



THE
JAMAICA GAZETTE
SUPPLEMENT

PROCLAMATIONS, RULES AND REGULATIONS

328M

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FRIDAY, MARCH 27, 2020

No. 60C

No. 58C

Extract from the Minutes of the meeting of the House of Representatives held on March 24, 2020:

PUBLIC BUSINESS

The Honourable Dr. Horace Chang moved:

THE MAJOR ORGANISED CRIME AND ANTI-CORRUPTION AGENCY ACT

**THE MAJOR ORGANISED CRIME AND ANTI-CORRUPTION AGENCY (CODE OF CONDUCT
AND DISCIPLINARY PROCEDURE) REGULATIONS, 2020, RESOLUTION**

WHEREAS section 42(2)(c) of the Major Organised Crime and Anti-Corruption Agency Act (hereinafter referred to as "the Act") provides that the Minister may make regulations prescribing a Code of Conduct for officers:

AND WHEREAS section 42(4) provides that such regulations made shall be subject to affirmative resolution:

AND WHEREAS the minister responsible for national security is desirous of making regulations to prescribe for a Code of Conduct for officers:

AND WHEREAS on the 12th day of March, 2020, the Minister responsible for national security made the Major Organised Crime and Anti-Corruption Agency (Code of Conduct and Disciplinary Procedure) Regulations, 2020:

AND WHEREAS it is desirable that the Major Organised Crime and Anti-Corruption Agency (Code of Conduct and Disciplinary Procedure) Regulations, 2020, be affirmed:

NOW THEREFORE, BE IT RESOLVED by the House of Representatives and the Senate as follows:—

1. This Resolution may be cited as the Major Organised Crime and Anti-Corruption Agency (Code of Conduct and Disciplinary Procedure) Regulations, 2020, Resolution.

2. The Major Organised Crime and Anti-Corruption Agency (Code of Conduct and Disciplinary Procedure) Regulations, 2020, is hereby affirmed.

Mr. Fitz Jackson and Mr. Peter Bunting also spoke on the motion.

Seconded by: Mr. Peter Bunting.

Agreed to.

I certify that the above is a true extract from the Minutes.

HEATHER E. COOKE, CD, JP
Clerk to the Houses.

No. 58D

Extract from the Minutes of the meeting of the Senate held on March 27, 2020:

PUBLIC BUSINESS

The Honourable Senator Matthew Samuda, Minister without Portfolio in the Ministry of National Security, having obtained suspension of the Standing Orders, moved:

THE MAJOR ORGANISED CRIME AND ANTI-CORRUPTION AGENCY ACT

THE MAJOR ORGANISED CRIME AND ANTI-CORRUPTION AGENCY (CODE OF CONDUCT AND DISCIPLINARY PROCEDURE) REGULATIONS, 2020, RESOLUTION

WHEREAS section 42(2)(c) of the Major Organised Crime and Anti-Corruption Agency Act (hereinafter referred to as “the Act”) provides that the Minister may make regulations prescribing a Code of Conduct for officers:

AND WHEREAS section 42(4) provides that such regulations made shall be subject to affirmative resolution:

AND WHEREAS the minister responsible for national security is desirous of making regulations to prescribe for a Code of Conduct for officers:

AND WHEREAS on the 12th day of March, 2020, the Minister responsible for national security made the Major Organised Crime and Anti-Corruption Agency (Code of Conduct and Disciplinary Procedure) Regulations, 2020:

AND WHEREAS it is desirable that the Major Organised Crime and Anti-Corruption Agency (Code of Conduct and Disciplinary Procedure) Regulations, 2020, be affirmed:

NOW THEREFORE, BE IT RESOLVED by the House of Representatives and the Senate as follows:—

1. This Resolution may be cited as the Major Organised Crime and Anti-Corruption Agency (Code of Conduct and Disciplinary Procedure) Regulations, 2020, Resolution.
2. The Major Organised Crime and Anti-Corruption Agency (Code of Conduct and Disciplinary Procedure) Regulations, 2020, which was laid on the Table of the Senate on the 27th day of March, 2020, is hereby affirmed.

Senator Wensworth Skeffery having spoken for 30 minutes, the Minister without Portfolio in the Ministry of National Security moved for the suspension of the Standing Orders to enable him to continue his speech to its conclusion, notwithstanding the time limit on speeches.

Seconded by: Senator Dr. Floyd Morris

Agreed to.

Senator Kavan Gayle, Senator Ransford Braham and Senator Lambert Brown also spoke on the resolution.

Seconded by: Senator Charles Sinclair.

Agreed to.

I certify that the above is a true extract from the Minutes.

HEATHER E. COOKE, CD, JP
Clerk to the Houses.

THE MAJOR ORGANISED CRIME AND ANTI-CORRUPTION AGENCY ACT**THE MAJOR ORGANISED CRIME AND ANTI-CORRUPTION AGENCY (CODE OF CONDUCT AND DISCIPLINARY PROCEDURE) REGULATIONS, 2020**

In exercise of the powers conferred upon the Minister by section 42(2) (c) of the Major Organised Crime and Anti-Corruption Agency Act and of every other power hereunto enabling, the following Regulations are hereby made:—

PART I.—Preliminary

Citation. 1. These Regulations may be cited as the Major Organised Crime and Anti-Corruption Agency (Code of Conduct and Disciplinary Procedure) Regulations, 2020.

Interpretation. 2.—(1) In these Regulations—

“Code of Conduct” means the Code of Conduct established pursuant to regulation 4;

“Disciplinary Committee” means the Disciplinary Committee established pursuant to regulation 39;

“dangerous drug” has the meaning assigned to it in section 12 of the Dangerous Drugs Act;

“drug” has the meaning assigned to it in section 2 of the Pharmacy Act;

“ganja” has the meaning assigned to it in section 2 of the Dangerous Drugs Act;

“official duties” means the functions and powers assigned to an officer in his official capacity and any other duties which the Director-General or a senior officer may reasonably call upon the officer to perform;

“relationship” includes every form of relationship by blood, adoption, marriage or cohabitation (to the extent that such relationship is recognized by Jamaican law);

“senior officer” means an officer who is responsible for the management and supervision of officers in a unit or department of the Agency.

(2) For the purpose of these Regulations, a conflict of interest arises where an officer has a direct or indirect interest in a commercial undertaking or is directly or indirectly involved in any activity or private work which clashes or is incompatible with the official duties of the officer and, without prejudice to the generality of the foregoing, includes any interest, work or activity which—

(a) impairs or is likely to impair the efficiency of the officer in relation to his official duties;

- (b) brings or is likely to bring the Agency or the officer into disrepute;
- (c) makes the officer unavailable for official duties outside normal working hours, pursuant to regulation 6(2); and
- (d) puts the officer or gives the appearance of putting the officer in a position in which he is, or would be able to use his employment with the Agency for private gain.

