
(2) PUBLIC OFFICERS (CONDUCT AND DISCIPLINE)
REGULATIONS

[Subsidiary]

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**PUBLIC OFFICERS (CONDUCT AND DISCIPLINE)
REGULATIONS**

Commencement: 1st January 1962

A—CONDUCT

1. These Regulations may be cited as the Public Officers (Conduct and Discipline) Regulations. Citation

2. These Regulations shall apply to all officers in the Public Service of Brunei, provided always that where the conduct, discipline and punishment of an officer is also governed by another written law, the provisions of these Regulations shall apply subject to the provisions of such law. Application

3. In these Regulations — Definitions

“family” means an officer’s wife and children (including legally adopted children);

“Public Officer” means the holder of any public office and includes any person appointed to act in such office.

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Office hours

4. Unless otherwise specially prescribed, office hours are normally 7½ hours a day from Mondays to Thursdays and on Saturdays, making a working week of 37½ hours. Hours of attendance are normally from 7.30 a.m. to 12.30 p.m. and 1.30 p.m. to 4.00 p.m. These are the hours during which the public have access to Government offices and are the minimum hours of duty required of all Government servants. It is, however, within the discretion of a Head of Department or the relevant Minister to require the attendance of his staff for such hours as he considers necessary. The fact that an officer is required to work for longer hours than the minimum prescribed above does not in itself constitute grounds for a claim for overtime pay or for grant of extra leave.

Officer's time at disposal of Government

5. An officer's whole time shall be at the disposal of the Government.

Attendance

6. Regular and punctual attendance is required of every officer. Heads of Departments are expected themselves to observe the above office hours, and to be present in office during them except when the nature of their duties requires their presence elsewhere. A Head of Department who leaves his office during office hours shall invariably leave word where he has gone. An officer may not leave the office during office hours without the permission of the Head of Department or next senior officer.

Tour Programmes

7. A Head of Department who intends to leave his station for a period of more than 3 days shall, before his intended departure, notify the Minister of the date of departure, details of tour programme and expected date of return. He shall also inform the Minister responsible for finance of the name of the officer authorised to sign documents on his behalf during his absence.

Absence from duty without permission

8. An officer who absents himself from duty without permission, except in case of illness or other unavoidable circumstances, will render himself liable to disciplinary action.

Permission to go abroad

9. Heads, deputy heads and assistant heads of departments are prohibited from leaving Brunei in any circumstances without the prior permission of the Minister. All other officers must obtain prior permission of their Head of Department. Any officer who contravenes this Regulation shall be liable to summary dismissal without further disciplinary proceedings.

Outside employment, etc.

10. (a) Save insofar as he is required in the course of his duty or is expressly authorised by the Government to do so, no officer may —

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- (i) take part directly or indirectly in the management or proceedings of any commercial, agricultural or industrial undertaking;
- (ii) function as an executor, administrator or receiver;
- (iii) as an expert, furnish any report or give expert evidence, whether gratuitously or for reward;
- (iv) undertake for reward any work for a company, firm or private individual.

(b) An officer may nonetheless apply for permission from the Prime Minister to undertake specified services of the type mentioned in paragraph (a) of this Regulation for the benefit of himself or his close relatives or for any non-profit making body of which he is an office holder.

(c) Save insofar as it may otherwise be prescribed, all sums received by any officer by way of remuneration for rendering any of the services mentioned in paragraph (a) of this Regulation must be paid into the appropriate Treasury on deposit pending the decision of the Government as to the shares, if any, which may be received by the officer personally and by members of his staff.

(d) His Majesty the Sultan and Yang Di-Pertuan in Council may, generally or in particular cases, approve the payment to the officer of the whole or part of the sum so paid into the Treasury.

11. (a) No officer shall conduct himself in such a manner as to bring his private interests into conflict with his public duties or in such a manner as he knows or can reasonably be expected to know is likely to cause a reasonable suspicion in the minds of the public that he —
- Code of Conduct
- (i) has allowed his private interests to come into conflict with his public duties and thereby to impair his usefulness as a public officer; or
 - (ii) has used his public position for private advantage.
- (b) Any breach of this Regulation will render the officer liable to disciplinary proceedings.
12. (a) Officers and their families are prohibited from receiving presents (other than gifts of personal friends or relatives)
- Presents

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whether in the shape of money, goods, free passages or other pecuniary benefits, and from giving such presents.

(b) The receipt of presents from distinguished personages which it has not been possible to refuse without giving offence shall be reported to the Government and the presents shall be disposed of as directed.

(c) In the event of a present being received on behalf of Government or in ceremonial intercourse it shall be handed over to the Government and any return present shall be given at the expense of Government.

