

Foundation Agreement
Annex III, Attachment 22, Law 1

**Federal Law on the Functioning of the
Public Service Commission for the
Appointment, Promotion and Retirement of
Public Officers and for Conditions of
Service, Disciplinary Proceedings and
other Matters Relating to the Public Service**

The text of this Law is as provisionally agreed (subject to agreement of the political leaders) in the Technical Committee on Laws, save for highlighted parts which represent the suggestions of the United Nations to resolve outstanding issues.

Section 1 Short title

This Law may be cited as the “Federal Law on Public Service”.

Part I. PRELIMINARY

Section 2 Interpretation

In this Law, unless the context otherwise requires -

"appropriate authority" means

- a) the Presidential Council in respect of the Director of the Presidential Council's Office and of the officers of such Office, but in respect of these officers, usually acting through the Director of the Presidential Council's Office;
- b) the President of either Chamber of the Parliament in respect of the Permanent Secretary of either Chamber of the Parliament and of the officers of either Chamber of the Parliament, normally acting through the Permanent Secretary of either Chamber of the Parliament in respect of these officers;
- c) the President of the Supreme Court of Cyprus in respect of the Chief Registrar and of the Registrars and of the officers of the Supreme Court of Cyprus and of all other courts under its authority, normally acting in respect of them through the Chief Registrar;
- d) the Presidential Council in respect of the Permanent Secretaries of the Departments (Ministries) and the Secretary of the Presidential Council and the officers of its Secretariat, normally acting in respect of them through the Secretary of the Presidential Council;
- e) the Head of an Independent Office or Service in respect of the officers of such Office or Service;
- f) the Minister normally acting through the Permanent Secretary of his/her Department in respect of the officers of his/her Department and of any department under his/her Department.

"Attorney General" means the federal Attorney-General;

"Chairman" means the Chairman of the Public Service Commission;

"Commission" means the Public Service Commission;

“Court” means a court of competent jurisdiction;

“department” means any Division or Service in a Department as may be prescribed;

"Department" means any federal Department provided for by the Constitution of the United Cyprus Republic;

"Gazette" means the federal Official Gazette;

"Head of department" means the holder of the highest office in the hierarchy of the department and in the case of an Independent Office or Service the Head thereof and includes the Director of the Presidential Council's Office, the Permanent Secretary of either Chamber of the Parliament in respect of the officers of either Chamber of the Parliament, the Permanent Secretary of a Department in respect of the officers not under a department of the Department, the Secretary of the Presidential Council in respect of the officers of its Secretariat and the Chief Registrar in respect of the Registrars and all officers of the Supreme Court of Cyprus and of all other Courts under the authority of the Supreme Court of Cyprus;

"law" includes any federal provision of a legislative nature and the federal Budget;

"member state" means any member state of the European Union;

"Minister" means the Head of a Department;

"office" means a public office;

"officer" means a public officer;

"oral examination" means individual or collective oral examination and includes interview;

"Parliament" means the federal Parliament or any Chamber thereof;

"prescribed" means prescribed by a public instrument;

"public instrument" includes Regulations, Orders, Rules and any other instrument made or issued under this Law;

"public office" means an office in the public service;

"public officer" means the holder, whether substantive or temporary or acting, of a public office;

"public service" means any federal service other than the federal judicial service or service in the Joint Investigation Agency or the federal Police or service in the Office of the Attorney-General or Auditor-General or their Deputies or service in any Office in respect of which other provision is made by law or service by persons employed on a casual basis or by persons whose remuneration is calculated on an hourly basis;

"service" means public service.

Section 3 *Application of this Law*

Subject to the provisions of this Law, this Law shall apply to all members of the public service except those who do not come within the province of the Commission or for whom other provision is made under any other law in force for the time being.

Section 4 *Composition of public service*

- 1) The composition of the public service shall, where not otherwise specified in the Constitution of the United Cyprus Republic or special majority law, be proportional to the population of the constituent states, though at least one third of the public officers at every level of the administration must hail from each constituent state.
- 2) A public officer may not simultaneously serve as a public officer of a constituent state unless s/he is serving on secondment.

Part II. PUBLIC SERVICE COMMISSION

Section 5 *Public Service Commission*

- 1) There shall be a Public Service Commission consisting of a Chairman and five other members, men and women, appointed by the Presidential Council.
- 2) The members of the Commission shall hail in equal numbers from each constituent state.
- 3) The term of office of the Commission shall be for a period of six years.
- 4) The members of the Commission shall be dismissed only for the same reasons and in the same manner as the Supreme Court Judges can be dismissed.
- 5) Any member of the Commission may at any time resign his/her office by writing under his/her hand addressed to the Presidential Council.
- 6) If during any period any member of the Commission is on leave, or is unable owing to absence from Cyprus or to illness or to any other cause, to perform his/her duties or to discharge his/her functions as a member of the Commission under this Law, the Presidential Council may appoint any person qualified to be a member of the Commission, to be a temporary member for the period during which the member is on leave or is so disabled.
- 7) No person shall be appointed as, or be, a member of the Commission, unless-
 - a) s/he is a citizen of Cyprus, of high moral character and possesses the qualifications for election as a member of Parliament,
 - b) s/he is not or has not been during the twelve months prior to his/her appointment in respect of the Chairman or during the six months prior to his/her appointment in respect of any member –
 - i) a Minister, or a Minister of either constituent state;
 - ii) a member of Parliament or a member of the Legislature of either constituent state;

- iii) a public officer, or a public officer of either constituent state, or an officer serving in the public sector in general of either constituent state;
 - iv) an employee of any local authority or legal person or organisation of common interest established by law for the public interest, and
 - v) a member of a trade union or association or organisation belonging to that trade union.
- c) s/he possesses a university degree or other equivalent qualification and has had at least fifteen years professional experience in the public and/or private sector, out of which at least five years in a senior post .

Section 6 *Functions of the Commission*

Save where other express provision is made in this or any other law with respect to any matter set out in this section and subject to the provisions of this or any other law in force for the time being, it shall be the duty of the Commission to appoint, confirm, emplace on the permanent establishment, promote, transfer, second, retire and exercise disciplinary control over, including dismissal or removal from office of, public officers.

Section 7 *Emoluments*

The emoluments of the Chairman and the member of the Commission shall be specified by law and shall not be adversely amended after their appointment.

Section 8 *Nature of service*

The service of the Chairman and the other members shall be on a full-time basis and subject to the hours of work fixed by the Presidential Council from time to time for public officers.

Section 9 *Private employment*

Except with the consent of the Presidential Council, the Chairman and the other members of the Commission shall not engage in any profession or work or employ themselves in any business nor shall they accept on payment any other employment or engagement outside their duties.

Section 10 *Leave and other benefits*

The Chairman and the other members of the Commission shall be eligible for such vacation and sick leave and other benefits as may be determined from time to time by the Presidential Council.

Section 11 Chairman of the Commission

- 1) The Chairman shall be the head of the Commission and of its Office, shall convene and preside at the meetings of the Commission and shall sign the minutes and any important correspondence or documents.
- 2) The Chairman shall prepare the agenda of every meeting and cause them to be communicated to every member of the Commission at least twenty-four hours before the meeting. In case of urgency the agenda may be circulated amongst the members immediately before the holding of the meeting.
- 3) The Chairman shall insert in the agenda any subject if so requested by any member of the Commission not later than forty-eight hours before the holding of the meeting if such subject can conveniently be dealt with at such meeting, otherwise the subject shall be included in the agenda of a future meeting at which it may conveniently be dealt with, but in any case not later than fifteen days from the date on which the request is made.
- 4) The Chairman shall insert in the agenda, within one week of the receipt of a request therefore, any subject referred to him by the appropriate authority.
- 5) It shall be the duty of the Chairman to see that every decision of the Commission is duly executed.

Section 12 Proceedings at meetings and minutes

- 1) If the Chairman is unable to attend and preside at any meeting, the members present shall elect one from amongst themselves to preside at the meeting, being a person hailing from the same constituent state as the Chairman of the Commission.
- 2) Subject to the ensuing provisions of this subsection, any decision of the Commission shall be taken by a majority vote of its members, including one member from each constituent state.
- 3) The Chairman and three other members or, in case of absence of the Chairman, four members, present at any meeting, shall constitute a quorum.
- 4) There shall be kept minutes of the proceedings of every meeting in which there shall be recorded in a summary form what has taken place at the meeting. Any member present at the meeting may require his/her views, which are material to a decision, to be recorded in the minutes.
- 5) Copy of the minutes shall, as expeditiously as possible, and in any event not later than seven days after the meeting, be distributed amongst the members. Any observations on the minutes so distributed shall be submitted to the Chairman in writing within forty-eight hours of their distribution, and determined at the meeting next following and the minutes

shall then be confirmed. If no such observations are made within the aforesaid period the minutes shall be deemed to have been confirmed.

- 6) The minutes when confirmed shall be signed by the Chairman of the meeting and kept in a special book or file of minutes.
- 7) Subject to the provisions of this Law, the Commission may regulate its own procedure.