Application. 3. These Regulations shall apply to all officers whether they are employed on a permanent, temporary or casual basis, including persons assigned to the Agency on secondment or engaged by the Agency to provide services, information or advice, whether as a contractor or a consultant.

PART II.—*Code of Conduct*

Establishment of Code of Conduct and responsibilities of officers in relation to Code of Conduct, etc. 4.—(1) There is hereby established, a Code of Conduct for the maintenance of professional standards by officers.

(2) Every officer shall—

- (a) comply with the Code of Conduct and all policies, standard operating procedures and standing orders established by the Agency from time to time in relation thereto, and shall be held accountable for any contravention of the provisions of the Code of Conduct;
- (b) ensure that he maintains a sufficiently thorough knowledge of the Code of Conduct and all policies, standard operating procedures and standing orders established by the Agency from time to time in relation thereto in order to identify issues which may potentially give rise to disciplinary misconduct; and
- (c) seek counselling or advice from a senior officer, when necessary, regarding matters relating to the Code of Conduct and all policies, standard operating procedures and standing orders established by the Agency from time to time in relation thereto and comply with any instructions or guidance given in relation thereto.

Official duties of an officer. 5. An officer shall carry out his official duties with honesty and integrity, whether in the course of his employment or otherwise and has a duty to—

- (a) ensure that he has knowledge of all the relevant enactments which govern his official duties and conform his professional conduct accordingly;
- (b) apply the provisions of the Code of Conduct in the daily conduct of his personal and professional activities;

- (c) conduct his personal, financial and other private interests in a manner which does not impede the performance of his official duties or tarnish the reputation of the Agency;

- (d) exercise due care and skill in the conduct of his official duties.

Use of
officer's
time.

6.—(1) An officer's whole time shall be at the disposal of the Agency whilst he is on official duties and, as such, the officer shall expend an honest effort and a reasonable proportion of such time in the performance of the official duties of the officer.

(2) Notwithstanding the stipulated hours of work of an officer, it shall be within the discretion of the Director-General—

- (a) to require the attendance of an officer on such days and for such hours as the Director-General considers necessary to meet the needs and demands of the Agency; and
- (b) to vary the hours of arrival and departure of an officer to meet the requirements of a unit or department of the Agency.

Responsibility
of senior
officer.

7.—(1) A senior officer shall observe the provisions of the Code of Conduct and all policies, standard operating procedures and standing orders established by the Agency from time to time guiding the officers in his unit or department in carrying out their official duties.

(2) In addition to his responsibilities under paragraph (1), the senior officer shall—

- (a) set an example of, and encourage and promote, ethical conduct;
- (b) exercise his best efforts to ensure that the officers are held accountable in relation to the official duties that are assigned to the officers;
- (c) monitor the performance of the officers and provide constructive feedback;
- (d) support professional development in relation to the officers; and
- (e) take into account such health and safety requirements as established by law, in relation to the official duties of officers.

Rewards.

8. An officer who distinguishes himself by an act deserving of a reward may be rewarded by the Director-General without regard to length of service, in accordance with any internal policy that may be developed or caused to be developed by the Director-General of the Agency.

Absence from
official
duties.

9.—(1) An officer shall not be absent from official duties unless the officer has proceeded on leave that has been approved in accordance with rules made or guidelines issued by the Agency.

(2) An officer who is absent from duty due to illness, injury or any other emergency shall inform his senior officer of his absence as soon as possible but no later than the end of his first day of absence.

Absence from
Jamaica
without
permission.

10.—(1) Subject to paragraph (2), an officer shall not leave Jamaica without the permission, in writing, from the Director-General or his designated nominee in that regard.

(2) An officer who has been granted permission to leave Jamaica shall provide the Director-General, or his designated nominee in that regard, with sufficient information so as to enable the officer to be contacted by the Agency while the officer is away from Jamaica.

Department.

11.—(1) An officer shall, whilst the officer is on official duty, deport himself with the highest standard of professionalism, decency and respect for the Agency, other officers and members of the public.

(2) A senior officer shall be responsible for monitoring the department of all officers in his unit or department and shall provide such guidance as he considers appropriate in the circumstances.

Conflict of
interest, etc.

12.—(1) An officer shall not, whether in Jamaica or elsewhere, engage in any commercial undertaking, activity or private work which may create a conflict of interest.

(2) An officer shall not knowingly place himself in a position that creates or is likely to create a conflict of interest and, in the event that such situation arises, the officer shall immediately report such conflict of interest or the likelihood of such conflict of interest to his senior officer, so that the most appropriate course of action may be determined in the circumstances.

(3) In order to ensure compliance with paragraph (1), an officer shall continuously monitor and assess his private and personal interests in order to determine whether such interests may create or have the likelihood to create a conflict of interest.

(4) An officer who wishes to engage in a commercial undertaking or activity or private work shall obtain the prior written approval of the Director-General or his designated nominee in that regard.

(5) Where approval is sought by an officer pursuant to paragraph (4), full details of the commercial undertaking or activity or private work, together with particulars of the remuneration offered, where applicable, shall accompany the request for approval.

(6) Where approval has been granted by the Director-General, the officer shall comply with the provisions of any relevant enactment, guidelines or policies issued by the Agency in relation to any commercial undertaking or activity or private work.

Financial
disclosure by
officer.

13.—(1) An officer shall, before assuming official duties and thereafter, at such other times as the Director-General may specify, disclose in a Financial Disclosure Form provided by the Agency, such particulars, including particulars of any investment, shareholding or other direct or indirect interest, which the officer may have in any partnership, entity or commercial undertaking.

(2) Where the Director-General is of the opinion that any investment, shareholding or other direct or indirect interest of an officer may create a conflict of interest, the Director-General shall bring this to the attention of the officer, in writing, and allow the officer a reasonable period of time, as the circumstances may warrant, to resolve the conflict of interest and the officer shall supply the Director-General with such evidence of his compliance as the Director-General considers necessary.

Non-
participation
in the
investigation
or
prosecution
of matter.

14.—(1) An officer shall not participate in the investigation or prosecution of any matter being dealt with by the Agency if the officer has a relationship or other substantial connection with—

- (a) any person that is the subject of the investigation or prosecution; or
- (b) any person that the officer knows has a specific or substantial interest that may be directly affected by the outcome of the investigation or prosecution,

unless the officer is authorized so to do by his senior officer.