(d) (i) Officers may not receive from associations or other groups or from their subordinates any token of value, but they may be permitted to receive addresses from associations or groups on the occasion of their departure on retirement provided that such addresses are not enclosed in receptacles of value.

(ii) Permission may be granted by the Minister to enable spontaneous subscriptions by officers, or private uncanvassed collections from amongst themselves, for the purpose of making a presentation to a brother member of the staff on the occasion of his retirement.

(e) If the circumstances are such as to make it impracticable to refuse a present the receipt of which is prohibited by this Regulation (*e.g.* if no previous notice of the intention to offer a present has been given) it may be formally accepted but must be handed as soon as practicable to the Treasury and the circumstances reported to the Government.

Memorial
Funds

13. Officers may not promote or actively encourage the raising of funds to mark public approbation of an officer's conduct but where such funds are spontaneously raised by persons outside the public service, they may be dedicated to public purposes and connected with the name of the person who has merited such a proof of the general esteem.

Entertain-
ment

14. (a) An officer is forbidden, save as provided in paragraph (b) of this Regulation, to accept entertainment of any description offered in his honour by the public or by junior officers or by any club, institute or association where membership is to any considerable extent composed of subordinate officers.

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- (b) (i) An officer proceeding on leave prior to retirement may, with the prior approval of the Minister, be permitted to attend a function given in his honour.
- (ii) An officer may be given permission by the Minister to accept inexpensive entertainment in circumstances such as his departure from his duty station on transfer or on vacation leave.
- (c) An officer may not accept entertainment of any kind from any person, if by the acceptance of such entertainment it would bring about a conflict between his official duties and the interests of such person.
15. (a) (i) No officer, whether or not his whole time is at the disposal of Government, may, without the prior permission of the Minister, directly or indirectly, acquire or hold any house or land in Brunei, or any right or interest therein, or any share or interest in any company or firm holding land or carrying on business in Brunei. Ownership of land or other property and local investments
- (ii) On first appointment an officer's attention shall be drawn to this Regulation and he shall be required to report all the interests held in Brunei by himself and his family or to make a nil return; thereafter an officer shall report within one month the acquisition, whether by him or his family, of any property, whether land, house or other interest by inheritance or otherwise.
- (iii) The term "hold any house" in this Regulation does not include the renting of a house for the officer's own occupation as a dwelling.
- (b) This Regulation does not apply to the membership of a Co-operative Society.
- (c) In the case of a house or a site for a house, an officer shall be entitled to permission if the house or the site is solely for the occupation of the officer or his family.
- (d) In deciding whether an officer may retain property, whether already held at the time of his appointment to the Public Service or subsequently acquired, the Government will consider all the circumstances of each case and if it

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appears that any real or apparent conflict between public duty and private interests is likely to arise, the officer will be required to divest himself of the property within such time as the Government may fix which will not ordinarily exceed one year.

Speculation
forbidden

16. Officers are forbidden to speculate in the rise and fall in prices of commodities, whether local or foreign, or to purchase or sell securities on margin.

Lending
money

17. Officers are forbidden to lend money at interest, whether on mortgage or otherwise, or to guarantee or stand surety for money lent at interest, to any other person, without, the prior permission of the Minister. Nothing in this Regulation shall be deemed to prevent members of registered co-operative societies or approved benefit societies from standing as sureties for loans made by the societies, nor shall it be deemed to prevent any officer from placing money in a deposit account in any bank, association or society.

Borrowing,
etc.

18. No officer may borrow from, or in any other way place himself under a pecuniary obligation to a person, whether in the Public Service or otherwise, who is in any way subject to his official authority or who resides or possesses land or carries on business within the local limits of such authority, or with whom he has official dealings provided that this shall not apply to borrowing from banks, insurance companies, co-operative societies, building societies, or the making of a hire-purchase agreement.

Conduct on
leave

19. An officer on vacation leave or on leave prior to retirement shall continue to be bound by the Regulations and Orders applicable to his appointment, and in particular he shall not accept any private employment for reward without previously obtaining the sanction of the Minister.

Petition
writing

20. No Government officer is permitted to receive payment for writing petitions.

Interpreters

21. (a) Except as provided in paragraph (b) and (c) of this Regulation no interpreter or other officer may make any translation of any document except —
(i) for official use, in the course of his ordinary duty; or
(ii) for a member of the public—on payment of the prescribed fee.

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(b) If a member of the public who cannot read a document intended for himself requests an interpreter or other officer to explain the gist of it orally, the request may be granted provided that it does not interfere with other duties and that no fee or present is offered or accepted.

