



REPUBLIC OF THE GAMBIA

**REVISED
GENERAL ORDERS
CODE OF CONDUCT
AND
PUBLIC SERVICE RULES
AND
REGULATIONS**

PREFACE

1. This edition of General Orders revises and replaces the 1977 edition. It includes a number of new Orders and amends or deletes many of the General Orders issued in 1977. The changes reflect the organizational structure of the public service following the enactment of the Public Service Act and Regulations and particular attention is invited to the new arrangements for appointments and promotions etc; the introduction of an “appointing authority”, defined in G.O. 01101; the devolution of certain powers from the Public Service Commission under Section 111(2) of the Constitution; and the role of the Permanent Secretary in the Personnel Management Office. The overall aim of the new arrangements is to introduce a managerial concept into the public service and, insofar as is compatible with the generally accepted structure of the service, to delegate as much responsibility as possible to operational Ministries and Departments.
2. General Orders apply to all public officers and together with the Public Service Act and Regulations, they constitute the system under which Public Officers are engaged and employed. In any case where the provisions of General Orders and the Public Service Act and Regulations conflict, the Act or Regulations will apply.
3. The first and second figures of an Order indicate the number of the Chapter, the third figure the number of the Section within the Chapter, and the fourth and fifth figures the number of the Order

CONTENTS

1. Definitions
2. Appointments, Promotions, Resignations and Retirement
 - I Appointments and Promotions
 - II Acting Appointments
 - III Resignations
 - IV Retirements
 - V Secondment and Transfers
3. Conduct and Discipline
 - I General
4. Leave and Passages
 - I Leave
5. Transport and Travelling Entitlements within The Gambia
 - I Basic and Residential Allowances
 - II Travelling Facilities
 - III Travelling Allowances
6. Scholarships, Training, Conferences, Attachments and Official Visits
 - I Approved Courses and Selection of Officers
 - II Conditions of Scholarships and Training Awards
 - III Allowances Payable to Officers Attending Courses, Conferences and Making Visits
7. Miscellaneous Allowances
8. Medical and Dental Treatment
 - I Definitions, Entitlement and Procedure
 - II Medical Boards
9. Private Work by Public Officers
 - I General
 - II Medical Officers and Dentists

- 10. Use of Government Transport
- 11. Use of Government Quarters and Government Buildings
 - I Government Quarters
 - II Government Buildings
- 12. Government Business
 - I Responsibilities
 - II Security
 - III Handing over
- 13. Officers Engaged on Special Terms
- 14. Schemes of Services

PART II

CODE OF CONDUCT

- 1. Introduction
- 2. Applicability of the Code
- 3. Definition of unethical conduct
- 4. General Principles of Conduct
 - 4.1 Relationship with the Legislature & the Executive
 - 4.2. Relationship with the Public
 - 4.3 Relationship among Employees
 - 4.4 Performance of Duties
 - 4.5 Personal Conduct and Private Interests
- 5.0 Definition of Terms
 - 5.1 Gross Misconduct
 - 5.2 Misconduct

- 5.3 Misdemeanour
- 6.0 Matters giving rise to disciplinary procedures being implemented
- 7.0 Punishments

PART III

PUBLIC SERVICE REGULATIONS

Appendices

- A Regulations Inventions by Government Officers
- B Posts Attracting Kit Allowance

Chapter 1

DEFINITIONS

O1101. In these General Orders, the terms:-

“Government”

“Cabinet”

“Minister”

“Permanent Secretary”

“The Public Service” (**new**)

Have the meanings assigned to them by the Constitution.

“appointing authority” means any person or authority having power, whether delegated or otherwise, to appoint to office in the public service;

“Commission” means the Public Service Commission established under Section 110 of the Constitution;

“contract” means an appointment for a specified period at the end of which the person appointed shall be entitled to a gratuity;

“established post” means any public office contained in the Recurrent Estimates;

“he” “him” and “his” also means, where the context so requires, “she” “her” and “hers”;

“Head of Department” means any person holding an office listed in the Schedule to the Regulations, but may include, where the context of a General Order so requires, a Permanent Secretary;

“officer” means a person holding or acting in a public office;

“organization” means a public enterprise, local authority or other undertaking which has been approved by the Commission for the purposes of the Act;

“permanent appointment” means an appointment made to an established post in terms which entitle the holder to a pension in accordance with the provisions of the Pension Act;

“P.M.O.” means the Personnel Management Office;

“public office” means any office of emolument in the public service;

“public officer” means a person holding or acting in a public office;

“public service” means, subject to the provisions of section 173(**amended**) of the Constitution, the civil service of the Government of The Gambia;

“regulations” means the Public Service Regulations;

“Scheme of service” means the qualifications and levels of experience required for entry into an employment in a public office for which a scheme of service has been approved by the Commission and is applied;

“secondment” means an arrangement between the Government and an organization approved by the Public Service Commission, whereby an officer is regarded as being on loan to an organization with the intention that he will, at the end of the period of secondment, return to a public office;

“temporary appointment” means an appointment to a public office on terms which do not entitle the holder to a pension;

“transfer” means an arrangement whereby an officer move on a permanent basis to other employment, either within the public service or with an organization, and there is no foreseeable intention that he will return to the Ministry or Department in which he was employed prior to the move taking place;

“the Act” means the Public Service Act.

01102. While all officers are subject to General Orders, some officers, for example members of the Police Force, are also subject to statutory control. In such cases, the provisions of the statute take precedence over General Orders.

01103. The following Categories shall be used where necessary:-

Category V Officers in Grades 11 and 12

Category IV Officers in Grades 7 to 10

Category III Officers in Grades 4 to 6

Category II Officers in Grades 2 and 3

Category I Officers in Grade 1

Chapter 2

APPOINTMENTS, PROMOTIONS, RESIGNATIONS AND RETIREMENTS

SECTION I: Appointments and Promotions

02101. All appointments and promotions, with the exceptions listed in the constitution of The Gambia, will be made, in writing, in accordance with the Act and Regulations.

02101 (a). *All appointments from Grade Five downwards shall be delegated by the Public Service Commission to Heads of Departments and Ministries. The Public Service Commission shall monitor the exercise of delegated authority to ensure that proper guidelines are established and approved to prevent abuses anomalies and subjectivity”*
(New)

02102. The minimum qualifications for appointment to any post in public service are as stipulated in the Scheme of Service applicable to that post.

02102 (a). **To maintain high standards of efficiency and proficiency in the service there shall be admission examinations for entry to the Civil Service. (New)**

02103. The procedure for recommending appointments and promotions are contained in the Act, Regulations and Schemes of Service. All such recommendations must take merit into account.

02104. Candidates for appointment are required to submit to the appointing authority:-

- (i) an application in their own handwriting, on the prescribed form;
- (ii) Satisfactory evidence that they fulfil the minimum requirements for appointment to the post for which they are applying;
- (iii) a birth certificate or affidavit sworn before a Notary Public certifying date and place of birth. Such certificate or affidavit will not be subsequently altered or amended;
- (iv) one or more testimonials.

02105. Candidates for appointment may be required to attend an interview as part of the selection process, and/or to take a written test as part of the selection procedure.

02106. Candidates selected for appointment will be required to produce a certificate of medical fitness, signed by a Government medical officer, before being offered an appointment.

02106 (a). NEW EMPLOYEES (New)

All new employees shall, upon assumption of duty, be provided with all the legal and regulatory instruments of the public service and shall be required to familiarize themselves with them. (New)

02106 (b). ORIENTATION AND INDUCTION OF NEW EMPLOYEES

All new employees shall be required to undergo inter alia an intensive induction course on the legal and regulatory instruments of the Civil Service and any other relevant subjects drawn up as part of their curricula by the Management Development Institute (MDI). (New)

02107. All appointments shall be subject to a probationary period of one year. Confirmation of appointment shall be subject to a satisfactory appraisal report on the officer's performance and conduct; such reports shall be submitted at the end of the probationary period. (amended)

02107 (a). After confirmation of appointment the officer's performance and conduct shall be annually evaluated through the regular completion of an appropriate performance appraisal instrument which shall be submitted by the Head of Department or Permanent Secretary to the Public Service Commission for appropriate action. (new)

02108. All promotions will be subject to a trial period decided by the appointing authority. Confirmation of an appointment following promotion will depend on a satisfactory report submitted in accordance with the Act.

**02108 (a) APPOINTMENT, PROMOTION AND DISCIPLINE OF
TEACHERS**

To expedite the process of appointment, promotion and discipline of teachers, the Public Service Commission shall delegate to the Permanent Secretary, Ministry of Basic and Secondary Education, authority to make appointments and promotion and enforce discipline of teachers in Grades 6-8. This function shall be performed through a properly constituted committee. The Public Service Commission shall supervise and monitor the exercise of the delegated authority to avoid anomaly and unfair treatment. (New)

02109. No officer may be confirmed in his appointment while he is on sick leave.

02110. Every letter of appointment or promotion shall specify:-

- (a) the precise designation of the post to which appointment or promotion is being made;
- (b) the terms of the appointment or promotion, whether it is temporary or permanent, pensionable or not, and the period of notice required to terminate it;
- (c) the grade applicable to the post;
- (d) the salary payable;
- (e) the effective date of the appointment or promotion and the incremental date;
- (f) the length of probation or trial period to be served;

- (g) a statement that the appointment or promotion will not take effect unless it is accepted in writing;
- (h) in the case of a permanent appointment, that the appointment will not be effective until after the appointee has passed a medical examination.

02111. Appointment authorities will ensure that all officers appointed by them sign a Declaration of Secrecy.

02112. Appointment authorities will ensure that all appointments, confirmations, promotions, dismissals and transfer of public officers follow the procedure laid down by the Act and regulations.

02113. If the effective date of an officer's appointment or promotion falls between the first and the fifteenth day of the month, inclusive, his incremental date will be the first of that month; if the effective date of promotion or appointment falls on or after the sixteenth of the month, his incremental date will be the day of the following month.

02114. (a) Subject to the approval of the Commission, an outstanding officer may receive more than one increment within his grade in one year.

- (b) Longevity increments, equal to 10% of his basic salary, will be paid to an officer who stagnates at the top of his scale. The first increment will be paid five years after the date the officer reaches the top of the scale, and will be paid after each stagnation period of five years thereafter. Longevity increments are pensionable emoluments.

02115. Increments will be paid automatically by the Accountant General's Department unless notification has been received that the increment has been deferred.

02116. An officer's salary on promotion will be:-

- (i) the minimum of the new scale if the new scale of the salary he was receiving before promotion was less than the minimum of the scale to which he has been promoted;
- (ii) the next incremental point in the scale above his salary before promotion if his salary before promotion was the same or greater than the minimum of his new scale.

02117. No officer will be eligible for promotion unless his appointment has been confirmed.

02118. Temporary appointments will be subject to the following conditions:-

- (a) the appointment shall be terminable by either party on giving one month notice or by payment of one month salary in lieu of notice;
- (b) remuneration will be fixed at the rate which would be payable in respect of permanent appointment;
- (c) the same disciplinary regulations which apply to permanent appointments
- (d) a person given a temporary appointment will not be entitled to any of the benefits attached to a permanent appointment except that, should the temporary appointment exceed twelve months continuous service, paid annual leave may be granted at the rate applicable to the post.

SECTION II: Acting appointments

02201. Acting appointments may only be recommended to fill duty posts in Grade 7 and above.

02202. Where a Head of Department considers an acting appointment is necessary, he will notify the Permanent Secretary, P.M.O. using the standard form, at least one week before the vacancy occurs. The Permanent Secretary, P.M.O. will forward the notification, together with his comments, to the Commission.

02203. *Where any officer has acted continuously in a post for six months, the Public Service Commission shall automatically approve his/her substantive appointment unless an adverse report is submitted on his/her performance or conduct.***(amended)**

02204. Deleted

02205. An acting allowance equal to the salary differential between the basic salary of an officer acting in the higher post and the minimum basic salary of the higher office will be paid during the period of the acting appointment, provided that the allowance will only be payable if the officer acts continuously for thirty days or more.

02206. Where the Commission has agreed that no suitable officer is available to act in a post, and decides that an officer should undertake part of the duties and responsibilities of such a post for a continuous period of at least thirty days, application on the standard form may be made by the Head of the Department to the Permanent Secretary, P.M.O. for permission to pay the officer a charge allowance equivalent to the percentage of the duties he is required to carry out. Similar arrangements shall apply when an officer is required to carry out the duties of a post higher than his own, but no acting appointment is made for statutory reasons.

SECTION III: Resignation

02301. An officer may resign his appointment at any time by giving one month notice in writing, or on payment of a month's salary in lieu of notice, except that no resignation may be made or accepted without the approval of the Commission while an officer is suspended or interdicted, or while he is the subject of disciplinary proceedings, or during an investigation which might lead to him becoming the subject of disciplinary proceedings.

SECTION IV: Retirement

02401. On the first of July each year, the Permanent Secretary, P.M.O. will provide Heads of Departments with the names of officers due to retire during the ensuing twelve months, who will then take action required by the next following Orders. It is the duty of an officer to notify his Head of Department twelve months before the date of his intended retirement.

02402. When an officer becomes entitled to a pension or gratuity, his Head of Department is responsible for preparing the pensions form. The calculation of pension or gratuity will be made by the Accountant General and certified by the Auditor General; payment of a pension will be authorized by the Pensions Authority. Should a Head of Department have reason to recommend a reduced pension or gratuity, his

recommendation must accompany the pensions form, specifying the amount of reduction recommended, and the reasons therefore.

