

THE PARISH COUNCILS (UNIFIED SERVICE) ACT

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SCHEDULES

THE PARISH COUNCILS (UNIFIED SERVICE) ACT

[14th September, 1956.]

Law
35 of 1956.
Acts
11 of 1964
Sec. 2.,
24 of 1977.

1. This Act may be cited as the Parish Councils (Unified Service) Act. Short title.

2.—(1) In this Act, unless the context otherwise requires— Interpreta-
tion.

“appointed day” means the day on which this Act commences;

“chairman” means the chairman of the Commission and includes any person appointed to act as chairman of the Commission;

“Commission” means the Parish Councils Services Commission constituted under this Act;

“nominating body” means a body authorized under the provisions of this Act to nominate persons for appointment as members of the Commission;

“principal Act” means the Parish Councils Act.

(2) In this Act reference to the Parish Council of any parish shall include reference to any person or persons appointed by the Minister to exercise the powers and perform the duties of the Parish Council of such parish pursuant to the provisions of section 116 of the principal Act.

(3) Except as provided in subsection (1) any expression appearing in this Act which is defined in the principal Act shall have the meaning assigned to that expression by the principal Act, unless the context otherwise requires.

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Establishment and constitution of Parish Councils Services Commission.

3.—(1) There is hereby established a Parish Councils Services Commission which shall consist of not less than four nor more than six members appointed by the Governor-General by instrument in writing under his hand, so, however, that—

- (a) one member shall be appointed from among persons nominated by the Jamaica Association of Local Government Officers in accordance with subsection (4); and
- (b) one member shall be appointed from among persons nominated by the Parish Councils' Association in accordance with the said subsection.

(2) No person shall be appointed as a member of the Commission at any time when he is a member of either House of Parliament or a councillor of the Kingston and St. Andrew Corporation or a Parish Council or an employee of the Kingston and St. Andrew Corporation or any Parish Council, and any member of the Commission who becomes a member or councillor, as the case may be, of any of the bodies aforesaid or an employee of the Kingston and St. Andrew Corporation or a Parish Council, shall thereupon be deemed to have vacated his office as a member of the Commission.

(3) The Governor-General shall by instrument in writing appoint one of the members of the Commission, not being a person holding any office of emolument—

- (a) under the Crown; or
 - (b) under the Government of Jamaica; or
 - (c) the emoluments of which are payable out of the funds of the public or of any parish,
- to be chairman thereof.

(4) Each nominating body shall as soon as possible after the commencement of this Act furnish to the Minister

a panel of the names of not less than five persons whom they nominate for appointment under paragraphs (a) and (b) of subsection (1), respectively, as occasion may require.

(5) A nominating body may at any time by instrument in writing addressed to the Minister cancel the nomination of any person whose name appears on the panel of persons nominated by them.

(6) Whenever the occasion requires each nominating body shall submit to the Minister an additional name or names for inclusion in the panel concerned, in place of any name or names which may for any reason have been removed therefrom.

(7) The Governor-General may, if he thinks it expedient so to do, at any time revoke the appointment of—

- (a) the chairman;
- (b) any member of the Commission:

Provided that—

- (i) he shall not revoke the appointment of a member nominated by a nominating body except after consultation with such nominating body; and
- (ii) whenever a nominating body have in accordance with the provisions of subsection (5) cancelled the nomination of a person who has been appointed a nominated member he shall revoke the appointment of that member.

4.—(1) The Governor-General on the application of any member of the Commission (including the chairman) may grant to such member leave of absence for any period not exceeding six months and may appoint some other person to act as a member during the period of leave of absence so granted:

Grant of
leave of
absence to
members.

Provided that where leave of absence is granted to a nominated member, a person nominated by the nominating body concerned in accordance with the provisions of this Act, shall be appointed to act instead.

(2) Where leave of absence is granted under subsection (1) to the chairman, the Governor-General shall, subject to the provisions of subsection (3) of section 3, appoint some member of the Commission to act as chairman during the period of leave of absence so granted.

(3) In subsection (2) the expression "member of the Commission" includes any person appointed to act as a member of the Commission pursuant to the provisions of subsection (1).

Tenure
of Office.

5.—(1) Subject to the provisions of subsection (2) of section 3 every member of the Commission shall hold office for a period of two years from the date of his appointment, or until the Governor-General revokes his appointment whichever shall be the earlier, so, however, that any member of the Commission may, by notice in writing—

(a) if he is the chairman of the Commission, addressed to the Minister; and

(b) in any other case, addressed through the chairman of the Commission to the Minister, resign his office as chairman or as a member of the Commission, or both, as the case may be.