Section 13 Privilege of minutes, etc.

The minutes of any meeting or other proceedings of the Commission and any report, statement, communication or other document received by the Commission in the exercise of its functions under this Law shall be privileged and shall not be produced in any legal proceedings unless the Chairman certifies, on the advice of the Attorney-General, that such production is not against the public interest or unless the Court requires them for its own inspection.

Section 14 Vacancy

- 1) Where the Chairman or any other member of the Commission becomes disqualified from holding office, the Presidential Council shall terminate his/her appointment.
- 2) Where the appointment of the Chairman or other member of the Commission is terminated either in accordance with subsection (1) of this section or in accordance with subsection (4) of section 5 or where the office of the Commission becomes vacant for any reason, the Presidential Council shall proceed within forty-five days to make a new appointment for the unexpired period of the term of office of the Commission of a new member hailing from the same constituent state as the member whose appointment is so terminated.
- 3) The validity of any act or proceedings of the Commission shall not be affected by reason of any vacancy in the number of its members if and so long as the number of members is not less than **four**.

Section 15 Office of the Commission

- 1) There shall be an Office of the Commission.
- 2) Upon proposal of the Commission, there shall serve in the Office of the Commission such number of public officers as may be decided by the Presidential Council from time to time, one of whom shall act as Secretary.
- 3) The Secretary shall have charge of the Commission's Office and shall, in accordance with any instructions which may be given to him by the Chairman, attend its meetings and keep the minutes thereof. The Secretary shall convey all the decisions of the Commission to any authority or person concerned, keep the correspondence and records of

the Commission and make them available to any member as may be required by such member for the performance of his/her duties.

Section 16 *Obligation to secrecy*

- 1) The Chairman and every other member of the Commission shall regard and treat any matter raised or discussed at any meeting or other proceeding of the Commission and any information, written or oral, which has come to his/her knowledge in the course of his/her duties as secret and shall not, without the consent of the Commission given in writing by the Chairman, disclose or communicate any such matter or information except for the proper performance of his/her duties.
- 2) The Chairman or any other member of the Commission who acts in contravention of, or fails to comply with, the provisions of subsection (1), shall be guilty of an offence and shall be liable to imprisonment for a term not exceeding two years or to a fine not exceeding five thousand pounds or to both such imprisonment and fine.

Section 17 *Abstention from duties*

On the commencement of the procedure for the dismissal of the Chairman or of any member of the Commission in accordance with subsection (4) of section 5, the Chairman or such member shall abstain from his/her duties until this procedure comes to an end.

Section 18 *Protection of members*

Subject to the provisions of this Law, neither the Chairman nor any other member of the Commission shall be liable for any words spoken or any act done or omitted to be done in the bona fide execution of their duties.

Section 19 *Motion to take action*

- 1) Subject to the provisions of the remaining subsections of this section, the Commission shall not proceed to fill any vacancy in any public office except upon the receipt of a written proposal to that effect from the appropriate authority.
- 2) Subject to the provisions of section 35, the appropriate authority shall submit a proposal for the filling of any vacant office within four months of the date of the establishment of the office or the vacancy of the latest.
- 3) Where the appropriate authority does not comply with the provisions of subsection (2), the Commission shall proceed with the filling of the office without the proposal of the appropriate authority.
- 4) A proposal of the appropriate authority for the filling of an office cannot be withdrawn.

Section 20 Requirement of public officers to supply information, etc.

The Commission may require, through the appropriate authority concerned, any public officer to attend and give evidence before it or supply any information or assist the Commission concerning any matter which the Commission is required to consider in the exercise of its functions and may require the production of any official documents relating to any such matter.

Section 21 Documents to be made available

Any public officer who submits any matter for the consideration of the Commission shall ensure that all relevant documents and papers are made available to the Commission.

Section 22 Failure to comply with request of Commission

Any public officer who during any disciplinary proceedings before the Commission acts in an improper or contemptuous for the Commission manner or without reasonable excuse fails to appear before the Commission when lawfully required to do so, or who fails to comply with any direction lawfully and properly made by the Commission, shall be guilty of a breach of discipline and, notwithstanding the provisions of section 84, the Commission may institute disciplinary proceedings against him and impose any of the punishments provided by Part II of Annex 1 of this Law.

Section 23 Annual report

The Chairman of the Commission shall submit, in the first half of each year, a report on the work of the Commission during the preceding year for the information of the Presidential Council.

Part III. STRUCTURE OF THE PUBLIC SERVICE

Section 24 Permanent and temporary offices

- 1) An office may be either permanent or temporary.
- 2) A permanent or temporary office is created as such by or under a law specifying its title and the salary or salary scale of the office.

Section 25 Maximum number of offices

The maximum number of permanent or temporary offices shall be specified by the law creating them.

Section 26 Pensionable offices

Permanent offices shall be pensionable.

Section 27 Interchangeable and non -interchangeable offices

- 1) Offices shall be divided into interchangeable and non- interchangeable.
- 2) Interchangeable offices shall pertain into one of the following categories:
 - a) General Administrative staff;
 - b) General Secretarial Staff;
 - c) General Auxiliary Staff.
- 3) Interchangeable offices referred in subsection (2), the holders of which shall be referred in this Law as "interchangeable staff", shall constitute a separate department with Head of department the Director of Public Administration and Personnel department.
- 4) Any other offices are non-interchangeable.
- 5) The Presidential Council may prescribe any non-interchangeable offices as interchangeable and vice-versa and it may appoint the Head of interchangeable or non-interchangeable offices, in every case.

Section 28 Grades

Subject to the provisions of section 27, public offices shall be divided into such grades as may be prescribed by law.

Part IV. APPOINTMENTS, PROMOTIONS, TRANSFERS, RESIGNATIONS AND RETIREMENTS

Section 29 Interpretation

For the purposes of this Law, unless the context otherwise requires –

"appointment" means the conferment of an office upon a person not in the public service or the conferment upon an officer of an office other than that which s/he substantively holds, not being a promotion; the expression "to appoint" shall be construed accordingly;

"promotion" means any change in an officer's substantive status which carries with it an increase in the officer's remuneration or which carries with it the emplacement of the officer in a higher division of the public service, or on a salary scale with a higher maximum, whether the officer's remuneration at the time is increased by such a change or not; the expression "to promote" shall be construed accordingly.

Section 30 Schemes of Service

- 1) The general duties and responsibilities of an office and the qualifications required for the holding thereof shall be prescribed in schemes of service made by a decision of the Presidential Council.
- 2) The schemes of service are published in the Gazette.
- 3) A scheme of service may provide as a prerequisite to appointment or promotion the passing by candidates of an examination.

Section 31 Categories of offices for purposes of appointment or promotion

- 1) For the purposes of appointment or promotion, offices shall be divided into the following categories:
 - a) First Entry offices to which persons not in the public service or officers may be appointed;
 - b) First Entry and Promotion offices to which persons not in the public service may be appointed and officers may be appointed or promoted;
 - c) Promotion offices to which officers serving in the immediately lower grade or office of the particular division or sub-division of the public service, as the case may be, may be promoted.
- 2) The category of each office shall be fixed in the respective scheme of service.
- 3) For the purposes of this section, "division or sub-division of the public service" means a division or sub-division of the public service composed of two or more grades of the same office, or of different offices of a similar nature to which different salaries or salary scales are attached.

Section 32 Procedure for filling vacancies in offices

- 1) A vacancy in a First Entry office or in a First Entry and Promotion office shall be advertised in the Gazette.
- 2) A vacancy in a Promotion office shall be filled, without advertisement, by the promotion of an officer serving in the immediately lower grade or office of the particular division or sub-division of the public service.

In this subsection "division or sub-division of the public service" has the same meaning as in section 31.

- 3) An advertisement of a vacancy in an office shall give full particulars of the relevant scheme of service and shall specify the date by which applications shall be submitted.

Section 33 Methods of filling offices

- 1) A permanent office may be filled either on a permanent basis or on a temporary basis on secondment or on contract for a limited period or on a month-to-month basis, as the Presidential Council may direct.
- 2) A temporary office may be filled either by the secondment of a permanent officer or by the appointment of a person on contract for a limited period or on a month-to-month basis, as the Presidential Council may direct.

