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CONSTITUTION OF THE REPUBLIC OF SINGAPORE

LEGAL SERVICE
(PERSONNEL BOARDS)
ORDER 2007

ARRANGEMENT OF PARAGRAPHS

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In exercise of the powers conferred by Article 111AA (1), (2) and (8) of the Constitution of the Republic of Singapore, the President, on the advice of the Prime Minister, hereby makes the following Order:

PART I

PRELIMINARY

Citation and commencement

1. This Order may be cited as the Legal Service (Personnel Boards) Order 2007 and shall come into operation on 1st December 2007.

Definitions

2. In this Order, unless the context otherwise requires —

“Chairman”, in relation to any Personnel Board, means the Chairman of the Personnel Board, and includes any person appointed as an alternate Chairman;

“Commission” means the Legal Service Commission;

“member”, in relation to a Personnel Board, includes the Chairman and an alternate member of any other member thereof;

“officer” means an officer of the Singapore Legal Service;

“Personnel Board” means the Special Personnel Board or the Senior Personnel Board established by this Order;

“promotion” means the substantive upgrading from one grade to a higher grade within the Legal Service Scheme of Service;

“threshold grade” means the grade specified in paragraph 3 for the purposes of Article 111AA (2) (b) of the Constitution;

“timescale officer” means an officer holding an appointment below Superscale grade;

“transfer” means a transfer, whether or not involving an increase in salary, of a public officer from the Singapore Legal Service to another Scheme of Service in the public service.

PART II

PERSONNEL BOARDS

Threshold grade

3. For the purposes of Article 111AA (2) (b) of the Constitution, the grade is Superscale LSO Grade 2 in the Singapore Legal Service.

Special Personnel Board

4.—(1) There is hereby established a Special Personnel Board in respect of all Superscale officers in the Singapore Legal Service, except officers of and above the threshold grade.

(2) The Special Personnel Board shall have the jurisdiction and power to —

(a) appoint, confirm or emplace on the permanent establishment all Superscale officers except any officer of or above the threshold grade;

(b) promote all Superscale officers to any grade below the threshold grade; and

(c) transfer —

- (i) all Superscale officers below the threshold grade from the Singapore Legal Service to another Scheme of Service in the public service; or
- (ii) public officers from another Scheme of Service in the public service into the class of Superscale officers below the threshold grade in the Singapore Legal Service,

with the prior agreement of the Public Service Commission or the relevant Personnel Board established under Article 110D of the Constitution having jurisdiction and power over the other Scheme of Service or the public officer to be transferred, as the case may be.

Senior Personnel Board

5.—(1) There is hereby established a Senior Personnel Board in respect of all timescale officers in the Singapore Legal Service.

(2) The Senior Personnel Board shall have the jurisdiction and power to —

- (a) appoint, confirm or emplace on the permanent establishment all timescale officers;
- (b) promote all timescale officers, including considering and recommending to the Special Personnel Board an officer in that class for promotion to Superscale grade; and
- (c) transfer —
 - (i) timescale officers from the Singapore Legal Service to another Scheme of Service in the public service; or
 - (ii) public officers from another Scheme of Service in the public service into the class of timescale officers in the Singapore Legal Service,

with the prior agreement of the Public Service Commission or the relevant Personnel Board established under Article 110D of the Constitution having jurisdiction and power over the other Scheme of Service or the public officer to be transferred, as the case may be.

Members of Personnel Boards

6.—(1) Each Personnel Board shall comprise the members specified in the Schedule in relation thereto, being persons appointed by the President under Article 111AA (6) of the Constitution on the advice of the Commission.

(2) The Chairman and members of a Personnel Board shall hold office for such period and on such terms and conditions as the President may determine, and shall be eligible for re-appointment.

(3) At any time the President appoints the Chairman or a member of a Personnel Board, and from time to time as the occasion requires, the President may, on the advice of the Commission, appoint another person (not disqualified under Article 111AA (7) of the Constitution) to be an alternate Chairman or alternate member for that Chairman or member of the Personnel Board.

(4) An alternate Chairman or alternate member shall hold office for the same period as that held by the Chairman or member for whom he is appointed to act in place of (referred to in this Order as his principal), or for such shorter period as specified in his letter of appointment.

(5) An alternate Chairman or alternate member appointed under sub-paragraph (3) shall perform the functions and may exercise the powers of the principal for whom he is appointed an alternate Chairman or alternate member during the absence from Singapore or from duty of the principal or the principal's inability (because of his disclosure of an interest in accordance with paragraph 12, or otherwise) to act as the Chairman or a member, as the case may be.

PART III**PROCEEDINGS OF
PERSONNEL BOARDS****Meetings**

7.—(1) For the purpose of exercising its functions, a Personnel Board shall meet on such date and at such place and time as the Chairman of the Board may determine.