(2) Subject to the provisions of this Act every person who has vacated the office of a member of the Commission shall be eligible for reappointment thereto from time to time.

Remunera-
tion of
chairman
and
members
of the
Commis-
sion.

6. There shall be paid to the chairman and members of the Commission such remuneration, if any, as the Minister may determine.

7. The validity of any proceedings of the Commission shall not be affected by any vacancy amongst the members thereof, or by any defect in the appointment of a member thereof.

Validity of proceedings.

8.—(1) The Governor-General shall appoint a secretary to the Commission and such other officers and servants thereto as he may consider expedient for securing the proper discharge of the functions of the Commission under this Act.

Appointment of officers and servants of the Commission.

(2) The Governor-General may, if he thinks fit, and subject to such conditions as he may impose, appoint any officer in the service of the Government of this Island to any office under the Commission :

Provided that in relation to pension, gratuity, allowance and other rights as a public officer, such officer shall be deemed to be in the service of the Government of this Island while so employed.

9. The expenses of the Commission (including the remuneration of members and staff thereof) shall be defrayed out of sums provided from time to time for the purpose by the Legislature.

Expenses of the Commission.

10.—(1) Notwithstanding anything to the contrary, from and after the appointed day, such matters as may be prescribed relating to the exercise by a Parish Council of their functions under the provisions of any law, in respect of the appointment of persons to the service of such Parish Council and the promotion, transfer, termination of appointment, dismissal and disciplinary control of employees of such Parish Council, or any prescribed class of such employees, and their terms and conditions of service, shall stand referred to the Commission to be dealt with by the Commission in such manner as may be prescribed.

Functions of the Commission.

(2) With a view to facilitating the establishment of a unified service for Parish Councils, the Commission may, subject to the provisions of this section and to any regulations made under this Act, at any time cause any person holding a prescribed office to be transferred from the service of one Parish Council to the service of another Parish Council either with or without his consent or the consent of the Parish Council from or to whose service he is transferred:

Provided that the Commission shall not exercise such power of transfer in relation to any existing employee of a Parish Council unless such employee has failed to elect, within the prescribed period or such other period as may be fixed by the Minister in any particular case, to retain the right which is hereby conferred to refuse to be transferred (temporarily or otherwise) from the service of such Parish Council to the service of another Parish Council.

For the purposes of this subsection the expression "existing employee" means any person who, on the appointed day, is the substantive holder of an office in the service of a Parish Council, but where such a person is a poor relief officer the references to the appointed day in this paragraph and in regulations 2 and 3 of the Second Schedule shall be deemed to be references to the 1st April, 1964.

11/1964
S. 2 (3).

Second
Schedule.

The chair-
man and
members
of Commis-
sion shall
take an
oath.
First
Schedule.

Protection
of chair-
man and
members
of the
Commis-
sion.

11. The chairman and members of the Commission shall on first appointment take an oath or make an affirmation, each according to his conscience, in the form in the First Schedule. Such oath shall be administered by a Justice of the Peace.

12. The chairman and any other member of the Commission shall have such and the like protection and privileges in case of any action or suit brought against him for any act done or omitted to be done in the execution

of his duty as is by law given to any Judge of the Supreme Court acting in the execution of his office.

13. Any person who in connection with an application by any person for employment or promotion in the service of a Parish Council or with any matter upon which it is the duty of the Commission to decide or to make recommendations to any Parish Council under this Act, wilfully gives to the Commission or to the chairman or a member thereof or to any person or body of persons appointed to assist the Commission in the exercise of their functions or the discharge of their duties any information which is false by reason of the falsity of, or by reason of the omission of, a material particular, shall be guilty of an offence and upon summary conviction thereof before a Resident Magistrate shall be liable to a fine not exceeding one thousand dollars or in default of payment thereof to be imprisoned for any term not exceeding two years or to both such fine and imprisonment.

Offence of giving false information to the Commission.

14.—(1) The Minister may make regulations generally for the better carrying out of the provisions of this Act.

Regulations.