Section 34 Qualifications for appointment

- 1) No person shall be appointed to the public service unless-
 - a) s/he is a citizen of Cyprus or of any member state **or Turkey**, provided that this requirement shall not apply to any designated post;
 - b) s/he has attained the age of seventeen years;
 - c) s/he possesses the qualifications laid down in the scheme of service for the particular office to which appointment is proposed to be made;
 - d) s/he has not been convicted of an offence of dishonesty or involving moral turpitude;
 - e) s/he has not been previously dismissed or his/her services terminated from the public service of the federal government or the constituent states for a disciplinary offence;
 - f) s/he is certified by an official medical officer in the service of the constituent states as suitable from the health point of view for the office in question after a medical examination including an X-Ray of the chest:

Provided that any person who is not a citizen of Cyprus or of a member state **or Turkey**, shall also in order to be able to be appointed in the public service, submit, simultaneously with his/her application for appointment, through the Commission, an application to the Presidential Council. The Presidential Council decides before the reaching of a decision by the Commission as to the most suitable candidate to be appointed, whether the appointment of such person, in case of his/her selection, would serve the public interest and in case s/he is selected, s/he may be appointed-

- i) on contract for a limited period; or
 - ii) on a permanent basis, if that person had rendered satisfactory services on contract for a period of not less than four years.
- 2) For the purposes of paragraph (a) of subsection (1) designated post is a post which is designated by the Presidential Council as being one to which only citizens of Cyprus can be appointed.

Section 35 Establishment of Advisory Boards

- 1) There may be established the following Advisory Boards for the purpose of advising the Commission in connection with the filling of vacant First Entry

or First Entry and Promotion offices, excluding the filling the vacant offices of the Heads of departments:

- a) for the filling of vacancies in a Department, there shall be established a Board consisting of:
- iii) the Permanent Secretary of the Department concerned who shall act as Chairman; and
 - iv) four other most senior officers after the Permanent Secretary, provided they serve in Cyprus;

- b) for the filling of vacancies in a department under a Department there shall be established a Board consisting of the Head of the department or Service concerned who shall act as Chairman, and four other most senior officers:

Provided that every time the filling refers to vacant offices the holders of which are immediate subordinates of the Head of the department concerned, the Permanent Secretary of the Department concerned shall act as Chairman and its remaining members, of which one shall be the Head of the department concerned, shall be selected by the Permanent Secretary of the Department concerned and shall be approved by the appropriate authority for the specific case:

- c) for the filling of vacancies in the Parliament, the Judicial department, in an Independent Office or Service, there shall be established a Board consisting of:

- i) the Head of that Office, who shall act as Chairman; and
- ii) the four other most senior officers after the Head of the Office concerned;

- d) for the filling of vacancies for the interchangeable staff there shall be established a board consisting of:

- i) the Director of the Public Administration and Personnel department who shall act as Chairman; and
- ii) by other four officers who shall be selected by the Permanent Secretary of the Department having, for the time being, responsibility in respect of financial matters in consultation with the Head of the department and shall be approved by the member of the Presidential Council having, for the time being, responsibility in respect of financial matters for the particular case:

Provided that, where the vacancy refers to an office immediately below that of the office of the Director is attached, the Permanent Secretary of the Department having, for the time being, responsibility in respect of financial matters shall act as Chairman and the Director of the Public Administration and Personnel department shall participate as one of the other four members.

- 2) The members of the Advisory Boards shall in all cases be of a higher rank or grade than the vacancy to be filled.

- 3) Where, in the absence of suitable officers or as a result of an obstacle, it is considered proper for officers from another Department, Independent Office or Service, in which the vacant post does not come under, to be selected as members of an Advisory Board, these officers shall be selected in consultation with the appropriate authority in charge of these officers.
- 4) Three of the members of the Advisory Board shall form a quorum.
- 5) Where the Chairman is absent or prevented from attending a meeting, the highest in hierarchy, or if there is none, the most senior member shall act as Chairman.
- 6) No decision of the Advisory Board shall be valid unless taken with three votes, including one person hailing from each constituent state.

Section 36 Procedure for Filling of First Entry Offices

- 1) Irrespective of the provisions of section 19, within the first six months each year the Commission shall publish in the Gazette on the basis of the particulars given by the appropriate authority, all First Entry Offices which are or are expected to be vacant until the end of the year.
- 2) The publication shall give full particulars of the scheme of service and shall fix the deadline for the submission of applications.
- 3) After the expiration of the deadline for the submission of applications the Secretary of the Commission shall forward as soon as possible to the Chairman of the Advisory Board concerned all applications submitted, the Personal Files and the Files of the Annual Appraisal Reports of the candidates who are public officers and a copy of the publication in the Gazette.
- 4) The Advisory Board shall convene in the next two weeks and shall have the candidates examined in writing or orally or in both, subject to the provisions of the scheme of service concerned:

Provided that the candidates of one office may be submitted to the same written examination together with candidates of other offices.
- 5) The Advisory Board may delegate to a Service or to officers or seek the services of appropriate academic or professional bodies or persons, in the preparation of the papers and the marking thereof in the case of a written examination.
- 6) The Advisory Board, having read to the results of the written and an oral examination of the candidates, whatever has been conducted, the qualifications of the candidates in relation to the duties of the office, the content of the Personal Files and of the Annual Appraisal Reports of the candidates who are public officers, as well as the remaining particulars of the applications shall make out and forward to the Commission a report giving full reasons for all candidates as well as a preliminary list containing

in alphabetical order the names of the candidates it considers the most suitable, hereinafter referred to as the “preliminary list”.

- 7) The number of the candidates who shall be included in the preliminary list shall be four times the number of the published offices as long as there are suitable candidates.
- 8) The Commission after examining the preliminary list on the basis of the particulars referred in subsections (6) and (7), shall make out the list of the most suitable candidates hereinafter referred to as the “final list”:

Provided that the Commission giving full reasons for its decision, may include in the final list candidates who are not included in the preliminary list.
- 9) After the preparation of the final list all the published offices or any other offices of the same title, that shall become vacant or be established by the end of the year shall be filled from this list.
- 10) The Commission may, before making the final selection, invite for an interview the candidates who are included in the final list. At the time of the candidates’ interview the Commission may be assisted by an official or officials being in a position to give assistance because of his/her or their specialized knowledge.
- 11) The Commission on the final selection and appointment of the candidates duly considers the performance of the candidates in the oral examination and the particulars referring in subsection (6) and selects, taking into account the provision of art. 29(2) of the Constitution.

Provided that the Commission may select none of the candidates if in its duly reasoned opinion, none of them is suitable for appointment.
- 12) If the selection concerns an office which shall not be vacant on the day the respective decision shall be taken, the decision shall take effect on the day the office shall be vacant, subject to any provision of this Law.
- 13) The procedure for the filling of the offices, in accordance with the provisions of the above mentioned subsections may be continued until 30 June of the following year provided that the offices will continue to be vacant on the day of their filling.
- 14) The general impression of the Advisory Board and of the Commission as regards the candidates’ performance during an interview shall always be recorded in their minutes and full reasons given.
- 15) Subject to the provisions of section 34, no person shall be appointed to a First Entry office, unless s/he possesses the qualifications laid down in the scheme of service at the expiration of the time-limit for the submission of the applications and at the time the decision is taken.

Section 37 Procedure for filling of First Entry and Promotion Offices

- 1) Subject to the provisions of section 19 and without prejudice to the provisions of subsections (11), (12) and (14) of this section, every vacant First Entry and Promotion office shall be published in the Gazette.
- 2) The publication shall give full particulars of the scheme of service and shall specify the time-limit for the submission of applications.
- 3) After the expiration of the said time-limit the Secretary of the Commission shall forward as soon as possible to the Chairman of the Advisory Board concerned all applications submitted, the Personal Files and the Files of the Annual Appraisal Reports of the candidates who are public officers and a copy of the notice published in the Gazette.
- 4) The Advisory Board shall convene in two weeks and shall see that the candidates are submitted to a written or oral examination or to both, subject to the provisions of the scheme of service:

Provided that the candidates of one office may be submitted to the same written examination together with candidates of other offices.
- 5) The Advisory Board may assign to a service or to officers or seek the services of appropriate academic or professional bodies or persons, in the preparation of the examination papers and the marking of the papers of a written examination.
- 6) Then the Advisory Board, having regard to the results of the written and or oral examination of the candidates, whatever has been conducted, the qualifications of the candidates in relation to the duties of the office, the content of the Personal Files and of the Annual Appraisal Reports of the candidates who are public officers, as well as the remaining particulars of the applications, shall forward to the Commission a report giving full reasons for all candidates and a list containing in alphabetical order the names of the candidates it recommends for selection.
- 7) The number of the candidates who shall be recommended by the Advisory Board shall be four times the number of the published vacant offices, as long as there are suitable candidates.
- 8) The Commission may, before making the final selection, invite for an interview the candidates who have been recommended by the Advisory Board as well as any other candidate, who, in its opinion, should have been included in the list of those recommended by the Advisory Board.
- 9) The Commission, thereafter, having due regard to the report of the Advisory Board, the content of all applications submitted, the content of the Personal Files and of the Annual Appraisal Reports of the candidates who are public officers, the recommendations of the Head of the department concerned and the performance of the candidates during the interview, if any, shall select the most suitable candidate taking into account the provisions of article 29 (2) of the Constitution:

Provided that, where the office to be filled is that of the Head of the department, the recommendations are made by the Permanent Secretary of the Department concerned; and

Provided further that the Commission may select none of the candidates, if, in its opinion, none of them is suitable for appointment or promotion.