02403. *Every officer in a permanent and pensionable post is required to retire on reaching the age of 60. An officer who has reached the age of 50 may apply to retire by giving six months notice, in writing, of his intention to do so. A female officer may retire on marriage if a three months notice is served. (amended)*

02404. The Pensions Authority may require an officer to retire from the public service at any time after he reaches the age of 50. in such cases the officer will be given six month's notice in writing.

02406. Heads of Department must draw the attention of each officer in the Department who is about to retire to the legal requirement that, if the officer wishes to opt for a reduced pension and gratuity instead of a full pension, he must exercise the option before the date of his retirement.

02407. Heads of department have no authority to provide a written reference for an officer leaving the service; however an officer who is applying for other employment may quote his Head of Department as a referee, who may then provide a prospective employer with such details of the former officer's service, character and ability as he may require.

02408. At the completion of his service, an officer who has been employed on permanent and pensionable or contract terms shall be entitled to a Certificate of Service on the prescribed form.

SECTION V: Secondment and Transfers

02501. (Deleted)

- (a) All officers in the civil service are entitled to avail themselves of secondment opportunities provided that they have served for a period of at least three years and have been confirmed in their regular appointments.
- (b) All secondments or transfers shall be the subject of request submitted by an organization to Government and shall be subject to Government's approval provided the request is supported by the Head of the Civil Service.

02502. Unless he is promoted to a higher grade in the public service, a seconded officer will return to the service in the same salary grade which he enjoyed prior to his secondment.

02503. An officer being seconded or transferred to an organization will be required to take all leave to which he is entitled before the first day of the secondment or transfer. Any such leave which is not taken will be forfeited.

02504. (Deleted)

02506. (Deleted)

Chapter 3

CONDUCT AND DISCIPLINE

SECTION I: General

03101. The holder of any office is required to discharge any duties upon which Government wishes to employ him, and may be stationed wherever his presence is considered necessary.

03102. The Inspector General of Police, the registrar of the Supreme Court and Clerks of Subordinate Courts will report to the Permanent Secretary, P.M.O. and to the Head of the Department concerned, any case in which a public officer is charged with a criminal offence, and the result of any case arising from such charge. Where such notification is made, the Head of Department will take action required by the Act and Regulations.

03103. Every officer is entitled to his own political views, and may, if qualified, vote at elections. He may become a member of a political party or organization, but may not accept any office, whether paid or unpaid, permanent or temporary, in any political party or organization, nor may he make speeches, join in demonstrations or in any other way indicate publicly his support for any political party, organization, person or policy, nor shall he be required to do so in the course of his duties.

03105. *An officer wishing to belong to an organization which has both political and other objectives and is uncertain whether the organization is a political organization within the meaning of G.O. 03104, should seek advice from the Public Service Commission. (amended)*

03106. G.O. 03106 has been repealed by Section 170 (2) of the Constitution which reads: “**Any person who holds an office in a public service who wishes to contest an election for a political office shall, prior to nomination as a candidate, obtain one year’s leave of absence without pay, which leave shall not unreasonably be refused**”, and

(3) which reads “If a person who has obtained leave of absence in accordance with this section is elected to a political office, he or she shall immediately resign from his or her office in the Public Service and, if he or she fails to do so, he or she shall be remove from such office”.

03107. Obsolete

03108. Obsolete

03110. The regulations governing inventions by public officers are contained in Appendix A.)

03111. Obsolete

03112. Heads of Department who intend to spend longer than one day’s absence, notify the Permanent Secretary of their Ministry of the expected duration of their absence, their probable whereabouts on each day of absence and the purpose for which they will be absent. Permanent Secretaries must submit similar reports of their own intended absences to the Secretary General.

03113. An officer provided with official transport shall use such transport for private purposes only in exceptional circumstances which must be reported, as soon as possible, to the head of Department.

03114. Public officers shall not be employed for any private purpose during official working hours.

03115. Public officers shall, on appointment to the public service, disclose to the Secretary General particulars of any investment or shareholdings which he may possess in any public particulars of any investment or shareholdings which he may possess in any public or private company carrying on business in The Gambia, or any other direct or indirect interest in such company. If the Secretary General decide that the officer’s private affairs might be brought into real or apparent conflict with his public duties or in any way influence him in the discharge of his duties, the officer shall, to such extent as the Secretary General directs, divest himself of such investments or interests.

03116. An officer shall not directly or indirectly acquire investments or interests of the nature mentioned in G.O. 03115 without the express permission of the Secretary General.

03117. An officer absent from duty without permission shall, in addition to any other action which may be taken, have one day's pay deducted from the next salary payment due to him for each day's absence. The Head of Department will take the action required by this Order, informing the Accountant General, Auditor General and Permanent Secretary, P.M.O.

Chapter 4

Leave

04101. In this Chapter:-

“annual leave” means on fully salary;

“leave year” means a period of twelve calendar months, from 1st January each year;

“Maternity leave” means leave granted to an officer under G.O. 04112;

“sick leave” means leave with or without pay, to enable an officer to undergo training approved by the Commission. Study leave for medical officers and dentists is subject to the provisions of G.N. 92/64;

“supervisor” means the officer to whom a Permanent Secretary or Head of Department has delegated authority, in writing, to approve annual leave for their subordinates;

“working day” means any day from Monday to Friday inclusive. A gazetted public holiday shall not count as a working day.

04101 (a). Leave Entitlements shall be taken by all Civil Servants on an annual basis. Failure to abide by this requirement automatically leads to forfeiture of earned leave, unless deferment is considered in the interest of the Public Service, and is permitted by the Office of the President. All Departments and Ministries shall maintain Annual Leave Rosters for all staff, which shall be strictly adhered to. (new)

04102. Sick leave will be regarded as duty for the purposes of leave earning. Study leave and maternity leave do not count as duty and are not leave earning.

04103. Annual leave will be authorized by a Permanent Secretary, Head of Department or supervisor as appropriate. Records of annual leave will be maintained in accordance with instructions issued by the Permanent Secretary, P.M.O. Permanent Secretaries wishing to take annual leave must obtain the agreement of the Secretary General before doing so.

04104. Annual leave entitlements are:-

GRADE	WORKING DAYS LEAVE PER LEAVE YEAR
10 and above	25
7 to 9	22
3 to 6	20
1 and 2	15

04105. An officer is required to take his annual leave during the leave year in which it is being earned; except that with the permission of his supervisor, he may carry forward up to 5 days to the next leave year. Any annual leave entitlement in excess of 5 days which has not been taken at the end of any leave year will be forfeited.

04106. With the permission of his supervisor, an officer may, in any year be allowed to take up to 5 days annual leave in advance of the leave year in which such leave would be earned.

04107. In cases of emergency, a supervisor may authorize up to 7 working days special leave with pay if he is satisfied that the circumstances justify the officer's absence. Such leave will be deducted from the officer's annual leave entitlement.

04108. An officer granted study leave for a period longer six months must take the annual leave due to him before proceeding on study leave; if the exigencies of the public service preclude such arrangements, the Commission may authorize the officer to carry forward his annual leave until after his return from study leave.

04109. An officer to visit another country on duty may, with the approval of his Permanent Secretary or Head of Department as appropriate, take all or part of any annual leave to which is entitled in that country. Any approval given under this Order will include the dates when the leave may be taken. No per diem or other form of allowances will be payable in respect of any leave granted under this Order.

04110. An officer failing to return to duty following a period of leave will be regarded as being on unpaid leave and may, depending on the circumstances of the case, be subject to disciplinary action.

04111. *Any confirmed female employee of the Civil Service who is pregnant shall consult a Medical Officer for a report on her expected date of confinement and on production of a satisfactory medical certificate, shall be entitled to a maternity leave with full salary for a period of three months calculated to cover six weeks before and six weeks after confinement. (amended)*

04111 (a). PATERNITY LEAVE (New)

Any confirmed male employee whose spouse has delivered shall be entitled to a paternity leave with full salary for a period of five working days and such leave shall not count against an employee's annual leave entitlement. (New)

04112. Sick leave on full pay may be granted for an initial period of one month, if at the end of that period the medical practitioner attending the officer considers that he is unfit to resume duty, a further period of sick leave, not exceeding one month may be authorized. If, at the of this second period of sick leave, the officer is still unable to resume duty, the matter will be referred to the Director of Health Services for his advice and recommendations, in particular as to whether a Medical Board should be convened under the provisions of Chapter 8.

04113. Where an officer has been granted sick leave on full pay for a period or periods aggregating six months or more during any period of twelve months, any further sick leave granted to him will be on half pay. No officer will be granted an aggregate of more than twelve months sick leave in any four years. In the case of officers certified as suffering from tuberculosis, the periods of sick leave on full pay and sick leave on half-pay authorized by this Order shall be nine months and twelve months respectively.

04114. Sick leave in excess of twelve months in any period of four years will be without salary and will not be reckoned for purposes of increment or pension. Provided that an officer suffering from tuberculosis may be allowed twenty-one months sick leave in any four years period before this Order takes effect.

04115. An officer entitled to annual leave will be required to take that leave at the end of any period of sick leave on full pay before being granted sick leave on half-pay.

04116. Sick leave granted under this Chapter will be regarded as duty for the purposes of leave earning.

Chapter 5

TRANSPORT AND TRAVEL ENTITLEMENTS WITHIN THE GAMBIA

SECTION I: Basic and Residential Allowances

05101. Basic allowances, which are payable to officers in Grade 9 and above, shall be paid while an officer owns and maintains a private car which is road worthy and available for his use.

05101 (a). REVIEW OF ALLOWANCES

The Permanent Secretary, Personnel Management Office, shall be responsible for the issue of all circulars approved by Cabinet related to payment and revision of all categories of allowances. (New)

05102. Basic allowance shall cease to be payable with effect from:-

- (a) the date on which the officer ceases to own a private:
- (b) the day after the date on which the officer leaves The Gambia for a period intended to exceed one year or, being already absent from The Gambia, becomes aware that his absence is likely to exceed one year;
- (c) the day after the date on which the officer has been provided with Government transport;
- (d) three months after a car in respect of which basic allowance is paid is necessarily laid up for repairs.

05103. Basic allowance will be paid on a certificate from the officer that he has owned and maintained the vehicle during the relevant period.

05104. *Residential and transport allowance shall be separately paid at rates approved by Government. (amended)*

05105. Claims for the payment of residential allowance and basic allowance must be certified by the Head of Department or Permanent Secretary as appropriate.

05106. A Head of Department may, subject to the approval of the Ministry of Finance, grant a motor cycle, auto cycle or bicycle allowance to a member of his department owning a machine and who is not in receipt of a basic allowance.

05107. All allowances viz: Residential, transport, overseas, basic, residential, car, etc shall be paid at rates periodically approved by Government. (New)

05108. An officer who is in receipt of an allowance, payable under G.O. 05101 or G.O. 05107, shall not be provided with Government transport for use within the City of Banjul.

SECTION II: Travelling facilities

05201. “Travelling facilities” means the facilities provided at Government expense for a public officer travelling on duty within The Gambia who is not using his own transport.

05202. If Government transport is not available for an officer travelling on duty, his head of Department may authorize alternative transport at the commercial rate generally applicable.

05203. A public officer will be entitled to transport when:-

- (a) travelling on duty or on annual leave;
- (b) proceeding to receive medical or dental treatment;
- (c) proceeding to sit for an approved examination.

05204. A public officer is entitled to free transport to and from his station for his spouse and up to three children under the age of 18 years, when:-

- (a) he assumes duty or proceeds on posting
- (b) proceeding on or returning from annual leave

05205. An officer in Category III or below whose supervisor certifies that he should seek medical advice, and who is stationed in a place where there is no Government medical officer, will be allowed free transport to the nearest place where there is a Government medical officer.

05206. Heads of Departments may authorize free transport for the repatriation within The Gambia of the family of a deceased officer and the deceased officer's personal effects.

05207. Where provision is not otherwise made under General Orders, Heads of Department may authorize free transport to his home for an officer who is invalided from the service, or who retires in circumstances in which he may be granted a pension, gratuity or annual allowance. This authorization may include free transport for the officer's personal effects and the members of the officer's family residing with him.

SECTION III: Travelling Allowances

05301. "Travelling allowance" means an allowance granted to an officer travelling on duty within The Gambia for one or more nights. Travelling allowances are granted to enable an officer to travel in reasonable comfort.

05302. An officer is not entitled to travelling allowance:-

- (a) when he is provided with board and lodging at Government expenses;
- (b) in respect of any period in excess of ten consecutive days during which he remains at one place

05303. *The rate of travelling allowance shall be periodically determined by Government. (amended)*

05304. An officer posted to another station which involves a change of residence is entitled to a single payment of a relocation allowance equal to 1/60th of his annual basic salary.

05305. Officers posted to the under mentioned Provinces are entitled to the following monthly provincial allowances:-

Zone 1 (including North Bank Region, Lower River Region and Western Region but excluding greater Banjul Area, Kombo North, Kombo South and Kombo South)	12% of basic salary
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Zone 2 (including Upper River region and Central River Region)	15% of basic Salary
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Chapter 6

SCHOLARSHIPS, TRAINING, CONFERENCES, ATTACHMENTS AND OFFICIAL VISITS

SECTION I: Approved Courses and Selection of officers

06101. An officer may be required by Government to visit institutions, attend conferences, or undergo training in any country.

