

STATUTORY INSTRUMENTS SUPPLEMENT

to The Uganda Gazette No. 4 Volume CII dated 23rd January, 2009

Printed by UPPC, Entebbe, by Order of the Government.

S T A T U T O R Y I N S T R U M E N T S

2009 No. 1.

THE PUBLIC SERVICE COMMISSION REGULATIONS, 2009

ARRANGEMENT OF REGULATIONS

Regulation.

PART I—PRELIMINARY

1. Short title.
2. Interpretation.

PART II—GENERAL

3. Presiding at meetings.
4. Records of meetings.
5. Decisions by circulation of papers.
6. Decision of the Commission.
7. Quorum and validity of proceedings not affected by vacancy.
8. Powers to co-opt.
9. Dissent.
10. Appeals.
11. Local Government employees to lodge appeals after a case has been handled by the relevant District Service Commission.
12. Appeals to be lodged within one year
13. Handling appeals by the Commission.
14. Enforcement of attendance, etc.
15. Failure to appear or produce document.
16. Attendance allowance.
17. Matters to be considered by Commission.
18. Consultation and selection boards

Regulation.

19. Obligation to conform with regulations.
20. Obligation to hear responsible officer or head of department.
21. Irregular representations.
22. Consent to prosecution.
23. Oaths on appointment.

PART III—APPOINTMENTS (INCLUDING PROMOTIONS
AND TRANSFERS), CONFIRMATION OF APPOINTMENTS
AND TERMINATION OF APPOINTMENTS (OTHER THAN BY
DISCIPLINARY PROCEEDINGS)

24. Advertisements.
25. Procedure and forms.
26. Vacancies.
27. Vacancies to be filled after examination or course of study
28. Recruitment outside Uganda.
29. Acceptance of offer of appointment.
30. Probationary appointment.
31. Further report.
32. Compulsory retirements.
33. Acting appointments.
34. Renewal of contracts.
35. Instruments of appointment.
36. Exceptions.

PART IV—DISCIPLINE

37. Abandonment of duty.
38. Interdiction.
39. Suspension of criminal conviction.
40. Report of institution of criminal proceedings.
41. Power of Commission to review its decision.
42. Procedure when criminal offence may have been committed.
43. Decision in disciplinary proceedings to be communicated to officer concerned.
44. Misconduct justifying dismissal.
45. Misconduct not justifying dismissal.
46. Retirement in public interest.

Regulation.

47. Procedure on criminal conviction.
48. Punishments which may be inflicted by Commission.
49. Report of unsatisfactory conduct of officer serving on agreement.
50. Service of documents.

PART V—MISCELLANEOUS

51. Production of relevant documents, etc.
52. Correspondence.
53. Submissions to be in triplicate.
54. Cases not otherwise provided for.
55. Application of these Regulations.
56. Commission may regulate its own procedures.
57. Revocation of Statutory Instrument 288-1.

SCHEDULE

SCHEDULE—RESPONSIBLE OFFICERS.

STATUTORY INSTRUMENTS

2009 No. 1.

The Public Service Commission Regulations, 2009

(Under section 27 of the Public Service Commission Act, Act 11 of 2008)

IN EXERCISE of the powers conferred upon the Commission by section 27 of the Public Service Commission Act, these Regulations are made this 5th day of December, 2008.

PART I—PRELIMINARY

1. Short title.

These Regulations may be cited as the Public Service Commission Regulations, 2009.

2. Interpretation.

In these Regulations, unless the context otherwise requires—

“Act” means the Public Service Commission Act, 2008;

“Chairperson” means the Chairperson of the Commission, Deputy Chairperson or any other person appointed to act as Chairperson of the Commission;

“Commission” means the Public Service Commission;

“currency point” means a sum of twenty thousand shillings;

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

“member” means any member of the Commission, including the chairperson, deputy chairperson;

“responsible officer” means, in relation to a public officer either—

(a) the Permanent Secretary of the Ministry in or under which, the officer is serving;

- (b) the Chief Administrative Officer or Town Clerk of the Local Government, Municipality or Town Council under which the officer is serving;
- (c) in the case of an officer serving in or under a Ministry or department set out in the first column of the schedule, the person holding the office set out opposite; or
- (d) in the case of an officer to whom neither of the preceding paragraphs of this definition applies, the Permanent Secretary of the Ministry of Local Government.