(c) If a person of small means requests that a translation may be made of a document alleged to be relevant to any proceedings in a court or office, the Registrar or head of the office concerned (as the case may be) may in his discretion authorise an interpreter, or other officer familiar with the languages required, to make a written summary of the contents of the document, without fee. In every such case a duplicate of the summary shall be filed in the court or office together with the original minute authorising the free service.

(d) This Regulation refers to documents which are believed to relate to litigation or other official business, pending or contemplated, and does not prevent interpreters and other officers from making translations of documents of historic or literary interest.

22. Only publications issued by a Government Department carry official sanction and such sanction should be disclaimed expressly on the face of all private or semi-official publications permitted to be compiled by individuals in whole or part from official records and information.

Official publications

23. Government servants are prohibited from holding raffles or lotteries of their private property.

Raffles and Lotteries

24.-28. (*Unallotted*)

29. Any conduct of an officer which is likely to bring the Public Service into disrepute must be reported by his immediate superior or by the senior officer at the station, through the proper channels, to the Disciplinary Authority.

Disreputable actions

30. It is incumbent upon every officer to report officially to his next superior officer the case of any officer working under him who may be in any way lacking in efficiency and industry. Any officer who fails to report any such case of inefficiency or lack of industry will be held to have failed in his duty and to that extent to be himself inefficient.

Inefficiency to be reported

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31.

(a) No steps may be taken by any officer to institute legal proceedings in his own personal interest, in connection with matters arising out of his public duties, without the prior consent of the Prime Minister.

Institution
of legal
proceedings

(b) An officer who receives notice of the intended institution of legal proceedings against him in a matter arising out of his public duty shall immediately report the matter to the Minister through his Head of Department for instructions as to whether and how the notice is to be acknowledged or answered.

(c) Charges for employing an advocate or solicitor instructed on behalf of an officer in proceedings arising out of his public duties will not be paid by Government unless prior sanction of the Prime Minister to incur them has been obtained.

(d) Any failure to comply strictly with any instructions given by the Minister under paragraph (b) and any contravention of paragraph (c) may render an officer liable for costs or damages occasioned thereby.

32.

(a) Serious pecuniary embarrassment, from whatever cause, will be regarded as necessarily impairing the efficiency of an officer and rendering him liable to disciplinary action.

Serious
pecuniary
embarrass-
ment

(b) If serious pecuniary embarrassment which has occurred or is likely to occur is the result of unavoidable misfortune, the Government will give the officer such assistance as the circumstances appear to warrant.

(c) For the purpose of these Regulations the following forms of debt will not be considered as amounting to serious pecuniary embarrassment unless the aggregate of the officer's debts in fact causes such embarrassment —

- (i) sums borrowed on the security of land charged or mortgaged, provided that the holding of the land had been duly reported and that the total amount due does not exceed the value of the land;
- (ii) overdrafts;
- (iii) sums borrowed from insurance companies on the security of policies;
- (iv) sums borrowed from the Government or co-operative societies, if repayments are not overdue;

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- (v) sums outstanding on articles subject to hire-purchase agreements;
- (vi) bills for ordinary household expenditure if not more than one month old.

(d) For the purpose of these Regulations an officer will be deemed to be seriously embarrassed —

Definition of serious pecuniary embarrassment

- (i) if at any given time the total of his unsecured debts and liabilities exceeds the sum of 3 times his monthly emoluments;
- (ii) if he is a judgment debtor—until the debt is settled;
- (iii) if he is a bankrupt or an insolvent wage earner—until his discharge takes effect and any judgment in favour of the Official Receiver has been satisfied.

(e) An officer who finds that his debts amount to or are likely to amount to, serious pecuniary embarrassment, must forthwith report the matter to his Head of Department who will transmit such report to the Minister.

Serious embarrassment to be reported

(f) Any failure or delay in disclosing serious pecuniary embarrassment, or its full extent, or any false or misleading explanation, will necessarily be treated as a serious breach of discipline, whatever the first cause of such embarrassment may have been.

(g) Until freed from serious pecuniary embarrassment an officer will be regarded as disqualified for promotion.

Promotion of a debtor

(h) The Chief Registrar of the Supreme Court and presiding officers of other Courts will report with the least possible delay to the Head of Department concerned every case of a public officer —

Report from the Civil Courts

- (i) who, being a judgment debtor, does not appear from the file of the suit to have settled the debt within 14 days from the date of the judgment;
- (ii) who has filed his own petition in bankruptcy or for a wage earner's administration order;
- (iii) against whom a creditor's petition in bankruptcy has been presented.