(2) A Personnel Board may hold meetings, or permit any member of the Personnel Board to take part in its meetings, by using any

technology that reasonably allows the member to hear and take part in discussions as they happen, and such a member who so participates in the meeting of the Personnel Board shall be taken to be present at the meeting of the Personnel Board.

(3) Subject to the provisions of this Order, a Personnel Board may regulate its own proceedings generally and, in particular, regarding the holding of meetings, the notice to be given of such meetings, the proceedings thereat, the keeping of minutes and the custody, production and inspection of such minutes.

Decisions of Personnel Board

8.—(1) Subject to the provisions of this Order, every matter arising at a meeting of a Personnel Board shall be decided by a simple majority of the members thereof present and entitled to take part in the decision, and in the event of an equality of votes, the Chairman or the member presiding at the meeting shall, in addition to his deliberative vote, have a casting vote.

(2) A motion lapses if the Chairman or the member presiding at a meeting of a Personnel Board declines to exercise a casting vote when the votes for and against the motion are equal.

Quorum

9.—(1) The quorum for all meetings of a Personnel Board which has more than 3 members shall be 3 including the Chairman or the member presiding, except that where a Personnel Board comprises only 3 members, all of its members shall be present.

(2) If, within 10 minutes from the time appointed for the meeting of a Personnel Board, a quorum of its members is not present, the members who are present may proceed with the business for which the meeting was convened as if a quorum were present but all decisions shall be interim decisions of the Personnel Board.

(3) Notice of all interim decisions of a Personnel Board must be forwarded to all its members within 7 days of the meeting.

(4) Interim decisions of a Personnel Board at a meeting shall become decisions of the Personnel Board —

(a) if no request for a further meeting to be convened is received by the Chairman of the Personnel Board within 14 days of

the meeting, at the end of the 15th day after the date of the interim decision; or

- (b) in any other case, when confirmed at a subsequent meeting of the Personnel Board.

Transaction of business outside meetings

10.—(1) A Personnel Board may, if it thinks fit, transact any of its business by the circulation of papers among all of the members of the Personnel Board.

(2) A resolution in writing, approved in writing, by a simple majority of the members of a Personnel Board for the time being entitled to take part in the decision in respect thereof shall be taken to be a decision of the Personnel Board and as valid and effectual as if it had been passed at a meeting of the Personnel Board duly convened and held.

(3) Separate copies of a resolution may be distributed for signing by the members of a Personnel Board if the wording of the resolution and approval is identical in each copy.

(4) For the purpose of the approval of a resolution under this paragraph, the Chairman of the Personnel Board and each member of the Personnel Board shall have the same voting rights as they have at any ordinary meeting of the Personnel Board.

(5) The resolution of a Personnel Board shall be approved when the last member thereof required for the majority signs.

(6) Papers may be circulated among members of a Personnel Board for the purposes of this paragraph by facsimile or electronic transmission of the information in the papers concerned.

Proceedings to be private

11.—(1) Subject to the provisions of this Order, the proceedings of every Personnel Board shall be conducted in private.

(2) A Personnel Board may invite any person who, in the opinion of the Personnel Board, can give information in respect of any particular matter which is likely to be of assistance to the Personnel Board.

Disclosure of interest

12.—(1) Where it would be unjust or improper for any member of a Personnel Board, whether by reason of his personal interest or otherwise, to consider any matter which the Personnel Board is to consider, that member shall disclose the nature of his interest to the Personnel Board.

(2) Any disclosure of interest in any matter made by a member under sub-paragraph (1) shall be recorded in the minutes of the Personnel Board, and that member shall not vote or take part in any deliberation or decision of the Board with respect to that matter.

Duties of Chairman, etc.

13.—(1) The Chairman of a Personnel Board shall preside at every meeting of the Board.

(2) If the Chairman is not present within 10 minutes after the time appointed for the holding of the Personnel Board meeting or is unwilling to act, the members present may elect one of their number to be Chairman of the meeting.

(3) The Chairman or the member elected under sub-paragraph (2) to preside at any meeting of the Personnel Board shall ensure the observance of this Order.

Duties of alternate members

14.—(1) Any person while he holds office as an alternate Chairman or alternate member in place of any Chairman or member of a Personnel Board shall be entitled to —

- (a) notice of meetings of the Personnel Board; and
- (b) attend and take part in the deliberations and decisions of the Personnel Board and exercise all the powers of the principal for whom he is appointed an alternate Chairman or alternate member during the absence from Singapore or from duty of the principal or the principal's inability (because of his disclosure of an interest in accordance with paragraph 12, or otherwise) to act as the Chairman or a member, as the case may be.

(2) Notwithstanding sub-paragraph (1), an alternate Chairman or alternate member shall be entitled to attend any meeting of a Personnel Board and to take part in the deliberations thereat even though his principal also attends the meeting but the alternate Chairman or alternate member shall not have the right to participate in the decisions of the Personnel Board with respect to any matter arising at that meeting.

