

# **THE PUBLIC SERVICE LAWS OF 1990 TO 2022**

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# A LAW TO AMEND AND CONSOLIDATE THE PUBLIC SERVICE LAWS 1967 TO 1987<sup>1</sup>

## PART I - PRELIMINARY

Short title.

1 of 1990  
71 of 1991  
211 of 1991  
27(I) of 1994  
83(I) of 1995  
60(I) of 1996  
109(I) of 1996  
69(I) of 2000  
156(I) of 2000  
4(I) of 2001  
94(I) of 2003  
128(I) of 2003  
183(I) of 2003  
31(I) of 2004  
218(I) of 2004  
68(I) of 2005  
79(I) of 2005  
105(I) of 2005  
96(I) of 2006  
107(I) of 2008  
137(I) of 2009  
194(I) of 2011  
78(I) of 2013  
7(I) of 2014  
21(I) of 2014  
100(I) of 2015  
148(I) of 2017  
151(I) of 2017  
152(I) of 2017  
98(I) of 2020  
136(I) of 2020  
1(I) of 2022  
113(I) of 2022  
120(I) of 2022.

**1.** This Law may be cited as the Public Service Law, 1990.

Interpretation.

**2.** In this Law, unless the context otherwise requires–

2(c) of 96(I) of  
2006.  
17(III)/2004.

“Agreement on the European Economic Area” means the Agreement which was ratified by the Agreement on the participation of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Malta, the Republic of Hungary, the Republic of Poland,

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<sup>1</sup> Note: The Public Service Laws, 1967 to 1987 were repealed and replaced by The Public Service Law, 1990 (L.1/1990) as amended – See section 89.

the Republic of Slovenia and the Slovak Republic in the European Economic Area and Final Act (Ratification) Law, 2004;

"Annual Appraisal Reports" include the Annual Confidential Reports prepared prior to the entry into force of this Law;

2(a) of 1(l) of 2022. "appraisal system of the performance of public officers" means the system pertaining to the preparation of Appraisal Reports, as prescribed in section 50;

"appropriate authority" means–

2(a) of 83(l) of 1995.  
2(a) of 94(l) of 2003.

(a) the President of the Republic concerning the public officer exercising the powers and competences of the Head of Department in respect of the officers of the Presidency and concerning the officers of the Presidency, but regarding these officers, usually acting through the said officer;

(b) the President of the House of Representatives concerning the Director-General of the House of Representatives, and of the officers of the House of Representatives, usually acting through the Director-General of the House of Representatives in respect of these officers;

(c) the President of the Supreme Court concerning the Chief Registrar, the Registrars, the officers of the Supreme Court and of all other Courts under its authority, usually acting through the Chief Registrar, in respect of them;

2(a) of 4(l) of 2001  
2 of 98(l) of 2020.

(d) the Council of Ministers concerning the Accountant-General of the Republic, the Deputy Accountant-General, the Directors-General of the Ministries, the Director-General of the Planning Bureau and the Secretary of the Council of Ministers and the officers of its Secretariat, usually acting through the Secretary of the Council of Ministers, in respect of them;

(e) the Head of an Independent Office or Service concerning the officers of such Office or Service;

(f) the Minister usually acting through the Director-General of his Ministry concerning the officers of his Ministry and of any Department under his Ministry; and

2(a) of 4(l) of  
2001.

(g) the Minister of Finance usually acting through–

- (i) the Accountant-General of the Republic concerning the officers of the Treasury, and
- (ii) the Director-General of the Planning Bureau concerning the officers of this Office;

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

"Commission" means the Public Service Commission;

2(b) of 4(l) of  
2001.

"Department" means a Department, Service or Office under a Ministry, as it may be determined by the Council of Ministers;

2(b) of 83(l) of  
1995  
2(b) of 4(l) of  
2001  
2(b) of 94(l) of  
2003  
2(b) of 1(l) of  
2022.

"Head of Department" means the holder of the highest post in the hierarchy of the Department and in the case of an Independent Office or Service, the Head thereof and includes the public officer holding the highest post in the hierarchy among the officers serving in the Presidency with any status regarding these officers, the Accountant-General of the Republic concerning the officers of the Treasury, the Director-General of the House of Representatives concerning the officers of the House of Representatives, the Director-General of a Ministry concerning the Heads of the Departments of the Ministry and the officers not under a Department of the Ministry, the Director-General of the Planning Bureau concerning the officers of this Office, the Secretary of the Council of Ministers concerning the officers of its Secretariat and the Chief Registrar concerning the Registrars and all officers of the Supreme Court and of all other Courts under the authority of the Supreme Court;

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

2 of 128(l) of  
2003  
2(b) of 96(l) of  
2006.