- 10) The general impression of the Advisory Board and of the Commission as regards the candidates' performance during an interview shall always be recorded in their minutes and full reasons given.
- 11) A First Entry and Promotion office may be published, subject to the provisions of section 19, at any time within the time period of six months before it becomes vacant, when it is expected to become vacant because of the retirement of its holder.
- 12) A First Entry and Promotion office may be published, subject to the provision of section 19, at any time within the time period of six months before it becomes vacant, when it is expected to become vacant because the procedure for the filling of a higher Promotion office in the same division or subdivision of the public service is in progress.
- 13) Every time an office is published in accordance with subsections (11) or (12) of this section, the office shall be filled in the case of subsection (11) when its holder is on retirement leave and in the case of subsection (12) when it becomes vacant.
- 14) A First Entry and Promotion office may be filled by the Commission without publication when it becomes vacant or it is established at the time period during which the procedure for the filling of another office with the same title is in progress. In such a case the office is considered as having been published on the day at which the other office was published.
- 15) No person shall be appointed or promoted to a First Entry and Promotion office unless –
 - a) s/he possesses the qualifications laid down in the scheme of service for that office at the expiration of the time-limit for the submission of the applications and at the time the decision is taken;
 - b) in the case of a candidate who is a public officer, s/he fulfils the conditions of paragraph (c) of subsection (2) of section 38;
 - c) in the case of a candidate who is not a public officer, s/he fulfils the conditions of section 34.
- 16) In this section the term "division or sub-division of the public service" has the same meaning as in section 31.

Section 38 Procedure for filling of Promotion Offices

- 1) Subject to the provisions of section 19, a vacant Promotion office shall be filled without publication by the promotion of an officer who serves in the grade or office immediately below the division or sub-division of public service concerned.

- 2) No officer shall be promoted to another office, unless –
- a) a vacancy exists in that office:
Provided that in the case of offices with a combined establishment, promotion from the lower to the higher office or grade of that office may be made irrespectively of whether there is a vacancy in the higher office or grade or not, and in accordance with the manner which shall be prescribed:

Provided further that a Promotion office may be filled before becoming vacant, when its holder is on retirement leave;
 - b) s/he possesses the qualifications laid down in the schemes of service for that office, at the time when the proposal for the filling of the office is received and at the time the decision is taken;
 - c) s/he has not been punished during the preceding two years for any disciplinary offence of a serious nature.
- 3) The claims of officers to promotion shall be considered on the basis of merit, qualifications and seniority, taking into account the provisions of article 29 (2) of the Constitution.
- 4) In making a promotion, the Commission shall have due regard to the content of the Personal Files and of the Annual Appraisal Reports Files of the candidates, to the reasoned recommendations made in this respect by the Head of the department in which the vacancy exists and the impression made to the Commission by the candidates during the interview, if any:

Provided that, where the office to be filled is that of the Head of the department, the recommendations are made by the Permanent Secretary of the Department concerned.
- 5) For the purposes of this section –
- “division or sub-division of the public service” has the same meaning as in section 31;
 - “offices with a combined establishment” means two or more separate offices or two or more grades of the same office, which have a common establishment.

Section 39 *Special provisions for filling of permanent offices*

- 1) Notwithstanding any provision of this law, no vacant permanent office in any Department or Independent Office or Service shall be published, where an officer is serving in this said Department or Independent Office or Service, having been selected in accordance with section 33 either on a month-to-month basis or on secondment in a permanent office under the same title or in a temporary office under the same title, in which case this office is filled by the Commission, in compliance with the relevant procedures for the approval of the filling of the vacant offices, with the

appointment, promotion or secondment, as the case may be, of the officer serving:

Provided that, where the number of the vacant permanent offices is less than the number of the serving officers either on a month-to-month basis or on secondment in a permanent office having the same title or in a temporary office having the same title, these offices are filled by the Commission, by selecting the most suitable amongst the serving officers, in accordance with the above mentioned provisions.

- 2) When a permanent office is established with the abolition or substitution of a temporary office having the same title, the permanent office established in this way shall be filled by the Commission, in accordance with the provisions of subsection (1) for the approval of the filling of vacant offices.

Section 40 Permanent Appointments and promotions

- 1) A permanent appointment or promotion shall be effected by a written offer made by the Commission to the person selected for appointment or promotion, as the case may be, and accepted by him in writing.
- 2) The offer shall state the remuneration offered and the other terms and conditions of service attached to the office.
- 3) When the person selected for appointment has signified his/her acceptance of the offer made to him and where the person is not a public officer, the report of the official medical officer who has examined him is satisfactory, the Commission shall inform the person selected in writing that s/he has been appointed and specify the date from which his/her appointment takes effect.
- 4) When the person selected for promotion has signified his/her acceptance of the offer made to him, the Commission shall inform him in writing that s/he has been promoted and shall specify the date from which his/her promotion shall take effect.
- 5) Permanent appointments and promotions shall be published in the Gazette as soon as possible but not later than 45 days from the acceptance of the offer.

Section 41 Probation

- 1) A permanent appointment shall be made on probation for a period of two years:

Provided that the Commission may, in any special case, with the advice of the appropriate authority concerned and in accordance with any general directions given by Presidential Council in this respect, waive, reduce or extend the probationary period.
- 2) The appointment of an officer serving on probation may be terminated at any time during the probationary period, but, before such termination is

made, a notice of intention to terminate shall be given to the officer, setting out the reasons and calling upon him to make any representations s/he may wish to offer against such termination. On receiving and considering any such representations the Commission may either terminate the appointment or extend the probationary period for a period, up to one year, as the Commission may in each case consider appropriate. The provisions of this subsection shall apply to any such extended probationary period:

Provided that the total extended probationary period shall in no case exceed three years.

- 3) Within one month of the expiration of the probationary period the Commission shall decide whether the appointment of an officer serving on probation shall be confirmed, extended or terminated. If such appointment is confirmed or terminated, a notice to this effect shall be published in the Gazette.

Section 42 Supernumerary appointments and promotions

- 1) The Commission may, at the request of the appropriate authority, make a supernumerary appointment or promotion in an office of lower status and salary in the same division in one of the following cases:
 - a) Whenever a vacant office in a higher level and salary in the same division, owing to the absence of any candidate possessing the qualifications required, cannot be filled:
 - b) against a vacant promotion office of a higher level and salary in the same division, which exists on the date of the filling of an office of a lower level and salary in the same division.
- 2) Every supernumerary appointment or promotion shall be made on a temporary basis and shall lapse as soon as possible after the vacancy against which it was made is filled:

Provided that if a vacancy occurs in the public office to which the supernumerary appointment was made, the supernumerary appointment may continue until such vacancy is filled.

Section 43 Appointments on contract

- 1) Appointments on contract shall be made by formal agreement which shall contain the duration of the contract, the remuneration of the person appointed and the other terms and conditions of the appointment.
- 2) The duration of the contract, the remuneration and the other terms and conditions of the appointment shall be determined by the appropriate authority in consultation with the member of the Presidential Council having, for the time being, responsibility in respect of financial matters.
- 3) Appointments on contract shall be published in the Gazette.

Section 44 *Month-to-month appointments*

- 1) A month-to-month appointment shall be effected by a written offer made by the Commission to the person selected for appointment and accepted by him in writing.
- 2) The offer shall contain the remuneration and the other terms and conditions of service.
- 3) A month-to-month appointment may be terminated on one month's notice in writing or on payment of one month's pay in lieu of notice.

Section 45 *Acting appointments*

- 1) When an office is vacant for any reason or its holder is absent on leave, or unable to perform the duties of the office, another person may be appointed to act in that office under such terms as may be prescribed.
- 2) An acting appointment shall be made on the recommendation of the appropriate authority concerned.

Section 46 *Posting of public officers on appointment*

- 1) The posting on appointment of a person appointed to a non-interchangeable office shall be made by the appropriate authority concerned.
- 2) The posting on appointment of a member of the interchangeable staff shall be made by the Head of department of such staff.
- 3) Save with the prior approval of the Presidential Council, no person shall serve in a division where his/her spouse, child, brother or sister is serving.

Section 47 *Treatment of handicapped persons*

- 1) Subject to the provisions of any other law, a handicapped person who is a candidate for appointment in an office and possesses all the qualifications required by the scheme of service shall be preferred, as long as the competent for the selection organ is satisfied that –
 - a) s/he possesses the abilities to perform the duties of the office; and
 - b) when compared to the other candidates, s/he is not inferior in merits and qualifications.
- 2) When trying to form a judgment about the handicapped person, the competent authority for the selection organ may request and take into consideration the views of experts.
- 3) For the purpose of this section –

“handicapped person” means a person suffering from partial or total physical inability since birth or as a result of a subsequent incident and

his/her inability is caused by a severe deformation or severe mutilation of the upper or lower limbs or by myopathy, paraplegia, quadriplegia, or by loss of vision in both eyes, or by loss of hearing in both ears or by any other serious cause which results in a substantial reduction of physical ability and enables him/her to exercise only a limited number of professions.

