

CONSTITUTION OF THE REPUBLIC OF SINGAPORE
(ARTICLE 110D(7))

PUBLIC SERVICE (PERSONNEL BOARDS AND APPEALS
BOARD) REGULATIONS

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[1st January 1995]

PART I

PRELIMINARY

Citation

1. These Regulations may be cited as the Public Service (Personnel Boards and Appeals Board) Regulations.

Definitions

2. In these Regulations, unless the context otherwise requires —
 - “Appeals Board” means the Appeals Board established under regulation 16;
 - “Chairman”, in relation to a Personnel Board or Appeals Board, means the Chairman of the Personnel Board or Appeals Board, as the case may be, and includes any person appointed as an alternate Chairman;
 - “Commission” means the Public Service Commission;

“member”, in relation to a Personnel Board, includes an alternate member thereof;

“Personnel Board” or “Board” means any Special Personnel Board or Senior Personnel Board established under the Public Service (Special and Senior Personnel Boards) Order (O 2) or any Personnel Board established under the Public Service (Personnel Boards) Order (O 3);

“promotion” means the substantive upgrading from one grade to a higher grade within the Scheme of Service of the officer concerned.

PART II

PROCEDURE OF PERSONNEL BOARDS

Meetings

3. For the purpose of exercising its functions, a Personnel Board shall meet on such date and at such place and time as the Chairman of that Board may determine.

Quorum

4.—(1) The quorum for all meetings of a Personnel Board which has more than 3 members shall be 3 including the Chairman or his deputy, except that where a Personnel Board comprises only 3 members, all members of the Board shall be present.

(2) If within half an hour from the time appointed for the meeting a quorum of members is not present, the meeting shall stand adjourned to such time and place as the Chairman or his deputy may determine.

Determination of Personnel Board

5.—(1) Subject to these Regulations, all matters arising at a meeting of a Personnel Board shall be determined by a simple majority of the members thereof and a determination by a simple majority of the members shall for all purposes be deemed a determination of the Board.

(2) Subject to these Regulations, matters arising at a meeting of a Personnel Board may be determined by a simple majority of votes and, in the event of an equality of votes, the Chairman or his deputy shall have a second or casting vote.

(3) A Personnel Board may, if it thinks fit, transact its business by the circulation of papers, and a resolution in writing, signed by a simple majority of the members for the time being entitled to take part in the determination in respect thereof, shall be as valid and effectual as if it had been passed at a meeting of the Personnel Board duly convened and held.

(4) Any such resolution may consist of several documents in like form, each signed by one or more members.

Proceedings to be in private

6.—(1) Subject to these Regulations, the proceedings of every Personnel Board shall be conducted in private.

(2) A Personnel Board may invite any person who, in the opinion of the Board, can give information in respect of any particular matter which is likely to be of assistance to the Board.

Disclosure of interest

7.—(1) Where it would be unjust or improper for any member of a Personnel Board, whether by reason of his personal interest or otherwise, to consider any matter which the Personnel Board is to consider, that member shall disclose the nature of his interest to the Personnel Board.

(2) Any disclosure of interest in any matter made by a member under paragraph (1) shall be recorded in the minutes of the Personnel Board, and that member shall not vote or take part in any deliberations or determination of the Board with respect to that matter.

Alternate member

8.—(1) Any person while he holds office as an alternate Chairman or member in place of any Chairman or member of a Personnel Board (hereafter referred to as his principal) shall be entitled to —

- (a) notice of meetings of the Board;
- (b) attend and take part in the deliberations and determinations of the Board; and
- (c) exercise all the powers of his principal in the latter's place.

(2) Notwithstanding paragraph (1), an alternate Chairman or member shall be entitled to attend any meeting of a Personnel Board and to take part in the deliberations thereat even though his principal also attends the meeting.

(3) The alternate Chairman or member shall not have the right to participate in the determinations of the Board with respect to any matter arising at that meeting.

(4) An alternate Chairman or member shall hold office until his principal vacates office as Chairman or member of the Personnel Board, as the case may be.

Duties of Chairman or his deputy

9.—(1) The Chairman of a Personnel Board shall preside at every meeting of the Board.