06102. A scholarship award may be made to enable an officer to obtain a professional, technical or academic qualification other than University degrees, diploma, or equivalent qualification.

06104. Scholarships and training award shall only be granted for courses approved by the Commission.

06105. The selection of officers for Scholarship and Training Awards will be:-

- (a) In the case of Scholarships the Ministry of Education's Scholarship Advisory Board Advisory Committee;
- (b) In all other cases, by the Public Service Commission in consultation with the Head of Department and Permanent Secretary, Personnel Management Office

06201. The conditions to be applied to scholarship or training awards will be those conditions determined by the donor which are accepted by the Government.

06202. When an officer is required by Government to undergo training outside The Gambia, he will continue to receive his normal salary.

06203. A married officer required to undergo training outside The Gambia for two years or more shall, subject to the terms of the scholarship or training award, be entitled, on application, to a passage for his spouse to and from the country in which the training takes place.

06204. An officer granted a scholarship or training award tenable outside The Gambia, who continues to receive his salary, may allocate part of his salary, may allocate part of his salary to his dependents. In such cases the officer must notify the Accountant General of the sum to be allocated, together with the names and addresses of persons to whom the sum should be paid.

06205. An officer in receipt of a scholarship or training award tenable for one year or more in a country outside the tropics, who does not receive an outfit allowance from the donor, will be granted an outfit allowance of D600 by the Government. This allowance is payable only once in any three year period.

06206. *The Public Service Commission in consultation with the Permanent Secretary, Personnel Management Office, shall require a public officer who is the recipient of a scholarship or is provided with training at Government expense, to enter into a Surety Bond covering the cost of such scholarship or training. (amended)*

SECTION III: Allowances payable to Officers Attending Courses, Conferences and Making Visits

06301. Attendance at conference will not normally exceed two months and visits not more than one month.

06302. When an officer is required to undergo a course, other than in pursuance of a scholarship or training award, and the cost of the course is being met by The Gambia Government, he is entitled to a per diem allowance determined by the Permanent Secretary P.M.O.

06303. Officers required to attend a conference outside The Gambia whose board and lodging are not provided by the host are entitled to the following allowances:-

Secretary General, Ambassador, High Commissioners, Chief Justice, Chairman P.S.C	£stg 130 per diem
Others officers	£stg 90 per diem

06304. An officer in Category III or below attached to a Government Ministry, Department or similar body outside The Gambia will be entitled to:-

- (a) Salary
- (b) a grant of D200 before departure to cover incidental expenses;
- (c) free return passage;
- (d) such other allowances as may be deemed appropriate by the Permanent Secretary, P.M.O.

06305. An officer required to under go training in a country outside the area between the Tropics of Cancer and Capricorn for a continuous period of more than four weeks and less than one year, is entitled to an outfit allowance of not more than D400 to be determined by the Permanent Secretary, P.M.O. who shall take the following factors into consideration when reaching his decision:-

- (a) the duration and location of the training;
- (b) the climatic conditions in the host country at the relevant period;
- (c) whether the officer has received a similar allowance during the previous three years

This allowance is payable only once in any three years period.

Chapter 7

MISCELLANEOUS ALLOWANCES

07101. On first appointment to a post Category III or above, an officer is entitled to kit allowance of D200 when appointed to one of the posts listed in Appendix B. Kit allowance shall be spent on equipment necessary for touring in the Provinces.

07102. A Governor in charge of a Region is entitled to a duty allowance of D2000 per annum. Where he is in post for part of a year, the allowance will be paid pro rata.

07103. An officer under the Ministry of health posted to the Tuberculosis Sanatorium, who is employed on duties which bring him into contact with patients' threat, is entitled to an allowance of D100 per month for the duration of such posting.

07104. An officer who successfully complete a correspondence course for which an advance has been granted, or which complies with the requirements in Financial Instructions covering such advances, shall be given a gratuity equal to the cost of the course or part thereof on the recommendation of his Head of Department. The gratuity payable under this order shall not be more than D150.

07105. Where an officer serving on permanent and pensionable terms dies as a result of injuries received while travelling by air, or on duty, compensation will be paid to his estate in accordance with the Pensions Act. In addition, a further D100, 000 will be paid to the estate from insurance cover taken out by Government. Where an officer serving on contract terms dies in the same circumstances, D25, 000 will be paid to his estate from insurance cover paid for by Government.

07106. An officer specially requested by Government to accommodate guests is entitled to an allowance of D20 for each guest for each night for which he provides accommodation. A husband and wife shall be regarded as two guests.

Chapter 8

MEDICAL AND DENTAL TREATMENT

SECTION I: Definition, Entitlement and Procedure

08101. In this Chapter the terms:

“hospital or dispensary” means a Government hospital or dispensary.

“medical officer” means \government medical officer or Government dentist as the context may require and includes the Director of Health Services;

“medical board” means a Board, normally consisting of two medical officers, convened by the Director of Health Services, to determine the medical fitness of a public officer, or for such other purposes as the Director of Health Services may direct;

“treatment” means medical treatment or dental treatment provided by or under the direction of a medical officer, or recommended by a Medical Board.

08101 (a). MEDICAL TREATMENT

Some categories of civil servants shall be entitled to receive medical care services from private medical practitioners, selected for this purpose by Government. The care and treatment to be provided should cover spouse and three children, up to the age of 18. (New)

08101 (b). MEDICAL, DENTAL AND OPTICAL TREATMENT

MEDICAL, DENTAL AND OPTICAL TREATMENT

- i. A medical insurance scheme for all permanent employees.**
- ii. All permanent employees be entitled to medical, dental and optical treatment in Government Hospitals or recognized**

Clinics approved under the Government Medical Insurance Scheme.

- iii. The Government to be responsible for the payment of 60% of medical, dental and optical charge.**
- iv. Dental and optical treatment to attract a maximum of D6000 in any one year.**
- v. In the event of emergency medical, dental and optical treatment being received by any permanent and pensionable employee from any registered Medical Practitioner, the medical expenses to be paid by the Government upon presentation of certified receipts.**
- vi. Where a permanent and pensionable employee falls ill while abroad on official assignment, the cost of treatment shall be borne by Government upon the presentation of the necessary medical report.(NEW)**

08101 (c). MEDICAL TREATMENT OUTSIDE THE GAMBIA

**Where a Medical Board recommends that an employee and/or his/her family requires treatment not available in The Gambia, the expenses of such treatment and passages shall be borne by Government in accordance with the medical insurance scheme.
(NEW)**

08101 (d). MEDICAL TREATMENT FOR DEPENDANTS

The spouse and three dependents of an employee registered under the Medical Insurance Scheme shall receive treatment in accordance with the terms and conditions of the scheme. (NEW)

08102. All public officers are entitled to treatment, including treatment in hospital, at the special rates laid down from time to time by the Ministry of Health. Such treatment will be authorized by and be under the direction of a medical officer.

08103. Where a Medical Board recommends and Government accepts that an officer requires treatment not available within The Gambia, but which is available in another country, the expenses of such treatment, including the passage required will be borne by Government. In such cases the following conditions will apply:-

- (a) if the treatment is the United Kingdom, it will normally be limited to that provided for the general public under the National Health Scheme;
- (b) the officer will be required to reimburse Government for any hospital charges incurred by means of deductions from his salary. The amount of reimbursement required from the officer shall not exceed the charges for which he would have been liable had he been hospitalised in The Gambia;
- (c) *This Order only applies to confirmed officers, who by definition, are in the permanent and pensionable establishment.*
(amended)

08104. The spouse and children of an officer may receive treatment within The Gambia at the same rates and under the same conditions as the officer

08105. In the event of his illness it is the duty of the officer to consult a medical officer as soon as possible; in such cases:-

- (a) an officer unable to attend duty or to report to a hospital or dispensary must inform a medical officer immediately; thereafter he will be attended in his home or quarters;
- (b) an officer who is sick and unable to attend duty, but is able to report to a hospital or dispensary, shall do so at the time appointed by a medical officer. In an emergency the officer may attend for treatment at any time;

- (c) an officer who is sick but able to attend duty may report to a hospital or dispensary at the time appointed by a medical officer.

08106. A medical who considers that an officer is suffering from an illness of a kind which causes the officer's absence from duty will place the officer on the sick list, irrespective of whether the officer has reported his illness or not.

08107. When an officer is absent from duty owing to sickness the following actions will be taken:-

- a. the officer's name will be placed on the sick list by a medical officer, who will as soon as possible, notify the officer's Head of Department, indicating, where possible, the expected duration of the officer's absence from duty;
- b. as soon as practicable the officer must himself inform his Head of Department of his sickness and inability to attend duty.

08108. It is a matter for the medical officer to decide whether an officer on a sick list should be treated in hospital or in his own quarters, thereafter:-

- a. an officer who refuses to comply with a requirement to enter hospital shall be regarded as absent from duty and shall receive no pay for the period during which he refuses to comply with the requirement; and the medical officer concerned must report the matter immediately to the officer's Head of Department through the Director of Health Services;
- b. an officer placed on the sick list but not required to enter hospital will not be permitted to leave his quarters to carry out any official duty without the express permission of the medical officer. Where the medical officer has stated that the officer is regarded as convalescent, the officer may undertake light official work;
- c. a medical officer treating an officer will immediately report to the officer's Head of Department any refusal by the officer to obey medical instructions.

08109. A public officer has the right to be treated by a private doctor subject to the following conditions:-

- a. the officer must inform a medical officer before seeking private treatment, except in an emergency, when a medical officer must be informed as soon as possible thereafter;
- b. a medical officer who has been informed that an officer is seeking, or has obtained private treatment, will examine the officer and if he considers it justified, place him on the sick list and so inform the officer's Head of Department through the Director of Health Services;
- c. the officer will report every six days to the medical officer, if this is impossible, a report will be made by the private doctor to the medical officer every six days, until the officer returns to duty;
- d. the medical officer concerned may, at any time, require the officer to enter hospital for treatment, at which time the private treatment will cease. This action will not be taken unless the medical officer considers hospital treatment is essential;
- e. the Director of Health Services shall have the right, at any time during the officer's illness, to give notice in writing to the officer and his private doctor that consultation with the patient is required either to enable him to advise Government, or to convene a Medical Board;
- f. an officer failing to report his illness, failing to comply with an order to enter hospital, or failing to attend for consultation when required will be regarded as being absent from duty without permission;
- g. when the officer is fit to resume duty, the medical officer treating him must notify the Director of Health Services, stating the date on which the officer will resume duty;
- h. all expenses, including fees, incurred by the officer in respect of private treatment, shall be borne by the officer.

SECTION II: Medical Boards

08201. Where an officer has been attended by a medical officer for an illness connected with the conveying of a Medical Board, that medical officer shall provide the Board with a full report of the case.

08202. The report and recommendations of a Medical Board are confidential and will be sent, in triplicate, to the Director of Health Services, who will either approve the Board's findings or convene a further Board of which he shall be a member.

08203. When the Director of Health Services has approved a report of a Medical Board, he will return the original of the report and send the two copies to the Permanent Secretary, P.M.O. who will forward one of them together with his recommendations to the Commission.

08204. Neither the Permanent Secretary, P.M.O., nor the Commission may vary the findings of a Medical Board.

08205. No copies of reports additional to those authorized by this Section shall be provided.

CHAPTER 9

PRIVATE WORK BY GOVERNMENT OFFICERS

SECTION I

GENERAL

09101. A public officer may, with the written approval of the Secretary General, accept paid work in addition to his public duties. Such work shall not, in any circumstances, be carried out during official working hours or be such as to prejudice or compromise his official duties. No government resources are to be used in carrying out such work.

SECTION II

MEDICAL OFFICERS AND DENTISTS

09201. Medical officers or dentists will be allowed to engage in private practice.

09202. Medical officers and dentists will be paid the following allowances in lieu of private practice:

Grade 11 and 12	D6,000 per annum
Grade 10	D5,000 per annum
Grade 9	D4,000 per annum
Grade 8	D3,000 per annum

09203. No medical officer or dentist may own, operate or have a financial interest in a pharmacy or similar establishment.

09204. No medical officer may authorise the issue of drugs from Government stores to a private patient. Such drugs may be supplied to pharmacies in accordance with Financial Instructions.

09205. No medical officer or dentist may enter into an arrangement to provide treatments for employees of a private undertaking unless the Director of Health Services:-

- a. certifies that the arrangement would not be detrimental to the officer's established duties.
- b. Is satisfied that the arrangement complies in full with this Chapter and in particular with the obligations imposed by G.O. 09201.

CHAPTER 10

USE OF GOVERNMENT TRANSPORT

10101. In this Chapter the terms:-

“Government transport” means any conveyance own by Government for the purpose of moving persons or goods;

“vehicular transport” means Government land transport under the control of a Head of Department;

“river transport” means Government transport used on water controlled by Gambia Ports Authority.

10102. An officer travelling on duty requiring the use of transport, and who, through no fault of his own, is unable to use transport for which he receives a transport allowance, may use Government transport.

10103. Where it is necessary for an officer to hire transport he may claim the cost of hiring. Before approving such a claim, the Head of the Department must be satisfied:-

- a. the journey was necessary;
- b. Government transport was either not available or could not be obtained in time to be use;
- c. The rate of hire was the lowest obtainable;
- d. Where the hiring cost exceeds the equivalent Government hire rates in G.O. 10112, approval to pay the claim must be obtained from the Ministry of Finance and Economic Affairs before payment is made.