Section 48 *Reinstatement of officers, whose promotion has been annulled*

- 1) Where the promotion of an officer to an office is annulled by a Supreme Court decision, the Commission may, if during the re-examination it does not repromote him/her in the same office and if the requirements specified by subsection (2) exist, promote him/her or promote him/her in a supernumerary office, whether or not there is a vacant office, to an office to which in every reasonable possibility s/he would have been promoted, had the annulled promotion not taken place.
- 2) The Commission shall exercise the power provided by subsection (1) only when it is convinced that, in view of the merits, qualifications and seniority of the officer and the number of the vacant offices, which have been filled during the time period between its decision and the annulment, the officer's career has actually been affected.
- 3) Notwithstanding any other provision in this law, when an officer is promoted to a supernumerary office in accordance with subsection (1), the officer shall serve in it having all the rights and benefits of the office until an office of the same title shall become vacant, in which case the officer shall be promoted to it.
- 4) When an officer is promoted in accordance with subsections (1) or (3), the promotion shall have effect as from the day, since which, in the Commission's opinion, s/he would have been promoted.

Section 49 *Abolition of office*

Subject to the provisions of any other law, in case an office is abolished, its holder shall be considered to continue to hold it with all its privileges and benefits until the holder of the office so abolished retires or is appointed or promoted either in an established or in another office.

Section 50 *Appraisal reports*

- 1) Subject to subsection (2), appraisal reports on all officers shall be prepared and submitted to the Commission annually in the prescribed manner and within the prescribed time:

Provided that until such date is fixed, the appraisal reports shall be submitted not later than the 31st day of January in each year.

- 2) Appraisal reports shall be submitted at six monthly intervals to the Commission on every officer serving on probation or in a temporary office during the first two years of service. The final report shall be submitted one month before the expiration of the probationary period and shall contain a definite recommendation whether the officer should be confirmed or whether his/her probationary period should be extended or his/her service terminated.
- 3) The reports shall be prepared, where this is possible, by a three-member appraisal team, including one person hailing from each constituent state, and, on completion, they are notified to the officer concerned.
- 4) No person shall participate in the appraisal team of an officer if s/he is his/her spouse or a relative by blood or marriage up to and including the fourth degree:

Provided that, if as a result of the obstacle of kinship the preparation of a report for an officer will not be possible, the provisions of this subsection shall not be applicable. In such a case a reference to the existence of the kinship shall be made in the report.
- 5) No adverse report shall be prepared for an officer before s/he is given the opportunity of being heard and make his/her representations.
- 6) After every promotion the attorney of every person having lawful interest to challenge the promotion in Court has the right to inspect his/her Annual Appraisal Reports File and those of the person who has or the persons who have been promoted.

Section 51 Seniority of officers

- 1) Seniority between officers holding the same permanent office or grade of the same office, either permanently or temporarily or either from month-to-month or on contract, be determined by the effective date of appointment, promotion or secondment to the particular office or grade, as the case may be irrespective of the way it is held.
- 2) In the case of simultaneous appointment or promotion or secondment to the particular office or grade of the same office, seniority shall be determined according to the officers' previous seniority.
- 3) Seniority between officers holding different offices with the same salary conditions shall be determined according to the dates of their appointment, promotions or secondments to their present offices, irrespective of the way they are held, or, if these dates are the same, according to their previous seniority.
- 4) Seniority between officers holding offices with different salary conditions shall be determined according to the salary conditions of the respective offices.
- 5) Seniority between officers holding the same office or grade of the same office or different offices with the same salary conditions, the salary and

title of which have been changed as a result of a salary revision or reorganization, shall be determined according to the officers' seniority immediately prior to such revision or reorganisation.

6) Seniority of an officer who is re-appointed to the same office or grade of the same office after a break of service shall, subject to the other provisions of this section and or any other law, be determined by the effective date of his/her re-appointment.

7) In this section –

"previous seniority" means seniority of the officers concerned in the grade or office held by them immediately before they entered their present grade or office, and if such seniority is the same, previous seniority shall be determined by the same process back to the first appointments of the officers in the public service. In case seniority in the first appointments is the same, then previous seniority shall be determined by the age of the officers;

"salary conditions" in relation to some offices, means the basic salary attached to the offices, or, in the case of salary scales, the highest point on the scales and in the case of salary scales of the same top scale the lowest scale and in the case of combined scales of an office or grade of an office the top of the higher scale of every office or grade and in the case of scales of the same top scale the lowest of the lower scale of every office or grade.

"grade of the same office" means grade of an office which is combined with another grade in the same office and which have a common establishment.

Section 52 Secondment

1) Secondment of an officer shall be decided in any of the following cases –

- a) for the occupation of a vacant office, after selection, in accordance with section 33;
- b) when a supernumerary promotion of an officer is decided in accordance with section 42;
- c) when there is a vacant office and at the time of the decision there is or it is expected to be available personnel in similar offices, which fall under the domain of the same or different Department, department, Division or Service;
- d) when the performance of duties is required for the satisfaction of service needs in a Department, department, Division or Service;
- e) in special occasions, when the performance of special duties and functions is required in a Department, department, Division or Service.
- f) Exceptionally, for service in the public service of a constituent state, or an institution of the European Union.

2) With the exception of paragraph (a) of subsection (1) the officer who shall be seconded shall continue to hold the office from which s/he was

seconded, yet s/he shall fall under the hierarchical administrative authority of the Head of department to which s/he shall be seconded.

- 3) The time of secondment of an officer in a vacant office in accordance with paragraph (a) of subsection (1) shall be considered as service in this office for the purposes of this Law.
- 4) Secondment is decided by the Commission on the recommendation of the appropriate authority and when it entails the removal of an officer from a Department or Independent Office or Service to another Department or Independent Office or Service, the matter shall be submitted to the Commission by the member of the Presidential Council having, for the time being, responsibility in respect of financial matters with his/her own views as well as with the views of the two appropriate authorities concerned.
- 5) Paragraphs (c) and (d) of subsection (1) shall be applied in cases where the officers who shall be seconded are holding offices which pertain in grades of admission of staff in the public service.
- 6) Secondments in accordance with paragraphs (c) and (d) of subsection (1) shall be for a period up to two years and shall not be renewed. Secondments in accordance with paragraph (e) of subsection (1) shall be for a period up to two years and shall not be renewed without the consent of the officer concerned.
- 7) Secondments shall be published in the Gazette.
- 8) For the purposes of this section –
“grade of admission of staff” in public service means the lower office in a division or sub-division of the public service and the term “division or sub-division of the public service” has the same meaning as in section 31.

Section 53 *Transfer and removal of officers*

- 1) For the purposes of this section –
“transfer” means the transposition of an officer which entails a change in the place of residence,
“removal” means the transposition of an officer which does not entail a change in the place of residence.
- 2) Transfers of officers shall be made by the Commission on proposal made by the appropriate authority duly reasoned.
- 3) Removals of officers shall be made by the Head of department concerned with a decision duly reasoned.
- 4) In exceptional cases of urgent nature the appropriate authority may make a temporary transfer for a period not exceeding three months:

Provided that no more than one such transfer can be made for the same officer within the same year.

Section 54 Training

Training courses and other facilities may be made available for the purpose of promoting the efficiency of the officers in the performance of their duties and of qualifying them for advancement within the service which the officers may be required to attend and to take exams.

Section 55 Resignation

- 1) Subject to the provisions of any other law or of any other provision having legislative effect in force for the time being, no officer may resign his/her appointment without prior permission of the Commission.
- 2) Any officer who resigns his/her appointment without such prior permission shall be deemed to be absent from duty without leave and be liable to disciplinary proceedings.

Section 56 Retirement

- 1) Subject to the provisions of subsection (5) and without prejudice to the provisions of any Law, the Commission has the authority to decide the retirement of permanent and pensionable officers from the public service in any of the following cases:
 - a) When the public officer attains the age of compulsory retirement;
 - b) when the retirement is required from an officer who has attained the age of fifty five years;
 - c) when the officer applies for an early retirement;
 - d) in case of health reasons;
 - e) if the public officer has been declared bankrupt in accordance with the provisions of section 71;
 - f) when the officer retires in order to undertake a public office incompatible with that of a public officer, or to be appointed to a corporate body of persons or to an authority of local administration of either constituent state;
 - g) in case of the officer's unjustified official insufficiency or because of his/her unsuitability;
 - h) as a disciplinary punishment, in accordance with the provisions of this Law.
- 2) The Commission shall decide the public officer's retirement after the appropriate authority's proposal which is obligatory for the Commission in cases of paragraphs (a) and (f) of subsection (1).
- 3) In cases of paragraphs (c) and (f) the appropriate authority before submitting its proposal to the Commission shall be assured that –

- a) The officer has no financial obligations towards the Government, or if s/he has s/he shall settle them, and
 - b) no disciplinary or criminal case is pending against him/her.
- 4) The decision of an officer's retirement in accordance with paragraphs (b) and (g) of subsection (1) is taken after the officer concerned is given the opportunity of being heard.
 - 5) Subject to the provisions of the above subsections the retirement of permanent and pensionable officers from the public service shall be governed by the provisions of the Pensions Legislation for the time being in force or any Law amending or substituted for the same and any Regulations made thereunder.
 - 6) Subject to the provisions of subsection 3 of section 44, temporary monthly-paid officers shall retire on attaining the age of sixty years.