“Responsible Permanent Secretary” means in relation to the Public Service, the Permanent Secretary of the Ministry responsible for the Public Service;

“Salary” means basic salary;

“Secretary” means the Secretary to the Commission.

PART II—GENERAL

3. Presiding at meetings.

Every meeting of the Commission shall be presided over by the Chairperson or in his or her absence by the Deputy Chairperson or in the absence of both the Chairperson and Deputy Chairperson, by a Member designated by the President to act as Chairperson.

4. Records of meetings.

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

5. Decisions by circulation of papers.

Decisions may be made by the Commission without a meeting by circulation of the relevant papers among the members and the expression of their views in writing, but any member shall be entitled to require that any such decision be deferred until the subject matter shall be considered at a meeting of the Commission.

6. Decisions of Commission.

(1) Decisions of the Commission shall be communicated to responsible officers in form of minutes.

(2) The Commission shall not communicate reasons for its decision to responsible officers.

7. Quorum and validity of proceedings not affected by vacancy.

(1) The quorum for a meeting of the Commission is three members.

(2) The validity of any proceeding of the Commission shall not be affected by a vacancy in its membership or by any defect in the appointment or qualification of a member or by reason that a person not entitled, took part in its proceedings.

8. Powers to co-opt.

(1) The Commission may invite any person who, in the opinion of the Commission has expert knowledge concerning the function of the Commission, or who is likely to be of assistance to the Commission to attend and take part in the proceedings of the Commission.

(2) A person attending a meeting of the Commission under this regulation may take part in any discussion at the meeting on which his or her advice is required but shall not have any right to vote at that meeting.

9. Dissent.

Any member shall be entitled to dissent from a decision of the Commission and to have his or her dissent and his or her reasons therefore set out in the records of the Commission.

10. Appeals.

A person who is aggrieved by a decision of the Public Service Commission may appeal to the Commission.

11. Local Government employees to lodge appeals after a case has been handled by the relevant District Service Commission.

(1) An employee of a Local Government may appeal to the Public Service Commission only after his or her case has been handled by the relevant District Service Commission to his or her dissatisfaction.

(2) In a situation where an aggrieved officer shall not explicitly state all the relevant facts behind the case for fear of further reprisals or fear that the appeal may be delayed, such appeals may be addressed directly to the Secretary, Public Service Commission with a copy to the responsible officer and or Secretary, District Service Commission.

(3) Copies of all relevant correspondences on the matter should be attached to the appeal.

12. Appeals to be lodged within one year.

(1) An appeal to the Public Service Commission should be lodged within one year from the date of receipt of the letter communicating the decision being appealed against.

(2) Any appeal presented after the period has elapsed shall not be entertained by the Public Service Commission.

13. Handling of appeals by the Commission.

The Public Service Commission on receipt of an appeal shall inquire into the matter in such a manner as it deems fit, and thereafter make an appropriate decision.

14. Enforcement of attendance, etc.

The Commission may require any person to attend and give evidence before it concerning any matter which it may properly consider in exercise of its functions under the Constitution or any other law and may require the production of any documents relating to any such matter by any person attending before it.

15. Failure to appear or produce document.

Any person, other than a person who is notified to appear before the Commission solely in connection with his or her application for appointment to the public service, who—

- (a) without reasonable cause fails to appear before the Commission when notified to do so;
- (b) willfully fails to produce any document in his or her possession when requested to do so by the Commission,

commits an offence and on conviction shall be liable to a fine not exceeding five currency points.

16. Attendance allowance.

Any person attending before the Commission at the request of the Commission, other than a person who is applying for appointment to the public service, shall be entitled to be paid by the Commission an allowance determined by the Commission after consultation with the Ministry responsible for Public Service.

17. Matters to be considered by Commission.

(1) In exercising its powers in connection with the appointment, promotion or transfer of officers within the public service the Commission shall have regard to the maintenance of the high standard of efficiency necessary in the public service and shall—

- (a) give consideration to the qualified officers serving in the public service and to the citizens of Uganda;
 - (b) in the case of officers in the public service, take into account qualifications, experience, performance and merit before seniority in the public service; and
- (2) Where a post cannot be filled either—
- (a) by the appointment or promotion of a suitable person already serving in the Ministry or department in which the vacancy has occurred; or
 - (b) by the appointment of a suitable person who has successfully completed a course of study or training acceptable to the Commission.

