

CONSTITUTION OF THE REPUBLIC OF SINGAPORE
(ARTICLE 116(1))

PUBLIC SERVICE (DISCIPLINARY PROCEEDINGS)
REGULATIONS

ARRANGEMENT OF REGULATIONS

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[1st July 1970]

Citation

1. These Regulations may be cited as the Public Service (Disciplinary Proceedings) Regulations.

Definitions

2. In these Regulations, unless the context otherwise requires —

“Permanent Secretary” includes —

- (a) a Deputy Attorney-General;
- (b) the Solicitor-General;
- (c) the Chief Executive, Attorney-General’s Chambers;

- (d) the Auditor-General;
- (e) the Clerk of Parliament;
- (f) the Secretary to the Public Service Commission;
- (g) the Secretary to the Legal Service Commission;
- (h) the Registrar of the Supreme Court;
- (i) the Chief Executive, Office of the Chief Justice;
- (j) the Principal Private Secretary to the President;
- (k) the Secretary to the Prime Minister; and
- (l) the Secretary to the Cabinet;

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“public officer” means a confirmed permanent officer in the public service.

Investigation

3.—(1) If it is represented to the Public Service Commission by a Permanent Secretary that a public officer has been guilty of misconduct or neglect of duty and the Public Service Commission is of the opinion that the subject of the complaint is not serious enough to warrant proceedings under regulation 4 with a view to dismissal or reduction in rank, the Public Service Commission may cause an investigation to be made into the matter in such manner as it thinks fit.

(2) The public officer shall be informed in writing of the case against him and shall have a reasonable opportunity of replying thereto.

(3) The Public Service Commission may, after considering the case made against the public officer, his reply thereto and the results of the investigation, if any, if it is of the opinion that —

- (a) the allegation has been proved, impose a penalty, such as stoppage or deferment of increment, fine or reprimand, or a combination of such penalties; or
- (b) the results of such investigation disclose grounds for so doing, require the public officer to retire in the public

interest without further proceedings under these Regulations, with or without a reduction in retirement benefits.

(4) The public officer shall be given an opportunity to submit a reply to the grounds upon which his retirement is contemplated.

Serious misconduct

4.—(1) If it is represented to the Public Service Commission by a Permanent Secretary that a public officer has been guilty of misconduct or neglect of duty and the Public Service Commission is of the opinion that the subject of the complaint warrants proceedings with a view to dismissal or reduction in rank, the Public Service Commission may cause proceedings to be taken under this regulation.

(2) The public officer shall be notified in writing by his Permanent Secretary of the grounds, which shall be reduced to the form of a definite charge or charges, upon which it is intended to dismiss him or to reduce his rank and he shall be given 14 working days within which to exculpate himself in writing.

(2A) The officer shall also be informed in writing of any other circumstances which it is proposed to take into consideration.

(3) If the public officer submits an exculpatory statement which is not satisfactory, the Public Service Commission shall appoint a Committee (referred to in these Regulations as the Committee) to inquire into the matter and to submit a report to the Public Service Commission.

(4) The Committee in the performance of its functions shall not be deemed to be a judicial or quasi-judicial body.

(5) The Committee shall consist of 2 public officers and one other person, who shall not be a public officer, to be chosen from a panel of persons nominated by the Public Service Commission.

(5A) The membership of the panel shall normally be for a period of 3 years but members shall be eligible for re-nomination at the expiry of such period.

(5B) Each member of the Committee shall be notified of his appointment by the Permanent Secretary.

(6) The public officer shall be informed of the date on which the Committee will commence its inquiry and the public officer shall attend the inquiry and shall be permitted —

- (a) to cross-examine the witnesses;
- (b) to give evidence on his own behalf;
- (c) to have such witnesses as he may wish called on his behalf; and
- (d) to have access to information contained in any documents at a reasonable time before the documents are tendered in evidence.

(7) The record of the proceedings of the Committee shall consist of the information obtained by the Committee and a report by the Committee.