Section 57 Age of public officers

The age of a public officer shall be proved by such evidence as the Presidential Council shall prescribe.

Part V. RIGHTS AND BENEFITS OF OFFICERS

Section 58 Emoluments

The emoluments of an officer include his/her salary and such allowances as may be prescribed.

Section 59 Retirement benefits

- 1) The retirement benefits of permanent officers are those prescribed by the relevant pensions legislation and any regulations made thereunder.
- 2) The retirement benefits of a monthly-paid officer who is not in the permanent public service and is not serving on contract shall be prescribed.

Section 60 Leave

An officer shall be eligible for such leave as may be prescribed.

Section 61 Medical treatment

An officer shall be entitled to such medical treatment as may be prescribed.

Section 62 Uniforms

The holders of certain prescribed public offices, who are entitled to free uniforms, as may be prescribed, shall wear them during the performance of their duties.

Part VI. DUTIES, OBLIGATIONS AND RIGHTS OF PUBLIC OFFICERS

Section 63 Fundamental duties of public officers

- 1) Every public officer shall –
 - a) be loyal and respect the Constitution and the law;
 - b) faithfully and unfailingly perform his/her duties and generally use his/her utmost exertions to promote the interests of Cyprus;
 - c) always be impartial, impersonal and just in carrying out his/her duties, based only on objective criteria and use every possible effort in promoting an orderly functioning federal government and Public Service;
 - d) not undertake either on a personal level or as a member of an organised entity to solve matters and shall not consort in the making of acts if s/he himself or a person with whom s/he has a specific relation or is a relative by marriage or blood until fourth degree has an evident benefit. Colleagues who are relatives by blood or marriage until fourth degree are not allowed to participate in the same meeting of a collective body:
Provided that the exclusion of so many members from a collective decision making body that results in the remaining participants not meeting the quorum is not allowed;
 - e) make every possible effort to serve the public in an objective, just, impersonal and impartial manner;
 - f) conform to the legislative provisions and to the relevant administrative directives and circulars as regards the public service, as well as to the instructions of his/her hierarchical superiors and concurrently to undertake responsibility in carrying out his/her duties and as to the lawfulness of his/her actions:
Provided that where an order is evidently illegal, the officer should not proceed to execute it and should report immediately to his/her supervisor. If the supervisor insists on the execution of the order, based on the Attorney-General's opinion, the officer is obliged to comply.
 - g) not commit any act or omission or conduct himself in a way which may bring the public service in general or his/her office in particular into

disrepute or which may tend to impair the confidence of the public in the public service;

h) to show propriety, politeness and truthfulness.

- 2) The duties of a public officer shall be the usual duties of his/her office and any other relative duties which may be assigned to him/her.

The officer has the right to perform his/her duties.

Section 64 *Right to form and to join trade unions*

The right to form and to join trade unions and the unfettered execution of all rights related thereto are safeguarded to all public officers.

Section 65 *Absence without leave*

Any officer who absents himself from duty without leave or who wilfully refuses or omits to perform his/her duties becomes liable to disciplinary proceedings.

Section 66 *Freedom of expression*

- 1) Subject to subsection (2) public officers are free to express, either privately or in public, by speeches, lectures, announcements, studies or discourses, their opinion on matters related with science, art, religion or on any matter of general interest.
- 2) Public officers are not allowed to publish or broadcast on TV or radio or any other news media any subject having to do with their duties without the prior permission of the appropriate authority.
- 3) No public officer shall receive payment for any publication or broadcast without the approval of the appropriate authority.

Section 67 *Work environment*

Public officers have the right to be provided with hygienic and safe working areas.

Section 68 *Private employment and interest in companies*

- 1) Public officers are obliged to offer their services at any such time as necessitated by the requirements of the Service.
- 2) No public officer shall practice any profession or trade or employ himself in any occupation or business other than his/her duties in the public service:

Provided that in exceptional circumstances and on the recommendation of the appropriate authority, the member of the Presidential Council having, for the time being, responsibility in respect of financial matters, may grant

permission to a public officer for part-time employment or engagement on such conditions as s/he may impose under the circumstances, so long as such employment or engagement shall not interfere with the efficient performance of the public duties of the officer.

- 3) No public officer shall:
 - a) participate in the administration of any a company or a partnership or any other undertaking of a private nature;
 - b) acquire or hold any share or other interest in any non-public company or partnership or any other undertaking of a private nature, except only with the approval of the member of the Presidential Council having, for the time being, responsibility in respect of financial matters, which may be granted on such conditions as specified by him/her, provided that the granting of such an approval is not incompatible with the performance of the official duties of the public officer concerned.
- 4) Without prejudice to subsection (3), the member of the Presidential Council having, for the time being, responsibility in respect of financial matters, shall grant approval to a public officer, under subsection (3), in the following instances:
 - a) where the approval will benefit the public interest; or
 - b) where the interest of the public officer in the company or partnership or other undertaking of a private nature has come about as a result of an inheritance or marriage and the acquisition of shares will not interfere with the performance of his/her duties.
- 5) A public officer is allowed to acquire shares of public companies, the number of which must not exceed a percentage of the share capital to be determined by the member of the Presidential Council having, for the time being, responsibility in respect of financial matters.
- 6) Every public officer shall, upon being appointed to the public service and thereafter every year, notify the member of the Presidential Council having, for the time being, responsibility in respect of financial matters, of any investment or interest that s/he may have in any company, partnership or other undertaking of a private nature, the activities of which are directly or indirectly associated with his/her duties.

Section 69 Acquisition of property, etc.

- 1) No public officer shall, by improperly taking advantage of his/her position, acquire either directly or indirectly any movable or immovable property or hold such property where his/her personal interests in it are in conflict with his/her public duties.
- 2) Whenever a reasonable suspicion arises as to the source of a public officer's financial resources an inquiry may be made in the prescribed manner to ascertain the source of such resources. If, as a result of such an inquiry, it is established that such resources have come into his/her possession under circumstances constituting a criminal or a disciplinary

offence, the appropriate authority proceeds to the taking of suitable measures.

Section 70 Official information, evidence and documents

- 1) All information written or oral, which has come to the knowledge of a public officer during the course of the performance of his/her duties, shall be confidential and shall not be communicated to any person except for the proper performance of official duties or on the express direction of the appropriate authority.
- 2) Without prejudice to the provisions of any other law, when a public officer is served with a summons to give evidence on a matter relating to the performance of his/her duties or to produce an official document in his/her custody, s/he shall refer the matter to the appropriate authority for determination whether the giving of such evidence or the production of such document would be contrary to the public interest, in which case, the appropriate authority shall, after consulting the Attorney-General, determine the matter accordingly.
- 3) Except for the proper performance of official duty, no officer shall, without the permission of the appropriate authority, give technical or professional advice to any person.

Section 71 Bankruptcy

- 1) A public officer against whom proceedings in bankruptcy have been taken, shall forthwith inform his/her Head of department accordingly.
- 2) A public officer shall, on his/her adjudication as a bankrupt or on a receiving order being made against him/her or on his/her entering into composition with his/her creditors, be interdicted under the provisions of this Law and shall not be reinstated unless the Commission judges, that on the basis of the Court proceedings or after examining the facts, and after hearing the public officer, that his/her financial difficulties have been occasioned by unavoidable misfortune and are not due to extravagance or inexcusable improvidence, or unless there are extenuating circumstances.

Section 72 Gifts

- 1) No public officer shall, either directly or indirectly, receive or give any present whether in the form of money, other goods, free trips or other personal benefits, other than ordinary gifts from or to personal friends:

Provided that a public officer may on his/her retirement from the service accept a present in the prescribed manner:

Provided further that this provision may be relaxed by the Presidential Council in specified cases where the Presidential Council considers that it

would be undesirable or contrary to public interest for the present to be refused.

- 2) Where it would be undesirable in the public interest to refuse a present, the public officer may accept the present but shall immediately report the matter to his/her Head of department whereupon the present shall be dealt with in the prescribed manner.
- 3) A public officer shall immediately report to his/her Head of department the offer to him/her of a present made against the provisions of this section and the present shall be dealt with in the prescribed manner.

Section 73 Bribes

If a monetary or other present is offered or given to an officer in consideration of a service rendered or to be rendered by him/her in his/her official capacity, the officer must immediately inform his/her Head of department.