10104. Applications for the use of Government transport for one day or less must reach the Department controlling the transport at least twenty-four hours before it is required. Where transport is required for more than one day, application must be made at least seven days in advance. In both cases applications will be submitted on the appropriate requisition form. In an emergency, the Head of Department controlling the transport may accept an oral application, which must be confirmed by the submission of requisition form within twenty-four hours.

10105. Applications for vehicular transport under the control of the Ministry of Works will be made to the Ministry of Works, and for river transport to the Managing Director, Gambia Ports Authority. All launches, except those of the Gambia Police and Armed Forces, are under the control of the Managing Director, Gambia Ports Authority. No permanent allocation of launches will be made to any Department or officer.

10106. It is the responsibility of each Head of Department to provide the Managing Director, Gambia Ports Authority and the Ministry of Works with a list of all officers in his Department to whom authority has been delegated to sign transport requisitions, and to inform them of any changes which occur in the list.

10107. Government transport will be charged out to user Departments at the rates set out in the Gambia Ports Authority and Ministry of Works tariffs. It is the responsibility of user Departments to notify the Ministry of Works of the head and Sub-Head under which transport costs are incurred and to ensure that the costs are correctly debited. Invoices submitted by the Gambia Ports Authority will be settled by the Permanent Secretary concerned.

10108. The following rules govern the use of vehicular transport:-

- a. log sheets must be completed by the driver of the vehicle in respect of all journeys and certified by the officer using the vehicle;
- b. the number of persons and the maximum weight to be carried on the vehicle, as marked on the vehicle, must not be exceeded;
- c. the officer using the transport must ensure driver exercises proper care in carrying out his duties;
- d. the transport will be driven only by the driver in charge of it. Provided that another officer may, in exceptional cases, with the permission of the Chief Mechanical Engineer, drive the vehicle. Provided further that an officer, in possession of a valid driving licence, may drive in an emergency; in such a case he will be solely responsible for the vehicle;

- e. in any case involving a breach of discipline by a driver, a serious defect in a vehicle, or an accident to the vehicle, a written report will be submitted by the officer using the vehicle to the Permanent Secretary, Ministry of Works within twenty-four hours of the incident.

10109. Gambia Port Authority and Gambia Public Transport Corporation vessels or vehicles are controlled by, and are the responsibility of, their authorities.

10110. The following rules govern free transport facilities granted under G.O.'s in respect of river transport other than launches:-

- a. Passage warrants will be issued and signed by the Head of Department or his authorized representative. Warrants will state the purpose of the passage (i.e. leave, posting, duty), the status of the officer concerned and his passage entitlement in regard to himself, members of his family and baggage;
- b. Passage warrants must be exchanged for a ticket or tickets to cover the journey authorized by the warrant;
- c. Payment for transport provided under this Order will be made by the Ministry concerned.

10111. Government transport shall not be hired to public officers for private use, or to any other person, save with the authority of the appropriate Permanent Secretary, after consultation with the Permanent Secretary, Ministry of Finance and Economic Affairs, or any other official to whom he has delegated, in writing, his authority in this regard.

10112. Government vehicles are available on hire to Government Departments at the following rates which are subject to variations from time to time.

	Per Kilometre	Per Hour
Landrover and car	D2.04	D86.00
Lorries	D4.40	D114.00
Tractor and Trailer	D5.60	D52.00
Breakdown Vehicle	D7.04	D68.00
Low Loader	D16.00	D214.00
Landrover with Plant Trailer	D3.50	D48.00

Charges which include the costs of driver, fuel and lubricants, will be levied at either rate, whichever is highest in regard to the use made of the vehicle.

10113. To facilitate strict control and the monitoring of Government vehicles regular completion of vehicle log sheets will be introduced and will be regularly completed and signed by the appropriate officer after every official journey.(New addition)

CHAPTER 11

USE OF GOVERNMENT QUARTERS AND GOVERNMENT BUILDINGS

SECTION I: Government Quarters

11101. An officer in Category IV or above posted to a Province will normally be allocated a Government quarter. If a quarter is not available Government may rent a quarter for him. In such cases the officer will be charged 15% of his basic salary as rent.

11102. An officer who is not entitled to a Government quarter, but who is nevertheless given permission to occupy one, will be required to pay 30% of his basic salary as rent for the quarters.

11103. An officer in Category III or below, resident in Banjul who is posted to a Province, or resident outside Banjul and Posted to Banjul, or resident in a province and posted to a station to which he cannot travel easily from his home will be entitled to occupy a Government quarter rent free. If he cannot be provided with a quarter he will be entitled to a rent allowance of D60 per month. Rent allowance will not, however, be payable to an officer in receipt of a residence allowance. Before rent allowance can be paid, the officer concerned must provide evidence of normal residence in the place from which he is being posted, signed by a Governor or Head of Department.

11104. The responsibility for allocating Government quarters shall be as follows:-

- a.** in Banjul and the Greater Banjul Areas, the Permanent Secretary, P.M.O.
- b.** in a Region:
 - i.** in the case of quarters which have not been specifically allocated to a Department, the Regional Governor, or an officer not below Category IV to whom the Governor has delegated authority, in writing, in this regard;

ii. in the case of quarters allocated to a Department, the Head of Department or an officer nominated by the Head of Department.

11105. It will be the responsibility of the Personnel Management Office to arrange the hand over of a quarter, appliances and furniture to an officer on first occupancy of a quarter, and arrange the take over of a quarter, appliances and furniture from an occupant on the occasion of the officer vacating a quarter.

11106. An officer taking over a quarter must check the inventory with an officer from the Personnel Management office. Both officers must sign the inventory, which must be kept in the quarter. No item on the inventory may be removed from a quarter without the express permission of the Permanent Secretary, Personnel Management Office.

11107. An officer is responsible for the maintenance of the quarter, furniture and appliances allocated to him, and will be held financially responsible for any loss or damage which occurs during his occupancy. He is also responsible for the cleanliness of his own and his servants' quarters and compound, which he must inspect from time to time.

11108. An officer occupying a Government quarter is responsible for notifying the Permanent Secretary, Personnel Management Office or, in a Province, the officer responsible for building maintenance, of any repairs which may be necessary to the quarter.

11109. The Permanent Secretary, Personnel Management office will arrange, as far as possible, for half yearly inspections of all Government quarters, to determine what repairs may be necessary. It is also his duty to report to the Permanent Secretary, Ministry of Finance and economic Affairs any damage he considers has been caused through the negligence of the officer occupying the quarter.

11110. No construction work on, or structural alteration to a quarter, may be carried out unless specific approval has first been obtained from the Permanent Secretary, Personnel Management office. An officer disregarding this Order will bear the cost of restoring the building to its original condition.

1111. An officer occupying a Government quarter must give at least six days notice of his intention to vacate the quarter to the permanent Secretary, Personnel Management Office.

1112. An officer vacating a Government quarter must make arrangements to check and sign the inventory together with an officer detailed by the Permanent Secretary, Personnel Management Office. Should he fail to do so, the inventory as checked by an officer detailed by the Permanent Secretary will be accepted in all respects.

1113. If an inventory reveals loss or damage, which in the opinion of the Permanent Secretary, P.M.O., is due to unfair wear or tear, he will claim the value of the loss or damage from the officer who occupied the quarter. If the officer disputes the claim, the matter will be referred to the Permanent Secretary, Ministry of Finance and Economic Affairs, whose decision will be final.

1114. An officer travelling on duty who requires quarters to be arranged for him at any place must give at least three days' warning of his needs to the officer responsible for allocating the quarters.

1115. An officer travelling on duty who occupies a Government quarter will be responsible for keeping it in good order and leaving it in a clean condition.

1116. Government does not accept liability for the loss of an officer's personal property from a Government quarter either when he is travelling or as a result of burglary, fire or any other cause.

1117. An up-to-date inventory of all assets and equipment in Government buildings should be maintained and regularly checked. (New)

1118. A property constituted Board of Survey should be periodically convened, to dispose of property not needed, through Public Auction and other methods. (New)

SECTION II

GOVERNMENT BUILDINGS

11201. For purposes of this section the term “Government buildings” does not include quarters.

11202. All Government buildings, including the compounds in which they are situated, will be allocated to a specific Ministry or Department by the Secretary General.

11203. Each Permanent Secretary or Head of Department will be responsible for ensuring that all Government buildings, together with their contents which have been allocated to his Ministry/Department, are properly maintained and kept in a good state of repair. A permanent Secretary or Head of Department may, in turn allocate a building or part of a building to a specific officer by so informing him, in writing. The officer to whom a building or part of a building has been allocated will be responsible therefore, together with the inventory of its contents. He will also be responsible for ensuring that the compound wherein the building is situated is kept clean and in good repair.

11204. *Every Government department shall maintain an up-to-date Assets Inventory List incorporating all Government equipment, furniture and other material resources. (amended)*

11204 (a). **The Permanent Secretary, Personnel Management Office, shall every six months arrange an inspection of all Government assets, equipment, furniture and other material resources and submit a copy of the findings to the Head of the Civil Service and the Chairman of the Public Service Commission. (new)**

11205. Inventories will be checked and signed:-

- a. by both officers concerned in a change of inventory holder;
- b. annually, or whenever a Board of Survey is held.

11206. The permanent Secretary Ministry of Works and Infrastructure will arrange, as far as possible, for a half-yearly inspection of Government buildings to determine what repairs are necessary.

11207. Permanent Secretaries and Heads of Departments are responsible for informing Ministry of Works and Infrastructure at once about repairs which are necessary to any building or contents thereof which have been allocated to them.

11208. Where the Permanent Secretary, Ministry of Works and Infrastructure considers that damage to a Government building or its contents, or the loss of such contents are due to unfair wear and tear, he shall claim from the responsible officer the cost of making good the damage or replacing the contents; if the officer disputes the claim, the matter will be referred to the Permanent Secretary, Ministry of Finance and Economic Affairs, whose decision shall be final.

11209. Alterations to, or the removal of any appliance from Government buildings shall only be undertaken with the specific approval of the Permanent Secretary, Ministry of Works and Infrastructure. An officer disregarding this Order will be responsible for any costs involved in replacing the appliance and making good any damage caused thereby.

11210. The construction or structural alternation to a Government building shall not be undertaken without the written approval of the Ministry of Works and Infrastructure and before funds have been specifically provided for the purpose by the Ministry of Finance and Economic Affairs in cases where the construction or alteration has not been included in the approved estimates.

Chapter 12

GOVERNMENT BUSINESS

SECTION I: Responsibilities

12101. The definition of Government is in the Constitution. Ministerial Portfolio is contained in Gazette Notices published from time to time.

12102. Service matters, including establishment and individual staff matters, are controlled by the Secretary General.

12103. The official channels of communication with any authority outside The Gambia are the office of the President and the Ministry of External Affairs.

12104. The official channel of communication with any Ministry is through its Permanent Secretary, to whom all official correspondence shall be address.

12105. The official channel of communication between a subordinate officer and Government is through his Head of Department, and all correspondence must be channelled through him.

12106. The official channel of communication with the Public Service Commission is through the Secretary thereto, to whom all official correspondence should be addressed.

12107. In any matter which involves, or is likely to involve, the Government in legal action, the advice of the Attorney General who is the Government's legal adviser must be sought before any correspondence is sent on the matter in question. An opinion given by Law officer shall not be quoted in a communication addressed to a private person.

12108. All correspondence must be couched in courteous terms and be as concise as is consistent with clarity.

12109. As far as possible, every communication shall be confined to a single subject, which shall be concisely stated in the heading.

12110. Official correspondence should be addressed to official recipients by the titles of their appointments.

SECTION II: Security

12201. Correspondence which has passed between public officers, or between members of the public and public officers, shall not be divulged to any other member of the public without the express permission of the originating authority.

12202. An officer shall not disclose or produce in evidence in a court of law any official document of a confidential nature without the express permission of the appropriate Ministry or Department.

12203. Staff reports shall be submitted in accordance with instructions issued from time to time by the Permanent Secretary, P.M.O.

12204. An officer shall not be allowed access to confidential records relating to himself.

12205. An officer will not normally be addressed on matters of a personal nature, except where they impinge on his status and duty as a public officer.

12207. All public officers shall swear a Declaration of Secrecy before a Commissioner of Oaths or a Notary Public before taking office and any officer already in post who has not so declared shall be required to make such declaration.

12209. Heads of Departments are required to keep an attendance register which will be signed by officers on arrival on duty. Officers who arrive on duty late will be subject to disciplinary action.

SECTION III: Handing Over

12301. Where an officer relieves another for any period exceeding twenty-eight days, the following rules shall apply:-

- a. the outgoing officer will prepare notes outlining the duties of the post detailing immediate problems requiring attention, and any matter likely to cause difficulty within the next three months;

- b.** where applicable, inventories, cash, receipt books and stock registers must be checked and signed by both officers;
- c.** any deficiencies which are revealed must be recorded and the record signed by both officers. The incoming officer will be responsible for informing the Permanent Secretary to the Ministry of Finance and Economic Affairs, through his Head of Department, of the deficiency and of any explanation therefore;
- d.** where the hand over required by the previous rule is not possible, e.g. through sickness or absence of one or other officer, the Head of Department concerned will ask the Permanent Secretary, Ministry of Finance and Economic Affairs, to convene a Board to check on the matters in rule (b) of this Order, and report any deficiencies found;
- e.** any deficiency contained in the record signed by the outgoing officer or discovered by a Board, shall be made good by that officer if the Permanent Secretary, Ministry of Finance and Economic Affairs so directs;
- f.** the incoming officer will be liable to make good any deficiencies discovered after the completion of a handover.

