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CONSTITUTION OF THE REPUBLIC OF SINGAPORE

JUDICIAL SERVICE (PERSONNEL BOARD) REGULATIONS 2022

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In exercise of the powers conferred by Article 111I(1) of the Constitution of the Republic of Singapore, the Judicial Service Commission makes the following Regulations:

PART 1
PRELIMINARY

Citation and commencement

1. These Regulations are the Judicial Service (Personnel Board) Regulations 2022 and are deemed to have come into operation on 26 January 2022.

Definitions

2. In these Regulations, unless the context otherwise requires —
“Chairperson”, in relation to a personnel board, means the Chairperson of the personnel board;
“Commission” means the Judicial Service Commission;
“member”, in relation to a personnel board, includes the Chairperson of the personnel board;

“personnel board” means a personnel board established by these Regulations;

“presiding member”, in relation to a meeting of a personnel board, means the Chairperson or the member elected under regulation 8(2) to preside at that meeting;

“Secretary” means the Secretary to the Commission appointed under Article 111H of the Constitution;

“threshold grade” means Grade 2 (being the grade designated by the Judicial Service (Threshold Grade) Notification 2022 (G.N. No. S 23/2022)).

PART 2

PERSONNEL BOARD

Special Personnel Board

3.—(1) There is to be a personnel board called the Special Personnel Board, comprising the persons mentioned in the Schedule (being persons appointed by the President under Article 111I(5) of the Constitution).

(2) The Commission delegates to the Special Personnel Board the jurisdiction and power to do the following:

- (a) first appoint a person as a Judicial Service Officer at any grade below the threshold grade;
- (b) confirm a Judicial Service Officer at any grade below the threshold grade;
- (c) emplace a Judicial Service Officer on the permanent establishment at any grade below the threshold grade;
- (d) promote a Judicial Service Officer to any grade below the threshold grade;
- (e) transfer a Judicial Service Officer below the threshold grade to any post under the jurisdiction of the Commission;

(f) transfer —

- (i) a Judicial Service Officer below the threshold grade to another Scheme of Service in the public service (other than the Singapore Legal Service); or
- (ii) a public officer from another Scheme of Service in the public service (other than the Singapore Legal Service) to be a Judicial Service Officer below the threshold grade,

with the prior agreement of the Public Service Commission or the relevant personnel board established under Article 110D of the Constitution having jurisdiction and power over the other Scheme of Service or the public officer to be transferred, as the case may be;

(g) transfer —

- (i) a Judicial Service Officer below the threshold grade to be a Legal Service Officer; or
- (ii) a Legal Service Officer to be a Judicial Service Officer below the threshold grade,

with the prior agreement of the Legal Service Commission or the relevant personnel board established under Article 111I of the Constitution, as the case may be.

Commission may continue to exercise delegated jurisdiction and powers

4. To avoid doubt, the Commission may continue to exercise any jurisdiction or power delegated by these Regulations to a personnel board.

PART 3
PERSONNEL BOARD PROCEEDINGS

Meetings

5.—(1) A personnel board is to meet at the times and places decided by the Chairperson.

(2) The Chairperson may permit some or all members to take part in a meeting by remote communications technology.

(3) A member who takes part in a meeting by remote communications technology is taken to be present at that meeting.

(4) In this regulation, “remote communications technology” means any technology that enables simultaneous audio or audiovisual communications.

Inability to attend meetings

6. A member who is unable to be present at any meeting must notify the Chairperson as soon as practicable.

Quorum for meetings

7.—(1) The quorum for a meeting of a personnel board is the fewer of the following:

(a) 3 members;

(b) all members.

(2) If a meeting of a personnel board does not have a quorum —

(a) the members present may, after 10 minutes have elapsed after the time appointed for the meeting, proceed to transact any business as if a quorum were present; but

(b) any decision made at the meeting is an interim decision.

(3) An interim decision of a personnel board —

(a) must be notified to all members within 7 days after the interim decision is made; and

(b) becomes final if —

- (i) the interim decision is confirmed by the personnel board; or
- (ii) 14 days have elapsed since the interim decision was made and no member has requested the Chairperson to convene a meeting on the interim decision.

Presiding at meetings

8.—(1) The Chairperson of a personnel board presides at every meeting of the personnel board.

(2) If the Chairperson —

- (a) is not present within 10 minutes after the time appointed for a personnel board to meet; or
- (b) is unwilling to act,

the members present may elect one of their number to preside at that meeting.

(3) The presiding member must ensure that these Regulations are observed.

Decisions at meetings

9.—(1) Subject to these Regulations, a resolution proposed at a meeting of a personnel board is to be decided by a majority of the votes of the members present and voting.

(2) If there is an equality of votes under paragraph (1) —

- (a) the presiding member has a casting vote (which is in addition to his or her deliberative vote); and
- (b) the proposed resolution lapses if the presiding member declines to exercise his or her casting vote.

Making decisions without meeting

10.—(1) A personnel board may, in accordance with this regulation, make decisions without meeting.