(3) Where a post cannot be filled under subregulation (2) call for applications for the post by advertisement except that—

- (a) within its discretion it may decide not to do so;

- (b) within its discretion it may restrict the circulation of such advertisement to persons who are already in the public service; and
- (c) where it is satisfied that no suitable Ugandan candidates are available, may decide that the post be filled by recruitment outside Uganda.

18. Consultation and selection boards.

In exercising its powers in connection with the appointment, promotion or transfer of an officer in the public service, the Commission may—

- (a) consult with any other person or persons; and
- (b) seek the advice of a selection board constituted by the Chairperson who may appoint to it members of the Commission and other persons who are not members of the Commission.

19. Obligation to conform with regulations.

The Commission shall not exercise its powers in connection with the appointment, confirmation, dismissal, disciplinary punishment, or termination of appointment of any officer in the public service except in accordance with the provisions of these regulations or such other regulations as may be made from time to time.

20. Obligation to hear responsible officer or head of department.

The Commission at the request of a responsible officer or head of department, as the case may be, shall—

- (a) hear the responsible officer personally in connection with any recommendation made by him or her to the Commission;
- (b) hear the head of department personally in connection with any recommendation made to the Commission which affects his or her department.

21. Irregular representation.

(1) In carrying out its duties the Commission shall not take into account any representations made to it other than in accordance with the written law.

(2) Nothing in this regulation shall be deemed to prohibit the Commission taking into account a bona fide reference or testimonial of service.

22. Consent to prosecution.

A prosecution in respect of any offence which is committed under these Regulations shall not be instituted except by or with the consent of the Director of Public Prosecutions and the Solicitor General.

23. Oaths on appointment.

(1) Every member shall, on appointment—

(a) take the official oath as required under section 4 of the Oaths Act; and

(b) take an oath in the form set out in the Second Schedule to the Act.

(2) The Secretary and a member of the staff of the Commission shall, on appointment, take an oath in the form set out in the Second Schedule to the Act.

(3) Where any person is required to take an oath under provisions of this regulation and—

(a) he or she has no religious belief; or

(b) the taking of an oath is contrary to his or her religious belief;

he or she may make and subscribe a solemn affirmation in the form of the oath appointed, substituting the words “solemnly and sincerely declare and affirm” for the word “swear” and omitting the words “So help me God”.

(4) An oath or an affirmation taken by a Member of the Commission shall be administered by a Judge of the High Court and every oath or affirmation taken by the Secretary or any other member of staff of the Commission shall be administered by the Chairperson or Deputy Chairperson or a member of the Commission assigned by the Chairperson.

PART III—APPOINTMENTS (INCLUDING PROMOTIONS AND TRANSFERS),
CONFIRMATION OF APPOINTMENTS AND TERMINATION OF APPOINTMENTS
(OTHER THAN BY DISCIPLINARY PROCEEDINGS)

24. Advertisement.

(1) The Commission shall determine the form of advertisements issued in accordance with regulation 17(3).

(2) The qualifications specified in such advertisements shall be those approved by the Commission in consultation with the responsible officer and the responsible Permanent Secretary for the vacancy under consideration.

25. Procedure and forms.

(1) The Commission shall determine the procedure to be followed in dealing with applications for appointment to the public service including the proceedings of any selection board appointed by the Chairperson to interview candidates.

(2) The Commission shall determine the forms to be used in connection with the discharge of its functions.

26. Vacancies.

(1) Where a vacancy occurs or it is known that a vacancy shall occur in any public office in any Ministry or department, the responsible officer shall notify the Secretary of the vacancy upon clearance by the responsible Permanent Secretary.

(2) If the responsible officer recommends that such vacancy should be filled by the appointment or promotion of an officer serving in the Ministry or Department in which the vacancy has occurred or shall occur, he or she shall, when reporting the vacancy to the Secretary—

- (a) forward a list of all senior eligible officers in that Ministry or Department who are available to fill the vacancy, together with the records of their service in the public service;
- (b) recommend one of those officers to fill the vacancy; and

(c) where his or her recommendation involves the supersession of an officer senior to the officer so recommended, give his or her reasons for recommending such supersession.