CHAPTER 13

OFFICERS ENGAGED ON SPECIAL TERMS

13101. An officer given a temporary appointment which provides for a period of notice in excess of one month, and who is not a Gambian National, shall be regarded as being employed on special terms.

13102. All officers appointed on special terms are subject to General Orders, Financial Instructions and the Act and Public Regulations; provided that if such special terms contain different conditions, the provisions contained in the special terms shall apply.

CHAPTER 14 SCHEME OF SERVICE

14101. Schemes of service set out the qualifications and levels of experience required for entry into, and promotion within, the Ministry, Department class or cadre to which a Scheme has been applied. A scheme may include, in respect of a particular Ministry, Department, class or cadre:-

- a. conditions and qualifications for appointment;
- b. duties and standards applicable to individual grades or posts;
- c. in service training arrangements;
- d. promotion criteria;
- e. provisions covering transfers into and out of the Ministry, Department, class or cadre.

14102. The main purposes of Schemes of Service are to provide an effective and efficient public service and to ensure that uniform standards are applied to the service. Schemes of Service which have been approved are available at the P.M.O. and those Ministries within which are being applied and are open to scrutiny by public officers. Schemes have been approved for the following:-

Accounting (including Internal Audit Grades)

Administrative Cadre (including Foreign Service Staff)

Architectural Cadre

Artisans and Craftsmen

Auditors Cadre

Central Revenue and Taxes Cadre

Civil Aviation Cadre

Clerical and Executive Cadre

Customs and Excise Cadre

Department of Co-operation

Economists/Planners

Educational Administrators

Engineering and Allied Classes

Fisheries Department

Forestry Department

Hydrological/Meteorological Cadre

Labour Officers

Legal officer Cadre

Livestock Services

Media Cadre

Medical Cadre

Laboratory Staff Sub-cadre

Medical Officers Sub-cadre

Nursing Sub-cadre

Pharmacists Sub-cadre

Public Health Workers Sub-cadre

Radiologists Sub-cadre

Physical Planning, Development Control and Housing Control
Officers Cadre

Printing Cadre

Postal Cadre

Publishing and Production Cadre

Secretarial and Typing Cadre

Senior Management Cadre

Social Welfare Cadre

Statistical Cadre

Storekeeping Cadre

Surveyors, Cartographers and Land Valuation Officers Cadre

Teachers

Technical and Scientific Staff: Agriculture

Weights and Measures Cadre

Additions to this list will be made as and when Schemes of Service are approved by the Commission.

APPENDIX A

(See G.O. 03110)

1. Any Government officer who has made an invention:-
 - i. may at his own expense, and
 - ii. shall at the expense of the Government if so required by the President, lodge an application for provisional protection with the Registrar General and shall at the same time send a copy of the application to the President through the Head of his Department. The President shall decide as expeditiously as possible whether the invention shall be regarded as secret, and his decision shall be forthwith communicated to the Head of the offer's Department for the information of the officer.
2. (i) as soon as practicable, the President shall decide whether the officer shall or shall not be allowed controlling rights in the patent, and his decision shall be communicated to the Head of the officer's Department for the information of the officer;

(ii) pending the decision of the President on controlling rights, all rights in the invention shall be deemed to belong to and to be held in trust for the Government.
3. If the President decides that the officer shall be allowed controlling rights in the patent, the following provisions shall apply:-
 - (i) the officer shall, subject to the provision of paragraph 1, be responsible for all expenditure in taking out the patent;
 - (ii) the President may attach to his decision such conditions as he may think fit and, particular, may reserve to the Government a right of user of the invention free of royalty, or a right to a share of any commercial proceeds, or both.

- (iii) the officer may whether any rights are reserved under sub-paragraph (ii) or not, apply to the Awards Committee as constituted under paragraph 7 of this Appendix (hereinafter referred to as “The Committee”) through the Head of his Department for an award in respect of his invention;
- (iv) the question whether an award shall be made, the amount thereof and, if a share of commercial proceeds is reserved to the Government, the amount of such share, shall be determined by the President after investigation by the Committee.

4. If the Government decides that the officer shall not be allowed controlling rights in the patent, the following shall apply:-

- (i) the officer shall assign all his rights in the invention to the Government;
- (ii) the Government shall be responsible for all expenditure in taking out the patent;
- (iii) the President shall decide whether the officer shall or shall not be allowed a share of any commercial proceeds;
- (iv) the officer may, whether he is allowed a share in the commercial proceeds or not, apply to the Committee, through the Head of his Department, for an award in respect of his invention;
- (v) the question whether an award shall be made, the amount thereof, and, if the President decides that the officer shall be allowed a share in the commercial proceeds, the amount of such share, shall be determined by the President after investigation by the Committee.

5. In the event of a material change taking place in the circumstances which existed at the time when an award or allocation of commercial proceeds was made, the original decision may be modified by the President after further investigation by the Commission; provided that, in any such modification of the original decision, the amount of an award which has been paid shall not be reduced.

6. Where an invention is in all respects alien to the employment of the officer, he shall normally be granted the full rights in such invention.
7. There shall be constituted for the purpose of these Rules an Awards Committee which shall consist of a judicial or legal officer appointed by the President as Chairman and such other persons as the President may from time to time by notice in the Gazette appoint.
8. An officer shall be entitled to appear personally before the Committee or to be represented in such matter as the Committee may approve.

APPENDIX B

(See G.O. 07101)

POSTS IN RESPECT OF WHICH KIT ALLOWANCE IS PAYABLE

Registrar of Cooperatives

Assistant Registrar of Cooperatives

Assistant Commander of Police, General Duties

Health Superintendent (Provinces)

Superintendent of Surveys

Senior Surveyor

Agricultural Officer (General Duties)

Senior Agricultural Superintendent

Education Officer (Secondary)

Education Officer (Primary)

Administrative Officers

Agricultural Superintendents

Assistant Education Officer

Education Officer (Vocation/Agriculture)

Senior Inspector of Posts

Business extension Staff

Principal Regional Officers

Superintendent of Post

Veterinary Officer

Animal Husbandry Officer

Livestock Officer

Geologist

PART II

THE CODE OF CONDUCT

THE CODE OF CONDUCT FOR THE CIVIL SERVICE OF THE GAMBIA

1. INTRODUCTION

Work ethics and values have an important role to play in the public administration of a nation primarily because they help to shape and nurture the development of the highest possible standards of behaviour among civil servants. It is therefore imperative for all civil servants to reflect these positive work ethics and values in their work and conduct.

Vision 2020 has outlined a number of challenges that need to be overcome in the relentless pursuit of achieving our national goal of transforming **“The Gambia into a financial centre, a tourist paradise, a trading export-oriented agricultural and manufacturing nation, thriving on free market policies and a vibrant private sector, sustained by a well-educated, trained, skilled, healthy, self-reliant, and enterprising population, and guaranteeing a well-balanced ecosystem and a decent standard of living, under a system of Government based on the consent of the citizenry.”**

One of the challenges identified in vision 2020, is the necessity of creating a society that practices high moral values and ethics. As the administrative machinery of the nation and a microcosm of society, the civil service is expected to play a leadership role in realizing this aim and in reflecting the high ethical values of our society and Government. Like all vibrant and successful organizations, the civil service needs a value system which dictates the behaviour and performance of its members. Adherence to the core values of the service, will nurture a disciplined, ethical and motivated workforce, capable of facilitating the accomplishment of the goals of vision 2020.

To facilitate the inculcation of the ethical values reflected in this document, the following three strategies will be employed;

1. The inclusion of a module on **“Values and Ethics”** in all the civil service training programmes offered by the Management Development Institute (MDI).

2. The encouragement of healthy competition at organizational and individual levels for acquisition of various awards, medals and certificates as acknowledgement and reward for dedication and achievements; and
3. The imposition of firm and fair disciplinary measures to punish violation of the provisions of the code.

The code of conduct provides a set of guidelines on specific areas of conduct, applicable to civil servants.

In general, it requires all civil servants to uphold and practice seven fundamental ethical values and standards.

- 1. To demonstrate loyalty to the Government of the day and to the country.*
- 2. To place the public interest before private interest and to ensure that private advantage does not conflict with public duty.*
- 3. To eschew the use of public position for personal advantage.*
- 4. To serve with efficiency and industry and to perform tasks honestly and conscientiously.*
- 5. To avoid bringing outside pressures or personal relationships in pursuit of personal claims.*
- 6. To refrain from accepting gifts, presents and other favours that will compromise their integrity and objectivity.*
- 7. To avoid divulging confidential information available to them in the course of the execution of their official duties.*

2. APPLICABILITY OF THE CODE

This code is applicable to all civil servants.

3. DEFINITION OF UNETHICAL CONDUCT

Unethical conduct includes those practices which are unquestionably immoral behavioural acts such as bribery and misappropriation of funds and such other activities as patronage, nepotism, conflict of interest, influence peddling, seeking of personal benefits by using official position, granting of favours to relatives and friends, leaking or misusing confidential government information and engaging in unsanctioned political activity.

4.0 GENERAL PRINCIPLES OF CONDUCT

4.1 RELATIONSHIP WITH THE LEGISLATURE AND THE EXECUTIVE

A civil servant shall –

- 4.1.1 be faithful to the Republic and abide by the Constitution and the laws of the country in the execution of his/her daily duties;
- 4.1.2 place the public interest foremost in the execution of his/her duties;
- 4.1.3 loyally execute the policies of the Government of the day in the performance of his/her official duties as contained in the statutes and laws of the country;
- 4.1.4 ensure that he/she is not only familiar with the legal instruments governing his/her duties but abides by them;
- 4.1.5 co-operate with all constitutionally and statutorily established public institutions in promoting the public interest;
- 4.1.6 be entitled to his/her political views and may vote at elections, and he/she should, however not accept any office in any political party or join in demonstrations to publicly demonstrate support for one political party.

4.2 RELATIONSHIP WITH THE PUBLIC

A civil servant shall –

- 4.2.1 serve the public in an unbiased and impartial manner in order to create confidence in the public service;
- 4.2.2 be polite, helpful and reasonably accessible in his/her dealing with the public, at all times treating members of the public as customers who are entitled to receive high standards of service;
- 4.2.3 have regard for the circumstances and concerns of the public in performing his/her official duties;
- 4.2.4 not unfairly discriminate against any member of the public on account of race, gender, ethnic or social origin, colour, age, disability, religion, political persuasion, conscience, belief, culture or language;
- 4.2.5 recognize the public's right of access to information, excluding information that is specifically protected by law or that is classified or restricted.

4.3 RELATIONSHIPS AMONG EMPLOYEES

A civil servant shall –

- 4.3.1 co-operate fully with other employees to advance the public interest;
- 4.3.2 execute all reasonable instructions by persons officially assigned to give them, provided these are not contrary to the provisions of the Constitution and/or any other law;
- 4.3.3 refrains from favouring relatives and friends in work-related activities and from abusing his/her authority;
- 4.3.4 use the appropriate channels to air her/his grievances or to make representations;

4.3.5 be committed to the optimal development, motivation and utilisation of his/her staff and the promotion of sound labour and interpersonal relations;

4.3.6 deal fairly, professionally and equitably with other employees, irrespective of race, gender, ethnic or social origin, colour, age, disability, religion, political persuasion, conscience, belief, culture or language;

4.3.7 refrain from indulging in party political activities whilst performing hi/her duties in the workplace.

4.4 PERFORMANCE OF DUTIES

A civil servant shall –

4.4.1 strive to achieve the objectives of his/her institution in an efficient and cost-effective manner;

4.4.2 be creative in thought and in the execution of his/her duties, seek innovative ways to solve problems and to enhance effectiveness and efficiency within the context of the law;

4.4.3 be punctual in the execution of her or his duties;

4.4.4 execute his/her duties in a professional and competent manner;

4.4.5 not engage in any transaction or action that is in conflict with or infringes on the execution of his/her official duties;

4.4.6 accept the responsibility to avail himself/herself of ongoing training and self-development programmes throughout his/her career;

4.4.7 be honest and accountable in dealing with public funds and shall utilize Government property and other resources effectively, efficiently, and only for authorised official purposes.

4.4.8 in the course of his/her official duties, report to the appropriate authorities, fraud, corruption, nepotism, maladministration and any other act which constitutes an offence;

4.4.9 give honest and impartial advice at all times, based on all available/ relevant information, when ask for such assistance by higher authority.

4.5 PERSONAL CONDUCT AND PRIVATE INTERESTS

A civil servant shall –

4.5.1 during official duties dress and behave in a manner that enhances the reputation of the public service;

4.5.2 not use or disclose any official information for personal gain;

4.5.3 not, without approval, undertake remunerative work outside his/her official duties or use office equipment for such work.

5.0 DEFINITION OF TERMS

5.1. Gross Misconduct

Gross misconduct is a conduct which seriously damages the credibility and integrity of both the staff member and the civil service.

5.2 Misconduct

Misconduct is behaviour which breaches any of the principles of the Code.

5.3 Misdemeanour

A misdemeanour is an unlawful act or an unacceptable behaviour.

6.0 MATTERS GIVING RISE TO DISCIPLINARY PROCEDURES BEING IMPLEMENTED

6.1 Introduction

Ethical Codes of Conduct are only meaningful if their violations attract appropriate sanctions or penalties. The list here under describing the nature of violation is by no means exhaustive.