"member state" means a member state of the European Union and includes the states being contracting parties to the Agreement on the European Economic Area and the Swiss Confederation;



"Ministry" includes any Department under the Ministry;

"officer" means a public officer;

"oral examination" means individual or group oral examination and it includes interview;

"post" means a public post;

2 of 128(I)/2003. "post which entails direct or indirect participation in the exercise of public authority and the protection of the general interests of the state" means a post prescribed as such by the Council of Ministers;

"prescribed" means prescribed by any Regulations made by the Council of Ministers in accordance with the provisions of this Law and "to prescribe" shall be construed accordingly;

2 of 136(I) of 2020.  
109(I) of 2005  
197(I) of 2007  
90(I) of 2008  
75(I) of 2010  
115(I) of 2010  
74(I) of 2011.  
"private university" means a university established and operating pursuant to the provisions of the Private Universities (Establishment, Operation and Control) Law.

2 of 136(I) of 2020. "public university" means the University of Cyprus, the Cyprus University of Technology, the Open University of Cyprus or any other public university established by the Republic by Law.

"public post" means a post in the public service;

"public officer" means the holder of a public post on a permanent or temporary basis or as a substitute;

2(a) of 96(I) of 2006. "public service" means any service under the Republic other than the judicial service of the Republic or service in the Armed or Security Forces of the Republic or service in the office of the Attorney-General of the Republic or the Auditor-

General or their Deputies or, subject to the provisions of paragraphs 3 and 4 of Article 126 of the Constitution, of the Accountant-General or his Deputies or service in any office in respect of which other provision is made by law or service of workers or of persons whose remuneration is calculated on a daily basis or service by persons who are employed on a casual basis in accordance with the Employment of Casual Officers (Public and Educational Service) Laws, 1985 to 1991 and the Procedure for Appointment of Casual Officers in the Public and Educational Service Laws, 1995 (No.3) to 2004 as amended from time to time;

99 of 1985  
122 of 1985  
26 of 1991  
85(I) of 2011.  
108(I) of 1995  
21(I) of 1996  
52(I) of 1997  
78(I) of 1997  
82(I) of 1997  
105(I) of 1997  
106(I) of 1997  
52(I) of 1998  
64(I) of 1998  
74(I) of 1998  
95(I) of 1998  
52(I) of 1999  
67(I) of 1999  
98(I) of 1999  
114(I) of 1999  
136(I) of 1999  
138(I) of 1999  
54(I) of 2000  
71(I) of 2000  
123(I) of 2000  
172(I) of 2000  
174(I) of 2000  
35(I) of 2001  
152(I) of 2001  
181(I) of 2003  
246(I) of 2004  
250(I) of 2004  
251(I) of 2004  
26(I) of 2011  
196(I) of 2011  
22(I) of 2014  
70(I) of 2016.  
**Repealed<sup>2</sup>**

2(a) of 1(I) of 2022. “professional structure of posts” means the structure of posts in the public service, for which the admission post falls within the scales A9, A11 and A12 and A11 and A12 of the Government salary bill, as these scales apply on the date of entry into

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<sup>2</sup> Note: The Procedure for Appointment of Casual Officers in the Public and Educational Service Law, 1995 (108(I)/1995) was repealed and replaced by the Regulation of the Employment of Indefinite Employees and Fixed-Term Employees in the Public Service Law, 2016 (70(I)/2016).

force of this Law, with the exception of the posts of the House of Representatives provided for in the Services and Personnel of the House of Representatives Law, as subsequently amended by the respective National Budget Laws, the posts of the Audit Office, as well as the posts of the Foreign Service of the Republic, established under the Foreign Service of the Republic Law;

24 of 1961.  
10 of 1960  
35 of 1966  
49 of 1969  
41 of 1975  
19 of 1980  
25(I) of 2006<sup>3</sup>.

2(a) of 1(I) of 2022. “scientific structure of posts” means the structure of posts in the public service, for which the admission post falls within the scales A8, A10 and A11 of the Government salary bill, as these scales apply on the date of entry into force of this Law, with the exception of the posts of the House of Representatives provided for in the Services and Personnel of the House of Representatives Law, as subsequently amended by the respective National Budget Laws, the posts of the Audit Office, as well as the posts of the Foreign Service of the Republic, established under the Foreign Service of the Republic Law;

"service" means public service.

Application of this Law.