(2) An officer who—

- (a) is participating in the investigation or prosecution of a matter and believes that his participation may be prohibited by paragraph (1); or
- (b) is involved in a matter that is under investigation or prosecution by the Agency and is of the view that the circumstances relating to the matter would cause a reasonable person, with knowledge of the relevant facts, to question the impartiality of the officer in relation thereto,

shall immediately notify his senior officer of all attendant facts and circumstances so that the most appropriate course of action may be determined.

(3) Prior to making a determination regarding the officer's participation in the investigation or prosecution, the senior officer shall consult with the Director-General regarding the officer's participation in the investigation or prosecution.

(4) In every instance, a determination made by the senior officer, together with the reasons therefor, shall be recorded by the senior officer in

writing and certified as accurate by the Director-General in the appropriate decision log.

Use of
official
position with
the Agency
for private
gain.

15.—(1) An officer shall not use his official position with the Agency or the official identification card or badge which may be issued to him by the Agency for any of the following purposes—

- (a) to obtain any personal or financial gain or benefit for himself or any other person;
- (b) to obtain any privilege that would not otherwise be available to him except in the performance of his official duties;
- (c) to avoid the consequences of any illegal act.

(2) An officer shall not use any information gained through his position as an officer to improve his financial position or to advance the private interest of himself or any other person.

(3) An officer shall not loan to any person any official identification card or badge that may be issued to him by the Agency, or permit the official identification card or badge to be photographed or reproduced, without the prior written approval of the Director-General.

(4) An officer shall not authorize the use of his name, photograph or official title, or paraphernalia which identifies him as an officer, in connection with any testimonial or advertisement of any commodity, organisation or commercial enterprise, without the prior written approval of the Director-General.

Making of
comments
and
publication of
information,
etc.

16.—(1) An officer shall refrain from making any comment in any forum including in any print or electronic media regarding the activities of the Agency unless the officer is specifically authorized in writing to do so by the Director-General.

(2) An officer shall not make public or communicate to any person, any document or information, which he possesses in his official capacity, unless his official duties require him to do so or he is authorized so to do by the court or by virtue of any enactment.

(3) An officer shall not make unauthorized copies of any document which the officer possesses in his official capacity.

(4) An officer shall not allow himself to be interviewed on questions of public policy or on matters relating to law enforcement in Jamaica or any other country, unless his official duties require him so to do.

Factual
accuracy, *etc.*

17.—(1) An officer has a professional and personal obligation to be honest, factual, impartial, balanced and complete when compiling reports, assessments and summaries relating to the work of the Agency.

(2) An officer shall not deliberately or recklessly make any false or misleading assessment of any material that is available to the officer in relation to the functions of the Agency.

(3) The professional and personal obligation referred to under paragraph (1) shall apply to all aspects of the official duties of an officer, including—

- (a) any advice given internally or to any ministry, agency or department of Government or any foreign intelligence department;
- (b) the preparation of investigative reports;
- (c) the conducting of intelligence assessments;
- (d) the writing of inquiry and hearing reports;
- (e) the writing of research papers and publications; and
- (f) any other matter which may be assigned to the officer.

Participation
in
demonstration,
etc.
prohibited.

18. An officer shall not knowingly institute or take part in any procession, demonstration or public meeting, which promoted public disorder, contravenes any law or is convened to espouse views of any administration or government.

Participation
in political
campaign,
etc.

19.—(1) An officer shall not participate in any political campaign.

(2) An officer shall not exhibit any form of political bias, leanings or partiality by way of his actions, deportment or utterances.

(3) An officer shall not exhibit any form of political affinity.

Officer not
to act as
editor.

20. An officer shall not act as an editor of a newspaper, magazine or periodical, in print or electronic form, or set up any blog or other social media network, or take part, directly or indirectly, in the management thereof, on matters concerning the work of the Agency and public policy or matters affecting the security, defence, or safety of Jamaica, without having first obtained the written permission of the Director-General.

Rules relating
to lectures or
presentations.

21.—(1) A lecture or presentation delivered by an officer shall be governed by the following rules—

- (a) no question of payment either to the officer tasked with the preparation or delivery of the lecture or presentation, or to the Agency, shall arise in connection with the lecture or presentation that is carried out for an official purpose;
- (b) a lecture or presentation which is not necessarily for official purposes may be given by an officer who is an expert in a particular subject, whether or not he has specialized training in this subject in his official capacity.

(2) In the case of a lecture or presentation referred to in paragraph (1), if the officer giving the lecture or making the presentation is to be announced by his official title, the prior written approval of the lecture or presentation shall be obtained from the Director-General, with the object of ensuring—

- (a) that the information contained in the lecture or presentation is not contrary to the public interest or inconsistent with the official duties of the officer or the functions of the Agency; and
- (b) that the standing of the officer is sufficient to justify the delivery by the officer of a lecture or presentation under his official title.

(3) Subject to paragraphs (1) and (2), and the due observance of any professional rule that may be in force at the Agency as to the acceptance of remuneration for the preparation or delivery of a lecture or presentation, an officer is entitled to negotiate his own terms with the person or entity that requests that the officer prepares or delivers the lecture or presentation, and in such case, the work involved in the preparation and delivery of the lecture or presentation shall be done outside the working hours of the officer.

Indebtedness. 22.—(1) An officer shall not incur a debt—

- (a) that he knows or ought to have known he will be unable to discharge; or
- (b) which is likely to impair his efficiency or bring the Agency into disrepute.

(2) The Director-General may require an officer to authorize, in writing, any deductions from his emoluments for the repayment of any debt to the Agency.

(3) An officer who finds himself unable to discharge a debt which he has incurred, shall inform the Director-General, as soon as possible, in such form as the Director-General may approve.

(4) Where pursuant to paragraph (3), the Director-General has reasonable grounds to believe that an officer is unable to discharge a debt which he has incurred, the Director-General shall direct the officer to complete and submit such form approved by the Director-General within a specified period.

Bankruptcy. 23. Pursuant to the provisions of the Insolvency Act, an officer who has been declared bankrupt or against whom bankruptcy proceedings have been taken or who becomes insolvent, shall, within seven days of the occurrence of the fact, report the fact, in writing, to the Director-General.

Gifts and
personal
benefits.

24.—(1) An officer shall not receive any gift, whether in the form of money, goods or property of any kind (including land) or any other personal benefit, other than gifts or personal benefits of a strictly private nature unconnected with his position as an officer.

(2) A gift or personal benefit given to an officer in his official capacity which cannot be refused without being offensive, may be accepted, but the fact shall at once be reported through his senior officer, to the Director-General, so that a decision may be taken as to the manner in which the gift or personal benefit may be dealt with.