Section 74 Civil responsibility for loss or damage

- 1) A public officer shall be responsible to the federal government for any loss or damage caused by a thoughtless, unwise or dangerous act or omission during the performance of his/her duties and may be surcharged with the full amount or part of such loss or damage, if the member of the Presidential Council having, for the time being, responsibility in respect of financial matters so decides, after taking the views of the Attorney-General and of the Auditor-General.
- 2) The public officer shall also be responsible to the federal government for compensations paid by the federal government to third parties for thoughtless, unwise or dangerous acts or omissions on his/her part, during the performance of his/her duties.
- 3) The claim for reimbursement made by the federal government against the public officers in the cases provided for by the above-mentioned subsections ceases at the lapse of three years. In the cases of subsection (1) the period of three years commences when the damage has been caused, and in the cases of subsection (2) when the federal government has paid the compensation.

Section 75 Political rights

- 1) Subject to the provisions of this Law, every public officer has the right to express freely his/her political convictions and his/her political opinions and beliefs, either in public or in private, but not during his/her working hours.
- 2) A public officer shall be allowed to be a simple member of a political party of his/her own choice.

- 3) Every public officer has the right to attend political rallies or other such meetings.
- 4) No public officer shall get involved in the organisation of public meetings or other activities of a political nature or which aim at promoting the political aspirations of any person or party or to make speeches at such meetings.
- 5) It is forbidden for a public officer, using his/her position or influence, to act in such a way as to allow the entry of any person into a political party or organisation of a political nature or sway any person towards a specific political party or politician.
- 6) A public officer who wishes to place his/her candidature for a position which, if attained, will be incompatible with that of a public officer, shall take leave of absence for a period of forty days before the elections and, furthermore, on his/her request, may be granted leave for a period of one month after the announcement of the elections results.
- 7) The period of leave of absence before the elections day may be extended up to forty five days, if the officer so wishes.
- 8) The leave of absence granted to the officer may be either unpaid not for reasons of public interest or regular leave of absence s/he is entitled to, according to his/her choice.
- 9) The provisions of subsections (2) and (4) shall not apply during the period of leave taken pursuant to subsections (6) and (7).
- 10) In case of a successful outcome at the elections the public officer shall retire automatically from his/her office, in which case the provisions of the Pensions legislation for the time being in force with regard to the retirement benefits if elected for the benefit of the public interest, if elected to the office of a member of the Presidential Council or of a Member of Parliament or of the legislature of either constituent state, or of voluntary retirement, or if s/he has been elected to another position, are to be implemented. The service status of public officers returning to their office shall not be affected by their activities and expressed opinions during the pre-election campaign.

Part VII. DISCIPLINARY CODE

Section 76 Disciplinary offences

- 1) A public officer is liable to disciplinary proceedings if –
 - a) s/he commits an offence of dishonesty or involving moral turpitude;
 - b) s/he commits an act or omission amounting to a contravention of any of the duties or obligations of a public officer.
- 2) For the purposes of this section "duties or obligations of a public officer" includes any duty or obligation imposed on a public officer under this Law

or any other law or Regulations in force or under any public instrument made thereunder or under any order or direction issued.

Section 77 *No public officer to be twice proceeded against for the same offence*

No disciplinary proceedings may be taken against a public officer in respect of the same disciplinary offence of which s/he has been found guilty or not guilty.

Section 78 *Only one disciplinary punishment for each disciplinary offence*

Not more than one disciplinary punishment may be imposed in respect of a disciplinary offence:

Provided that a reprimand or severe reprimand may be imposed concurrently with every punishment specified in paragraphs (c), (d) or (e) of subsection (1) of section 82.

Section 79 *Termination of disciplinary responsibility*

No disciplinary proceedings shall be brought against a person who has in any way ceased to be a public officer, though any disciplinary proceedings that may have been initiated may continue even after the dissolution of the relationship with public office, except in the case of death.

Section 80 *Criminal proceedings*

If criminal proceedings are instituted against a public officer, no disciplinary proceedings shall be taken or continued against such officer upon any grounds involved in the criminal proceedings until the criminal proceedings have been finally disposed of.

Section 81 *Disciplinary proceedings following criminal proceedings*

Where proceedings have been taken against a public officer for a criminal offence and the officer has not been found guilty thereof, no disciplinary proceedings can be taken against him/her on the same charge, but proceedings may be taken against him/her for a disciplinary offence arising out of his/her conduct which, though connected with the criminal case, yet does not raise the same issue as that of the charge in the criminal proceedings.

Section 82 *Disciplinary punishments*

- 1) The following disciplinary punishments may be imposed under the provisions of this Law:

- a) reprimand;
 - b) severe reprimand;
 - c) disciplinary transfer;
 - d) stoppage of annual increment;
 - e) deferment of annual increment;
 - f) fine not exceeding the emoluments of three months;
 - g) reduction in salary scale;
 - h) reduction in rank;
 - i) compulsory retirement; and
 - j) dismissal.
- 2) A reprimand shall be made orally and a note thereof shall be made in the officer's Personal File.
 - 3) A severe reprimand shall be in writing and a copy thereof shall be delivered to the public officer and another copy placed in his/her Personal File.
 - 4) Stoppage of increment means non-payment for a specified period of an increment otherwise due, without alteration of the incremental date.
 - 5) Deferment of increment means postponement of the date on which the next increment is due, with corresponding postponements in subsequent years.
 - 6) On compulsory retirement from a pensionable office, the matter of retirement benefits shall be submitted by the member of the Presidential Council having, for the time being, responsibility in respect of financial matters to the Presidential Council, which shall decide the granting of retirement benefits as well as the beginning of time of their payment, considering the circumstances of every case:

 Provided that the retirement benefits which are about to be granted shall not be less than those which would have been granted to the officer if the punishment of dismissal had been imposed to him/her.
 - 7) Dismissal entails the forfeiture of all retirement benefits:

 Provided that pension is paid to the wife of the public officer dismissed and to his/her children, if any, as if s/he had passed away on the date of his/her dismissal, to be calculated on the actual number of years in service.
 - 8) When a public officer is punished with dismissal, compulsory retirement or reduction in rank, this fact is published in the Gazette.

Section 83 *Deletion of disciplinary punishments*

- 1) Punishment by reprimand three years after its imposition, punishment by severe reprimand five years after its imposition and the remaining

punishments, with the exception of compulsory retirement and dismissal, ten years after their imposition, are deleted.

- 2) Deleted punishments are withdrawn from the Personal File of the public officer and thereafter shall not constitute a basis to judge him/her.

Section 84 *Taking of disciplinary action - Inquiry into the commission of, and dealing with, disciplinary offences*

- 1) The Commission shall not proceed to take disciplinary action against any public officer unless a written proposal of the appropriate authority is received.
- 2) If it is reported to or is brought to the attention of the appropriate authority that a public officer may have committed a disciplinary offence, the appropriate authority should forthwith –
 - a) if the offence is one of those specified in Part I of Annex I, cause a departmental inquiry to be made in such a manner as the appropriate authority may specify and proceed as provided in section 85:
Provided that, if the appropriate authority is of opinion that, owing to the seriousness of the offence or the circumstances under which it was committed, it should entail a more serious punishment, it may refer the matter to the Commission, in which case it shall proceed under paragraph (b);
 - b) in any other case, cause an investigation to be made in the prescribed manner and then proceed as provided in section 86:
Provided that until Regulations are made prescribing the manner of investigation, the Regulations set out in Part I of the Annex 2 apply.

Section 85 *Power of appropriate authority to deal summarily with certain offences*

- 1) The appropriate authority shall have power to deal summarily with any disciplinary offences specified in Part I of Annex I and to impose any of the punishments appearing in Part II of such Annex.
- 2) When, as a result of a departmental inquiry carried out in accordance with paragraph (a) of subsection (2) of section 84, it appears to the appropriate authority that a disciplinary offence has been committed which can be dealt with summarily, then copies of witnesses statements and of any other relevant documents available shall be given to the public officer concerned and shall also be given the opportunity of being heard.
- 3) After hearing the officer concerned, the appropriate authority may impose any of the punishments set out in Part II of Annex I having previously heard him/her as to the extent of the punishment to be imposed.
- 4) Without prejudice to the general power of delegation of the appropriate authority, the appropriate authority may delegate any of the powers under

this section to the Head of department concerned or to any other senior officer who shall be of a higher rank than the public officer concerned.

Section 86 Proceedings before the Commission

- 1) When an investigation carried out under paragraph (b) of subsection (2) of section 84 is completed and the commission of a disciplinary offence is disclosed, the appropriate authority shall forthwith refer the matter to the Commission and shall forward to it –
 - a) the report of the investigation;
 - b) the charge to be brought signed by the appropriate authority; and
 - c) the evidence in support thereof.
- 2) Disciplinary proceedings before the Commission shall commence by the preferment of the charge sent by the appropriate authority, as in subsection (1) provided. Within such period as may be prescribed and until such period is prescribed within two weeks of the date of receipt by it of the charge, the Commission shall cause summons in the prescribed form to be issued to the officer concerned and served upon him/her in the prescribed manner:

Provided that, until the form and the manner of service of summons are prescribed, the form of summons set out in Part II of Annex 2 may be used and the manner of service therein provided may be followed.
- 3) A public officer facing a disciplinary prosecution is entitled to know of the case against him/her.
- 4) Copies of witnesses statements and of any other relevant documents are given to a public officer facing a disciplinary prosecution.
- 5) The hearing of the case before the Commission shall be conducted and completed in the prescribed manner:

Provided that, until Regulations are made in this respect, the Regulations set out in Part III of Annex 2 shall apply.
- 6) A public officer facing a disciplinary prosecution is given the opportunity of being heard before the establishment of guilt as well as before the imposition of the punishment.
- 7) In any proceedings before the Commission under this Part the officer concerned may be represented by counsel of his/her own choice.