**3.** This Law shall apply to all members of the public service except those who do not come within the jurisdiction of the Public Service Commission or for whom other provision is made under any other law in force for the time being.

## **PART II — PUBLIC SERVICE COMMISSION**

Public Service Commission.

**4.**—(1) There shall be a Public Service Commission consisting of a Chairman and four other members appointed by the President of the Republic.

(2) The term of office of the Commission shall be for six years.

(3) No person shall be appointed as, or be, a member of the Commission unless:

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<sup>3</sup> Note: The Foreign Service of the Republic Law of 1960 (N. 10/1960), was repealed and replaced by The Foreign Service of the Republic Law of 2006 (25(I)/2006).

(a) he is a citizen of the Republic, of moral character and has the qualifications for election as a member of the House of Representatives;

(b) he is or has been during the twelve months prior to his appointment, in the case of the Chairman, or during the six months prior to his appointment, in the case of any other member–

(i) a Minister,

(ii) a member of the House of Representatives,

(iii) a public officer or a person belonging to the armed forces,

(iv) an employee of any local authority or of a body corporate or of a public utility corporation established by law for the public interest, and

(v) a member of a trade union or an association or organisation belonging to that trade union.

(4) Every member of the Commission may, at any time, submit his resignation addressed to the President of the Republic.

(5) If, at any time, any member of the Commission is on leave of absence, or is unable due to his absence from Cyprus or due to illness or to any other cause, to perform his duties or to exercise his authority as a member of the Commission under this Law, the President of the Republic may appoint any person qualified to be a member of the Commission, to be a temporary member for as long as the member is on leave of absence or is disabled, as mentioned above.

(6) The members of the Commission cannot be dismissed except on the same grounds and in the same manner as the judges of the Supreme Court are dismissed.

Functions of the  
Commission.  
3 of 1(I) of 2022.

**5.**-(1) With the exception of the cases in respect of which special provision is made in the Law or in any other Law concerning any matter relevant to this section, the functions of the Commission shall include–

(a) the appointment, confirmation of appointment, integration in the permanent personnel, promotion, transfer, secondment and retirement of

public officers and the exercise of disciplinary control over public officers, including their dismissal or compulsory retirement; and

(b) the verification and publication in the annual report provided in section 20, of statistical data concerning the accurate implementation of the appraisal system of the performance of public officers, both as per Ministry and Department as well as per category of officers, as the Commission shall deem appropriate, and the submission of recommendations based on international good practices, for the improvement of the said system and the prevention of mistakes in the implementation of the relevant regulations.

(2) Upon their appointment to the Commission, the Chairman and the members are briefed on the full range of their functions and the relevant legislative framework and prepare a plan for their continuous information and training on candidate evaluation methods and the exercise of their functions in general.

Internal  
safeguards.  
4 of 1(l) of 2022.

**5A.**-(1) The Commission shall see to the implementation of internal mechanisms in all its procedures, to ensure compliance with the formalities, the legal framework and the principles governing the selection of candidates.

(2) In particular, and without prejudice to the generality of subsection (1), the members of the Commission shall, inter alia-

(a) complete structured forms during the selection procedure for each candidate, aiming to document and certify every oral examination which has been conducted;

(b) record and/or mark the results of the oral examination and record all other remarks impacting the decision:

Provided that, the personal notes and/or the score awarded by the members in relation to the performance of the candidates in the oral examination shall be delivered by them immediately upon the completion of the procedure for the filling of the posts and shall form part of the relevant file.

(3) Every candidate may access the part of the documents provided in subsection (2) that concerns him, without being required to request permission by the Court in this regard.

Emoluments. **6.** The emoluments of the Chairman and of every member of the Commission shall be specified by law and shall not be adversely amended for the Chairman or a member after their appointment.

Nature of service. **7.** 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 Council of Ministers from time to time for public officers.

Private employment. **8.** The Chairman and the other members of the Commission shall not practice any profession or trade or engage themselves in any business nor shall they accept on payment any other employment outside their duties, except with the consent of the Council of Ministers.

Leave and other benefits. **9.** The Chairman and the other members of the Commission shall be eligible for such annual leave, sick leave and other benefits as may be determined by the Council of Ministers.

Chairman of the Commission. **10. – (1)** The Chairman shall be the head of the Commission and of its Office, shall convene its meetings and shall sign any important correspondence or document.

(2) The Chairman shall prepare the agenda of every meeting and ensure that it is 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 meeting takes place.

(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 meeting takes place, if such subject may 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 was 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.

Proceedings at meetings of the Commission.