(3) If the responsible officer does not recommend that the vacancy should be filled by the appointment or promotion of an officer serving in the Ministry or department in which the vacancy occurs or shall occur, he or she shall when reporting the vacancy to the Secretary—

(a) report to the Secretary the names of the most senior officers serving in the particular cadre or grade from which the promotion would normally be made and state his or her reasons why he does not consider that the officers named are suitable for promotion to fill the vacancy; and

(b) forward to the Secretary a draft advertisement setting out the details of the vacant post and the duties and qualifications attached to it.

(4) The procedure prescribed in this regulation shall not apply to—

(a) any vacancy in a post of Permanent Secretary;

(b) an officer appearing in the Schedule to these Regulations; or

(c) a vacancy in any post in respect of which the power to make appointments including appointments on promotion and transfer, has been delegated to any person by regulations.

27. Vacancies to be filled after examination or course of study.

Where a vacancy is to be filled—

(a) according to the results of examinations which are conducted by or supervised by the Commission;

(b) on the successful completion of a course of study or training designed to qualify a candidate for appointment to the public service;

the Commission may make such arrangements as it considers appropriate for effecting the appointments.

28. Recruitment outside Uganda.

(1) If a responsible officer is informed by the Secretary that the Commission has decided that a particular vacancy should be filled by recruitment from outside Uganda, he or she shall prepare an indent on the appropriate form and transmit it to the Secretary through the Permanent Secretary, Ministry of Public Service who shall be responsible for verifying the particulars contained.

(2) Copies of the submission shall be given to the Head of Public Service/Secretary to Cabinet.

(3) The acquisition of a non-Ugandan expert, advisor or volunteer by whatever title known, under multi-lateral or bilateral arrangements shall be considered as recruitment from outside Uganda for the purposes of these Regulations regardless of the existence of a vacancy on the establishment against which to hold the expert, advisor or volunteer, as the case may be, on his or her terms and conditions of service.

29. Acceptance of offer of appointment.

(1) Where a vacancy has been filled by the Appointing Authority, the Secretary shall notify the successful candidate and the responsible officer shall issue a letter of offer or appointment within one month from the date of approval of the appointment.

(2) The appointee shall signify his or her acceptance of the appointment in writing to the responsible officer within one month, from the date of the letter of appointment failure to which the offer shall lapse automatically.

(3) Where the offer of appointment has not been accepted, the responsible officer shall report the matter to the Secretary within thirty days.

30. Probationary appointments.

(1) The probationary period of service shall be as specified in the Government of Uganda Standing Orders.

(2) Where a public officer holds a probationary appointment, three months before the expiration of the period such probationary appointment the responsible officer shall consider—

- (a) whether such an officer should on such expiration be confirmed in a pensionable post;
- (b) whether a further period of probationary service is necessary to determine whether such an officer should be so confirmed; or
- (c) whether such an officer should not remain in the public service.

(3) If after consideration of the matters referred to in subregulation (2), the responsible officer is of the opinion that a public officer on a probationary appointment should be confirmed in a pensionable appointment and if that public officer has passed such examinations as may be required as a condition for confirmation in his or her recommendation that the officer should be so confirmed.

(4) If after consideration of the matters referred to in subregulation (2), the responsible officer is of the opinion that the work and conduct of a public officer on a probationary appointment have been of a standard to justify confirmation in a pensionable office, but the officer has not completed the examination required for his appointment, the responsible officer, shall, before the expiration of that public officer's probationary appointment, forward a report, in triplicate, to the Secretary together with his or her recommendation as to the period of further probationary service which the officer should be granted in order to pass the required examination.

(5) If after consideration of the matters referred to in subregulation (2), the responsible officer is of the opinion that the work or conduct of a public officer in a probationary appointment has not been in all respects satisfactory, he or she shall so inform the officer in writing and indicate whether he or she proposes to recommend—

- (a) an extension of the officer's probationary service to show whether he or she can overcome the defects noted; or
- (b) that the officer's probationary appointment should be terminated.

(6) The responsible officer shall, when giving to a public officer the information mentioned in subregulation (5) also inform the officer that he or she is entitled to make representations within a period not less than fourteen days, on the recommendations proposed.

(7) On the expiration of the period allowed to the officer to make any representations, the responsible officer shall forward to the Secretary a report on the officer, together with a copy of the letter to the officer and of the latter's representations, of any, his or her comments and a recommendation whether the period of probationary service should be extended or that the officer should not remain in the public service.