(2) The Chairman may appoint one of the members to be his deputy to preside as Chairman of a meeting if neither he nor the alternate Chairman are able for any reason to attend the meeting.

(3) The Chairman or his deputy shall, at any meeting of the Personnel Board, ensure the observance of these Regulations.

Inability to attend meetings

10. A member who is unable to attend any meeting shall as soon as practicable give notice thereof to the Chairman.

Personnel Board to abide by Instruction Manual, etc.

11. In the exercise of its functions, a Personnel Board shall abide by the Instruction Manuals or other administrative orders or directives for the time being lawfully issued and in force.

Panels

12. A Personnel Board may, from time to time, if it considers it necessary, having regard to the procedure, the number of posts, grades, the number of officers or persons involved and the time which may be taken in respect of a promotion or recruitment exercise, establish one or more panels to assist it in the performance of its functions.

Notification of determinations

13.—(1) All candidates in a promotion or recruitment exercise shall be notified by the Personnel Board concerned of its determination.

(2) For the purposes of these Regulations, where a Personnel Board informs all candidates in a promotion or recruitment exercise of the date on which the determinations of the Board shall have effect, any candidate to whom no such determination is conveyed on or before that date shall be deemed to have been notified of the Board's adverse determination on that date.

PART III

APPEALS AND REVIEWS

Review of Special Personnel Board's determination

14.—(1) A person in respect of whom the Special Personnel Board has made a determination may, within 30 days after he is notified of such determination, apply to that Board for a review of that determination.

(2) On receipt of any application under paragraph (1), the Special Personnel Board shall forthwith review the determination to which the application relates.

(3) The Special Personnel Board, after reviewing its determination, may either confirm or vary that determination or substitute a fresh determination and, upon making its final determination, forthwith inform the person who applied for a review of that final determination of the Board.

Commission to consider appeals against Special Personnel Board's determinations

15. The Commission shall consider appeals against the determinations of the Special Personnel Board.

Appeals Board to consider appeals against Personnel Board's, etc., determinations

16. An Appeals Board comprising the members specified in the Schedule shall consider appeals against determinations of the Senior Personnel Boards and Personnel Boards.

Quorum of Appeals Board

17. The quorum for all meetings of the Appeals Board shall be 3 including the Chairman.

Form of appeals

18.—(1) Every appeal to the Commission or the Appeals Board shall —

- (a) be in writing;
- (b) refer to the determination or decision appealed against and set out the grounds of appeal in a clear and concise manner; and
- (c) be signed by the person notified of such determination or decision.

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

(3) The Commission or the Appeals Board may refuse to consider any appeal that fails to comply with paragraph (1).

Procedure for appeal from Special Personnel Board to Commission

19.—(1) An appeal to the Commission against a final determination of the Special Personnel Board shall be made in writing through the Chairman of the Special Personnel Board within a period of 30 days

from the date the appellant concerned was notified of the determination of the Special Personnel Board.

(2) On receipt of an appeal under this regulation, the Chairman of the Special Personnel Board shall —

- (a) cause to be prepared records or a summary thereof of the meetings of the Board and a statement setting out the grounds upon which the Board arrived at its original determination, and if there was a review under regulation 14, its final determination; and
- (b) submit the records or summary of such records and the grounds for the determinations to the Commission within a reasonable period from the date of receipt of an appeal under this regulation.

Procedure for appeal from Personnel Board, etc., to Appeals Board

20.—(1) An appeal to the Appeals Board shall be made in writing in accordance with these Regulations within 30 days from the date the appellant concerned was notified of the determination of the Senior Personnel Board or Personnel Board, as the case may be.

(2) On receipt of an appeal under this regulation, the Chairman of the Appeals Board may direct the Chairman of the Senior Personnel Board or Personnel Board concerned to prepare —

- (a) records, or a summary thereof, of the meeting of the Personnel Board; and
- (b) a statement setting out the grounds upon which that Board arrived at its determination.

(3) The records or summary of such records and the grounds for the determination shall be sent by the Senior Personnel Board or Personnel Board concerned to the Appeals Board within a reasonable period from the date of receipt of the directions from the Appeals Board.