(7A) The information shall not ordinarily be set out in the form of question and answer but in the form of a narrative but the Committee may in its discretion record any particular question and answer.

(8) At the inquiry, the evidence on behalf of the Government shall be presented by a public officer who need not be a confirmed officer, nominated by the Permanent Secretary under whom the officer under inquiry is serving.

(8A) The Committee may, in its discretion, permit the public officer under inquiry to be represented by an advocate and solicitor, by another public officer who need not be a confirmed officer or by a member of the Panel of Union Officials.

(8B) A person representing the public officer under inquiry shall not be senior in rank to a member of the Committee or to the officer nominated by the Permanent Secretary under paragraph (8).

(8C) The Committee may, at any time, exclude any person representing the public officer under inquiry from the inquiry if the Committee is of the view that the person has misconducted himself or is attempting to delay the inquiry.

(8D) At any one time, there shall be a maximum of 6 members on the Panel of Union Officials.

(8E) All appointments to the Panel of Union Officials shall be made by the Public Service Commission for a period of one year and may be renewed upon expiry.

(9) The Committee shall not be bound to act in a formal manner and shall not be bound by the Evidence Act (Cap. 97) or by any other law relating to evidence but may inform itself on any matter in such manner as it thinks fit.

(10) The Committee shall proceed with its inquiry from day to day and no adjournment shall be given except for reasons to be recorded in writing.

(10A) Every adjournment, with reasons therefor, shall be reported forthwith to the Permanent Secretary and the Public Service Commission.

(10B) No adjournment shall be given for more than 14 days except with the permission of the Public Service Commission.

(11) The Committee may, in its discretion, conduct proceedings under these Regulations notwithstanding the absence of one of its members, and the validity of such proceedings shall not be challenged on this ground.

(12) If the Committee is satisfied that the public officer under inquiry or any person representing him is hampering or attempting to hamper the progress of the inquiry, the Committee shall administer a warning to the public officer and, where appropriate, the person representing him.

(12A) If after such warning the Committee is satisfied that the warning is being disregarded, the Committee shall make a written note of this and shall proceed to carry on with and complete the inquiry in such manner as it thinks fit.

(13) The Committee shall, within 14 working days of the conclusion of the proceedings unless the Public Service Commission grants an extension of time, submit its report to the Public Service Commission through the Permanent Secretary.

(14) The Public Service Commission may, upon considering the report of the Committee, if it is of the opinion —

- (a) that the public officer should be dismissed or be reduced in rank, dismiss or reduce the rank of the public officer from such date as it may think fit; or
- (b) that some punishment other than dismissal or reduction in rank should be imposed —
 - (i) impose some lesser penalty such as stoppage or deferment of increment, fine or reprimand, or a combination of such penalties; or
 - (ii) require the public officer to retire in the public interest without further proceedings under these Regulations, with or without a reduction in retirement benefits.

(15) The Public Service Commission may, where it thinks fit, require the Committee to reconvene to consider further evidence and to meet for that purpose except that the public officer shall be given not less than 14 days' notice of such further meeting of the Committee.

(16) Where the public officer fails to furnish an exculpatory statement within the time specified in paragraph (2), he shall be informed in writing by the Permanent Secretary that if he fails to furnish an exculpatory statement within such time as the Public Service Commission may determine which shall not be more than 28 days from the date of first communication of the charges to him, the Public Service Commission may proceed to determine the matter in accordance with paragraph (17).

(17) The Public Service Commission may dispense with the appointment of a Committee of Inquiry under paragraph (3) to inquire into the matter where the public officer —

- (a) admits the charge or charges or any one of the charges; or
- (b) fails to furnish an exculpatory statement within the time specified in paragraph (2) and such extended time as may be given under paragraph (16),

and proceed to determine the matter as the Public Service Commission may think fit.