**11.**-(1) If the Chairman is unable to attend and preside over any meeting, the members present shall elect one of them as Chairman of the meeting.

2 of 79(l) of 2005.

(2) Three members present shall form a quorum and any decision shall be valid if taken by three votes.

(3) There shall be kept summary minutes of the proceedings of every meeting. Any member present at the meeting may require his views to be recorded in the minutes, if they are material to the decision taken.

(4) Copy of the minutes shall, as early as possible, be distributed amongst the members. Any remarks 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 remarks are made within the aforementioned period, the minutes shall be deemed to have been confirmed.

(5) The minutes when confirmed shall be signed by the Chairman of the meeting and kept in a special book or file of minutes.

(6) Subject to the provisions of this Law, the Commission may regulate its own procedure.

Vacancy of office.

**12.**-(1) When the Chairman or any other member of the Commission becomes disqualified from holding his office, the President of the Republic shall terminate his appointment.

(2) Where the appointment of the Chairman or any other member of the Commission is terminated either in accordance with subsection (1) of this section or in accordance with subsection (6) of section 4 or where there is a vacancy in the Commission for any reason, the President of the Republic shall proceed within

forty-five days to fill the vacancy with a new appointment for the unexpired period of the term of office of the Commission.

(3) The validity of any act or proceedings of the Commission shall not be affected by reason of any vacancy in the Commission for as long as the number of its members is not less than three.

Office of the  
Commission.

**13.**—(1) The Commission shall have its own Office.

(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 Council of Ministers from time to time, one of whom shall act as Secretary.

(3) The Secretary shall be in 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 communicate all the decisions of the Commission to every appropriate authority or person, keep the correspondence and records of the Commission and makes them available to any member, if so requested by such member, for the performance of his duties.

Obligation for  
secrecy.

**14.**—(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 knowledge in the course of his duties as confidential 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 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 one thousand pounds or to both such imprisonment and fine.

Abstention from  
duties.

**15.** On the commencement of the procedure for the dismissal of the Chairman or of any member of the Commission in accordance with subsection (6) of section



4, the Chairman or such member shall abstain from the performance of his duties until the completion of such procedure.

Protection of members.

**16.** Subject to the provisions of this Law, neither the Chairman nor any other member of the Commission shall be liable for anything said or done or omitted to be done in the bona fide performance of their duties.

Obligation of public officers to provide information, etc.

**17.** The Commission may require, through the appropriate authority, any public officer to attend and give evidence before it or to provide 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.

Documents to be made available.

**18.** Every public officer who submits any matter for the consideration of the Commission shall ensure that all relevant exhibits and documents are made available to the Commission.

Disciplinary action on the Commission's own initiative.

**19.** Every public officer who during any disciplinary proceedings before the Commission behaves in an improper or contemptuous for the Commission manner or without reasonable excuse fails to appear before the Commission, when lawfully summoned to do so, or who fails to comply with any direction lawfully and properly issued by the Commission, shall be guilty of a disciplinary offence and, notwithstanding the provisions of section 81, the Commission may institute at its own initiative, disciplinary proceedings against him and impose on him any of the punishments provided by Part II of the First Schedule of this Law.

First Schedule, Part II.

Annual report.

**20.** The Chairman of the Commission shall submit in the first half of each year, a report on the work performed by the Commission during the preceding year, for the information of the Council of Ministers.

### **PART III — STRUCTURE OF THE PUBLIC SERVICE**

Permanent and temporary posts.

**21.**-(1) A post may be either permanent or temporary.

(2) A permanent or temporary post is created by law specifying its title and the salary or salary scale of such post.

Maximum number of posts.

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

Pensionable posts.

**23.** The permanent posts are pensionable.

Interchangeable and non-interchangeable posts.

**24.**-(1) The posts shall be divided, into interchangeable and non- interchangeable.

(2) The interchangeable posts shall fall within one of the following categories:

- (a) General Administrative Staff;
- (b) General Secretarial Staff;
- (c) General Clerical Staff;
- (d) General Auxiliary Staff;
- (e) General Technical Staff;
- (f) Technical Assistants.

(3) The interchangeable posts referred to in subsection (2), the holders of which are in this Law referred to as «interchangeable staff», shall constitute a separate Department the Head of which is the Director of Public Administration and Personnel Department.

(4) All other posts are non-interchangeable.

(5) The Council of Ministers may prescribe by regulations any non interchangeable posts as interchangeable and vice-versa and may also appoint in each case the Head of interchangeable or noninterchangeable posts.

Categories and grades.