Consideration of appeal

21.—(1) On receipt of the records and the grounds for the determination of the Personnel Board, the Chairman of the Commission or the Appeals Board, as the case may be, shall convene a meeting of the Commission or Appeals Board to consider the appeal.

(2) The Commission or the Appeals Board shall decide an appeal solely on the merits of the case.

(3) Before making any decision on the appeal, the Commission or the Appeals Board may —

- (a) seek advice on any matter arising out of the appeal; and
- (b) call to its presence any person who in its opinion is able to give further evidence.

(4) The Commission or the Appeals Board, after considering the appeal, may —

- (a) confirm or vary the determination of the Personnel Board concerned; or
- (b) in the case of the Appeals Board, remit the case to the Senior Personnel Board or Personnel Board concerned for reconsideration and the result of the deliberations of the Board shall be duly conveyed to the Appeals Board to enable it to come to a decision on the appeal.

Decisions of Appeals Board

22. All matters arising at a meeting of the Appeals Board shall be determined by a simple majority of votes of the members thereof and in the event of an equality of votes, the Chairman thereof shall have a second or casting vote.

Procedure for appeal from Appeals Board to Commission

23.—(1) Where the Appeals Board, after considering an appeal by any person, confirms the determination of the Senior Personnel Board or Personnel Board concerned, and the appellant informs the Appeals Board in writing within the prescribed period that he wishes to further

appeal against the decision of the Appeals Board, the Chairman of the Appeals Board shall forthwith submit and refer on appeal the records or summary thereof of the meeting of the Appeals Board and the grounds for its decision to the Commission.

(2) For the purposes of paragraph (1), the prescribed period shall be 30 days after the appellant is notified of the decision of the Appeals Board.

Modifications to Regulations

24. Except as otherwise provided, regulations 21 and 22, insofar as they relate to appeals from a Personnel Board to the Appeals Board, shall apply, with the necessary modifications, to every reference on appeal to the Commission as if the references therein to a Personnel Board are references to the Appeals Board.

Finality of Commission's decision

25. The decision of the Commission on an appeal under these Regulations shall be final.

PART IV

MISCELLANEOUS

Powers not affected by vacancy, etc.

26. The powers of a Personnel Board or the Appeals Board shall not be affected by —

- (a) any vacancy in the membership thereof;
- (b) any defect in the appointment or qualification of a person purporting to be a member thereof; or
- (c) any minor irregularity in the convening of any meeting thereof.

Confidentiality

27.—(1) Neither the Chairman nor any member of a Personnel Board or Appeals Board shall, without the written permission of the President, publish or disclose to any unauthorised person or otherwise

than in the course of duty the contents of any document or any part thereof, any communication or information which has come to his knowledge in the course of his duties under these Regulations.

(2) Every person attending any meeting of a Personnel Board, Appeals Board or Commission, whether by reason of an invitation under regulation 6(2) or being called to give evidence under regulation 21(3), shall not publish or disclose to any other person any matter arising at such meeting of the Personnel Board, Appeals Board or Commission, as the case may be, except with the prior written permission of the President.

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

THE SCHEDULE

Regulation 16

APPEALS BOARD

- | | |
|--|-----------|
| (1) Mr Peter Ong Boon Kwee | Chairman. |
| (2) Deleted by S 140/2005, wef
01/04/2005 |) |
| (3) Deleted by S 641/2001, wef
22/09/2001 |) |
| (4) Mr Lim Chuan Poh |) |
| (5) Mr Benny Lim Siang Hoe |) |
| (6) Deleted by S 16/2005, wef 15/07/2004 |) |
| (7) Deleted by S 140/2005, wef
01/04/2005 |) |
| (8) Mr Chiang Chie Foo |) |
| (9) Ms Lim Soo Hoon |) |
| (10) Ms Yong Ying-I |) |

THE SCHEDULE — *continued*

(11) *Deleted by S 488/2010, wef
01/09/2010*

[S 135/2011 wef 01/04/2012]

[S 198/2011 wef 02/04/2011]

[S 580/2008 wef 14/11/2008]

[G.N. Nos. S 469/94; S 243/98; S253/99]

LEGISLATIVE HISTORY
PUBLIC SERVICE (PERSONNEL BOARDS AND APPEALS
BOARD) REGULATIONS
(CHAPTER CONST, RG 3)

This Legislative History is provided for the convenience of users of the Public Service (Personnel Boards and Appeals Board) Regulations. It is not part of these Regulations.