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In this paragraph and in paragraph (d) of this Regulation, “judgment debtor” includes a person whose name has been settled on a list of persons indebted to an estate in bankruptcy or winding up.

Reports from
Official
Receiver

(i) The Official Receiver will, as soon as he has sufficiently investigated the affairs of a public officer who is a bankrupt or an insolvent wage earner, communicate to the Head of Department concerned —

- (i) the Statement of Affairs filed by the bankrupt or an insolvent wage earner in accordance with the Bankruptcy law in force from time to time;
- (ii) the amount of instalment order proposed or made;
- (iii) whether or not the Official Receiver proposes to initiate any further proceedings and, if so, a brief indication of their nature;
- (iv) the main cause of the bankruptcy;
- (v) whether in his opinion the case involves unavoidable misfortune, dishonourable conduct, or any other special circumstances, favourable or unfavourable to the officer;
- (vi) any other matter which in his discretion he thinks it proper to mention.

(j) On consideration of the report under paragraph (i) of this Regulation and a report by the Head of the Department on the officer’s work and conduct before and since his pecuniary embarrassment became serious the Disciplinary Authority will decide whether to take disciplinary action.

(k) If the punishment imposed under paragraph (j) of this Regulation takes the form of a stoppage or deferment of increment the Disciplinary Authority may, on the expiry of such stoppage or deferment, order that an amount equivalent to the restored increment be added to the instalments payable to the Official Receiver or other judgment creditor or creditors.

Annulment
of bank-
ruptcy

(l) An officer who obtains annulment of his bankruptcy may be treated as having fully restored his credit.

Annual
review of
debtor’s case

(m) Where an officer’s debts amount to serious pecuniary embarrassment but he has not been adjudged bankrupt or an insolvent wage earner his case will be reviewed annually.

B—DISCIPLINARY PROCEDURE

33. The provisions of this Part do not apply to disciplinary action in respect of offences for which penalties are provided by any law governing an officer's appointment and the performance of his duties.

Application

34. The terms "convicted" or "conviction" include a finding, or an order involving a finding, by a criminal court that the person charged has committed a criminal offence.

Interpretation

35. For the purpose of these Regulations the Disciplinary Authority for any officer of a class specified in Column (1) below shall be the authority specified opposite to such class in Column (2).

Disciplinary Authorities

(1)

(2)

*Officers**Disciplinary Authority*

- | | |
|-----------------------------------|---|
| (i) Officers in Divisions I to V. | His Majesty acting in accordance with the recommendations of the Public Service Commission. |
| (ii) Daily rated employees. | The Head of the Department concerned |

Procedure in the case of officers not on the Pensionable Establishment

36. Before the Disciplinary Authority imposes any penalty on an officer not on the pensionable establishment who is in Divisions III to V of the Public Service or who is a daily rated officer the officer concerned must be given an adequate opportunity to exculpate himself. The fact of dismissal of an officer in Divisions III, IV or V, or a daily rated officer must be reported in every case to the Minister.

Officers in Divisions III to V

37. (a) If the conduct of any officer not on the pensionable establishment who is in Division I or II of the Public Service appears to his Head of Department to merit dismissal the Head of Department shall forward a full report of the circumstances to the appropriate Disciplinary Authority.

Officers in Divisions I and II

(b) The Disciplinary Authority, if he considers that there is a *prima facie* case for dismissal, will cause charges to be framed with the aid of the Legal Department. The charges shall contain such particulars as are reasonably sufficient to give the officer notice of the matter with which he is charged.

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(c) The charges will be communicated to the officer in writing by the Disciplinary Authority, who shall at the same time call upon him to state in writing before a day to be specified (which day must allow a reasonable interval of not less than 14 days for the purpose) any grounds upon which he relies to exculpate himself.

(d) If the officer does not furnish his reply within the time fixed or if he fails to exculpate himself to the satisfaction of the Disciplinary Authority, then the Disciplinary Authority after consultation with the Legal Department, may forthwith direct that the officer be dismissed.

Lesser
punishment

(e) If upon consideration of the officer's reply the Disciplinary Authority is of opinion that the officer does not deserve to be dismissed, but deserves some lesser punishment, he may inflict such lesser penalty by way of fine, reduction of rank or otherwise as may seem to him just.

Misconduct
not warrant-
ing dismissal

38. If it is reported to the appropriate Disciplinary Authority that an officer not on the pensionable establishment who is in Division I or II of the Public Service has been guilty of misconduct and the Disciplinary Authority is of opinion that the misconduct alleged is not serious enough to warrant the institution of proceedings with a view to dismissal, he may cause an investigation to be made into the matter in such manner as he shall think proper and the officer shall be entitled to know the whole case made against him, and shall have an adequate opportunity throughout of making his defence. If, as a result of such investigation, the Disciplinary Authority is of opinion that the allegation is proved, he may inflict such punishment upon the officer by way of fine or reduction of rank or otherwise as may seem to him just.