**25.** Subject to the provisions of section 24, the public posts shall be divided into such categories and grades as may be prescribed by law:

Provided that, until such categories or grades are prescribed, the categories and grades existing on the date of the coming into force of this Law in respect of the various public posts, shall continue to exist.

**PART IV — APPOINTMENTS, PROMOTIONS, TRANSFERS,  
RESIGNATIONS AND RETIREMENTS**

Interpretation

**26.** For the purposes of this Part, unless the context otherwise requires—

"appointment" means the conferment of a post to a person who is not in the public service or the conferment to a public officer of a post other than that which he holds on a permanent basis, and which does not constitute a promotion; the expression "to appoint" shall be construed accordingly;

"promotion" means a change in an officer's permanent status which entails an increase in the officer's remuneration or which entails his emplacement in a higher grade of the public service, or on a salary scale with a higher maximum ceiling, whether the officer's remuneration is automatically increased by such a change or not; the expression "to promote" shall be construed accordingly.

Schemes of service.

**27.**—(1) The general duties and responsibilities of a certain post and the qualifications required for its holding shall be prescribed in the schemes of service made by the Council of Ministers by Regulations approved by the House of Representatives in accordance with the procedure provided by subsection (3) of section 87.

(2) Upon their approval, the schemes of service are published in a special Annex of the official Gazette of the Republic.

(3) A scheme of service may provide as a prerequisite to appointment or promotion the passing by candidates of an examination

Categories of posts for purposes of appointment or promotion.

**28.**—(1) For the purposes of appointment or promotion, posts shall be divided into the following categories:

(a) First Entry posts to which persons not in the public service or public officers may be appointed;

(b) First Entry and Promotion posts to which persons not in the public service may be appointed and public officers may be appointed or promoted;

(c) Promotion posts which shall be filled by the promotion of public officers serving in the immediately lower grade or post of the particular section or subsection of the public service, as the case may be;

5 of 1(l) of 2022.

(d) Interdepartmental Promotion posts, which are posts in the A13(ii) scale of the Government salary bill, as applicable on the date of entry into force of this Law, which can be filled by the promotion of public officers serving anywhere in the public service, in a post of the immediately lower salary level of the scientific structures of posts or the professional structures of posts, as the case may be, with the exception of the posts of the House of Representatives provided for in the Services and Personnel of the House of Representatives Law, as subsequently amended by the respective National Budget Laws, the posts of the Audit Office, as well as the posts of the Foreign Service of the Republic, established under the Foreign Service of the Republic Law;

(2) The category of each post shall be determined in the relevant scheme of service.

(3) For the purposes of this section, "section or subsection of the public service" means a section or subsection of the public service composed of two or more grades of the same post, or of different posts of a similar nature which entail different salaries or salary scales.

Initiative to take action.

**29.**-(1) Subject to the provisions of the remaining subsections of this section, the Commission shall not proceed to fill any vacancy in any public post except upon the receipt of a written proposal to that effect from the appropriate authority:

2 of 218(l) of 2004.

Provided that, where the scheme of service of the post provides for the determination of the qualifications required, the appropriate authority shall define and analyse the needs of the service which led to the selection of the specific qualifications:

3 of 96(l) of  
2006.

Provided further that, simultaneously with the proposal for the filling of the post the appropriate authority may also submit a proposal for filling a promotion post which will ensue in the immediately lower grade consequent to the filling of such post, in which case the first substantive time for possessing the qualifications for the post in the lower grade shall be considered to be the date of the coming into effect of the promotion to the post in the higher grade.

(2) Subject to the provisions of section 33, the appropriate authority must submit a proposal for the filling of a vacant post within four months, at the latest, from the date of the creation of such post or the vacancy has occurred.

(3) Where the appropriate authority does not comply with the provisions of subsection (2), the Commission shall proceed with the filling of the post without the proposal of the appropriate authority.

(4) A proposal of the appropriate authority for the filling of a post cannot be withdrawn.

Methods of filling  
posts.

**30.**—(1) A permanent post may be filled either on a permanent basis or on a temporary basis by secondment or by contract of a limited duration or on a month-to-month basis, as the Council of Ministers may decide.

(2) A temporary post may be filled either by the secondment of a permanent officer or by the appointment of a person by contract of a limited duration or on a month-to-month basis, as the Council of Ministers may decide.

Qualifications for  
appointment.

**31.** No person is appointed to the public service, unless—

3(a) of  
128(l)/2003.