6.1.1 Gross Misconduct

1. Lack of integrity or dishonesty of a civil servant.
2. Failure by a superior or senior officer to take reasonable steps or precaution to ensure that civil servants under his/her control demonstrate integrity and devotion to duty.
3. Failure by a civil servant to use best judgement in the performance of his/her official duties.
4. Refusal to comply with a posting order.
5. Wilfully recording incorrect time of arrival or departure in the daily attendance register.
6. Failure to produce a medical certificate signed within two days; where a civil servant absents himself/herself from duty on grounds of illness.
7. Persistent and unauthorized leave of absence.
8. Failure to return to work from leave or leaving one's post without proper handing over notes.
9. Being disrespectful or discourteous in word, action, or demeanour or wilfully disobeying any lawful order issued orally or in writing by a senior officer or a person in charge.

10. Where the Government sustains a loss, shortage or any financial or material damage as a result of dishonesty or negligence by a civil servant.
11. Failure to disclose private interest in a situation where an employee is called upon to deal with any matter or issue in which he/she has a personal interest.
12. To be found guilty of a criminal offence by a court of law (other than a minor traffic offence).
13. To conceal or compound an attempt to steal, defraud or to commit an act contrary to the interest of Government.
14. To use subordinate or other staff for activities not directly connected with their official duties.

6.1.2 Misconduct

1. To conduct any business or unauthorized transactions whilst on duty or in Government premises.
2. To behave rudely or discourteously to members of the public whether verbally or in writing.
3. To fail to present a neat and business-like appearance at any time while on duty.
4. To take an active part in political activity, which is inconsistent with or reflects adversely upon the independence and impartiality required of public servants.

7.0 PENALTIES FOR VIOLATION OF ETHICAL CODE

The Public Service Regulations set out the punishments which may be ordered as a result of disciplinary offences. The types of punishments are as follows:

1. DISMISSAL FROM THE SERVICE

This is the most severe punishment since it entails forfeiture of all pension and/or gratuity to which an officer may be entitled.

This punishment is only administered in extremely serious cases viz;

- (a) serious misconduct;
- (b) malpractices and
- (c) criminal conviction

2. TERMINATION OF APPOINTMENT

An officer would be entitled to pension and/or gratuity. The pensions Authority may however reduce such benefits by a certain percentage.

This punishment is administered in cases of:

- (a) persistent lateness and absenteeism;
- (b) unsatisfactory performance of duties or functions; and
- (c) improper conduct or behaviour

3. DEMOTION:

Is when an officer's designation, grade and salary are altered.

4. REDUCTION IN SALARY:

Is when an officer's salary is reduced but his/her grade remains the same.

5. DEFERMENT OF INCREMENT

Deferment of increment is when an officer is denied the annual financial increment on his/her salary.

6. SUSPENSION FROM WORK ON HALF SALARY

If an officer were suspected of having committed an act of misconduct or dishonesty, and the Commission was of the view that his presence in the Department could interfere with police or other investigations, or allow him to have access to official documents connected, with the investigation, he/she could be suspended from duty on half salary.

7. INTERDICTION ON NOT LESS THAN HALF SALARY

If steps were being taken to dismiss an officer in the interests of the service, or if charged with a criminal offence, he would not receive any increment due during the period of interdiction; he would not be allowed to travel out of The Gambia without the permission of police authority; and he would be paid not less than half salary.

If the officer were found not guilty of the criminal charge, or if disciplinary action did not result in his dismissal, he would be paid arrears of salary and given any increment due and reinstated.

If the officer were found guilty of a criminal charge, he would be dismissed and would not be paid any arrears of salary.

8. COMPULSORY RETIREMENT

If, as a permanent civil servant, an officer had attained the age of 50 years and his work performance was considered unsatisfactory or below standard, the Head of Department/Permanent Secretary could submit a case to the Permanent Secretary, Personnel Management Office, for his compulsory retirement.

The Permanent Secretary, Personnel Management Office, would then write to the officer suggesting that he retires voluntarily in accordance with the Pensions Act 1950. Alternatively, he would be retired compulsorily by Government.

The officer would be free to appeal to the Commission within fourteen days from the date of the Personnel Management Office's letter. In this case, the Permanent Secretary, Personnel Management Office, would have to submit representations to the PSC with his observations and comments of the Head of Department/Permanent Secretary for consideration.

If the officer decided not to appeal, the Permanent Secretary, Personnel Management Office, would proceed and obtain the Commission's approval for his retirement.

9. REPRIMAND

A strong warning letter if an officer's behaviour, or an act committed by him, was not considered to justify a tougher penalty.

10. SURCHARGE:

Is when damage has been done to Government property and the officer responsible is requested to pay for the cost of the damage.

PART III
THE
PUBLIC SERVICE COMMISSION
REGULATIONS

LAWS OF THE GAMBIA

The Constitution of the Republic of The Gambia Public Service Commission Regulations*

PART I. – GENERAL

1. These regulations may be cited as the Public Service Commission Regulations

2. In these regulations, unless the context otherwise requires:-

“appointment” means the conferment of an office of emolument in the Public Service whether or not subject to subsequent confirmation, upon a person not in the Public Service; the grant of permanent pensionable terms of service in a public office to a person recruited and serving on contract terms of service in a pensionable or non-pensionable public office; the engagement in a public office of a person on contract terms of service for a further period of service on the conclusion of his previous period of engagement on contract terms in the same or other public office; the paid appointment of a public officer to act in any public office than the office to which he is substantively appointed;

“the Chairman” means the person duly appointed as Chairman of the Commission and includes, in the absence of the Chairman, the Vice Chairman;

“the Commission” means the Public Service Commission established by the Constitution;

“the Constitution” means the Constitution of the Republic of The Gambia;

* The Public Service Regulations, 1977, made on the fifteenth day of June 1977, were not Gazetted. They were however validated by the Public Service Commission Regulations (Validation) Act, 1989 (Cap. 35:02).

“Head of Department” means a person holding any of the offices specified in the First Schedule to these regulations, subject to any limitations prescribed therein;

“Head of the Public Service” means the public officer designated as such from time to time by the president;

“member” means any person duly appointed as a member of the Commission and any person appointed to act as a member;

“non-pensionable officer” means an officer serving under a contract or agreement which does not provide for the payment of a pension;

“official document” means any document or paper prepared by any public officer in the course of his employment or any document or paper which comes into the custody of any public officer in the course of such employment;

“Permanent Secretary” means the Permanent Secretary, Personnel Management Office;

“posting” means the movement of an officer within a department or between departments without any alteration of salary, grade or status;

“promotion” means the conferment upon a person in the Public Service of a public office to which is attached a higher salary or higher salary scale than that attached to the public office to which he was last substantively appointed;

“salary” means basic salary;

“Secretary” means the person appointed under these regulations as Secretary of the Commission;

“Seniority” means the relative seniority of officers and except as may be otherwise provided by the Commission or in these regulations shall be determinable and shall be regarded as having always been determinable as follows:

- i. as between officers of the same grade –
 - a. by reference to the dates on which they respectively entered the grade;

- b. if any officer entered that grade on the same day by reference to their seniority on the day immediately preceding that day;
- c. if any officer who entered the same grade on the same day did so by appointment and not by promotion (excluding promotion from non-pensionable grade), their seniority relative to each other shall be determinable by reference to their respective ages:
 - ii. as between officers of different grades on the same salary scale or the same flat rate of salary, by reference to the dates on which they respectively entered their grades;
 - iii. as between officers of different grades on different salary scales, by reference to the maximum point on their salary scales, a flat rate of salary being regarded for this purpose as a salary scale with a maximum point equivalent to the flat rate:

Provided that when assisting the seniority of a pensionable public officer, service in a non-pensionable capacity shall not be taken into account;

“transfer” means the authorized movement of an officer from one branch of the service to another;

“Vice Chairman” means the person duly appointed as Vice Chairman of the Commission.

PART II – THE PUBLIC SERVICE COMMISSION

3. (1) The Secretary to the Commission shall be the person so appointed by the Commission:

Provided that where it is intended that the post should be filled by a public officer the appointment shall not be made until the Commission has consulted the Head of Department concerned.

(2) The Secretary shall not be a member of the Commission and his functions and duties shall be limited to matters of an administrative nature, to tender advice on procedural matters and such other duties as the Commission may direct.

4. (1) A record shall be kept of the members present and of the business transacted at every meeting of the Commission.

(2) Any Member who is present at a meeting when a decision is made shall be entitled to dissent there from and to have his dissent and his reasons thereof set out in the record of such meeting.

(3) The Chairman, and in his absence the Vice Chairman, shall preside at and have the control of all meetings of the Commission and may exclude any matter which is irrelevant to the business of the Commission.

5. Decisions may be made by the Commission without a meeting by circulation of the relevant papers among the members:

Provided that –

- (a) if any member requires that a decision on a matter being dealt with by circulation of the relevant papers shall be deferred until the subject matter shall be considered at a meeting of the Commission, no decision shall be made on that subject except at a meeting of the Commission; and
- (b) where a member dissents from a view recorded by a majority of members on papers circulating for a decision, the decision shall not be implemented until that member records the reasons for his view.

6. Any report, statement or other communication or record of any meeting, enquiry or proceedings which the commission may make in exercise of its functions or which any member may make in performance of his duties, or in discharge of any duty to the President or to any public officer, shall be privileged in that its production may not be compelled in any legal proceedings if the President certifies that such production is not in the public interest.
7. The Chairman and any member shall have such and the like protection and privilege in case of any action or suit brought against him for any act done or omitted to be done in the execution of his duties under these regulations as is by law to the acts done or words spoken by the Chief Justice in the exercise of his judicial office.
8. (1) The Commission may require any public officer to attend and give evidence before it concerning any matter which it is required to consider in the exercise of its functions and may require the production of any official documents relating to any such matter.

(2) Whenever the Commission is considering any appointment, confirmation of appointment, promotion, or transfer of, or any disciplinary action against any person to, or as the case may be, a post in Category V of the Public Service, or a teaching post, the Head of the Department shall be so informed and may, if he wishes, attend the deliberations of the Commission for the purpose of giving advice:

 Provided that –
 - (a) nothing in this regulation shall be construed so as to confer upon such Head of Department the right to vote on any such matter; and
 - (b) if the subject of the Commission's deliberations is the Head of Department himself, he shall not so attend, and the Head of the Public Service or the Permanent Secretary on his behalf shall attend in his place.
9. Any public officer who submits any matter for the consideration of the Commission shall ensure that all relevant documents and papers are made available to the Commission.

10. Any public officer who without reasonable excuse fails to appear before the Commission when notified to do so or who fails to comply with any request lawfully and properly made by the Commission shall be guilty of a breach of discipline and the Commission may direct the appropriate authority to institute disciplinary proceedings against him.
11. Any person who otherwise than in the course of his duty directly or indirectly by himself or by any other person in any manner whatsoever influences or attempts to influence any decision of the Commission or the Chairman or of any member, or of any selection Board constituted under these regulations or of any member thereof, shall be guilty of an offence and upon summary conviction by a Magistrate shall be liable to a fine not exceeding two hundred and fifty dalasis or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

Provided that nothing in this regulation shall prohibit any person who may properly do so from giving a certificate or testimonial to any applicant or candidate for any public office or from supplying any information or assistance upon formal request by the Commission.

12. Any person who, in connection with any application by any person for employment or promotion in the Public Service, wilfully gives to the Commission or to any member thereof, or to any person or body of persons appointed by law or by any competent authority to assist the Commission in the exercise of its functions or the discharge of its duties, any information which he knows to be false or does not believe to be true, or which he knows to be false by reason of the omission of any material particular, shall be guilty of an offence and upon summary conviction by a Magistrate shall be liable to a fine not exceeding five hundred dalasis or to imprisonment for a term not exceeding one year, or to both such fine and imprisonment.
- 13.(1) Neither the Chairman or any member; nor any other person shall without the written permission of the President publish or disclose to any person otherwise than in exercise of his functions under these regulations, the contents of any document, communication or information whatsoever which has come to his notice in the course of his duties under these regulations in respect of any matter referred to the Commission or to any member of the

Commission or dealt with by an officer holding a delegated authority and any person who knowingly acts in contravention of this regulation shall be guilty of an offence and upon summary conviction by a Magistrate shall be liable to a fine not exceeding one hundred dalasis or to imprisonment for a term not exceeding one year, or to both such fine and imprisonment.

PART III – APPOINTMENTS, PROMOTIONS AND TRANSFERS

14. The Commission shall consider and decide all matters relating to:-
- (a) the appointments, confirmation of appointments, acting appointments, promotions and transfers of public officers, other than those public officers in respect of whom any special provision or exception is made in the Constitution;
 - (b) the approval of public officers to undergo training courses (excluding awards made by the Scholarships Advisory Board) related to departmental posts upon the recommendation of the Personnel Management Office and a properly constituted Training Committee;
 - (c) petitions by public officers, submitted in accordance with the provisions of regulation 38 of these regulations.
15. In order to discharge its duties under regulation 14 of these regulations, the Commission shall exercise supervision over and approve all schemes for admission to any public office by examination, over arrangements for special training for the public service, and over all other methods of recruitment including the appointment and procedure of Boards for the selection of candidates.
16. (1) Where vacancies are not to be filled by the normal processes of promotion or by results of examinations or scholarships prescribed by any approved scheme, the existence of the vacancies shall, unless the Commission otherwise directs, be notified to the public by advertisement in time to enable candidates to make application in accordance with such advertisement.