(8) Where a public officer holds a probationary appointment and the responsible officer at any time during the period of such probationary appointment is of the opinion that such appointment should be terminated immediately the procedure prescribed in paragraphs (5) and (6) of this regulations shall be followed.

(9) Where the responsible officer fails to forward to the Secretary his or her recommendation on a public officer holding a probationary appointment and who has served the mandatory period of probation without adverse reports, such an officer shall be free to appeal to the Commission for confirmation in appointment.

31. Further report.

If upon consideration of a recommendation made by a responsible officer under regulation 26 that an officer should be confirmed in a pensionable post, the Commission is of the opinion that it requires more information, it may refer the matter back to the responsible officer for a further report.

32. Compulsory retirement.

If a responsible officer is of the opinion that a public officer who is serving in his Ministry or department within his or her Ministry and who holds a pensionable office should be called upon to retire from the public service on the grounds that he or she has attained the age at which he or she can retire, under the provisions of the Pensions Act, lawfully be required to retire from the public service, he or she shall—

- (a) inform the officer that he or she intends to recommend that the officer is compulsorily retired from the public service and given reasons thereof;
- (b) ask the officer concerned whether he or she wishes to make, within a period of twenty one days, any representations why he or she should not be so retired; and
- (c) after the expiration of such period, forward the recommendation to the Secretary together with a copy of any representations made by the officer concerned and the comments.

33. Acting appointments.

(1) If the holder of a public office is for any sufficient reason unable to perform the functions of his or her office and the responsible officer is of the opinion that some other public officer should be appointed to act in such office, the responsible officer shall report the matter to the Secretary and shall submit, for the consideration of the Commission, the name of the public officer who he or she recommends should be appointed to act in that office.

(2) Where the recommendation involves the supersession of a more senior officer or officers serving in the Ministry or Department, the responsible officer shall inform the Secretary of his or her reasons for recommending the supersession of such an officer.

(3) In considering recommendations for acting appointments, the Commission shall apply the standards prescribed in regulation 17, except that consideration may also be given to the interests of departmental efficiency.

(4) Where an acting appointment has been authorized by the Appointing Authority, such acting appointment shall be for a period not exceeding 6 months in which time the officer should be considered for substantive appointment to the higher post, renewal, or reversion to his or her former appointment.

34. Renewal of contracts.

(1) If a public officer is serving on contract, the responsible officer shall forward to the Secretary, three months before the expiration of the contract, a notification of the date of the expiration of the contract and his or her recommendation whether it should be renewed or not.

(2) The responsible officer shall send copies of the notification and recommendation to the Permanent Secretary responsible for Public Service and the Head of Public Service.

35. Instruments of appointments.

In exercising its function of tendering advice to the President in the capacity of the Appointing Authority all the Instruments of appointment made under these regulations shall be prepared by the Commission and be embossed with the seal of the Public Service Commission before submission for signature by the President.

36. Exceptions.

The provisions of these regulations shall not apply to—

- (a) public officers in respect of whom the power of disciplinary control is vested in the Judicial Service Commission; Education Service Commission; Health Service Commission; Uganda Police Force; or Uganda Prisons Service;
- (b) public officers in respect of whom the power of disciplinary control is vested in any public officer or class of public officer by any law of Uganda.

PART IV—DISCIPLINE.

37. Abandonment of Duty.

(1) Where an officer absents himself or herself from duty without reasonable cause or fails to report his or her absence from office, the responsible officer shall—

- (a) notify the officer to that effect within fourteen days from the date of absence from duty; and

(b) call upon the officer to explain his or her absence from duty within a period of fourteen days from the date of the letter of notification.

(2) Where the officer fails to show cause, the responsible officer shall—

(a) immediately stop payment of the salary of the officer;

(b) report to the Secretary in a detailed memorandum including appropriate recommendations on the abandonment of duty by the officer.

38. Interdiction.

(1) Where—

(a) a responsible officer considers that public interest requires that a public officer ceases to exercise the powers and perform the functions of his or her office; or

(b) disciplinary proceedings are being taken or are about to be taken or if criminal proceedings are being instituted against him or her, he or she shall interdict the officer from exercising those powers and performing those functions.