(a) he is a citizen of the Republic or, provided that the post does not entail direct or indirect participation in the exercise of public authority and in the protection of the general interests of the state, he is citizen of a member state;

3(b) of  
128(l)/2003.

(b) he has attained the age of seventeen years and, if he is a citizen of the Republic, he has completed his military service or has been exempted from it:

2 of 7(I) of 2014.

Provided that, in the case of a citizen of the Republic who has been lawfully exempted from his military service on grounds of health, said person shall be referred by the Commission to a medical board, which shall determine whether he is medically fit for the post to which he shall be appointed. The said medical board shall be appointed by the Minister of Health and shall be composed of three members, the specialty of whom shall be determined by the said Minister:

2 of 7(I) of 2014.

Provided further that, a citizen of the Republic who has been lawfully exempted from his military service shall submit to the Commission a recruitment status certificate showing all the changes to his recruitment status, the format and content of which are specified by the Minister of Defence in accordance with section 63 of the National Guard Law, as amended or replaced from time to time;

19(I) of 2011  
128(I) of 2013  
94(I) of 2014  
2(I) of 2015  
98(I) of 2015  
110(I) of 2015  
82(I) of 2016  
101(I) of 2018  
85(I) of 2019  
91(I) of 2019  
47(I) of 2020  
136(I) of 2021.

(c) he possesses the qualifications required by the scheme of service of the particular post for which the appointment is to be made;

(d) he has not been convicted for an offence of a serious nature which entails dishonesty or moral turpitude;

3(c) of  
128(I)/2003  
4 of 96(I) of  
2006.

(e) he has not been dismissed or his services were not terminated in the past from the public service or from any service or organisation governed by public law of the Republic or of the European Union or of any member state, for a disciplinary offence;

(f) he is certified by a Government Medical Officer as medically fit for the post in question after a medical examination including an X-Ray of the chest:

3(d) of 128(l) of 2003.

Provided that the Council of Ministers may, in any special case for reasons of public interest, authorise that a person who is not a citizen of the Republic or of a member state submits an application for appointment in accordance with the provisions of this Law and in case he is selected, he may be appointed-

(a) on contract for a limited period; or

(b) on a permanent basis, if that person had been employed in the public service on contract for a period of not less than four years

Establishment of Advisory Boards. 5(a) of 96(l)/2006.

**32.**-(1) Subject to the provisions of subsection (2) there shall be established the following Advisory Boards for the purpose of advising the Commission in relation with the filling of vacant First Entry or First Entry and Promotion posts, excluding the filling of the vacant posts of the Heads of Departments:

3(a) of 4(l) of 2001.

(a) for the filling of vacancies in a Ministry, the Planning Bureau and the Treasury of the Republic there shall be established a Board consisting of:

3(b) of 4(l) of 2001.

(i) the Director-General of the Ministry or the Planning Bureau or the Accountant-General, who shall act as Chairman; and

5(b) of 96(l) of 2006.

(ii) four other officers out of whom three shall follow in hierarchy the Director-General or the Accountant-General, provided they serve in Cyprus, one of whom shall be selected by him and shall be approved by the appropriate authority for the particular case;

5(c) of 96(l) of 2006.

(b) for the filling of vacancies in a Department under a Ministry there shall be established a Board consisting of the Head of the Department or Service concerned who shall act as Chairman, and four other officers out of whom three shall follow in hierarchy the Head of Department, one of whom shall be selected by the Director-General of the Ministry concerned and shall be approved by the appropriate authority for the particular case:

Provided that, in cases where the filling refers to vacant posts the holders of which are immediate subordinates of the Head of the Department concerned, the Director-General of the Ministry concerned shall act as Chairman of the Advisory Board and the remaining members, one of which shall be the Head of the

Department concerned, shall be selected by the Director-General of the Ministry concerned and shall be approved by the appropriate authority for the particular case;

(c) for the filling of vacancies in the House of Representatives, in the Judicial Department, in an Independent Office or Service, there shall be established a Board consisting of:

(i) the Head of the Office concerned, who shall act as Chairman; and

(ii) four other officers, out of whom three shall follow in hierarchy the Head of that Office and one shall be selected by him for the particular case;

5(d) of 96(l) of 2006.

(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 four other officers, who shall be selected by the Director-General of the Ministry of Finance in consultation with the Head of the Department and shall be approved by the Minister of Finance for the particular case;

Provided that, where the vacancy refers to a post the salary scale of which is immediately below that of the post of the Director of the Public Administration and Personnel Department, the Director-General of the Ministry of Finance shall act as Chairman of the Advisory Board and the Director of the Public Administration and Personnel Department shall participate as one of the other four members.