(3) The Director-General shall cause to be established and maintained, a gifts register for the recording of gifts or personal benefits received by officers.

Confidentiality
and
information
Security.

25. Pursuant to section 21 of the Act, an officer shall—

- (a) pay close attention to the classification of information as secret and confidential and rigorously uphold the integrity of those classifications;
- (b) access only such information that he is specifically authorized to access;
- (c) only discuss such information with another officer who has a parallel or superior level of clearance;
- (d) ensure that information under his control cannot be accessed by any unauthorized person;
- (e) not use any information relating to the functions of the Agency to further his personal interest or the interest of any other person, whether financial or otherwise.

Information
and
communica-
tions
technology.

26.—(1) All information and communications technology and related devices, including mobile devices issued by the Agency, shall be the property of the Agency and—

- (a) shall only be used for work related and operational purposes as determined by the official duties of an officer;
- (b) as applicable, may be used in support of a course of study approved by the Director-General;
- (c) may be used away from work premises to do official work under an arrangement that is approved by the Director-General and, in such circumstances, the officer shall ensure that the equipment (and any official information contained in the equipment) is secured;
- (d) may be used, subject to prior clearance from the Director-General, for the activities that are not strictly official but warrant support.

(2) An officer shall only use a device authorized to conduct official duties.

(3) The use of all information and communications technology shall be guided by such internal policies as may be developed or caused to be developed by the Director-General from time to time.

(4) An officer shall not import or download software from any source to any device which is the property of the Agency without the express approval of the Director-General or his designated nominee in that regard.

(5) For the purpose of this regulation—

“information and communications technology” means any technology employed in the collection, storage, use or transmission of information and includes any technology that involves the use of computers or any telecommunications system;

“telecommunications system” means any system for the transmission of intelligence by means of guided or unguided electromagnetic, electrochemical or other forms of energy, including but not limited to intelligence—

(a) in the form of—

- (i) speech, music or other sounds;
- (ii) visual image, whether still or animated;
- (iii) data or text;
- (iv) any type of signals;

(b) in any form other than those specified in paragraph (a);

(c) in any combination of forms; and

(d) transmitted between persons and persons, things and things or persons and things.”.

Internet and
email.

27.—(1) All internet and email facilities relating to the functions of the Agency shall be the property of the Agency and shall only be used for official purposes.

(2) An officer shall not, unless authorized so to do in writing by a senior officer, transfer electronically or otherwise, any document of a stated classification.

(3) An officer shall ensure that his use of the internet facilities of the Agency do not negatively affect the performance of his official duties, contravene any law, policy of the Agency, the provisions of the Code of Conduct or damage the reputation of the Agency and, in particular, the officer shall not knowingly access or transmit through the internet facilities of the Agency—

- (a) pornography or other offensive material;
- (b) computer games or online gambling;
- (c) chain letters or spam emails;

- (d) auction sites;
- (e) social networking sites; or
- (f) such other material as may be specified by the Director-General, in writing.

(4) Where an officer needs to access offensive or prohibited categories of material in relation to his official duties, the officer shall only do so with the permission, in writing, of his senior officer.

Use of
alcohol, drugs
and
medications,
etc.

28.—(1) Subject to the provisions of this regulation, the use of any dangerous drug by an officer, including ganja, whilst the officer is on-duty or off-duty, as well as the abuse of any prescription drug, is strictly prohibited.

(2) An officer shall not consume alcohol while he is performing his official duties, however; in particular circumstances, where the exigencies of his official duties require that the officer so consumes, the officer shall exercise restraint so as to protect the interest of the Agency, his professional image and his own welfare.

(3) An officer may be held personally liable for any damage or injury he may incur or cause, consequent upon the consumption of alcohol or dangerous drugs while carrying out his official duties.

(4) An officer who is convicted of any offence relating to driving under the influence of alcohol or dangerous drugs, at any time, shall be subject to disciplinary action in accordance with these Regulations.

(5) If an officer is taking any drug which may interfere with his ability to carry out his official duties, the officer shall inform his senior officer so that the matter can be appropriately managed.

(6) An officer shall not smoke on the premises of the Agency or in vehicles or facilities owned by the Agency.

Legal
proceedings.

29. An officer who—

- (a) desires to initiate legal proceedings against any person;
- (b) has legal proceedings instituted against him; or
- (c) is charged with a criminal offence,

shall, in writing, promptly inform the Director-General.

Other actions
which may
constitute
breach of
Code of
Conduct.

30. An officer shall not commit an act that constitutes any of the following—

- (a) discreditable conduct, that is to say, if an officer—
 - (i) is idle, disorderly or in-disciplined, or behaves in an improper manner, while on official duty; or

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- (ii) acts in a manner that is reasonably likely to bring discredit to the Agency;
 - (iii) engages in conduct designed or intended to cause mischief;
 - (b) insubordinate or oppressive conduct, that is to say, if an officer—
 - (i) is insubordinate by word, act or demeanor;
 - (ii) is oppressive or tyrannical in his conduct towards another officer;
 - (iii) uses obscene, abusive or insulting language; or
 - (iv) assaults another officer;
 - (c) neglect of duty, that is to say, if an officer—
 - (i) neglects, or without good and sufficient cause, omits, promptly and diligently, to attend to or carry out anything which is his official duty;
 - (ii) performs any of his official duties in an inefficient manner;
 - (iii) fails to report a matter which the officer has a duty to report;
 - (iv) fails to report, declare or disclose any pertinent information, including—
 - (A) anything which he knows concerning a criminal charge or disciplinary misconduct in relation to another officer; or
 - (B) any evidence which he, or any person within his knowledge, can give for or against any defendant to a criminal charge;
 - (vi) omits to make an entry that he is required to make in any document;
 - (vii) fails to give prompt attention to his official duties;
 - (viii) while absent from duty on account of sickness, does any act or conduct calculated to delay his return to official duties;
 - (ix) without good and sufficient cause, destroys or mutilates any document or alters or erases any entry in any document;