Conviction
on a criminal
charge

39. If a non-pensionable officer is convicted on a criminal charge the procedure in Regulations 36, 37 and 38 above may be dispensed with. On receipt of a report by the Head of Department the Disciplinary Authority may call for a copy of the proceedings of the criminal court or for a report by the Legal Department on those criminal proceedings and shall then make his decision regarding the dismissal or other punishment of the officer.

Notice of
termination
of services

40. Notwithstanding anything in Regulations 36, 37 and 38, the Government may dispense with the services of any officer or employee not on the pensionable establishment by giving due notice in accordance with the terms of his appointment. In the case of monthly paid officers, who have served one year or more in a temporary capacity or are on the

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permanent non-pensionable establishment, the period of this notice will normally be 3 months but Government reserves the right to terminate the appointment of an officer not on the pensionable establishment by payment of one month's emoluments in lieu of notice without assigning any reason.

Procedure in the case of Pensionable Officers

41. If the conduct of any officer on the pensionable establishment who is in Divisions III, IV or V of the Public Service appears to his Head of Department to merit dismissal the following procedure will be adopted —

Pensionable
officers in
Divisions III,
IV and V

(a) a full report of the circumstances will be made by the Head of Department to the appropriate Disciplinary Authority;

(b) the Disciplinary Authority, if he agrees that there is a *prima facie* case for dismissal, will cause charges to be prepared, with the aid of the Legal Department;

(c) the charges will be communicated to the officer in writing through the Head of Department and he will be called upon to furnish a reply in writing before a day specified by the Disciplinary Authority, which day must allow a reasonable interval of not less than 14 days for the purpose;

(d) if the officer fails to furnish a reply within the time fixed or if he fails to exculpate himself to the satisfaction of the Disciplinary Authority the matter will then be investigated by the Disciplinary Authority with the aid of the Head of the officer's Department or such other officer or officers as the Disciplinary Authority may direct;

(e) if, in the course of the investigation by the Disciplinary Authority, oral evidence is taken, the officer shall be entitled to be present to put questions to the witness. The investigating officer may in his discretion permit the officer to be represented by an officer in the Public Service or, in exceptional cases, by an advocate and may at any time withdraw such permission:

Provided that where the investigating officer permits the Government to be represented he shall also permit the officer to be similarly represented;

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(f) no documentary evidence shall be used against the officer unless he has been supplied with a copy thereof or given access thereto;

(g) if upon consideration of the facts revealed by the investigation, in consultation with the Legal Department if necessary, the Disciplinary Authority is of the opinion that an officer should be dismissed he shall direct accordingly;

Lesser
punishment

(h) in lieu of dismissal the Disciplinary Authority may inflict such lesser penalty by way of fine, reduction in rank or otherwise as may seem to him just. Alternatively, if the proceedings disclose grounds for so doing, he may without further proceedings require the officer to retire in accordance with Regulation 49. The question of pension will be dealt with under the Pensions legislation.

Pensionable
officers in
Division I
or II

42. If the conduct of an officer on the pensionable establishment in Division I or II of the Public Service appears to the Head of his Department to merit dismissal, the following procedure will be adopted, unless the method of dismissal is otherwise provided for either in these Regulations, or by special legislation —

(a) The Disciplinary Authority shall cause to be sent to the officer a charge in writing, prepared with the aid of the Legal Department, of the grounds on which it is proposed to dismiss him, and shall call upon him to state in writing before a day to be specified, which day must allow a reasonable interval of not less than 14 days for the purpose, any grounds upon which he relies to exculpate himself.

(b) If, after consideration of the statement furnished by the officer, the Disciplinary Authority is of opinion that the misconduct alleged is not serious enough to warrant proceedings under this Regulation with a view to dismissal, he may direct that action shall be taken under Regulation 43.

Triumvirate

(c) If the officer does not furnish the statement within the time fixed, or if he fails to exculpate himself to the satisfaction of the Disciplinary Authority, the Disciplinary Authority shall appoint a Committee to enquire into the matter.

(d) The Committee shall consist of a Legal or Judicial officer who shall be the Chairman and two other senior Government Officers, who shall be selected with due regard

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to the standing of the officer concerned and to the nature and gravity of the complaints which are the subject of the enquiry.

(e) The Head of the officer's Department shall not be a member of the Committee.

