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CONSTITUTION OF THE REPUBLIC OF SINGAPORE

PUBLIC SERVICE COMMISSION (DELEGATION OF DISCIPLINARY FUNCTIONS) (AMENDMENT) DIRECTIONS 2023

In exercise of the powers conferred by Article 116(3) of the Constitution of the Republic of Singapore, the Public Service Commission makes the following Directions:

Citation

1. These Directions are the Public Service Commission (Delegation of Disciplinary Functions) (Amendment) Directions 2023.

New Part 1 heading

2. In the Public Service Commission (Delegation of Disciplinary Functions) Directions (Dir 1) (called in these Directions the principal Directions), above direction 1, insert —

“PART 1
PRELIMINARY”.

Amendment of direction 2

3. In direction 2 of the principal Directions —

(a) before the definition of “Commission”, insert —

““Chairman” means the Chairman of the
Commission;”;

(b) after the definition of “Commission”, insert —

““Deputy Chairman” means a Deputy Chairman of
the Commission;”;

(c) replace the definition of “officer” with —

““officer” means a public officer of substantive grade of or equivalent to Management Executive Grade 10 or below (whether the officer is holding a permanent, temporary or contract appointment), but excludes —

(a) a public officer in the Administrative Service; and

(b) a prison officer as defined by direction 2 of the Public Service Commission (Prison Officers) (Disciplinary Proceedings — Delegation of Functions) Directions (Dir 2);” and

(d) in the definition of “Permanent Secretary”, in paragraph (a), replace “the” with “a”.

New Part 2 heading

4. In the principal Directions, above direction 3, insert —

“PART 2

DELEGATION TO PERMANENT SECRETARIES”.

Replacement of direction 3

5. In the principal Directions, replace direction 3 with —

“Delegation to Permanent Secretaries

3.—(1) The functions of the Commission in relation to the disciplinary control of an officer may be exercised by any Permanent Secretary to the Ministry, Organ of State or Mission in which the officer is serving.

(2) In exercising those functions, a Permanent Secretary must act in accordance with this Part.”.

Amendment of direction 5

6. In direction 5 of the principal Directions —

(a) in paragraph (1), replace sub-paragraphs (b) and (c) with —

“(b) stoppage of increment;

(c) a fine.”; and

(b) after paragraph (2), insert —

“(3) The Permanent Secretary must cause notice to be given to the officer of —

(a) the Permanent Secretary’s decision to impose a penalty under direction 5(1);

(b) the Permanent Secretary’s decision to issue a written warning under direction 5(2); or

(c) the Permanent Secretary’s opinion that the officer is not guilty of misconduct,

as the case may be.”.

Replacement of directions 6 and 7

7. In the principal Directions, replace directions 6 and 7 with —

“Commission may set aside Permanent Secretary’s decision, etc.

6.—(1) Within 2 months after the officer is notified of the Permanent Secretary’s decision under direction 5, the Commission may —

(a) set aside the whole or any part of the Permanent Secretary’s decision and substitute its own decision; or

(b) set aside the whole of the Permanent Secretary’s decision and start proceedings under the Public Service (Disciplinary Proceedings) Regulations 2023 (G.N. No. S 23/2023) against the officer.

(2) However, the Commission must not enhance any penalty under paragraph (1)(a) unless the officer has been given a reasonable opportunity of being heard.

(3) In this direction and direction 7, “decision under direction 5” means —

- (a) a decision to impose a penalty under direction 5(1);
- (b) a decision to issue a written warning under direction 5(2); or
- (c) an opinion that the officer is not guilty of misconduct.

Report by Permanent Secretary

7.—(1) For the purposes of direction 6, the Permanent Secretary must submit a report to the Commission containing —

- (a) a summary of the facts; and
- (b) the Permanent Secretary’s decision under direction 5.

(2) The report must be submitted within 7 days after the officer is notified of the Permanent Secretary’s decision under direction 5.”.

New Part 3

8. In the principal Directions, after direction 8, insert —

“PART 3

DELEGATION TO CHAIRMAN AND
DEPUTY CHAIRMEN OF COMMISSION

Functions under Public Service (Disciplinary Proceedings) Regulations 2023

8A.—(1) The functions of the Commission under the Public Service (Disciplinary Proceedings) Regulations 2023 may be exercised by —

- (a) the Chairman; or
- (b) in a case where the Chairman is unable to act for any reason — a Deputy Chairman.

(2) However, paragraph (1) does not enable the Chairman or a Deputy Chairman to —

- (a) exercise the function in regulation 17(3) (appointments to Panel of Union Officials) of those Regulations; or
- (b) in proceedings under those Regulations, decide whether there are grounds for imposing any punishment or to impose any punishment.

Functions under direction 6

8B. The functions of the Commission under direction 6 may be exercised by —

- (a) the Chairman; or
- (b) in a case where the Chairman is unable to act for any reason — a Deputy Chairman.”.

New Part 4 heading and direction 8C

9. In the principal Directions, before direction 9, insert —

“PART 4

MISCELLANEOUS

Commission may exercise delegated functions

8C. The Commission may still exercise any function delegated by these Directions.”.

Transitional provisions

10. Any proceedings under the principal Directions that are pending immediately before 19 January 2023 are to be disposed of in accordance with the principal Directions as in force immediately before that date.

*[G.N. Nos. S 497/2003; S 207/2013; S 687/2017;
S 173/2021; S 386/2021; S 698/2022]*

Made on 17 January 2023.

ONG TOON HUI
Secretary,
Public Service Commission,
Singapore.

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