(2) Where a post is to be advertised:

(a) the requirements of the post and qualifications necessary for it shall be settled by the Permanent Secretary;

(b) details of the draft advisement shall be agreed between the Commission and the Permanent Secretary;

(c) the Commission shall publish the advertisement, and shall consider any replies to it in consultation with the Head of Department concerned.

17.(1) The Commission shall decide whether a Selection Board should be constituted to select candidates, what the composition of the Board should be and the form in which the report of the Board should be submitted.

(2) The Board shall forward its report to the Secretary and the Commission may in its discretion interview any of the candidates.

18. (1) In making first appointments, the Commission shall be guided by the principle that no consideration shall be given to the recruitment of a non-Gambian unless and until, after a review of the claims of all Gambian candidates, the Commission is satisfied beyond reasonable doubt that no qualified and suitable Gambian candidate is available.

(2) Where no suitable Gambian candidate is available for any post, the Commission shall decide whether the post shall be filled by a non-Gambian on pensionable or contract terms and in reaching its decision shall have regard to the probability or otherwise of a suitable Gambian becoming available, the probability or otherwise of further vacancies occurring in the same class of appointment and the need to attract the best available candidate.

19.(1) In considering the claims of persons in the Public Service for promotion, merit and ability shall be taken into account as well as seniority, experience and official qualifications.

(2) Recommendations for promotion made by the Head of Department shall be submitted on the prescribed form and shall state whether the person recommended is the senior officer in his department eligible for promotion, and, where this is not the case, detailed reasons shall be given in respect of such person in that same department over whom it is proposed that the person recommended should be promoted.

(3) The procedure for making acting appointment and for recommending officers for special courses of training shall be the same as that prescribed for making a promotion, save that when recommending an acting appointment it should be stated whether or not the officer recommended for acting appointment is in every way qualified to perform all, or only a part, of the duties of the office in which he is to act.

(4) In any case where the Commission has it in mind to take action under the provisions of this regulation which is other than that proposed by the public officer referring the matter to the Commission, or, in the case of a Category V post, by the Head of the Public Service, the Commission shall, before taking such action, give that public officer and, in the appropriate cases, the Head of the Public Service, opportunity to give his or their views to the Commission in person and shall give due consideration to such views.

(5) (a) The power to make acting appointments is hereby delegated to the Chairman, without prejudice, however, to his right to refer the question of any such acting appointment to the other members, in his discretion.

(b) The Chairman may, if a question of urgency arises, dispense with the procedures specified in regulation 20 of these regulations in regard to any acting appointment.

20. The following procedures shall govern the submission to the Commission of proposals for appointments, confirmation of appointments, promotions and transfers in the classifications specified:

(a) As soon as it is known that a vacancy will occur in a Category V post –

(i) the Permanent Secretary shall obtain the recommendations of the Head of Department concerned for filling the post, and shall report the matter and shall submit such recommendations to the Head of the Public Service together with his own recommendations;

(ii) upon receipt of the report and the recommendations, the Head of the Public Service shall forward them together with his own recommendations to the Secretary, who shall lay the papers before the Commission.

(b) As soon as it is known that a vacancy will occur in a post other than Category V post or a post in regard to which powers have been delegated to a Head of Department –

(i) the Head of Department shall report the matter to the Permanent Secretary and shall forward with such report his recommendations;

(ii) upon receipt of the report and the recommendations, the Permanent Secretary shall forward them together with his own recommendations to the Secretary, who shall lay the papers before the Commission;

(c) If, upon receipt of the papers specified in paragraphs (a) and (b) of this regulation, the Commission of the Chairman on its behalf considers that the post should be advertised, the Secretary shall arrange with the Permanent Secretary for such advertisement to be published.

(d) When the vacancy is likely to involve the recruitment of an overseas officer, the Permanent Secretary shall report to the Commission on the availability of qualified local officers and on the arrangements for the training of local candidates for such posts.

(e) In the case of vacancies among miscellaneous offices to which this regulation applies, the necessary report shall be transmitted to the Secretary by the Permanent Secretary.

(f) A Head of Department shall notify the Permanent Secretary immediately a vacancy occurs in any established post under his control other than a post in respect of which control has been delegated to him under regulation 21 of these regulations.

21.(1) There is hereby delegated to the appropriate Head of Department –

(a) in respect of the Fire Brigade, authority to make appointments; confirmation of appointments and promotions to and within the Brigade;

(b) *in respect of officers from Category V to I; (amended)*

(c) *in respect of persons temporarily employed and those on a month-to-month appointment; (amended)*

Provided that when any such person has been so employed for such period, the Head of Department shall inform the Commission of the fact and the established post, if any, against which such person is being held.

(2) A Head of Department acting under the provisions of paragraph (1) (b) of this regulation and in his discretion may cause advertisements to be made of vacancies and may set up departmental Appointments Advisory Boards to advise him in the exercise of his powers.

(3) Nothing in this **regulation** shall be construed so as to permit any Head of Department to fill any vacancy in his departmental establishment without first obtaining financial clearance from the appropriate authority if any form of financial control has been imposed in that respect.

22. Notwithstanding anything in this Part of these regulations contained, no proposal or application for the appointment to any public office of any person who has been at any time convicted of any criminal offence involving fraud or other dishonesty shall, in the case of a proposal, be made to or considered by or, in the case of an application, be considered by, the Commission unless the Head of Department in which the public office concerned is established has been informed of such person's conviction and has agreed that such proposal or application, shall be made and considered, or considered, as the case may be.

23.(1) All officers appointed by the Public Service Commission shall before taking their office swear before a Commissioner for oaths or a Notary Public, a Declaration of Secrecy as set out in the Second Schedule to these regulations.

(2) Any officer who acts contrary to the Declaration of Secrecy shall be guilty of an offence and appropriate action shall be taken by the Public Service Commission in consultation with the Attorney General Chambers. (amended)

PART IV – REMOVAL FROM OFFICE, REVOCATION OF APPOINTMENTS AND EXTENSION OF PROBATIONARY SERVICE

24. Where an office, which is one of a number of such offices, has been abolished but one or more such offices remain, the Head of Department shall –

- (a) if the office is one in respect of which the power to appoint, promote and transfer has been delegated, determine which substantive holder of such office shall have his appointment revoked; or
- (b) in any other case report the matter to the Permanent Secretary and shall forward with such report and the recommendations, the Permanent Secretary shall forward them together with his own recommendations, if any, to the Secretary, for the decision of the Commission.

25.(1) If it appears to a Head of Department that the appointment of a non-pensionable public officer should be revoked (otherwise than as provided in regulation 24 of these regulations), the Head of Department shall, in writing, why his appointment should not be revoked; if no reply is received by the Head of Department within ten days of the receipt thereof or if the Head of Department considers that no adequate cause has been shown –

- (a) in the case of an officer in respect of whom disciplinary control has been delegated, the Head of Department may revoke the appointment and report the matter to the Permanent Secretary;
- (b) in any other case, the Head of Department shall report the matter to the Permanent Secretary and shall forward them together with his own recommendations, if any, to the Secretary, who shall lay the papers before the Commission.

(2) The Permanent Secretary shall, upon receipt of the report and the recommendations, forward them together with his own recommendations, if any, to the Secretary, who shall lay the papers before the Commission.

(3) The powers of the Commission under this regulation are hereby delegated to the Chairman, without prejudice, however, to his right to refer any such matter to the other members of the Commission.

26. (1) If it appears to a Head of Department that there is reason why a public officer for whom he is responsible, who has attained the age of 50 years and who holds a pensionable office, should be called upon to retire from the Public Service, the Head of Department shall report the matter with his reasons thereof to the Permanent Secretary, and in no case shall the officer be addressed on the matter before the Permanent Secretary has considered the recommendation submitted by the Head of Department.

(2) If the Permanent Secretary is satisfied that the Head of Department has made a *pima facie* case, he shall address the officer, stating that unless he is prepared to retire voluntarily under the provisions of the pensions Act, 1950, it is proposed to take steps to require him to retire.

(3) If the officer does not avail himself of the opportunity to retire voluntarily within fourteen days of being so addressed, he may within that period make such representations as he wishes to the Commission through his Head of Department and the Permanent Secretary, and the Permanent Secretary shall forward such representations, with the report of the Head of Department and his own recommendations to the Secretary, who shall lay the matter before the Commission.

(4) If the officer does not avail himself of the opportunity to make representations, the Permanent Secretary shall obtain the Commission's approval before compulsorily retiring the officer.

27. (1) *On his first appointment to a pensionable post, a public officer shall hold his appointment on probation for one year, and any promotion may be made subject to a trial period of such length as the Commission may specify: (amended)*

Provided that, in the case of a Category I officer appointed to a permanent and pensionable post who, immediately prior to such appointment, had served for one year in a Category I post, his confirmation in his new appointment shall be automatic, subject to certification of physical fitness. (amended)

(2) If at any time during the probation or trial period of any officer the Head of Department considers that such period should be reduced, he shall report the matter together with his recommendations to the Permanent Secretary.

(3) Where a public officer holds an appointment on probation, or where a promotion has been made subject to a trial period, then the Head of Department shall, three months before the expiration of the probationary period or of the trial period, consider –

(a) whether the officer should on the expiration thereof be confirmed in a pensionable post or in his promotion, as the case may be;

(b) whether a further probationary period or trial period is necessary for the purpose of determining whether the officer should be confirmed as aforesaid; or

(c) whether the officer should cease to be in the Public Service, or, in the case of an officer promoted for a trial period, should revert to his previous grade.

(4) If the Head of Department, on considering the matter under paragraph (3) of this regulation, is of opinion that the officer should be confirmed on the expiry of the probationary period or substantively promoted at the end of the trial period, he shall report the matter to the Permanent Secretary and shall forward with such report his recommendations.

(5) If, on considering the matter under paragraph (3) of this regulation, the Head of Department is of the opinion that the probation period or trial period should be extended, or if at any time during such period he considers that the officer should not remain in the Public Service, or, in the case of any officer promoted for a trial period, should revert to his previous grade, the Head of Department shall report the matter together with his recommendations to the Permanent Secretary.

(6) Upon receipt of any report and recommendations prescribed by this regulation, the Permanent Secretary shall forward them together with his own recommendations to the Secretary, who shall lay the papers before the Commission.

(7) Nothing in this regulation shall be construed so as to require a Head of Department to submit to the Permanent Secretary or to the commission any matter concerning the probation of any officer in respect of whose appointment and confirmation of appointment powers have been delegated to such Head of Department:

Provided that a Head of Department shall not, under the provisions of this paragraph, extend or reduce the period of probation of any officer without the consent in writing of the Permanent Secretary.

PART V – DISCIPLINE

28. The Commission shall be the sole responsible authority in all matters concerning the disciplinary control of public officers, other than those officers holding the posts specified in paragraphs (a) to (f) inclusive of section 111 (3) of the Constitution and other than the Inspector General of Police and the holders of the offices of or below the rank of Chief Inspector in The Gambia Police Force.

29. Disciplinary control of the officers listed below is hereby delegated to the responsible authority -

(a) Junior prison officers;

(b) Members of the Fire Brigade;

(c) *Officers in Category I to V of the Public Service, as defined from time to time in General Orders; (amended)*

(d) *Persons appointed temporarily on a month-to-month or day-to-day basis to posts in Categories I and V of the Public Service. (amended)*

30. All acts of misconduct by public officers shall be dealt with under this Part of these regulations as soon as possible after the time of discovery of the misconduct.

31. Any case not covered by these regulations shall be reported to the Permanent Secretary who may make recommendations on the same to the Commission which shall issue instructions as to the manner in which the case shall be dealt with, and the case shall be dealt with accordingly.

32. Notwithstanding anything contained in these regulations, the Commission may direct that disciplinary proceedings shall be instituted in any case which comes to its attention, subject, according to the circumstances thereof, to the advice of the Attorney General as to whether criminal prosecution should first be instituted.

33. When a preliminary investigation or a disciplinary enquiry discloses that an offence against any law may have been committed by a public officer, the Permanent Secretary shall, unless legal proceedings have been or are about to be taken, consult the Attorney General as to whether a prosecution should be instituted.

34. If criminal proceedings are instituted against a public officer in any court, proceedings for his dismissal upon any grounds involved in the criminal charge shall not be taken until the conclusion of the criminal proceedings and the determination of any appeal there from.

35. (1) If in any case the authority who is empowered under this Part of these regulations to dismiss any public officer shall consider it in the interest of the Public Service that any public officer should cease forthwith to exercise his powers and functions in view of the fact that proceedings for the dismissal of such public officer are to be taken or that criminal proceedings are being instituted against him, such authority may interdict such public officer from the exercise of his powers and functions.

(2) An officer who is interdicted shall, subject to the provisions of regulations 36 of these regulations, receive such emoluments, not being less than one half, as the authority empowered to dismiss him shall think fit and shall not be entitled to receive any increment in salary falling due during the period of such interdiction to which he would have been entitled had he not been interdicted.

(3) Subject to the provisions of paragraph (4) of this regulation, if the disciplinary proceedings do not result in the officer's dismissal or other punishment the whole of the emoluments withheld from shall be restored to him, including any increment in salary, when the final decision is made.

(4) In cases in which the officer is found guilty of the charges, or some of them, which are the cause of the interdiction, he shall not be entitled to receive that portion of his emoluments which have been withheld.