(18) If, upon considering the facts available, the Public Service Commission is of the opinion that —

- (a) the public officer should be dismissed or reduced in rank, it shall dismiss or reduce the rank of the public officer from such date as it may think fit; or
- (b) some punishment other than dismissal or reduction in rank should be imposed, it may —
 - (i) impose some lesser penalty on the public officer such as a stoppage or deferment of increment, fine or reprimand, or a combination of such penalties; or
 - (ii) require the public officer to retire in the public interest without further proceedings under these Regulations, with or without a reduction in retirement benefits.

(19) The Committee shall only be dissolved upon a signification to that effect communicated to its members by the Public Service Commission.

Allowance to members of Committee who are not public officers

5.—(1) An allowance shall be payable to the member of a Committee who is not a public officer for each day the Committee is engaged in inquiring into a matter.

(2) Where the Committee is engaged only in the morning or afternoon in such inquiry, only half such allowance shall be payable.

(3) The allowance referred to in paragraph (1) shall be such sum as may be determined by the Permanent Secretary of the Public Service Division of the Prime Minister's Office.

Retirement in public interest

6.—(1) Notwithstanding regulation 4, if the Public Service Commission considers that it is desirable in the public interest that

a public officer shall be required to retire from the service on grounds which cannot be suitably dealt with by specific charges under these Regulations, it shall call for a full report from the Permanent Secretary under whom the public officer is serving and, in its discretion, from any other Permanent Secretary under whom the public officer has served.

(2) The Public Service Commission shall give the public officer an opportunity of submitting a reply to the complaints by reason of which his retirement is contemplated.

(3) If the Public Service Commission is satisfied, upon a consideration of the report and of the reply by the public officer and having regard to the conditions of service, the usefulness of the public officer thereto and all the other circumstances of the case, that it is desirable in the public interest to do so, it may require the public officer to retire in the public interest and the public officer's service shall accordingly be terminated on such date as the Public Service Commission shall specify.

(4) In every case the question of pension, gratuity or other allowance shall be dealt with under the law for the time being in force.

Interdiction

7.—(1) If in any case the Public Service Commission considers that the public interest requires that a public officer should cease to exercise the powers and functions of his office instantly, the Public Service Commission may interdict the public officer from the exercise of the powers and functions of his office, provided that criminal proceedings or proceedings for his dismissal or reduction in rank are being contemplated.

(2) Subject to regulation 10(1), a public officer who has been interdicted may be allowed to receive such portion of the emoluments of his office for such period during the period of interdiction as the Public Service Commission shall think fit, or the Public Service Commission may order the withholding of his total emoluments.

(3) If the proceedings against a public officer do not result in the dismissal or other punishment of the public officer, he shall be

entitled to the full amount of the emoluments which he would have received had he not been interdicted.

(4) If the punishment is other than dismissal, the public officer may be refunded such portion of the emoluments withheld as a result of his interdiction as the Public Service Commission shall think fit.

Criminal proceedings

8. If criminal proceedings are instituted against a public officer, proceedings for his dismissal upon any grounds involved in the criminal charge shall not be taken until —

- (a) the criminal proceedings have been determined; or
- (b) if there is an appeal against conviction, the appeal has been withdrawn or deemed to have been withdrawn or disposed of by the Appellate Court.

Proceedings after conviction of criminal charge

9.—(1) The Public Service Commission may, where a public officer is convicted of a criminal charge —

- (a) consider the record of the proceedings of the court; and
- (b) if it is of the opinion that the public officer should be dismissed, reduced in rank, or otherwise punished, punish the public officer accordingly after he has been given a reasonable opportunity of being heard.

(2) The Public Service Commission shall not be obliged to appoint a Committee of Inquiry in the circumstances set out in paragraph (1).

Emoluments withheld

10.—(1) A public officer convicted of a criminal charge shall not, unless the Public Service Commission otherwise directs, receive any emoluments from the date of conviction, pending consideration of his case by the Public Service Commission.