(2) A public officer who is interdicted shall receive a salary, not being less than half of his or her salary, as the responsible officer shall deem fit.

(3) Where disciplinary or criminal proceedings have been taken or instituted against an officer under interdiction and the officer is not dismissed or, as the case may be convicted as a result of the proceedings, the whole of any salary withheld under subregulation (2) shall be restored to him or her upon the termination of the proceedings.

(4) An officer who is under interdiction may not frequent the office or leave Uganda without the permission of the responsible officer.

(5) Where a public officer has been interdicted by a responsible officer, investigations into the conduct of the public officer shall be speeded up and brought to conclusion within a period of—

- (a) three months from the date of interdiction for offences under investigations by the Ministry or department, or Auditor General, and not requiring or involving the police or a court of law;
- (b) six months from the date of interdiction for offences requiring or involving the police or a court of law.

(6) The responsible officer shall make a detailed report to the Secretary of the circumstances that led to the interdiction including a statement of the allegations and charges, if any, preferred against the officer, a copy of letter of interdiction and the disciplinary or criminal proceedings which are being taken or about to be taken against the officer for the Commission to note the interdiction.

(7) On conclusion of investigations by the Ministry or department or Police, the responsible officer, if he or she considers that the officer is innocent or the case against him or her is not serious enough to warrant criminal prosecution or dismissal shall—

- (a) make a detailed report on the investigations carried out, a copy of the court charge, proceedings and judgment of the case against the officer; and
- (b) make appropriate justification and recommendations on the lifting of the interdiction.

(8) The interdiction of the officer shall remain in force until the Public Service Commission has noted the lifting of interdiction.

(9) Where there is failure to conclude investigations within the time stipulated in subregulation (5), the officer shall be free to appeal to the Commission to have his or her interdiction lifted.

39. Suspension on criminal conviction.

(1) Where a public officer has been convicted on a criminal charge the responsible officer may, if he or she considers it to be in the public interest, suspend the officer from the exercise of the powers and functions of his or her office and may direct what proportion, if any, of the emoluments of the officer shall be paid to him or her pending consideration of his or her case under these regulations.

(2) Where a public officer has been suspended by a responsible officer, investigations into the conduct of the public officer shall be speeded up and brought to a conclusion within a period of six months from the date of the suspension.

40. Report of institution of criminal proceedings.

(1) If criminal proceedings of a nature warranting disciplinary proceedings are instituted in any court, against a public officer, the responsible officer shall immediately report the facts to the Secretary with a statement whether the officer has or has not been interdicted from the exercise of his or her powers and duties.

(2) Notwithstanding the institution of criminal proceedings in any court against a public officer under subregulation (1), proceedings for dismissal upon any grounds in a criminal charge may be taken against that officer and the decision of the Commission under this regulation shall not in any way be influenced by the decision of the court.

41. Powers of Commission to review its decision.

The Commission may, on the discovery of any new and important matter of evidence which was not within its knowledge or could not be produced before the Commission at the time when its decision under these regulations was made, review its decision and make any other decision that it considers fit and may, in particular, impose a higher or lower punishment as the case may require, if the matter is of a disciplinary nature.

42. Procedure when criminal offence may have been committed.

(1) If it comes to the notice of a responsible officer that a criminal offence likely to warrant disciplinary proceedings may have been committed by a public officer, the responsible officer shall consult the Director of Public Prosecutions as to whether he or she intends to institute criminal proceedings against the officer.

(2) If the Director of Public Prosecutions does not institute criminal proceedings against the officer, the Responsible Officer shall consult the Solicitor General as to whether disciplinary action should be taken under the provisions of these regulations.

(3) If the Solicitor General advises that disciplinary action should be taken, the responsible officer shall forward to the officer, with a copy to the Solicitor General, a statement of the charge or charges against him or her together with a brief statement of the allegations on which each charge is based in so far as they are not clear from the charges, and shall call upon him or her to state in writing, within fourteen days, any grounds on which he or she relies to exculpate himself.

43. Decision disciplinary proceedings to be communicated to officer concerned.

Where proceedings have been taken against a public officer under these Regulations, the officer shall be informed—

- (a) of the decision on each charge which has been preferred against him or her; and
- (b) of the penalty (if any) or other punishment to be imposed.