(2) Regulations made under subsection (1) may, without prejudice to the generality of the power thereby conferred, provide for—

- (a) the time, place and manner, when, in which and how the Commission shall exercise their functions and duties;
- (b) the conduct of examinations and the interviewing of employees of any Parish Council or candidates for appointment in the service of a Parish Council by the Commission;
- (c) forms and fees in connection with applications to the Commission, reports or communications from the Commission or for any other matters required by or under this Act;

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- (d) any matter which under section 10 requires to be prescribed;
- (e) the terms of, and qualifications for, appointment to any office in the service of a Parish Council or to the method of recruitment thereto;
- (f) the transfer of officers or any class of officers from the service of one Parish Council to the service of another Parish Council, and the conditions and restrictions governing such transfers;
- (g) appeals from decisions in disciplinary proceedings against any employees of a Parish Council;

- (h) changes in the terms and conditions of service of persons already in the service of a Parish Council at the time when the regulations take effect.

24/1977
S. 2.

**Second
Schedule.**

(3) The Regulations contained in the Second Schedule shall be deemed to have been made under the provisions of subsections (1) and (2).

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FIRST SCHEDULE

(Section 11)

Oath of Office

I, _____, having been appointed
chairman
(to act) as _____ of the Parish Councils Services Commission
member

swear

do _____ that I will freely
solemnly and sincerely declare and affirm
and without fear or favour, affection or ill will, give my counsel and
advice to every Parish Council in connection with all such matters as
may be referred to the Parish Councils Services Commission under
the Parish Councils (Unified Service) Act, and that I will not directly
or indirectly reveal any such matters to any unauthorized person or
otherwise than in course of duty.

Sworn

_____ before me this _____ day of _____, 19 _____

Declared

Justice of the Peace

SECOND SCHEDULE

(Section 14(3))

1. These Regulations may be cited as the Parish Councils Services Commission Regulations. Short title.

2.—(1) In these Regulations—

“Commission” means the Parish Councils Services Commission constituted under this Act;

“existing officer” means a person who is on the appointed day, the substantive holder of a unified service office;

“unified service office” means any office of emolument in the service of a Parish Council, set out in the Appendix;

“unified service officer” means the substantive holder of a unified service office.

Interpretation and application. 24/1977 S. 3(a), (b).

(2) From and after the 1st day of October, 1977, these Regulations other than regulation 11 shall not apply to any weekly-paid employee of a Parish Council whether or not the employee was in the service of a Parish Council before that date.

G.N. 691/1977 L.N. 41s/82.

3. Every existing officer shall elect within six months after the appointed day whether or not he will retain the right to refuse to be transferred (temporarily or otherwise) from the service of the Parish Council by whom he is employed to the service of another Parish Council; and any existing officer, who has not within that period

Existing officers to elect.

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exercised his right to elect, shall be deemed to have elected not to retain such right of refusal:

Provided that any such officer who elects to retain the right of refusal as aforesaid but subsequently accepts a permanent appointment in the service of another Parish Council shall lose such right of refusal.

Functions
of the
Commis-
sion.

4. (1) Pursuant to the provision of section 10 of this Act the matters contained in the following sub-paragraphs shall stand referred to the Commission and the Commission shall—

(a) as occasion requires, make recommendations to a Parish Council in relation to—

L.N.
229/1962.

(i) the appointment (including the appointment of deputies and the making of acting appointments) of persons as unified service officers; and

(ii) the promotion, termination of appointment, dismissal and disciplinary control of unified service officers:

L.N.
230/1960.

Provided that in respect of a decision to interdict a unified service officer from the exercise of his duties until the determination of any proceedings against him, the Commission may act in its discretion;

(b) subject to the provisions of regulation 3, determine any question in relation to the transfer (temporarily or otherwise) of unified service officers from the service of one Parish Council to that of another Parish Council;

(c) consider any appeal which may be made by a unified service officer in regard to his transfer from one department of a Parish Council to another department of the same Parish Council or in regard to his transfer from one office to another within the same department, not involving promotion to a higher grade or class, and submit a recommendation to the Parish Council concerned in each case;

(d) consider any question in relation to awards to unified service officers to enable them to obtain further training and make recommendations to the Parish Council concerned thereon;

(e) advise the Parish Council concerned from time to time with regard to the training of unified service officers;

(f) interview candidates for the award of scholarships to unified service officers under any scheme approved by the Minister or any other scheme, and make recommendations to the Parish Council concerned;

(g) consider and determine any appeal made by a permanent employee of a Parish Council under paragraph (2) of regulation 11.

