholly or partly forfeited if any of the following occurs (whether before, during or after the interdiction):

- (a) the officer is convicted of an offence;
- (b) the officer is dismissed, demoted or otherwise punished in proceedings under these Regulations;
- (c) the officer is retired in the public interest;
- (d) the officer is subject to a supervision order or admitted to an approved institution under section 34 of the Misuse of Drugs Act 1973;

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- (e) the officer is subject to a supervision order under section 16 of the Intoxicating Substances Act 1987 or admitted to an approved centre under section 17 of that Act.
- (2) To avoid doubt, any emoluments of a public officer withheld under regulation 42 must be paid to the public officer if —
- (a) there are no longer grounds for withholding those emoluments; and
- (b) there are no grounds for forfeiting those emoluments.

### **Withholding of increment while disciplinary action pending**

44. If a public officer had his or her increment withheld while pending disciplinary action against him or her, the officer may forfeit the withheld increment at the discretion of the Commission.

## **PART 5**

### **RETIREMENT IN PUBLIC INTEREST**

#### **Application of this Part**

45. The Commission may start proceedings under this Part if it considers that —
- (a) there are prima facie grounds for requiring a public officer to retire in the public interest; and
- (b) those grounds cannot be suitably dealt with by other proceedings under these Regulations.

#### **Notice of prima facie grounds**

46.—(1) The Commission must cause the public officer to be given a written notice about the prima facie grounds for requiring him or her to retire in the public interest.

(2) After the public officer is given the written notice, he or she must not resign without the prior permission of the Commission.

(3) Paragraph (2) ceases to apply on the date on which the Commission's decision in the proceedings takes effect.

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**Right of reply**

47. The public officer must be given a reasonable opportunity to reply to the prima facie grounds set out in the written notice.

**Reports from current and former Permanent Secretaries, etc.**

48.—(1) The Commission must call for a report from the Permanent Secretary under whom the public officer is serving.

(2) The Commission may call for a report from any Permanent Secretary under whom the public officer has served.

(3) In this regulation, “Permanent Secretary” includes a person who may make a complaint against the public officer (except a member of the Commission).

**Retirement in public interest**

49.—(1) After considering the following matters, the Commission may require the public officer to retire in the public interest:

- (a) any reply by the public officer under regulation 47;
- (b) the report or reports called for under regulation 48;
- (c) the conditions of service of the public officer;
- (d) the usefulness of the public officer to the public service;
- (e) all other circumstances that are relevant to the public interest.

(2) If the public officer is required to retire in the public interest —

- (a) the service of the public officer terminates on a date to be specified by the Commission; and
- (b) any question as to pension, gratuity or other allowance is to be decided according to the law for the time being in force.

**Revocation and transitional provisions**

50.—(1) The Public Service (Disciplinary Proceedings) Regulations (Rg 1) (called in this regulation the former Regulations) are revoked.

(2) However, any proceeding pending under the former Regulations immediately before 19 January 2023 are to be disposed of in accordance with the former Regulations as if the former Regulations have not been revoked.

Made on 4 January 2023.

By Command,

TAN KEE YONG  
*Secretary to the Cabinet,*  
*Singapore.*

[PSD/PSC/D/4.1.01 Vol 21; AG/LEGIS/SL/CONS/2020/22 Vol. 2]