-
- (d) falsehood or prevarication, that is to say, if an officer—
 - (i) knowingly makes or signs a false statement in an official document; or
 - (ii) wilfully or negligently makes any false, misleading or inaccurate statement;
 - (e) breach of confidence, that is to say, if an officer—
 - (i) gives notice, directly or indirectly, to a person against whom a warrant or summons has been or is about to be issued, except in the lawful execution of such warrant or service of such summons;
 - (ii) without proper authority, shows to a person who is not associated with the Agency, any document which is the property of the Agency;
 - (iii) without lawful authority, signs or circulates any petition or statement with regard to any matter concerning the Agency, except through the proper procedures;
 - (f) an act of corruption as defined in the Integrity Commission Act;
 - (g) unlawful or excessive use of force, that is to say, if an officer uses unnecessary force or violence to a person with whom he may be brought into contact in the execution of his official duties;
 - (h) unlawful or unauthorized use of a firearm, that is to say, if an officer unlawfully uses a firearm or uses a firearm in an unauthorized manner;
 - (i) malingering, that is to say, if an officer feigns or exaggerates any sickness or injury with a view to evading duty;
 - (j) loss or damage to any property supplied by the Agency, that is to say, if an officer—
 - (i) wilfully or negligently, abandons, or causes any loss or damage to any document, equipment or other property supplied to him, used by him or entrusted to his care, by the Agency; or
 - (ii) fails to report any loss or damage as mentioned in subparagraph (i);
 - (k) lending, borrowing or accepting money, that is to say, where an officer compromises his ability to discharge his official duties by lending, borrowing or accepting money;

- (1) using any property or facility of the Agency, without the written consent of the Director-General, for a purpose not connected with his official duties.

PART III.—*Disciplinary Procedure*

Disciplinary
misconduct
and
disciplinary
proceedings.

31.—(1) For the purposes of this Part, disciplinary misconduct is conduct which—

- (a) contravenes any provision of the Code of Conduct; or
(b) attempts, aids, abets, counsels, or procures such a contravention.

(2) An officer who appears to have committed disciplinary misconduct may be liable to have disciplinary proceedings instituted against him in accordance with this Part.

Making of
complaint.

32.—(1) An officer who alleges that another officer has committed disciplinary misconduct shall make a complaint, outlining the particulars of the disciplinary misconduct, in writing, to his senior officer or to the Director-General, in the case of a senior officer, in such manner and form as may be determined by guidelines issued by the Director-General.

(2) An officer shall not—

- (a) prevent another officer from making a complaint; or
(b) hinder or obstruct another officer from making a complaint.

(3) An officer who prevents, hinders or obstructs another officer from making a complaint may be liable to have disciplinary proceedings instituted against him in accordance with this Part.

(4) Where a complaint involves a senior officer, the Director-General shall, notwithstanding regulation 36(1), appoint a retired Senior Superintendent of Police or a person above said rank to be the investigating officer in this instance.

(5) For the avoidance of doubt, a senior officer may, of his own volition, where he alleges that an officer has committed disciplinary misconduct, submit a complaint outlining the particulars of the disciplinary misconduct to the Director-General.

Action of
senior officer
on receipt of
complaint.

33. Upon receipt of a complaint the senior officer shall, as soon as reasonably practicable, but in any event, within seven days after receipt, submit the complaint to the Director-General outlining the particulars of the complaint for further and necessary action.

Register of
complaints.

34.—(1) For the purpose of exercising his functions under this Part, the Director-General shall cause to be kept and maintained, a register of complaints in which shall be recorded in accordance with paragraph (2), all complaints submitted to the Director-General in accordance with these Regulations.

(2) The Director-General shall, in relation to each complaint submitted pursuant to these Regulations, cause the following to be recorded in the register—

- (a) the parties to whom the complaint relates;
- (b) the nature of the complaint;
- (c) the steps taken in dealing with the complaint; and
- (d) the outcome of the complaint and any sanction issued in relation thereto.

(3) The Director-General shall establish guidelines regarding the management of the register.

Consideration
of complaint
by Director-
General.

35. Upon receipt of a complaint submitted pursuant to these Regulations, the Director-General shall—

- (a) cause an investigation to be conducted in relation to the complaint, by an investigating officer, so as to determine whether there is sufficient cause to warrant further action in relation to the complaint and, if so, the manner in which the complaint is to be handled; and
- (b) give notice to the officer to whom the complaint relates of the particulars of the complaint and of the fact that an investigation is to be conducted in relation to said complaint in accordance with this Part.

Appointment
of
investigating
officer.

36.—(1) Subject to regulation 32(4), the Director-General shall appoint an officer, above the rank of the officer to whom the complaint relates, (hereinafter referred to as an “investigating officer”) to conduct such investigation as is deemed necessary and appropriate in relation to the complaint.

(2) For the purposes of conducting an investigation pursuant to paragraph (1) the investigating officer may—

- (a) make such preliminary inquiries as he considers necessary; and
- (b) consult with any officer or person who may have information that may be relevant to the investigation.

(3) The investigating officer may, by notice in writing, require the officer, to whom a complaint relates, or any other officer who, in the opinion of the investigating officer, is able to give assistance in relation to the investigation of the complaint, to—

- (a) submit such information and produce any document or thing in connection with such matter which may be in their possession or under their control;

- (b) attend on the investigating officer, at such time as may be specified in the notice, to be heard by the investigating officer on any matter relating to the complaint.

(4) An officer to whom a complaint relates or any other person who is served with a notice under paragraph (2) shall not be compelled to give evidence or produce any document which they would not be compelled to give in evidence, or produce in any proceedings before a court.

(5) Where an officer to whom a complaint relates or any other person who, without reasonable cause, fails to comply with a notice given in accordance with paragraph (2), the investigating officer may draw such inferences for such failure as he may deem appropriate.

(6) Subject to regulation 37, upon completion of an investigation, the investigating officer shall submit a detailed report of his findings to the Director-General.

(7) An investigating officer shall conclude an investigation within a reasonable time considering the circumstances of the matter.

Frivolous or
vexatious
complaints.

37. Where during the course of an investigation, the investigating officer forms the opinion that the complaint is—

- (a) frivolous or vexatious or not made in good faith; or
- (b) having regard to all circumstances of the case, unnecessary or unjustifiable, (including for the avoidance of doubt, where the complaint is not sufficiently related to the exercise, performance or discharge, or purported exercise, performance or discharge of official duties),

the investigating officer shall include such finding in the report submitted in accordance with regulation 36(6), and recommend that the investigation not be pursued any further.

Action to be
taken by
Director-
General upon
receipt of
report from
investigating
officer.

38.—(1) Upon receipt of a report from the investigating officer pursuant to regulation 36(6) the Director-General shall make an assessment of the findings of the report so as to determine the manner in which he may proceed with the complaint, subject to the provisions of this regulation.

(2) Where upon assessment of the findings of the report, the Director-General makes a determination not to commence disciplinary proceedings against the officer to whom the complaint relates, the Director-General shall, dismiss the complaint and within seven days thereof, notify the officer to whom the complaint relates and the officer who made the complaint, (the complainant) in writing, of his decision and the reasons therefor.