Inability to attend meetings

15. A member who is unable to be present at any meeting shall as soon as practicable give notice thereof to the Chairman.

Personnel Board to abide by Instruction Manuals, etc.

16. In the exercise of its functions, a Personnel Board shall abide by the Instruction Manuals or other administrative orders or directives for the time being lawfully issued and in force by the Public Service Division of the Prime Minister's Office.

Panels

17. A Personnel Board may, from time to time, if it considers it necessary, having regard to the procedure, the number of posts, grades, the number of officers or persons involved and the time which may be taken in respect of a promotion or recruitment exercise, establish one or more panels to assist it in the performance of its functions.

Notification of decisions of Personnel Board

18.—(1) All candidates in a promotion or recruitment exercise shall be notified by the Personnel Board concerned of its decision.

(2) For the purposes of this Order, where a Personnel Board informs all candidates in a promotion or recruitment exercise of the date on which the decisions of the Personnel Board shall have effect, any candidate to whom no such decision is conveyed on or before that date shall be deemed to have been notified of the Personnel Board's adverse decision on that date.

PART IV
APPEALS TO COMMISSION

Appeal against decisions of Personnel Board

19.—(1) A person in respect of whom a Personnel Board has made a decision may, within 30 days after he is notified of such decision, appeal to the Commission against that decision.

(2) On receipt of any application under sub-paragraph (1), the Commission shall immediately consider the appeal and review the decision to which the application relates.

(3) After reviewing the decision appealed against, the Commission may either confirm or vary that decision or substitute a fresh decision and, upon making its final decision, immediately inform the person who is the appellant.

Form of appeal

20.—(1) Every appeal by a person to the Commission against a decision of the Personnel Board shall —

- (a) be in writing;
- (b) refer to the decision appealed against and set out the grounds of appeal in a clear and concise manner; and
- (c) be signed by the person notified of the decision.

(2) An appeal may be accompanied by such relevant testimonials, qualifications, references and other information as the appellant considers necessary in support of his appeal.

(3) The Commission may refuse to consider any appeal that fails to comply with sub-paragraph (1).

Consideration of appeal

21.—(1) On receipt of the records and the grounds for the decision of the Personnel Board concerned, the President of the Commission shall, subject to paragraph 22, convene a meeting of the Commission to consider the appeal.

(2) The Commission shall decide an appeal solely on the merits of the case.

(3) Before making any decision on the appeal, the Commission may —

- (a) seek advice on any matter arising out of the appeal; and
- (b) call to its presence any person who in its opinion is able to give further evidence.

(4) After considering the appeal, the Commission may confirm or vary the decision of the Personnel Board concerned.

Consideration of appeal outside meetings

22.—(1) The Commission may, if it thinks fit, consider an appeal against any decision of a Personnel Board by the circulation of papers among all of the members of the Commission.

(2) A resolution in writing, approved in writing, by a simple majority of the members of the Commission for the time being entitled to take part in the decision in respect thereof shall be taken to be a decision of the Commission and as valid and effectual as if it had been passed at a meeting of the Commission duly convened and held.

(3) Separate copies of a resolution may be distributed for signing by the members of the Commission if the wording of the resolution and approval is identical in each copy.

(4) The resolution of the Commission shall be approved when the last member thereof required for the majority signs.

(5) Papers may be circulated among members of the Commission for the purposes of this paragraph by facsimile or electronic transmission of the information in the papers concerned.

Finality of decisions of Commission

23. The decision of the Commission on an appeal under this Order shall be final.

PART V

MISCELLANEOUS

Confidentiality

24.—(1) Every person attending any meeting of a Personnel Board or Commission, whether by reason of an invitation under paragraph 11 (2) or being called to give evidence under paragraph 21 (3), shall

not publish or disclose to any other person any matter arising at such meeting of the Personnel Board or Commission, as the case may be, except with the prior written permission of the President.

(2) Any person who contravenes sub-paragraph (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000.

THE SCHEDULE

Paragraph 6

COMPOSITION OF PERSONNEL BOARDS

<i>First column</i>		<i>Second column</i>
<i>Personnel Board</i>		<i>Composition</i>
1. Special Personnel Board	Chairman	Chief Justice Chan Sek Keong
	Members	Mr Chao Hick Tin
		Justice Lee Seiu Kin
2. Senior Personnel Board	Chairman	Justice Lee Seiu Kin
	Members	Prof Woon Cheong Ming Walter
		Mr Richard Magnus
		Mrs Koh Juat Jong.

Made this 29th day of November 2007.

By Command,

LAU WAH MING
Secretary to the Cabinet,
Singapore.

[LSC/5.1.01; AG/LEG/SL/CONS/2005/9 Vol. 1]