1. G. N. No. S 469/1994 — Public Service (Personnel Boards and Appeals Board) Regulations 1994

Date of commencement : 1 January 1995

2. G. N. No. S 253/1999 — Public Service (Personnel Boards and Appeals Board) (Amendment) Regulations 1999

Date of commencement : 1 May 1996

3. 1996 Revised Edition — Public Service (Personnel Boards and Appeals Board) Regulations

Date of operation : 15 May 1996

4. G. N. No. S 243/1998 — Public Service (Personnel Boards and Appeals Board) (Amendment) Regulations 1998

Date of commencement : 1 April 1998

5. G. N. No. S 253/1999 — Public Service (Personnel Boards and Appeals Board) (Amendment) Regulations 1999

Date of commencement : 8 June 1999

6. 1999 Revised Edition — Public Service (Personnel Boards and Appeals Board) Regulations

Date of operation : 1 July 1999

7. G. N. No. S 404/1999 — Public Service (Personnel Boards and Appeals Board) (Amendment No. 2) Regulations 1999

Date of commencement : 22 September 1999

8. G. N. No. S 475/1999 — Public Service (Personnel Boards and Appeals Board) (Amendment No. 3) Regulations 1999

Date of commencement : 1 November 1999

9. G. N. No. S 641/2001 — Public Service (Personnel Boards and Appeals Board) (Amendment) Regulations 2001

Date of commencement : 22 September 2001

10. G. N. No. S 641/2001 — Public Service (Personnel Boards and Appeals Board) (Amendment) Regulations 2001

Date of commencement : 22 November 2001

11. G. N. No. S 183/2004 — Public Service (Personnel Boards and Appeals Board) (Amendment) Regulations 2004

Date of commencement : 2 April 2004

12. G. N. No. S 16/2005 — Public Service (Personnel Boards and Appeals Board) (Amendment) Regulations 2005

Date of commencement : 15 July 2004

13. G. N. No. S 16/2005 — Public Service (Personnel Boards and Appeals Board) (Amendment) Regulations 2005

Date of commencement : 3 January 2005

14. G. N. No. S 140/2005 — Public Service (Personnel Boards and Appeals Board) (Amendment No. 2) Regulations 2005

Date of commencement : 1 April 2005

15. G. N. No. S 723/2005 — Public Service (Personnel Boards and Appeals Board) (Amendment No. 3) Regulations 2005

Date of commencement : 18 November 2005

16. G. N. No. S 152/2006 — Public Service (Personnel Boards and Appeals Board) (Amendment) Regulations 2006

Date of commencement : 1 April 2006

17. G. N. No. S 591/2006 — Public Service (Personnel Boards and Appeals Board) (Amendment No. 2) Regulations 2006

Date of commencement : 1 October 2006

18. G. N. No. S 50/2008 — Public Service (Personnel Boards and Appeals Board) (Amendment) Regulations 2008

Date of commencement : 1 February 2008

19. G. N. No. S 580/2008 — Public Service (Personnel Boards and Appeals Board) (Amendment No. 2) Regulations 2008

Date of commencement : 14 November 2008

20. G. N. No. S 233/2009 — Public Service (Personnel Boards and Appeals Board) (Amendment) Regulations 2009

Date of commencement : 1 June 2009

21. G. N. No. S 433/2009 — Public Service (Personnel Boards and Appeals Board) (Amendment No. 2) Regulations 2009

Date of commencement : 1 October 2009

22. G. N. No. S 488/2010 — Public Service (Personnel Boards and Appeals Board) (Amendment) Regulations 2010

Date of commencement : 1 September 2010

23. G.N. No. S 198/2011 — Public Service (Personnel Boards and Appeals Board) (Amendment) Regulations 2011

Date of commencement : 2 April 2011