(f) The officer shall be informed that, on a specified day, the question of his dismissal will be brought before the Committee and that he will be allowed and, if the Committee shall so determine, shall be required to appear before the Committee and defend himself.

(g) If witnesses are examined by the Committee, the officer shall be given an opportunity of being present and of putting questions to the witnesses on his own behalf and no documentary evidence shall be used against him unless he has previously been supplied with a copy thereof or given access thereto.

(h) The Committee may in its discretion, permit the Government or the officer to be represented by an officer in the public service or, in exceptional cases, by an advocate and may at any time, subject to such adjournment as is reasonably necessary to enable the officer to present his case in person, withdraw such permission:

Provided that where the Committee permits the Government to be represented, it shall also permit the officer to be similarly represented.

(i) If, during the course of the enquiry, further grounds of dismissal are disclosed, and the Disciplinary Authority thinks fit to proceed against the officer upon such grounds, the officer shall be furnished with a written statement thereof and the same steps shall be taken as are above prescribed in respect of the original grounds.

(j) The Committee having inquired into the matter, shall make a report to the Disciplinary Authority. If the Disciplinary Authority considers that the report should be amplified in any respect or that further enquiry is desirable, the matter may be referred back to the Committee for further enquiry and report.

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(k) If, upon considering the report of the Committee, the Disciplinary Authority is of opinion that the officer should be dismissed, he shall forthwith direct accordingly.

Lesser punishment

(l) If, upon considering the report of the Committee, the Disciplinary Authority is of opinion that the officer does not deserve to be dismissed, but deserves some lesser punishment, he may inflict such lesser penalty as seems proper in the circumstances.

Removal on grounds of public interest

(m) If, upon considering the report of the Committee, the Disciplinary Authority is of opinion that the officer does not deserve to be dismissed, but the proceedings disclose grounds for requiring him to retire in accordance with Regulation 49, he may direct accordingly. The question of pension will be dealt with under the Pensions legislation.

Misconduct not meriting dismissal

43.

(a) If it is represented to the Disciplinary Authority that a pensionable officer has been guilty of misconduct, and the Disciplinary Authority is of opinion that the misconduct alleged is not serious enough to warrant proceedings under Regulation 41 or 42 with a view to dismissal, he may cause an investigation to be made into the matter in such manner as he shall think proper, and the officer shall be entitled to know the whole case made against him, and shall have an adequate opportunity throughout of making his defence.

Lesser punishment

(b) If, as a result of such investigation and after considering anything the officer may desire to urge on his own behalf the Disciplinary Authority is of opinion that the allegation is proved, he may inflict such punishment upon the officer by way of fine or reduction in rank, or otherwise, as may seem to him just.

(c) This Regulation is without prejudice to any local law or regulation providing for the punishment of officers by the Disciplinary Authority or the Head of a Department.

Conviction on a criminal charge

44. If a pensionable officer in the Public Service is convicted on a criminal charge, the Chief Registrar of the Supreme Court or the Presiding Officer of the Court, as the case may be, where the officer was convicted, shall transmit to the Disciplinary Authority a copy of the charge and the conviction and the sentence imposed, and if after consideration of the same and the report of the Legal Department the Disciplinary Authority is of opinion that the officer should be dismissed or

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otherwise punished on account of the offence of which he has been convicted, the officer may thereupon be dismissed or otherwise punished without any of the proceedings prescribed in Regulation 41, 42 or 43 above being taken.

GENERAL PROVISIONS

45. (a) Subject to the provisions of paragraph (c) of this Regulation any fine imposed in accordance with the provisions of this Chapter in respect of any one offence shall be subject to a maximum equal to 3 days' basic salary of the officer concerned. Fines
- (b) Subject to the provisions of paragraph (c) of this Regulation the aggregate of fines imposed on any one officer during a single calendar month shall not exceed 15 per centum of the officer's basic salary.
- (c) Where an officer is found to have been absent from duty without leave or reasonable excuse he may, in addition to or in lieu of any other penalty, be required to forfeit the amount of salary (inclusive of all allowances) due for the actual period of absence, if not in excess of 7 days. The fact that an officer has been absent from duty without leave or reasonable excuse for a period exceeding 7 days shall forthwith be reported to the Disciplinary Authority, who may, at its discretion, order that the officer forfeit the amount of salary (inclusive of all allowances) that would otherwise have been payable during the officer's period of absence, in addition to or in lieu of any other penalty that may be imposed.
- (d) All fines or forfeitures imposed under the provisions of this Chapter shall be deducted from the monthly emoluments of the officer concerned.
46. (a) Fines imposed in accordance with the provisions of this Chapter shall be paid or transferred to the Minister responsible for finance for credit to the Fines Fund. Fines Fund
- (b) An annual return shall be made by the said Minister to the Prime Minister showing the balance at the credit of the Fines Fund on the 31st December each year and the amounts paid by respective departments during the preceding 12 months.