Section 87 Conviction for certain offences

- 1) Where a public officer has been convicted of an offence involving dishonesty or moral turpitude and the conviction has either been upheld on appeal or no appeal has been made, the Commission shall as expeditiously as possible obtain a copy of the notes of the proceedings of

the Court which tried the case and of the Court, if any, to which an appeal was made.

- 2) The Commission shall, within such period as may be prescribed, and until such period is prescribed within two weeks of the receipt of the copy of the notes of the proceedings as in subsection (1), seek the views of the Attorney-General on whether the offence is one involving dishonesty or moral turpitude. The Attorney-General shall advise thereon as expeditiously as possible and, in the event of an advice in the affirmative, the Commission, without any further investigation and after giving the officer concerned an opportunity of being heard, shall impose such disciplinary punishment as may be justified in the circumstances.
- 3) An officer convicted of such a criminal offence shall not receive any part of his/her emoluments as from the date of such conviction, pending completion of consideration of his/her case by the Commission.

Section 88 *Interdiction*

- 1) When an investigation of a disciplinary offence is directed under the provisions of paragraph (b) of section 84 against a public officer or on the commencement of a police investigation with the object of criminal proceedings against him/her, the Commission may, if the public interest so requires, interdict the public officer from duty pending the investigation:

Provided that the period of interdiction of the officer shall not exceed three months, but, for serious considerations, it can be extended for another three months.

- 2) If at the end of the investigation the criminal or disciplinary prosecution of the public officer is decided, the Commission may, if the public interest so requires, interdict the officer from duty until the final disposal of the case.
- 3) Notice of such interdiction shall be given in writing to the officer as soon as possible. The powers, privileges and benefits vested in the officer shall remain in abeyance during the period the interdiction continues:

Provided that the Commission shall allow the officer to receive such portion of the emoluments of his/her office, not being less than one half, as the Commission may think fit.

- 4) If the officer is acquitted or if as a result of the investigation there is no case against him/her, the interdiction shall come to an end and the officer shall be entitled to the full amount of the emoluments, which s/he would have received if s/he had not been interdicted. If s/he is found guilty, the Commission shall decide whether any portion of his/her emoluments will be returned to him/her.

Section 89 *Offences*

Any person who, being summoned to appear before the Commission, fails to attend at the time and place mentioned in the summons, who refuses to

answer any question that is lawfully put to him/her during the disciplinary hearings, shall be guilty of an offence and shall be liable, on conviction, to a fine not exceeding one thousand pounds.

Part VIII. MISCELLANEOUS

Section 90 Regulations

- 1) The Presidential Council may make Regulations, to be published in the Gazette, for the better carrying into effect of the provisions of this Law and for regulating generally any matter concerning the Commission, the public service and public officers.
- 2) Without prejudice to the generality of subsection (1), any such Regulations may provide for all or any of the following matters: -
 - a) prescribing anything other than a matter relating to judicial proceedings, which under the provisions of this Law is required or permitted to be prescribed;
 - b) forms and fees for any matter required or permitted by or under this Law, or incidental to the provisions thereof.
 - c) hours of work and holidays.
- 3) Regulations made in accordance with this section may provide for retrospective effect.

Section 91 Regulations set out in the Annexes

- 1) The Regulations set out in Annexes I and II shall be deemed to be Regulations under section 85 and 84(2)(b), 86(2), 86(5) respectively.
- 2) The Presidential Council may, at any time, amend, repeal or substitute in whole or in part the Regulations set out in the Annexes hereto.

ANNEX I

PART I

(Regulations under section 85 of the Law)

Disciplinary offences by a public officer which can be summarily dealt with by the appropriate authority:

1. Leaving his/her place of work without permission of his/her superior officer.
2. Delay in attending his/her place or work.
3. Negligence, carelessness, slackness or inertness in the performance of his/her duties.
4. Improper behaviour towards his/her superior officers and colleagues and towards members of the public.
5. Failure or refusal to comply with any direction or instruction given to him/her by a superior officer.
6. Failure or refusal to perform the duties of his/her office.

PART II

Punishments that can be imposed by the appropriate authority:

1. Reprimand.
2. Severe reprimand.
3. Stoppage of increment for a period not exceeding six months.

ANNEX 2

PART I

(Regulations under section 84(2)(b))

Regulations relating to the investigation of disciplinary offences:

1. The appropriate authority shall, as expeditiously as possible, nominate one or more officers of its Department or Office (in this Part referred to as "the investigating officer") to conduct the investigation. The investigating officer shall be a senior officer who shall be of a higher rank than the officer concerned:

Provided that if in any case the appropriate authority considers that it would not be possible, practicable or applicable to nominate an investigating officer from its Department or Office, it shall refer the matter to the Presidential Council which shall nominate a suitable officer either from the Department or the Office of the appropriate authority, provided that such officer shall not be of a lower rank than that of the officer accused, or from another Department or Office to conduct the investigation.

2. The investigation shall be carried out as expeditiously as possible and must be completed not later than thirty days from the date the investigation was ordered.
3. In carrying out an investigation, the investigating officer shall have power to hear any witnesses or to obtain written statements from any person who may have knowledge of any of the facts of the case and any such person shall give all information within his/her knowledge and shall sign any statement so given, after its having been read out to him/her.
4. The officer concerned shall be entitled to know the case against him/her, shall be provided with a copy of the witnesses statements and of any other relative documents and shall be given an opportunity of being heard.
5. After the completion of the investigation, the investigating officer shall forthwith report his/her conclusion to the appropriate authority giving full reasons in support thereof and submitting all relevant documents.
6. On receiving the report of the investigating officer, the appropriate authority shall forthwith refer it, with all documents submitted, to the Attorney-General, together with its views thereon for his/her advice.
7. The Attorney-General shall, with all reasonable speed, consider the matter and advise the appropriate authority whether a charge may be brought against the officer concerned. In case of an advice to the affirmative, then s/he shall draft the charge.

8. On receiving the charge drafted by the Attorney-General, the appropriate authority shall sign it and transmit it to the Chairman of the Commission with all documents submitted to the Attorney-General.

PART II

(Regulations under section 86(2))

Form of Summons

You are hereby summoned to appear before the Public Service Commission at its office at Nicosia on the day of, 200., at the hour of in the noon for the hearing of a disciplinary charge preferred against you that

(State shortly the offence or offences)

- 2. If you desire to call witnesses to testify or to produce evidence before the Commission, you should make such arrangements as are necessary to secure the attendance of those witnesses or the production of that evidence accordingly.
- 3. If you fail to appear before the Commission at the above-mentioned place and time, the Commission may either require your personal attendance or proceed to hear the case in your absence.

Dated the day of, 200....

(Signed)

Chairman of the Public Service Commission.

..... / Summons

Service of Summons

A summons shall be served upon the officer through the Head of his/her department who shall cause the summons to be handed over to him/her and an acknowledgment of its receipt to be signed by the officer on the duplicate form of the summons, which shall then be returned to the Commission.

PART III

(Regulations under section 86(5))

Hearing of a case

1. If the officer appears on the date fixed by the Commission for the hearing of the case, the hearing thereof shall proceed as in the Law and in this Part provided.
2. If the officer does not appear on such date, then, on proof of service of the summons on him/her, the hearing of the case shall proceed in his/her absence:
Provided that the Commission may demand the personal attendance of the officer.
3. The hearing of the case shall proceed, as nearly as may be, in the same manner as the hearing of a criminal case in a summary trial.
4. The Commission shall have power -
 - (a) to summon witnesses and require their attendance and that of the officer as in summary trials;
 - (b) to require production of any document relevant to the charge;
 - (c) to admit any evidence, whether written or oral, even if inadmissible in civil or criminal proceedings;
 - (d) to adjourn the hearing from time to time, provided that the hearing proceeds as expeditiously as possible.
5. A record of the proceedings at the hearing shall be taken.
6. The Commission may by its judgment either find the officer guilty of all or any of the offences charged and impose upon him/her any of the disciplinary punishments which the circumstances of the case would

justify, having first heard him/her as to the determination of sentence, or acquit the officer.

7. Any judgment of the Commission shall give reasons for the decision taken and shall be signed by the Chairman. Copy of such judgment shall be forwarded to the appropriate authority concerned and another copy shall be given to the officer free of any charge.