44. Misconduct justifying dismissal.

(1) Where a responsible officer considers it necessary to institute disciplinary proceedings against an officer to whom regulations 39 and 40 apply, on the grounds of misconduct which grounds, if proved, would justify the officer's dismissal from the public service, the responsible officer shall, after preliminary investigation that he or she considers necessary, forward to the officer, with a copy to the Solicitor General a

statement of the charge or charges against him or her together with a brief statement of the allegations on which each charge is based in so far as they are not clear from the charges, and shall call upon the officer to state in writing, within fourteen days, any grounds on which he relies to exculpate himself or herself.

(2) If the officer does not furnish a reply to any charge forwarded under regulation (1) within the period specified or if in the opinion of the responsible officer he or she fails to exculpate himself or herself, the responsible officer shall forward to the Secretary copies of his or her report, the statement of the charge or charges and the defence, of the accused officer if any, his or her own comments on the defence of the officer and his or her recommendation.

(3) If, upon consideration of the responsible officer's report, the Commission is of the opinion that proceedings for the dismissal of the officer should be continued, it shall enquire into the matter in such a manner as it deems fit.

(4) The Commission may inform the accused officer that—

- (a) on a specified day the charges made against him or her will be investigated and that he or she shall be allowed or, if the Commission so determines, shall be required to appear before it to defend himself or herself;
- (b) the Commission shall give the accused officer a fair hearing.

45. Misconduct not justifying dismissal.

(1) Whenever a responsible officer considers it necessary to institute disciplinary proceedings against an officer to whom these Regulations apply but is of the opinion that the misconduct alleged, if proved, would not be serious enough to warrant dismissal under regulation 44, he or she shall after such preliminary investigation as he or she considers necessary, forward to the officer a statement of the charge or charges against him or her and shall call upon the officer to state in writing before a day to be specified, any grounds on which he or she relies to exculpate himself or herself.

(2) If the officer does not furnish a reply within the period specified or does not, in the opinion of the responsible officer, exculpate himself or herself, the responsible officer shall forward to the Secretary a report on the case together with copies of the charge or charges framed against the officer, the officer's reply, if any, comments on the reply and his or her own recommendations.

(3) If, on consideration of the report including the grounds, if any, upon which the officer relies to exculpate himself or herself, the Commission is of the opinion that no further investigation is necessary, it may immediately determine the penalty, if any, which should be imposed on the officer.

(4) If the Commission on consideration of the report submitted to it by the responsible officer, is of the opinion that the matter should be further investigated, it shall enquire into the matter in such a manner as it deems fit.

(5) The Commission shall inform the accused officer that on a specified day charges made against him or her shall be investigated and that he or she shall be allowed or, if the Commission so determines, shall be required to appear before it to defend himself or herself.

(6) The Commission shall give the accused officer a fair hearing.

46. Retirement in public interest.

(1) Notwithstanding the provisions of regulation 39, if a responsible officer considers that a person to whom these Regulations apply should be retired from the public service on the grounds of public interest, he or she shall—

- (a) obtain from the responsible officers of every Ministry in which the officer has served a report as to his or her work conduct; and
- (b) allow the officer an opportunity of considering such reports and of showing cause why he or she should not be retired from the public service.

(2) If the responsible officer, after considering the officer's statement and having regard to all the circumstances of the case, is of the opinion that such officer should be retired from the public service in the public interest, he or she shall forward to the Secretary the reports obtained under subregulation (1) and the statement of the officer, together with his or her own recommendation.

(3) The Commission shall determine the action, if any, to be taken against the officer.

(4) If, upon consideration of the report made by a responsible officer under subregulation (2), the Commission is of the opinion that the facts disclosed warrant the institution of proceedings for the officer's dismissal or the imposition of some lesser penalty than dismissal, the Commission may direct the responsible officer to institute proceedings against the officer under the provision of these regulations as may be appropriate.

47. Procedure on criminal conviction.

(1) If an officer to whom these regulations apply is adjudged guilty of a criminal offence which is likely to warrant disciplinary proceedings, the responsible officer shall forward a copy of the charge and the judgment, together with the proceedings of the court if available, and his or her recommendations to the Secretary.

(2) The Commission shall determine whether the officer shall be subjected to disciplinary punishment on account of the conviction for the offence without the proceedings prescribed in regulations 38, 39 and 40.