5(e) of 96(l) of 2006.

(2) For the filling of vacant posts the starting salary scale of which does not exceed salary scale A7 of the government salary bill there shall be established an Advisory Board following a decision of the appropriate authority, upon the submission of a proposal by the Head of Department, either in accordance with the provisions of subsection (1), or consisting of three officers who follow in hierarchy the Head of Department and two other officers nominated by the appropriate authority, for the particular case, in which case the person who is the



higher in the hierarchy or, if such person does not exist, the most senior member shall act as Chairman.

5(f) of 96(l) of 2006 (3) The members of the Advisory Boards shall in all cases be of a higher grade or post than the vacant post to be filled:

2 of 120(l) of 2022. Provided that, for the filling of a post of Attorney of the Republic in the Law Office of the Republic, the Advisory Board shall consist of the Attorney-General of the Republic, the Deputy Attorney-General of the Republic and three officers, selected by the Attorney-General of the Republic among officers holding the post of either Attorney of the Republic or Director-General.

5(f) of 96(l) of 2006. (4) When, due to the absence of suitable officers or due to an obstacle, it is considered necessary for members of an Advisory Board to be officers selected from another Ministry, Independent Office or Service, to which the vacant post to be filled does not belong, the selection shall be effected in consultation with the appropriate authority in charge of these officers.

5(f) of 96(l) of 2006. (5) Three of the members of the Advisory Board shall form a quorum.

5(f) of 96(l) of 2006. (6) Where the Chairman is absent or prevented from attending a meeting, the member higher in hierarchy, or if there is none, the most senior member shall act as Chairman.

5(f) of 96(l) of 2006. (7) No decision of the Advisory Board shall be valid unless taken with three votes.

2 of 31(l) of 2004  
5(f) of 96(l) of 2006.  
158(l) of 1999. (8) Notwithstanding the provisions of section 20 of the General Principles of Administrative Law, the legality of the constitution of any Advisory Board and the validity of any act or decision shall not be affected by reason of death, resignation, retirement, absence or other impediment of a member thereof, at any stage of the procedure before it, as long as the provisions of subsection (4) of this section are being observed:

Provided that, the provisions of this subsection shall apply also to the procedures for the filling of vacancies which are in progress.

Procedure  
for filling of First  
Entry posts.

**33.**-(1) Notwithstanding the provisions of section 29, within the first four months in each year, there shall be published in the official Gazette of the Republic by the Commission, on the basis of the particulars given to it by the appropriate authority, all First Entry posts which are or are expected to become vacant by the end of the year:

3 of 218(l) of  
2004.

Provided that, if the scheme of service of the post provides for the definition of the qualifications required at the time of the advertisement of the post, the appropriate authority shall specify and explain the needs of the service which led to the selection of the specific qualifications.

(2) The advertisement of the posts shall give full particulars of the scheme of service and shall specify 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 the soonest possible to the Chairman of the appropriate Advisory Board 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 official Gazette of the Republic.

6(a) of 96(l) of  
2006.

(4) The Advisory Board shall then meet within two weeks and shall cause the candidates to be examined in writing or orally, or in both, in accordance with the provisions of the relevant scheme of service. The results of the written examination, if such an examination is decided to be conducted, shall be published in the official Gazette of the Republic:

Provided that, the candidates of one post may be submitted to a common written examination together with the candidates of other posts:

Provided further that, the Advisory Board, at the time of taking the decision to conduct the written examination, may define a grade for success in the written examination, in which case the candidates who fail in the examination shall be excluded from the next stages of the procedure:

Provided even further that, in case the Advisory Board decides to conduct both an oral and a written examination, it shall, on the same date, decide the

weight that should be given to each examination. In such a case, the weight to be given to the written examination shall in no case be less than 80%.

3 of 136(l) of  
2020.

(5) The Advisory Board may assign to a Service or to officers or to a public university or to a private university the preparation of the subjects and the marking of the papers in the case of a written examination.

(6) The Advisory Board shall then, having regard to the results of the written and or oral examination of the candidates, whichever has been conducted, the qualifications of the candidates in relation to the duties of the post, 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, prepare and forward to the Commission a duly reasoned report 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»:

6(b) of 96(l) of  
2006.

Provided that, the Advisory Board shall fulfil its task within six months from the date of the receipt of the applications and if this cannot be achieved it shall inform the Secretary of the Commission accordingly and shall state the reasons that have caused the nonobservance of the six months time-limit.

6(c) of 96(l) of  
2006.