(3) Where it appears from the assessment of the findings of the report of the investigating officer that the officer to whom the complaint relates may

have committed disciplinary misconduct that is sufficiently serious to warrant dismissal, the Director-General shall commence disciplinary proceedings against the officer to whom the complaint relates by—

- (a) referring the report of the findings and his assessment to the Disciplinary Committee to conduct a hearing into the matter; and
- (b) serving on the officer to whom the complaint relates, a notice of disciplinary charge in accordance with regulation 41.

(4) Where it appears from the assessment of the findings of the investigation that the officer to whom the complaint relates may not have committed disciplinary misconduct that is sufficiently serious to warrant dismissal, the Director-General shall either —

- (a) determine that the complaint will be dealt with by him and commence disciplinary proceedings against the officer to whom the complaint relates by serving on the officer a notice of disciplinary charge pursuant to regulation 41; or
- (b) where he is of the opinion that the complaint may be dealt with informally, seek to resolve the complaint by informal resolution, in accordance with regulation 40, by appointing a senior officer to do so on his behalf.

(5) Where, based on the assessment of the findings of the investigating officer, the Director-General is of the opinion that a criminal offence may have been committed, the Director-General shall refer the matter to the Director of Public Prosecutions.

(6) Where pursuant to paragraph (5), the Director of Public Prosecutions advises that criminal proceedings ought to be instituted against the officer to whom the complaint relates or where criminal proceedings were initiated, disciplinary proceedings arising out of the facts or circumstances which form the basis of the criminal proceedings, may be heard and determined before the determination of the criminal proceedings unless to do so would, in the opinion of the Director-General or the Disciplinary Committee, as the case may require, be prejudicial to the fair hearing of the pending criminal proceedings.

(7) Nothing in paragraphs (3), (4)(a) or (6) shall prevent the officer from being interdicted from official duties pursuant to regulation 42.

(8) Subject to paragraph (5), the making of an assessment as to what action is to be taken in respect of a report submitted by an investigating officer in relation to a complaint is at the absolute discretion of the Director-General and the Director-General may, for the purpose of assessing a complaint and making a determination as to any action which may be taken in relation thereto, seek the advice or assistance of such persons as he may deem necessary and appropriate.

(9) The Director-General shall cause to be prepared, standard operating procedures governing the exercise of disciplinary powers under these Regulations and such procedures shall include provisions designed to ensure that officers in relation to whom such powers are to be exercised are provided with appropriate information about their obligations and liabilities under these Regulations.

Disciplinary
Committee.

39.—(1) There is hereby established, a Disciplinary Committee, appointed by the Minister, which shall consist of—

- (a) a retired Judge of a superior court or a Parish Court who shall be the chairperson;
- (b) the Deputy Director-General of the Agency;
- (c) a Chief Technical Director of the Ministry of National Security;
- (d) the head of the Human Resources Department of the Agency; and
- (e) the head of the Legal Unit of the Agency;

(2) The Disciplinary Committee shall conduct hearings in relation to reports referred to it by the Director-General, in accordance with regulation 38(3), so as to determine whether an officer has committed disciplinary misconduct which may warrant dismissal, and make recommendations to the Director-General as to any sanctions which may be imposed.

(3) Three members of the Disciplinary Committee, including the chairperson, shall constitute a quorum at a meeting thereof.

(4) The members of the Disciplinary Committee shall appoint a Deputy Chairperson who shall act for the chairperson in his absence.

(5) The Minister may appoint any person who would be eligible for appointment as a member of the Disciplinary Committee in accordance with paragraph (1) to act temporarily in the place of any member of the Committee in the case of the absence or inability of such member.

(6) A decision of the Disciplinary Committee shall be a majority decision and in the event of an equality of votes in regard to any matter, the chairperson shall have a casting vote, in addition to his deliberative vote.

(7) The Disciplinary Committee may determine the procedure for its meetings and such procedures shall be published.

(8) A member of the Disciplinary Committee who is an officer of the Agency shall recuse himself from any hearing of the Disciplinary Committee which relates to, or involves any officer who falls under the direct management and supervision of the member.

Handling of
complaint by
informal
resolution.

40.—(1) Pursuant to regulation 38(4)(b), a complaint shall not be suitable for informal resolution unless the Director-General is satisfied, based upon his assessment, that—

- (a) the disciplinary misconduct complained of, even if proved, would not justify a disciplinary or criminal sanction; and
- (b) the complainant and the officer to whom the complaint relates agree to the informal resolution.

(2) The Director-General may, in carrying out his assessment under paragraph (1), have regard to the following principles—

- (a) that the purpose of informal resolution is to avoid formal disciplinary proceedings by dealing with a complaint as a means of educating and improving the future conduct of an officer; and
- (b) that an Informal hearing is to be conducted as expeditiously as possible and without undue formality.

(3) Where attempts made to resolve a complaint by informal resolution have proven futile, the Director-General shall deal with the complaint in accordance with regulation 38(4)(a).

Notice of
Disciplinary
charge.

41. —(1) For the purpose of these Regulations, the Director-General shall commence disciplinary proceedings against an officer to whom a complaint relates, by serving on the officer, a notice of disciplinary charge, in accordance with paragraph (2).

(2) Subject to paragraph (3), a notice of disciplinary charge shall—

- (a) set out the particulars of the complaint;
- (b) inform the officer that disciplinary proceedings have been instituted against him for disciplinary misconduct and the manner in which the disciplinary proceedings will be handled;
- (c) be accompanied by copies of any document or including a statement indicating any sanction which may be imposed if the officer is found to have committed disciplinary misconduct, on the basis of the evidence presented; and
- (d) inform the officer of his right to a hearing and to be represented by an attorney-at-law or some other representative.

(3) A notice of disciplinary charge shall be served on the officer, within seven days from the date on which the determination is made by the Director-General to commence disciplinary proceedings.

(4) An officer who has been served with a notice of disciplinary charge shall be entitled, without charge to him, to receive copies of, or to be

allowed access to, any documentary evidence relied on for the purpose of the disciplinary proceedings in a timely manner prior to the date of the hearing.

Interdiction.

42.—(1) Where—

- (a) disciplinary proceedings against an officer have been instituted in accordance with these Regulations; or
- (b) criminal proceedings against an officer have been instituted by the Director of Public Prosecutions; and

the Director-General is of the opinion that the public interest requires that the officer should cease to perform his official duties, the officer may be interdicted from performing his official duties for such period as may be determined by the Director-General.