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(c) The Prime Minister may direct the manner in which the Fund shall be disbursed subject to the provision that disbursement shall be made either in a manner beneficial to officers serving within the Department within which the fines were imposed or in a manner beneficial to officers in general.

Suspension
on conviction

47. An officer convicted on a criminal charge against whom proceedings under Regulation 44 are contemplated shall be suspended from the exercise of his office and shall not receive any emoluments from the date of conviction pending a decision in his case by the Disciplinary Authority.

Acquittal on
criminal
charge

48. An officer acquitted of a criminal charge shall not be dismissed on any charge upon which he has been acquitted but nothing in this Regulation shall prevent disciplinary action being taken against the officer on any other charges arising out of his conduct in the matter, provided that they do not raise substantially the same issues as those on which he has been acquitted.

Removal
on grounds
of public
interest

49. Notwithstanding any other provision in these Regulations, if the Disciplinary Authority considers that a pensionable officer should be required to retire from the service on grounds which cannot be suitably dealt with by specific charges under the foregoing Regulations, action may be taken in accordance with the following procedure —

In the case of officers appointed locally the Disciplinary Authority shall call for a full report from the Heads of the Departments in which the officer has served; and if, after considering that report and giving the officer an opportunity of submitting a reply to the complaints by reason of which his retirement is contemplated, the Disciplinary Authority is satisfied, having regard to the conditions of service, the usefulness of the officer thereto and all other circumstances of the case, that it is desirable in the public interest so to do, he may require the officer to retire, and the officer's service shall accordingly terminate on such date as the Disciplinary Authority shall specify. In every such case the question of pension eligibility will be dealt with under the Pensions legislation.

Interdiction
and suspen-
sion

50. (a) The Disciplinary Authority specified in Regulation 35 is empowered to interdict from duty any officer in respect of whom he has the power of dismissal.

(b) When the Disciplinary Authority considers that the interests of the Public Service so require he may interdict an officer from the exercise of the powers and functions of his office provided that proceedings for his dismissal are being

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taken or are about to be taken or that criminal proceedings are being instituted against him.

(c) An officer who has been interdicted shall, unless and until he is suspended, be allowed to receive such portions of the emoluments of his office, not being less than one-half, as the authority directing such interdiction may think fit. If the proceedings against an officer do not result in his dismissal or other punishment, he will be entitled to the full amount of the emoluments which he would have received if he had not been interdicted. If the proceedings result in his dismissal he shall not be entitled to any of the unpaid portion of his emoluments but if the punishment is other than dismissal he may be refunded such proportion of the emoluments withheld as the Disciplinary Authority shall think fit.

(d) An officer who is under suspension or interdiction may not leave Brunei during the interval before he is reinstated or dismissed, without the permission of the Prime Minister.

51. If criminal proceedings are instituted against any officer in the Public Service, proceedings for his dismissal upon any grounds involved in the criminal charge shall not be taken pending the conclusion of the criminal proceedings. Pending Criminal Proceeding
52. The effect of dismissal is immediate and an officer who is dismissed forfeits all claim to pension, retiring allowance, gratuity, leave or any other benefit for which he might otherwise have been eligible. Forfeiture of all rights on dismissal
53. Where it is found necessary to warn or reprimand an officer for unsatisfactory work or conduct, the warning or reprimand shall be given in writing and an official record kept of the occurrence. Reprimands to be in writing
54. (a) In case of unsatisfactory work or conduct a Head of Department may in the first instance withhold an increment for a period not exceeding 3 months. An increment may be withheld without prior warning, on the ground of inefficient work, but warning must be given in writing, at the time when it is withheld, that it will be stopped or deferred if the officer's work does not improve during the period that the increment is withheld. At the end of this period the increment will either be restored as from the date on which it was withheld or the circumstances reported to the Disciplinary Authority. Withholding of increments

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Stoppage and
deferment of
increments

(b) The Disciplinary Authority will decide whether the increment shall be stopped or deferred and for what period, and will notify in writing the officer concerned of the nature of his decision and of the grounds on which it is made.

(c) An increment may be stopped or deferred for any period not less than 3 months.

(d) The effect of stopping an increment is to deprive the officer of his increment during the period of stoppage. At the end of that period the officer will draw salary at the rate which would have been payable to him if his increment had not been stopped and his incremental date is unchanged. Stoppage of increment does not entail loss of seniority.