(2) The Secretary may, at the direction of the Chairperson, send to all members of the personnel board a written notice stating —

- (a) a proposed resolution; and
- (b) the time within which, and the manner in which, a member must notify the Secretary of the member's vote on the proposed resolution.

(3) A proposed resolution under paragraph (2)(a) is to be decided by a majority of the votes of the members who have notified the Secretary of their votes within the time and in the manner stated under paragraph (2)(b).

(4) If there is an equality of votes under paragraph (3) —

- (a) the Chairperson has a casting vote (which is in addition to his or her deliberative vote); and
- (b) the proposed resolution lapses if the Chairperson declines to exercise his or her casting vote.

Members with interest must not take part in decisions

11. If a member has any personal or other interest in a matter before a personnel board that makes it unjust or improper for the member to consider the matter —

- (a) the member must disclose the nature of the interest to the personnel board;
- (b) the disclosure must be recorded in the minutes of the personnel board; and
- (c) the member must not take part in any deliberations or decision of the personnel board on the matter.

Notification of promotion decisions

12.—(1) All candidates in a promotion exercise held by a personnel board must be notified of the decision of the personnel board.

(2) For the purposes of these Regulations, if —

- (a) a personnel board informs all candidates in a promotion exercise of the successful candidates in that exercise; and

(b) a candidate in that exercise is not notified that he or she is a successful candidate in that exercise,
the candidate is deemed to have been notified of the personnel board's adverse decision on the date of the notification in sub-paragraph (a).

Compliance with Government Instruction Manuals, etc.

13. In the exercise of its functions, a personnel board must abide by the Government Instruction Manuals or other administrative orders or directives for the time being lawfully issued and in force by the Public Service Division of the Prime Minister's Office.

Panels

14.—(1) A personnel board may establish one or more panels to assist it in the performance of its functions in relation to a promotion or recruitment exercise, as the case may be.

(2) In deciding whether to establish a panel, a personnel board must have regard to —

- (a) the procedure for the exercise;
- (b) the number of posts, grades, officers and persons involved in the exercise; and
- (c) the time that may be taken for the exercise.

Proceedings to be private, etc.

15.—(1) Subject to these Regulations, the proceedings of a personnel board must be conducted in private.

(2) A personnel board may invite a person to attend its proceedings to assist it in the performance of its functions.

Personnel board may regulate own procedure

16. Subject to these Regulations, a personnel board may regulate its own procedure, including the procedure relating to —

- (a) the holding of meetings and notice of meetings;
- (b) the proceedings at meetings; and

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- (c) the keeping, custody, production and inspection of minutes.

PART 4

APPEALS TO COMMISSION

Appeal against decision of personnel board

17. A person in respect of whom a personnel board has made a decision may appeal to the Commission against the decision in accordance with this Part.

Requirements relating to appeal

18.—(1) An appeal under regulation 17 must —

- (a) be made within 30 days after the appellant is notified or deemed to be notified of the decision appealed against;
- (b) be in writing;
- (c) refer to the decision appealed against;
- (d) state the grounds of appeal in a clear and concise manner; and
- (e) be signed by the appellant.

(2) An appeal may be accompanied by any relevant testimonials, qualifications, references and other information that the appellant considers necessary in support of the appeal.

(3) The Commission may refuse to consider any appeal that does not comply with paragraph (1).

(4) If the Commission refuses to consider an appeal, the appellant must be notified.

Process for considering appeal

19.—(1) Where an appeal is made under regulation 17 —

- (a) the Secretary must cause the relevant records and grounds of decision to be sent to the Commission; and
- (b) the Commission is to consider and decide on the appeal.

(2) Before making any decision on an appeal, the Commission may —

- (a) seek advice on any matter arising out of the appeal; and
- (b) take further evidence from any person.

Decision on appeal

20.—(1) Subject to regulation 18(3), an appeal must be decided solely on its merits.

(2) After considering an appeal, the Commission may —

- (a) confirm or vary the decision appealed against; or
- (b) substitute a fresh decision for the decision appealed against.

(3) An appellants must be informed of the Commission's decision on the appeal.

(4) The decision of the Commission on an appeal under these Regulations is final.

PART 5

MISCELLANEOUS

Confidentiality

21.—(1) Except with the prior written permission of the President, a person who attends a meeting of a personnel board or the Commission (whether under regulation 16(2) or 20(2)(b) or otherwise) must not publish or disclose to any other person any matter arising at the meeting.

(2) A person who contravenes paragraph (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000.

THE SCHEDULE

Regulation 3(1)

SPECIAL PERSONNEL BOARD

Chairperson	Chief Justice Sundaresh Menon
Members	Justice See Kee Oon
	Justice Audrey Lim Yoon Cheng

Made on 28 January 2022.

SUNDARESH MENON
President,
Judicial Service Commission,
Singapore.

[JSC/5.2.06I; AG/LEGIS/SL/CONS/2020/31 Vol. 1]