(5) Except in the case of the interdiction of a Head of Department, an officer holding a Category V post, or of a public officer in respect of whom the disciplinary control has been delegated under regulations 29 of these regulations, the powers of the Commission under this regulation are hereby delegated to the Chairman.

36. (1) A public officer adjudged by a court to be guilty of a criminal charge shall not receive any emoluments from the date of such judgement, pending the decision of the authority that is empowered to dismiss him.

(2) The powers of the Commission under this regulation are hereby delegated to dismiss him.

(37) An officer who is under interdiction may not leave The Gambia without permission of the authority who interdicted him.

(38) Where a public officer has been acquitted of a criminal charge in any court, disciplinary proceedings may be initiated and continued against him in the same manner as if no criminal proceedings had been taken. Such proceedings shall be based on infringement of General Orders or Financial Instructions, or Public Service Commission Regulations unless the Attorney General advises that no further disciplinary proceedings shall be taken or continued.

(39) Petitions against decision exercising disciplinary control shall be made by the petitioner –

(a) in respect of a decision by an officer subordinate to a Head of Department, to the Head of Department;

(b) in respect of a decision made by a Head of Department, to the Permanent Secretary who shall forward the petition, together with such comments as he may deem necessary, to the Head of the Public Service;

(c) against decisions of the Head of the Public Service, to the Commission with his comments.

(40) The authority receiving the petition shall consider and determine what action shall be taken on it; which shall either confirm the decision, or vary it as sees fit, and the Commission's decision will be conveyed to the petitioner by the Secretary, a copy being sent to the authority receiving the petition.

41. Petitions against decisions made by the Commission shall be entertained not presented to the Commission during its initial deliberations is included in the petition, which shall be addressed to the Secretary.

42. Petitions shall not be considered unless received by the appropriate authority within three weeks of the date upon which the decision out of which the petition arises is addressed to the officer, unless the authority considering the petition considers that special circumstances warrant consideration out of time.

43. Subject to the provisions of regulation 41 of these regulations, not more than one petition on any particular case shall be considered and the Commission's decision on any petition shall be final.

(44) (1) The following are the punishments which may be ordered as a result of proceedings under this Part of these regulations:

- (a) Dismissal;
- (b) Reduction in rank;
- (c) Reduction in salary;
- (d) Deferment of increment;
- (e) Stoppage of increment;
- (f) Fine, not exceeding one month's emoluments;
- (g) Reprimand:

Provided that nothing in the regulation shall be construed so as to –

- (i) limit the powers conferred in these regulations to require a public officer to retire from the Public Service on the grounds of public interest;
- (ii) interfere with any power to order surcharge.

(2) The powers in respect of deferment of increment and stoppage of increment are hereby delegated to the Chairman.

45. Where punishment is imposed by a responsible authority as defined in regulation 29 of these regulations, the imposition of such punishment shall be made in writing, and copied to the Permanent Secretary, who shall draw the attention of the Commission to any cases in which he considers this necessary.

46. (1) The procedure to be followed by the responsible authority, and which shall govern cases in which no specific law or regulation has been contravened but in which the officer's work or conduct are considered to be unsatisfactory, shall be as follows:

(a) a First Warning letter, setting out the officer's deficiencies, and requiring him to improve his work or conduct;

(b) *if this warning letter does not lead to a significant change in performance or behaviour, the Head of Department/Permanent Secretary shall submit a recommendation to the Public Service Commission for imposition of an appropriate disciplinary measure;***(amended)**

(c) **deleted**

3. deleted

(5) *Notwithstanding the provisions of paragraph (1) of this regulation, the Public Service Commission may revoke the appointment of an officer upon giving him a month's notice or paying him a month's salary in lieu of such notice, if this is considered to be in the public interest.* **(amended)**

47. Whenever it appears necessary to institute disciplinary proceedings for misconduct, which, if proved, would justify dismissal from the Public Service, the procedures in the next following regulations shall be observed.

48. The procedure to be followed by the responsible authority as defined in regulation 52 of these regulations in cases where an officer is suspected of any specific act of misconduct shall be as follows:

- (a) preliminary enquiry shall be held by the responsible authority who shall, on the advice of the Attorney General, frame charges;
- (b) the officer shall be addressed, the charges conveyed to him, and the officer must state in writing before a date to be specified, any grounds on which he relies to exculpate himself;
- (c) if the officer fails to furnish a reply to any charge by the specified date or if, in the opinion of the responsible authority he fails to exculpate himself, then the responsible authority shall submit a full report on the matter to the Commission which shall appoint a Committee to enquire further into the matters;
- (d) the Commission shall inform the officer that on a specified date the charges preferred against him will be investigated by it, and that he will be allowed, or may be required to appear before it;
- (e) at the completion of the enquiry, the Committee will prepare a report, which must include a record of the charges framed, the evidence adduced, the defence and any other matter relevant to the enquiry:

Provided that if, in the opinion of the Commission, following a preliminary enquiry under paragraph (a) of this regulation, the appropriate punishment is reprimand, stoppage of increment or deferment of increment, the Commission may impose such punishment and dispose of the case.

49. An Investigating Committee instituted in accordance with these regulations shall permit an accused officer to be represented in person or, at his own expense by a Counsel of his own choice and the Government shall, in like manner, be permitted to be represented by a public officer.

50. If an Investigating Committee examines witnesses, the officer must be given the opportunity of being present and of putting questions on his own behalf to the witnesses; and no documentary evidence shall be used against him unless he has previously been supplied with a copy thereof or given access thereto.

51. An officer may, at the completion of the enquiry and upon payment of twenty five bututs for every hundred words or a fraction thereof after the first hundred words of the record of evidence, be given a copy of the record of evidence including documents tendered in evidence.

52. (1) The authority responsible for instituting preliminary enquiries shall be –

(a) in the case of Permanent Secretaries or Heads of Departments, other than the Auditor General, the Head of the Public Service;

(b) in the case of officers in Categories IV and V other than those to whom paragraph (a) of this regulation applies, the Permanent Secretary; and

(c) in the case of officers to whom neither paragraph (a) nor paragraph (b) of this regulation applies and for whom the Commission is the responsible authority, the Head of the Department in which the officer holds his post.

(2) Where a case arises in which it is considered necessary to investigate the conduct of the Head of the Public Service, the authority responsible to institute a preliminary enquiry is the Chairman.

53. (1) Investigating Committees shall be composed as follows:

(a) in the case of officers holding Category V posts or Heads of Departments (other than the Auditor General), not less than two and not more than three members one of whom must be the Vice Chairman of the Commission who shall be Chairman and the other a member of the Judicial Service Commission;

(b) in the case of officers in Category IV posts, one member of the Commission, and one member of the Judicial Service Commission;

(c) in the case of officers to whom neither paragraph (a) nor paragraph (b) of this regulations applies and in respect of whom no disciplinary control has been delegated under regulation 28 of these regulations, one member of the Commission.

54. (1) The Secretary to the Commission shall serve as Secretary to any Investigating Committee instituted in accordance with these regulations.

(2) Where the Secretary to any Investigating Committee, the Commission shall appoint an officer in the public service not below the rank of an Assistant Secretary to serve as Secretary to any Investigating Committee.

55. (1) At the completion of any enquiry, the Secretary to the Investigation Committee shall forward the report of the Committee, including the record of the charges framed, the evidence adduced, the defence and any other matter relevant to the enquiry to the Chairman.

(2) Every report forwarded to the Chairman must state whether the charges preferred against any officer has been proved or not and to recommend what appropriate punishment should be imposed on the officer.

(b) in respect of all officers not included in paragraphs (a) and (c) of this regulation, the Permanent Secretary shall consider the matter and submit recommendations to the Commission;

(c) in respect of officers for whom the Head of Department is the responsible authority, the Head of Department shall consider the matter and award such punishment from among those listed in regulation 44 (1) of these regulations as he thinks fitting (which punishment may include dismissals); reporting any action taken to the Permanent Secretary.

59. The authorities designated in regulation 52 of these regulations may at any time after making such enquiries as they see fit recommend to the Commission that an officer be required to retire from the Public Service, or that his services be terminated, in the public interest;

Provided that before making such recommendation, the authority shall give to the officer concerned the opportunity to make representations to the authority and shall report in full to the Secretary the grounds on which the recommendation is made together with any representations made by the officer.

60. (1) Where any public officer is absent from duty without leave or reasonable cause for a period exceeding fourteen days and the officer cannot be traced within a period of twenty days of commencement of such absence, or if traced, no reply to a charge of absence without leave is received from him within ten days after the despatch of the charge to him:

(a) in the case of a public officer in respect of whom disciplinary control has been delegated, the authority empowered to dismiss him may summarily dismiss him, and declare his post vacant;

(b) in any other case, the Head of Department shall report the matter to the Permanent Secretary who shall inform the Secretary, and the Commission shall consider the case and may summarily dismiss him and declare his post vacant.

(2) The powers of the Commission under this regulation are hereby delegated to the Chairman.

61. Whenever in these regulations any power, function or duty is imposed or conferred upon any Head of Department, that power, function or duty may at any time be exercised by the Head of the Public Service, or by the Permanent Secretary on his instructions and on his behalf, and in such case the Head of Department, on being informed that the Head of the Public Service, or the Permanent Secretary, as the case may be, is to exercise that power, function or duty in respect of any particular matter, shall not himself exercise, or shall cease to exercise, as the case may be, that power, function or duty in respect of that particular matter and any such case shall forthwith be reported to the Commission.

PART VI – OVERALL COORDINATION AND MANAGEMENT OF THE FUNCTIONS OF THE CIVIL SERVICE

To ensure effective and efficient overall monitoring of the performance of the structures of the civil service and the implementation of statutory provisions, the office of Head of the Civil Service provided for by the 1977 Constitution will be created and properly staffed. This office, which is different from that of the Secretary General, will have overall responsibility for co-ordination and monitoring and will be directly answerable to the Secretary General. The existence of this office will enable the Secretary to totally concentrate on the prime functions of servicing the President and performing the functions of Secretary to Government.

In the performance of his or her role, the Head of the Civil Service will have regular consultations with the Personnel Management Office and the Public Service Commission.

PART VII - MISCELLANEOUS

62. Permanent Secretaries and Heads of Department are required to keep an Attendance Register which should be signed by members of staff immediately on arrival at work. An officer reporting on duty ten minutes or more late, should be reported to the Permanent Secretary for appropriate disciplinary action by the Commission.

63. The Commission, the Head of the Public Service, or the Permanent Secretary may, at any time, in the case of any difficulty or difference of opinion in the interpretation of the Constitution or of these regulations, consult the Attorney-General who shall give his opinion on the matter.

64. The Public Service Commission Regulations 1966 are hereby revoked.

FIRST SCHEDULE

HEADS OF DEPARTMENTS

Accountant General

Director of Information and Broadcasting

Master and registrar

Commissioner of Income tax

Commissioner of Labour

Inspector General of Police (and as Chief Officer of the Fire Brigade)

Commissioners

Controller of Customs and Excise

Director of Civil Aviation

Director of Agriculture

Auditor General

Director of Education

Director of Medical Services

Director of Posts

Director of Telecommunications

Director of technical Services

Permanent Secretary, Personnel Management Office, in respect of:

- (a) the staff of the Personnel Management Office;
- (b) any officers not otherwise provided for under this Schedule;
- (c) the appointment and postings only of established Higher/Senior Executive officers, Executive Officers, and Clerical Officers of grade 2, 3 and 4

Government Printer

Head of the Public Service (in respect of Administrative Officers)

Land Officer

Director, Animal health and Production

Solicitor General and Legal Secretary

Registrar of Co-operative Societies

Secretary – General

Secretary of the Public Service Commission

Commissioner of Prisons

Superintendent of Surveys

Director of Hydro meteorological Services

Director of youth, Sports and Culture

Permanent Secretary, Ministry for Local Government and Lands

Permanent Secretary, Ministry of Finance and trade

Permanent Secretary, Ministry of health, labour and Social Welfare

Permanent Secretary, Ministry of Higher Education, Research, Science and technology

Permanent Secretary, Ministry of Basic and Secondary Education

Permanent Secretary, Ministry of Youth, Sport

Permanent Secretary, Ministry of Agriculture

Permanent Secretary, Ministry of Finance and Economic Affairs

Permanent Secretary, Ministry of Communication Information and
Technology

Permanent Secretary, Ministry of Tourism and Culture

Permanent Secretary, Ministry of External Affairs

Permanent Secretary, Ministry of Works and Infrastructure

Permanent Secretary, Ministry of Energy

Permanent Secretary, Ministry of Defence

SECOND SCHEDULE

DECLARATION OF SECRECY

I, THE UNDERSIGNED, being a Civil Servant in the employ of The Gambia Government, do hereby pledge myself, on my honour, to observe a strict secrecy respecting all matters of a confidential nature which may come to my knowledge in the discharge of my official duties;

AND I FURTHER PLEDGE MYSELF, on my honour, not to reveal to anyone contrary to my duty any matters which may come to my knowledge in the discharge of my official duties, and also not to supply to anyone any information respecting any such matters, except as and when required so to do by law, or by the regulations of the service, or by my superior officers, or except as my official duties shall otherwise require:

AND I FURTHER PLEDGE MYSELF, not to breach or in any way contravene the provisions of Section 4 of the Official Secrets Act (Cap. 17:01)

I have been made fully aware of the penalties that any such breach or contravention would be a fine or an imprisonment.

Witness my hand at.....this.....day of.....20.....

.....
Signature of Officer