(e) Deferment of increment is a more serious punishment. Its effect is to change the officer's incremental date from the date on which the deferment begins to operate to the date of its expiration and it consequently entails continuous loss of pay until the officer reaches the maximum of his scale. Deferment of increment will ordinarily involve loss of seniority by a period equal to the period for which such increment is deferred.

(f) When the increment of any officer has been stopped or deferred the Head of Department shall cause to be entered upon that officer's record of service a note of such stoppage or deferment and the period thereof.

Interdiction
on grounds
of security

55. So long as a Proclamation of Emergency is in force the Prime Minister may, if he considers that the interests of the security of Brunei so require, interdict an officer from the exercise of the powers and functions of his office. The Prime Minister shall report any officer who has been interdicted under this Regulation to the Disciplinary Authority and any officer who has been so interdicted under this Regulation may receive such emoluments of his office as the Disciplinary Authority may think fit until a decision is taken on his case by the Disciplinary Authority. The Disciplinary Authority shall, after considering reports on the officer's conduct, have the power to dismiss the officer concerned on the grounds that his conduct has been prejudicial to the security of Brunei. If the proceedings result in the officer's dismissal he should not be entitled to any of the unpaid portion of his emoluments nor to any pension or gratuity to which he may have been entitled at the time of his dismissal.

C—PETITIONS AND APPEALS

56. Public Officers are prohibited from attempting to bring political or other outside influence to support or advance their individual claims as Government officers; any officer dissatisfied on a personal matter should submit his representations in the manner provided in Regulations 57 to 59. Outside influence

57. (a) No officer is permitted to address His Majesty or the Prime Minister unless the matter has been first submitted to the Head of Department or the Minister, respectively. Representations, petitions and appeals

(b) In every case the petition will be addressed through the officer's Head of Department. Petitions to the Prime Minister will be submitted in duplicate.

(c) After receiving a reply to a petition, no officer may address a further appeal to the same authority on the same subject unless such further appeal sets out fresh matter which was not known or available to the petitioner at the time the original petition was submitted and which might, if previously adduced, have warranted a different decision.

(d) (i) Officers are at liberty to seek the advice of their staff associations or some other party in regard to any matter but must sign and submit their own representations in the manner prescribed in this Regulation. No representations on matters of fact will be accepted from any person who is not himself concerned in the subject matter of such representations.

(ii) Staff associations may raise direct with Government any general issue of principle arising out of an individual case concerning a member of the association.

(e) Any petition which does not comply with the provisions of this Regulation will be returned to the sender and no action will be taken upon it.

58. (a) Every petition shall state concisely the decision against which the appeal is made and the grounds and evidence on which the appeal is based. General

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(b) Representations on general matters should similarly contain a concise statement of facts and of the relief sought, and are subject to Regulation 57 in regard to procedure.

Action on receipt of petition

59.

(a) An officer who receives a petition for transmission to an officer senior to himself must forward it to that officer within 7 days. If on account of investigations which have to be made relative to the petition, or for any other reason, the officer who receives the petition is unable within those 7 days to submit his recommendations or comments upon the petition, he should state in his covering letter that his recommendations or comments will follow.

(b) The officer to whom the petition is addressed will, on receipt of it, cause to be sent forthwith to the petitioner direct, an acknowledgement stating that the petition has been received and is receiving attention.

(c) No action is required of an officer who receives a copy of a petition addressed to an officer other than himself.

D—CONFIDENTIAL REPORTS

Confidential reports

60.

Confidential reports shall be made on the appropriate forms.

Procedure for submission of reports

61.

(a) Confidential reports on all officers in Divisions I to III and on officers of the General Clerical Service shall be submitted on the prescribed form annually, to the Minister, one month before the date on which the officer's next increment is due. Where an officer has reached the maximum of his salary scale or is drawing a fixed salary the report shall be submitted annually not later than 31st January. The original report only shall be submitted to the Minister; additional copies are not required.

(b) Confidential reports on officers on probation should be submitted at least one month before the probation period is due to expire.

(c) Confidential reports on all other officers should be completed and retained by Heads of Department as described in paragraph (a).

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(d) Special reports may be called for in cases where an officer is proceeding on transfer or is being recommended for promotion.

62. Heads of Department are responsible for ensuring that all reports due are submitted to the Minister in accordance with the above procedure.

Submission
of reports to
Minister

63. Heads of Department shall communicate the substance of a report to the officer concerned only if it draws attention to faults or shortcomings which it may be within the officer's power to amend. In such cases the officer forwarding the report shall record the fact that this action has been taken. The Prime Minister shall take similar action in the case of reports on Heads of Departments.

Communica-
tion of report
to officer
concerned