48. Punishments which may be inflicted by the Commission.

(1) Subject to the provisions of regulation 32, the Commission may inflict one or more of the following punishments upon any public officer as a result of proceedings under these regulations—

- (a) reprimand;
- (b) severe reprimand;
- (c) reduction in rank or seniority;

- (d) reduction in salary;
- (e) stoppage of increment;
- (f) withholding of increment;
- (g) deferment of increment;
- (h) recovery of the cost or part of the cost of any loss or damage caused by default or negligence;
- (i) retirement in the public interest;
- (j) dismissal.

(2) Nothing in these regulations shall—

- (a) limit the powers conferred by these regulations to retire a public officer from the public service on the grounds of public interest;
- (b) restrict the authority of a responsible officer, subject to any instructions issued by the Secretary to the Treasury, to order the recovery of the cost or part of the cost of any loss or breakage caused by any default or negligence; or
- (c) restrict the authority of a responsible officer, to stop the pay of a public officer who has been absent from duty without leave or without reasonable excuse (after giving to such officer, where applicable, an opportunity to be heard) an amount which bears the same proportion to his or her annual pay as such period of absence bears to one year.

49. Report of unsatisfactory conduct or performance of officer.

(1) If a responsible officer considers that the conduct or performance of an officer who is serving on permanent and pensionable terms or on contract or agreement terms is unsatisfactory, he or she shall report the matter to the Commission together with copies of letters drawing the attention of the officer of his or her weaknesses.

(2) The report shall also detail the efforts so far taken to assist the officer improve.

(3) The Commission shall determine what action, if any, should be taken regarding the officer in respect of whom the report has been made.

(4) Nothing in this regulation shall affect the power of the Commission to terminate any appointment in accordance with the terms or conditions.

50. Service of documents.

Where under the provisions of these regulations—

(a) it is necessary either—

(i) to serve any notice, charge or other document upon a public officer; or

(ii) to communicate any information to any public officer by reason of such officer having absented himself or herself from duty; and

(b) it is not possible to effect the service upon or communicate such service upon or communicate the information to the officer personally;

(c) it shall be sufficient if the notice, charge or other document, or a letter containing the information, is served upon such officer by registered post to his or her known address.

PART V—MISCELLANEOUS.

51. Production of relevant documents, etc.

(1) A public officer who submits any matter for the consideration of the Commission shall ensure that all the relevant documents and papers are made available to the Commission.

(2) The Commission may require the production of any further documents or information which is relevant to the matter under consideration.

52. Correspondence.

All correspondence and documents for the Commission from the responsible officers and other persons shall be addressed to the Secretary.

53. Submissions to be in triplicate.

All the matters which are submitted for the consideration of the Commission shall be forwarded in triplicate unless otherwise directed.

54. Cases not otherwise provided for.

Any matter which is not covered by these regulations shall be reported to the Secretary and the Commission shall determine the procedure to be adopted.

55. Application of these Regulations.

Subject to the provisions of regulation 36, the provisions of these regulations shall apply to all public officers.

56. Commission may regulate its own procedures.

Subject to the Act, the Commission may regulate its own procedure or any other matter relating to its meeting.

57. Revocation of S.I 288-1.

(1) The Public Service Commission Regulations are revoked.

(2) Notwithstanding the revocation under sub regulation (1) of this regulation, any disciplinary or other proceedings commenced under the revoked regulations shall be construed to have been instituted under these regulations.

SCHEDULE

Regulation 2(c)

RESPONSIBLE OFFICERS

Ministry or Department	Office
State House	The State House Comptroller.
Cabinet Office	Secretary to the Cabinet.
Ministry of Finance	Secretary to the Treasury.
Ministry of Justice	Solicitor General.
Courts of Judicature	Secretary to the Judiciary.
Audit Department	Auditor General.
Public Service Commission	Secretary, Public Service Commission.
Judicial Service Commission	Secretary, Judicial Service Commission.
Parliament	Clerk to Parliament.
Education Service Commission	Secretary, Education Service Commission.
Health Service Commission	Secretary, Health Service Commission.
Electoral Commission	Secretary, Electoral Commission.
Uganda Human Rights Commission	Secretary, Uganda Human Rights Commission.
Inspectorate of Government	Secretary, Inspectorate of Government.

PROF. PATRICK J. MUZAALE,
Chairperson, Public Service Commission.