(2) Subject to paragraph (3), an officer who is interdicted under paragraph (1) shall be permitted to receive such proportion of the salary of his office as the Director-General may determine, not being less than three-quarters, after provision has been made to hear from the officer on this matter.

(3) The proportion of salary referred to in paragraph (2) shall be related to the nature and circumstances of the charge against the officer.

(4) Where disciplinary proceedings against an officer under interdiction from duty result in his exculpation, the officer shall be entitled to the full amount of the salary which he would have received had he not been interdicted, but where the disciplinary proceedings result in any punishment other than dismissal, the officer shall be allowed such salary as the Director-General may approve.

(5) An officer who is under interdiction from duty shall give to his senior officer, an address at which he can be reached.

(6) Without prejudice to any other form of service, a document required to be served pursuant to these Regulations on an officer under interdiction from duty shall be deemed to be properly served if sent in a prepaid registered letter properly addressed and posted to the address given by the officer in accordance with paragraph (5), or to the last known address listed on his employment record.

Officer may
admit or deny
particulars of
disciplinary
charge.

43.—(1) On receipt of a notice of disciplinary charge pursuant to regulation 41, the officer to whom the disciplinary charge relates may, within fourteen days of receipt thereof, admit or deny the particulars specified therein.

(2) Where the particulars specified in the disciplinary charge—

- (a) are admitted by the officer, the Director-General shall enter a finding of guilt and where appropriate, sanction the officer, without the need to conduct a hearing;

- (b) are denied by the officer, either the Director-General pursuant to regulation 38(4)(a) or the Disciplinary Committee, pursuant to regulation 38(3)(a), as the case may require, shall conduct a hearing in accordance with these Regulations.

General
procedures
relating to
the conduct
of hearing in
relation to a
disciplinary
charge.

44.—(1) The following procedures shall apply in relation to a hearing conducted either by the Disciplinary Committee or the Director-General, as the case may be—

- (a) notice of the time and place at which the hearing is to be held shall be served on the officer to whom the disciplinary charge relates and any other officer or person who may be relevant to the hearing and the notice shall be served not less than fourteen days prior to the hearing;
- (b) a record of the evidence adduced before the Disciplinary Committee or the Director-General, as the case may be, shall be made, dated and signed, as the case may be, by the Director-General or all members of the Disciplinary Committee;
- (c) documents produced as exhibits shall be marked, dated and initialed by the Director-General or the Disciplinary Committee, as the case may be, and shall be attached to the file of the hearing; and
- (d) in the absence of any person notified to attend, the hearing may be conducted by the Director-General or the Disciplinary Committee, as the case may be, after consideration is given to the circumstances which gave rise to such absence.

(2) For the purposes of a hearing, the Director-General or the Disciplinary Committee, as the case may be, may, by notice in writing, direct any person specified in paragraph (3), to attend at a time and place specified in the notice for the purposes of the hearing.

(3) The Director-General or the Disciplinary Committee, as the case may be, may, by notice, require an officer or any other person to produce any document specified in the notice.

(4) Where an officer who is the subject of the disciplinary charge fails without reasonable excuse to comply with any direction or order given by the Director-General or the Disciplinary Committee, the officer shall be guilty of a disciplinary misconduct.

Disciplinary
proceedings
by
Disciplinary
Committee
with a view
to dismissal.

45.—(1) Without prejudice to the general procedures under regulation 44, the following additional procedures shall apply to a hearing conducted by the Disciplinary Committee —

- (a) the notice of disciplinary charge served on the officer by the Director-General shall request that the officer state in writing, before

such day as may be specified in the notice, (which day shall allow a reasonable interval for the purpose) any grounds upon which he relies to exculpate himself;

- (b) the Disciplinary Committee shall then conduct a hearing into the matter and to the nature of the disciplinary charge made against the officer;
- (c) if witnesses are examined by the Disciplinary Committee, the officer shall be given an opportunity to be present and to put questions to the witnesses on his own behalf, and no documentary evidence shall be used against the officer unless he has previously been supplied with a copy thereof or given access thereto;
- (d) the officer shall also be entitled to be represented before the Disciplinary Committee by an attorney-at-law or any other person and the Director-General shall be entitled to be represented by an attorney-at-law or any other person;
- (e) if during the course of the hearing, further grounds of disciplinary misconduct are disclosed and the Disciplinary Committee thinks it fit to proceed against the officer upon such grounds in the ongoing hearing, it shall so inform the Director-General who shall cause the officer to be furnished with an additional notice of disciplinary charge in relation thereto and the same steps shall be taken as those prescribed by this regulation in respect of the original notice of disciplinary charge;
- (f) if having heard the evidence in support of the charges the Disciplinary Committee is of the opinion that the evidence is insufficient to warrant dismissal, the Disciplinary Committee shall report accordingly to the Director-General without calling upon the officer for his defence;
- (g) the Disciplinary Committee shall furnish to the Director-General, a detailed report of its findings and recommendations, together with a copy of the evidence and all material and documents relating to the hearing and where the Director-General is of the opinion that the report should be amplified in any respect or that a further hearing is desirable, he may refer any matter back to the Disciplinary Committee for a further hearing or report accordingly;
- (h) if the Disciplinary Committee determines that the officer should be dismissed, the Disciplinary Committee shall so recommend in its report to the Director-General;
- (i) if the Disciplinary Committee determines that the officer deserves a sanction other than dismissal, it shall so recommend in its report to the Director-General what other sanction may be imposed;

- (j) if the Disciplinary Committee determines that the officer ought not to be dismissed by reason of the charges alleged, but that the hearing disclosed other grounds for removing the officer from office in the public interest, it may so recommend in its report to the Director-General.

(2) Where an officer to whom a disciplinary charge relates admits, in writing, the facts giving rise to the disciplinary charge, it shall not be necessary to hold a hearing under this regulation, unless the Disciplinary Committee determines that such hearing is likely to find such circumstances as may modify the view taken of and the sanction to be imposed for the disciplinary misconduct.

(3) When remitting its recommendations to the Director-General, the Disciplinary Committee shall indicate to the Director-General its assessment of the seriousness or otherwise of the disciplinary misconduct committed by the officer and the Director-General shall, when making his determination as to the imposition of any sanction, have due regard to the assessment.

Notice of
decision by
Director-
General.

46. The Director-General shall, as soon as reasonably practicable, but in any event, within seven days of making a decision in accordance with this regulation, notify the officer who is the subject of disciplinary proceedings of—

- (a) his decision, in writing, including sanctions, if any, which may be imposed and the reasons therefor; and
- (b) the right of appeal conferred by regulation 49.

Imposition of
sanctions by
Director-
General.

