

SCHEDULE TO THE ORDER

THE CONSTITUTION OF THE COMMONWEALTH OF THE BAHAMAS

CHAPTER VIII

THE PUBLIC SERVICE

PART 3

The Public Service Board of Appeal

Public Service Board of Appeal

114.—(1) There shall be a Public Service Board of Appeal for The Bahamas which shall consist of the following members, who shall be appointed by instrument under the Public Seal—

- (a) one member appointed by the Governor-General acting in accordance with the advice of the Chief Justice from among persons who hold or have held high judicial office or are qualified to hold high judicial office, who shall be Chairman;
- (b) one member appointed by the Governor-General acting in accordance with the advice of the Prime Minister; and
- (c) one member appointed by the Governor-General acting in accordance with the advice of the appropriate representative body.

(2) A person shall not be qualified for appointment as a member of the Board if he is a member of either House.

(3) Subject to the provisions of this Article and of Article 126 of this Constitution, the office of a member of the Board shall become vacant—

- (a) at the expiration of three years from the date of his appointment;
- (b) if he becomes a member of either House.

(4) If at any time any member of the Board is for any reason unable to exercise the functions of his office, the Governor-General may appoint a person who is qualified to be appointed as a member of the Board to act as a member, and any person so appointed shall, subject to the provisions of subparagraph (3)(b) of this Article and Article 126 of this Constitution, continue to act until the office in which he is acting has been filled or, as the case may be, until the holder thereof has resumed his functions or until his appointment to act has been revoked by the Governor-General.

(5) The Board shall, in the exercise of its functions under this Constitution, not be subject to the direction or control of any other person or authority.

(6) In this Article “the appropriate representative body” means such body representing the interests of public officers as the Governor-General may, by Order, designate.

Appeals in discipline cases

115.—(1) Subject to the provisions of this Article, an appeal shall lie to the Public Service Board of Appeal at the instance of the officer in respect of whom the decision is made from any decision of the Governor-General, acting in accordance with the advice of the Public Service Commission, that any public officer shall be removed from office or that any penalty should be imposed on him by way of disciplinary control.

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(2) Upon an appeal under paragraph (1) of this Article the Board may affirm or set aside the decision appealed from or may make any other decision which the authority or person from whom the appeal lies could have made.

(3) Every decision of the Board shall require the concurrence of a majority of all its members.

(4) Subject to the provisions of paragraph (3) of this Article, the Board may by regulations make provisions for—

(a) the procedure of the Board;

(b) the procedure in appeals under this Article;

(c) excepting from the provisions of paragraph (1) of this Article decisions in respect of public officers holding offices whose emoluments do not exceed such sum as may be prescribed or such decisions to exercise disciplinary control, other than decisions to remove from office, as may be prescribed.

(5) Regulations made under this Article may, with the consent of the Prime Minister, confer powers or impose duties on any public officer or any authority of the Government of The Bahamas for the purpose of the exercise of the functions of the Board.

(6) The Board may, subject to the provisions of this Article and to its rules of procedure, act notwithstanding any vacancy in its membership or the absence of any member.