(2) In any case where a recommendation is made by the Commission to a Parish Council pursuant to sub-paragraph (a), (c), (d) or (f) of paragraph (1) the Parish Council shall act in accordance with

such recommendation, but before doing so may not later than fourteen days after the first meeting of the Parish Council subsequent to the making of such recommendation, request the Commission to reconsider their recommendation: L.N.
229/1962.

Provided that any recommendation which the Commission may make as a result of such request shall be accepted by the Parish Council as final.

5. (1) The Commission shall meet from time to time as may be necessary but at least twice in each year, in June and December, for the purpose of considering the appointment of candidates to such unified service offices as may be vacant, and shall consider the following in respect of each candidate— Procedure
regarding
appoint-
ments.

- (a) educational record;
- (b) general fitness;
- (c) any previous service in the employment of a Parish Council or the service of the Government of this Island or any other employment; and
- (d) any reports for which the Commission may call.

(2) Where the terms and qualifications for appointment to any unified service office or the method of recruitment thereto shall have been prescribed, the Commission in making recommendations for appointment to such office shall ensure that such requirements have been complied with.

(3) All candidates for appointment to the service of a Parish Council as Clerical Officer Grade II and Stenographer and Typist who possess the necessary qualifications for appointment shall be interviewed by the Commission.

6. At any meeting of the Commission the chairman or acting chairman and any two members shall form a quorum for the transaction of business. All decisions of the Commission shall be by a majority of the votes of the members present and voting: Quorum.

Provided that the chairman or acting chairman, as the case may be, shall have a casting vote (as well as an original vote) wherever the voting shall be equal.

7. It shall be open to any member of the Commission who is present when any decision is made to dissent therefrom and to record his dissent and his reasons for dissenting. Dissent of
member.

8. Questions may also be decided by the Commission by circulation of the relevant papers among the members. If, however, on circulation of the papers relating to any question a difference of opinion arises among the members, or if any member so desires, the question shall be discussed at a meeting. Circulation
of papers.

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Con-
sulta-
tion with
heads of
depart-
ments.

9. The Commission in considering any matter or question referred to them for their advice may consult with such heads of departments in the service of a Parish Council or public officers or other persons as the Commission may consider proper and desirable.

Record of
minutes.

10. Minutes of all meetings of the Commission shall be recorded. Copies of such minutes duly confirmed at a subsequent meeting shall, as soon as practicable thereafter, be forwarded to the Minister.

Appeals.
L.N.
7/1961.

11. (1) A Unified Service Officer who suffers dismissal or any other disciplinary punishment shall be entitled to appeal to the Privy Council against such dismissal or punishment.

(2) A permanent employee of a Parish Council, not being a unified service officer, who suffers dismissal shall be entitled to appeal to the Commission against such dismissal.

(3) For the purpose of paragraph (2) "a permanent employee" means a person, other than a daily paid employee, employed whole-time in the service of a Parish Council.

L.N.
7/1961.

(4) Where an appeal is taken under this regulation—
(a) to the Privy Council, the Privy Council shall consider the case and shall advise the Governor-General what action should be taken in respect of the officer concerned, and the Governor-General shall then act in accordance with such advice;
(b) to the Commission, the Commission shall consider and decide the case,
and any action of the Governor-General or decision of the Commission shall be final.

L.N.
229/1962.

(5) The Privy Council or the Commission, as the case may be, in the exercise of its functions under this regulation may—

(a) consider and deal with any case at such time and in such manner either in the presence or absence of the appellant as it thinks fit; and

(b) give such advice to the Governor-General or, in the case of an appeal to the Commission, make such decision, as it thinks fit including, without prejudice to the generality of the foregoing, advice or a decision, as the case may be—

(i) that any penalty imposed be confirmed or that another penalty be substituted therefor whether or not the substituted penalty is of a like nature to that originally imposed;

(ii) that the case be remitted for rehearing either generally or subject to such instructions as the Privy Council or the Commission (as appropriate) may consider necessary.

APPENDIX

(Regulation 2)

1. Offices declared to be pensionable under the Pensions (Parochial Officers) Act.
2. Permanent offices the minimum emoluments of which are not less than \$1,100 per annum.
3. The offices set out hereunder—

Manager, Abattoir
Superintendent, Slaughter-house
Market Supervisor
Superintendent, Street Cleaning
Superintendent, Fire Brigade (wholetime)
Market Clerk, Grade I
Works Overseer

Assistant Inspector of Poor
Assistant Matron of the Alms-house
Staff Nurse
District Nurses
District Midwives
Stenographer and Typist

11/1964
S. 2 (3).

L.N.
2/1967.