(2) If the officer's increment has been withheld pending the outcome of the criminal charge, the Public Service Commission may order forfeiture of such withheld increment.

Proceedings on acquittal

11. The Public Service Commission may, where a public officer is acquitted of a criminal charge —

- (a) consider the record of the proceedings of the court; and
- (b) if it is of the opinion that the public officer should be dismissed, reduced in rank or otherwise punished, cause appropriate proceedings to be instituted under these Regulations.

Forfeiture of allowances or other benefits

12.—(1) A public officer who is dismissed forfeits all claim to any allowance or other benefit which he would have enjoyed, but for his dismissal.

(2) A public officer whose increment is withheld pending disciplinary action may forfeit such withheld increment at the discretion of the Public Service Commission.

Officer not to resign or leave Singapore

13. A public officer against whom disciplinary proceedings are instituted under these Regulations shall not, without the permission of the Public Service Commission, resign or leave Singapore during the interval before the disciplinary proceedings are concluded.

Application to Legal Service Officers and non-Legal Service Officers

14.—(1) In the application of these Regulations to an officer in the Singapore Legal Service (called in this regulation a legal service officer), the reference to the Public Service Commission is to be read as a reference to the Legal Service Commission.

(2) In the case of an officer holding a post in the Supreme Court —

- (a) where the officer is a legal service officer, the reference to the Permanent Secretary excludes a reference to the Chief Executive, Office of the Chief Justice; and

(b) where the officer is a non-legal service officer, the reference to the Permanent Secretary excludes a reference to the Registrar of the Supreme Court.

(3) In the case of an officer holding a post in the Attorney-General's Chambers —

(a) where the officer is a legal service officer, the reference to the Permanent Secretary excludes a reference to the Chief Executive, Attorney-General's Chambers; and

(b) where the officer is a non-legal service officer, the reference to the Permanent Secretary excludes a reference to a Deputy Attorney-General.

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LEGISLATIVE HISTORY
PUBLIC SERVICE (DISCIPLINARY PROCEEDINGS)
REGULATIONS
(CHAPTER CONST, RG 1)

This Legislative History is provided for the convenience of users of the Public Service (Disciplinary Proceedings) Regulations. It is not part of these Regulations.

1. G. N. No. S 184/1970 — Public Service (Disciplinary Proceedings) Regulations 1970

Date of commencement : 1 July 1970

2. G. N. No. S 163/1977 — Public Service (Disciplinary Proceedings) (Amendment) Regulations 1977

Date of commencement : 1 June 1977

3. G. N. No. S 295/1984 — Public Service (Disciplinary Proceedings) (Amendment) Regulations 1984

Date of commencement : 1 November 1984

4. 1990 Revised Edition — Public Service (Disciplinary Proceedings) Regulations

Date of operation : 25 March 1992

5. G. N. No. S 176/1994 — Public Service (Disciplinary Proceedings) (Amendment) Regulations 1994

Date of commencement : 15 April 1994

6. G. N. No. S 424/1994 — Public Service (Disciplinary Proceedings) (Amendment No. 2) Regulations 1994

Date of commencement : 1 October 1994

7. 1996 Revised Edition — Public Service (Disciplinary Proceedings) Regulations

Date of operation : 15 May 1996

8. G. N. No. S 354/1997 — Public Service (Disciplinary Proceedings) (Amendment) Regulations 1997

Date of commencement : 15 August 1997

9. G. N. No. S 221/1998 — Public Service (Disciplinary Proceedings) (Amendment) Regulations 1998

Date of commencement : 15 April 1998

10. 1999 Revised Edition — Public Service (Disciplinary Proceedings) Regulations

Date of operation : 1 July 1999

11. G.N. No. S 206/2013 — Public Service (Disciplinary Proceedings) (Amendment) Regulations 2013

Date of commencement : 1 February 2013

12. G.N. No. S 172/2021 — Public Service (Disciplinary Proceedings) (Amendment) Regulations 2021

Date of commencement : 15 April 2021