

SCHEDULE 2  
TO THE ORDER

THE CONSTITUTION OF THE TURKS AND CAICOS ISLANDS  
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PART VI  
THE PUBLIC SERVICE

*Public Service Commission*

**Public Service Commission.**

57.—(1) There shall be a Public Service Commission for the Turks and Caicos Islands, which shall consist of a Chairman and two other members.

(2) Of the members of the Public Service Commission, the Chairman shall be appointed by the Governor acting in his discretion, one member shall be appointed by the Governor acting after consultation with the Chief Minister, and one member shall be appointed by the Governor acting after consultation with the Leader of the Opposition.

(3) The members of the Public Service Commission shall be appointed by instrument under the public seal for such period, not being less than two nor more than four years, as may be specified in their respective instruments of appointment.

(4) No person shall be qualified to be appointed as a member of the Public Service Commission if he is a public officer or if he is or has been within the preceding three years—

- (a) an elected or appointed member of the Legislative Council; or
- (b) the holder of any office in any political party.

(5) The office of a member of the Public Service Commission shall become vacant—

- (a) at the expiration of the period specified in the instrument by which he was appointed;
- (b) if he resigns his office by writing under his hand addressed to the Governor;
- (c) if he becomes an elected or appointed member of the Legislative Council, the holder of any office in any political party, or a public officer; or
- (d) if the Governor, acting in his discretion, directs that he shall be removed from office for inability to discharge the functions thereof (whether arising from infirmity of body or mind or any other cause) or for misbehaviour.

(6) Whenever the office of the Chairman of the Public Service Commission is vacant or the holder thereof is for any reason unable to perform the functions of his office, such one of the other members of the Public Service Commission as the Governor, acting in his discretion, may appoint shall act in the office of the Chairman.

(7) If the office of a member of the Public Service Commission other than the Chairman is vacant or the holder thereof is acting as the Chairman or is for any other reason unable to perform the functions of his office, the Governor, acting in the manner prescribed by subsection (2) of this section for the appointment of that member, may appoint a person who is qualified for appointment as a member of the Commission to act as a member of the Commission; and any person so appointed shall, subject to subsection (5) of this section, continue so to act until he is notified by the Governor, acting in his discretion, that the circumstances giving rise to the appointment have ceased to exist.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

### **Appointment, etc, of public officers.**

**58.**—(1) Subject to the provisions of this Constitution, power to make appointments to public offices, and to remove or exercise disciplinary control over persons holding or acting in such offices, is vested in the Governor acting in accordance with the recommendation of the Public Service Commission.

(2) Whenever the Governor proposes to exercise any power under subsection (1) of this section otherwise than in accordance with the recommendation received from the Public Service Commission, he shall first refer that recommendation back to the Commission, once, for reconsideration and shall hold further consultations on the matter with the Commission, but shall thereafter exercise the power in his discretion.

(3) If the Governor, having consulted the Public Service Commission in the exercise of any power in accordance with subsection (1) of this section, receives no recommendation from the Commission within such time as the Governor, acting in his discretion, considers reasonable, he may exercise the power in his discretion forthwith.

(4) The Governor, acting after consultation with the Public Service Commission, may, by regulations published in the *Gazette*, delegate to any member of the Commission or any public officer, to such extent and subject to such conditions as may be prescribed in the regulations, any of the powers vested in him to make appointments to public offices and to remove or exercise disciplinary control over persons holding or acting in such offices.

(5) This section shall not apply to—

- (a) any office to which section 59 of this Constitution applies;
- (b) the offices of judge of the Supreme Court and judge of the Court of Appeal;
- (c) any office in the Police Force.

### **Particular offices.**

**59.**—(1) Power to make appointments to the offices to which this section applies and to remove or exercise disciplinary control over persons holding or acting in such offices is vested in the Governor, acting in his discretion.

(2) This section applies to the offices of Chief Secretary, Attorney General, Financial Secretary, Chief Auditor, Commissioner of Police and Magistrate.

### **Additional functions of Public Service Commission.**

**60.** The Public Service Commission shall exercise the following additional functions—

- (a) the supervision of, and the provision of advice upon, the policies and programmes of the Government for the training of public officers at all levels;
- (b) the issue from time to time of guidelines on the conduct and ethics of the public service, and supervision of their observance;
- (c) the provision of advice of a general nature upon questions relating to the pay and conditions of service of public officers;
- (d) such other functions as may be conferred upon it by law or by regulations made by the Governor, acting after consultation with the Public Service Commission.

### **Regulations regarding Public Service Commission.**

**61.** The Governor, acting after consultation with the Public Service Commission, may, by regulations published in the *Gazette*, make provision for—

- (a) the organisation of the work of the Commission and the manner in which it performs its functions;
- (b) consultation by the Commission with persons or authorities other than members of the Commission.

### *Pensions*

#### **Applicability of pensions law.**

**62.**—(1) Subject to section 64 of this Constitution, the law applicable to the grant and payment to any officer, or to his widow, children, dependants or personal representatives, of any pension, gratuity or other like allowance (in this section and in sections 63 and 64 of this Constitution referred to as “an award”) in respect of the service of that officer in a public office shall be that in force on the relevant day or any later law not less favourable to the person concerned.

(2) For the purposes of this section the relevant day is—

- (a) in relation to an award granted before the appointed day, the day on which the award was granted;
- (b) in relation to an award granted or to be granted on or after the appointed day to or in respect of a person who was a public officer before that day, the day immediately before that day;
- (c) in relation to an award granted or to be granted to or in respect of a person who first becomes a public officer on or after the appointed day, the day on which he becomes a public officer.

(3) For the purposes of this section, in so far as the law applicable to an award depends on the option of the person to or in respect of whom it is granted or to be granted, the law for which he opts shall be taken to be more favourable to him than any other law for which he might have opted.

(4) In this section “the appointed day” means the date of commencement of this Constitution.

#### **Pensions, etc, charged on revenues of Islands.**

**63.** Awards granted under any law in force in the Islands shall be charged on and paid out of the revenues of the Islands.

#### **Grant and withholding of pensions, etc.**

**64.**—(1) The power to grant any award under any pensions law in force in the Islands (other than an award to which, under that law, the person to whom it is payable is entitled as of right) and, in accordance with any provisions in that behalf contained in any such law, to withhold, reduce in amount or suspend any award payable under any such law is hereby vested in the Governor, acting in his discretion.

(2) In this section “pensions law” means any law relating to the grant to any person, or to the widow, children, dependants or personal representatives of that person, of an award in respect of the services of that person in a public office, and includes any instrument made under any such law.