47. Where an officer is found to have committed disciplinary misconduct under these Regulations, the Director-General shall, in accordance with regulation 48, impose the necessary sanction as he may deem necessary, subject to regulation 45(3), in the case where a hearing is conducted by the Disciplinary Committee.

Disciplinary
Sanctions.

48.—(1) Pursuant to regulation 47, the sanctions which may be imposed on an officer who has been found liable of disciplinary misconduct are—

- (a) dismissal;
- (b) reduction in rank;
- (c) suspension without pay for a period not exceeding three months;
- (d) suspension, deferment or withholding of increment;
- (e) a fine not exceeding one-fourth of the sum payable by way of salary in respect of a period not exceeding six months;
- (f) a reprimand recorded on the conduct record of the officer;
- (g) an unrecorded reprimand; or

(h) counselling.

(2) Unless the Director-General is of the opinion that there are circumstances which render the following acts of disciplinary misconduct more serious, they shall be regarded as not sufficiently serious to warrant dismissal—

- (a) absence from official duties;
- (b) behaving in an improper manner while on official duties;
- (c) causing loss or damage, by carelessness, to any article or property of the Agency;
- (d) inefficient performance of official duties.

(3) Where a fine is imposed, the amount of such fine shall be deducted from the salary of the officer by such instalments as may be specified at the time the sanction is imposed and paid into the Consolidated Fund.

(4) An officer below a rank stipulated by the Director-General whose rank has, as a result of a disciplinary charge, been reduced—

- (a) once, shall not be promoted or recommended for promotion for a period of three years from the date of the reduction in rank;
- (b) more than once, shall not be promoted or recommended for promotion for a period of six years from the date of the second reduction in rank, except in the most exceptional circumstances.

(5) Where, as a result of disciplinary proceedings it is ascertained that an article or other property of the Agency, the Government, an officer, a member of the public or any other person, has been lost or damaged through the neglect or default of the officer to whom the disciplinary proceedings relate, the Director-General may order the officer to pay the whole or part of the value of, or the cost of repairing, the article, or property.

(6) The amount ordered to be paid under paragraph (5) may be deducted from the salary of the officer by such instalments as may be specified at the time the order is made.

Appeal.

49.—(1) An officer may appeal against a decision of the Director-General to the Appeals Tribunal in accordance with regulation 51.

(2) An appeal under this regulation shall be instituted by the officer within four weeks of receipt of the decision of the Director-General.

Appeals
Tribunal.

50.—(1) For the purpose of these Regulations, there is hereby established an Appeals Tribunal which shall be constituted of a retired Supreme Court Judge appointed by the Governor-General.

(2) The retired Supreme Court Judge appointed to constitute the Appeals Tribunal shall be appointed for such term of office, not exceeding

three years, and on such terms and conditions as the Governor-General may determine and, on the expiration of the term of office, may be eligible for reappointment.

(3) The Governor-General may appoint another retired Supreme Court Judge to be the deputy to the retired Supreme Court Judge appointed to constitute the Appeals Tribunal and the Appeals Tribunal shall, for any period for which the retired Supreme Court Judge appointed to constitute the Appeals Tribunal is absent or unavailable, be constituted of that other retired Supreme Court Judge.

Proceedings
before
Appeals
Tribunal.

51.—(1) Pursuant to regulation 49, an appeal to the Appeals Tribunal shall be by way of a Notice of Appeal in such form as provided by the Director-General.

(2) The Notice of Appeal shall include—

- (a) the name of the officer to whom the appeal relates;
- (b) the date of the decision relating to the appeal;
- (c) the grounds of appeal;
- (d) copies of any documents relevant to the appeal; and
- (e) the relief or order which the officer is seeking.

(3) The Notice of Appeal shall be signed by the officer and shall be addressed to the Director-General and the Director-General shall cause the Appeals Tribunal to be convened within fourteen days of the date on which the notice of appeal was received.

(4) The Appeals Tribunal shall, in relation to any proceedings to be heard by the Appeals Tribunal, give the Director-General and the officer to whom the appeal relates, notice of the time and place at which the proceedings are to be heard and shall afford them a reasonable opportunity to call or give evidence, to examine or cross examine witnesses and to make submissions to the Appeals Tribunal.

(5) If a person to whom notice has been given under paragraph (4) fails to attend at the time and place fixed by the notice, the Appeals Tribunal may hear the proceedings in his absence after consideration is given to the circumstances which gave rise to such absence.

(6) A party to the proceedings before the Appeals Tribunal may be represented by an attorney-at-law or, with the permission of the Appeals Tribunal, some other representative.

(7) For the purposes of an appeal under this regulation an officer in respect of whom disciplinary proceedings have been held, shall be given, the

particulars of the appeal (including copies of documents tendered in evidence) after the disciplinary proceedings are completed.

(8) The Appeals Tribunal shall regulate its own proceedings and may, of its own volition, issue directions as to the procedure to be adopted in the conduct of the appeal.

(9) Notwithstanding paragraph (8), the Appeals Tribunal may—

- (a) instead of holding an oral hearing, deal with the matter on written submissions;
- (b) direct that evidence be given in written form;
- (c) deal with the matter without the attendance of the Director-General or the officer to whom the appeal relates;
- (d) take any other step, give any other direction or make any other order for the purpose of managing the appeal;
- (e) by summons, require the attendance before the Appeals Tribunal of any person who it may deem relevant to the proceedings;
- (f) by summons, require the production of any document or other thing;
- (g) inspect any document or other thing produced before the Appeals Tribunal and retain them for such reasonable period as the Appeals Tribunal thinks fit and make copies of any of them or any of their contents;
- (h) require any person appearing before the Appeals Tribunal to answer any relevant questions put to the person,

and shall not be bound by the technical rules of evidence in the conducting of an appeal.

(10) Where an officer who is the subject of an appeal fails without reasonable excuse to comply with a summons issued by the Appeals Tribunal, the Appeals Tribunal may dismiss the appeal.

(11) The Appeals Tribunal shall hear each matter brought before it and give its decision in writing regarding such matter within ninety calendar days of the filing of the appeal, or such longer period as the Appeals Tribunal may reasonably require but not exceeding ninety calendar days, and may—

- (a) dismiss the appeal;
- (b) allow the appeal and set aside the decision of the Director-General; or
- (c) vary the decision of the Director-General.

(12) The Appeals Tribunal shall forward a copy of its decision to the Director-General and a copy to the officer who is the subject matter of the appeal, together with a Written statement of the reasons for its decision.

Dated the 10th day of March, 2020.

HORACE CHANG
Minister of National Security.