(7) The number of candidates who shall be included in the preliminary list, where only a written examination has been conducted, shall be three times the number of posts which have been published or created or have become vacant until the time of preparation of the preliminary list by the Advisory Board, provided that there are suitable candidates and, where only an oral examination or both an oral and written examination have been conducted, the number of candidates who shall be included in the preliminary list shall be four times the number of such posts.

(8) The Commission, having examined the preliminary list on the basis of the provisions contained in subsections (6) and (7), shall prepare a list of the most suitable candidates, hereinafter referred to as the "final list":

Provided that, the Commission may, by a fully reasoned decision, also include in the final list candidates who are not included in the preliminary list

(9) After the preparation of the final list all the posts which have been published or any other posts with the same title that shall become vacant or shall be established by the end of the year shall be filled from this list:

6(d) of 96(l) of 2006.

Provided that, in the case of a post becoming vacant for any reason within three months from the date of its filling, the post which remains vacant shall be filled from the final list of the candidates

(10) The Commission, before deciding the final selection, shall invite for an oral examination the candidates who are included in the final list. During the candidates' oral examination the Commission may be assisted by an official or officials who are in a position to give assistance because of their expertise.

(11) The Commission, during the deliberations for the final selection and appointment of the best candidates, duly considers the performance of the candidates in the oral examination and the criteria referred to in subsection (6):

Provided that, the Commission may decline to select any of the candidates, if in its duly reasoned opinion none of them is suitable for appointment.

(12) If the selection concerns a post which is not vacant on the day the respective decision is taken, the decision shall take effect on the day the post shall become vacant, subject to any other provisions of this Law.

(13) The procedure for the filling of the posts, in compliance with the provisions of the above-mentioned subsections, may continue until the 30th of April of the following year, provided that such posts will continue to be vacant on the day of their filling.

2 of 113(l) of 2022.

(14) (a) The Commission shall act in accordance with the provisions of paragraph (b) of subsection (2) of section 5A in respect of the performance of the candidates during the oral examination before it.

(b) The general impression of the Advisory Board in respect of the performance of the candidates during the oral examination is recorded in the minutes kept by it and is justified.

(15) Subject to the provisions of section 31, no person can be appointed to a First Entry post, unless he possesses the qualifications laid down in the scheme of service of such post, at both the expiration of the deadline for the submission of the applications and the time the decision is taken.

Procedure  
for filling of First  
Entry and  
Promotion posts.

**34.**-(1) Subject to the provisions of section 29 and without prejudice to the provisions of subsections (11), (12) and (14) of this section every vacant First Entry and Promotion post shall be published in the official Gazette of the Republic.

(2) The publication shall give full particulars of the scheme of service and shall specify 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 appropriate Advisory Board 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 official Gazette of the Republic.

7(a) of 96(I) of  
2006.

(4) The Advisory Board shall then meet within two weeks and shall cause the candidates to be examined in writing or orally, or in both, in accordance with the provisions of the relevant scheme of service. The results of such a written examination, if such an examination is decided to be conducted, shall be published in the official Gazette of the Republic:

Provided that, the candidates of one post may be submitted to a common written examination together with the candidates of other posts:

Provided further that, the Advisory Board, at the time of taking the decision to conduct the written examination, may determine a grade for success in the written examination, in which case candidates who fail in the examination shall be excluded from the next stage of the procedure:

Provided even further that, in case the Advisory Board decides to conduct both an oral and a written examination, it shall, on the same date, decide the weight that should be given to each examination. In such a case, the weight to be given to the written examination shall in no case be less than 80%.

4 of 136(l) of  
2020.

(5) The Advisory Board may assign to a service or to officers or to a public university or to a private university the preparation of the subjects and the marking of the papers of a written examination.

(6) The Advisory Board shall then, having regard to the results of the written and or oral examination of the candidates, whichever has been conducted, the qualifications of the candidates in relation to the duties of the post, 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, forward to the Commission a duly reasoned report for all candidates and a list containing in alphabetical order the names of the candidates it recommends for selection:

7(b) of 96(l) of  
2006.

Provided that, the Advisory Board shall fulfil its task within six months from the date of the receipt of the applications and if this cannot be achieved it shall inform the Secretary of the Commission accordingly and shall state the reasons that have caused the nonobservance of the six months time-limit.

7(c) of 96(l) of  
2006.

(7) The number of candidates who shall be recommended by the Advisory Board, where only a written examination has been conducted, shall be three times the number of vacant posts which have been published or may be filled under subsection (14), provided there are suitable candidates and, where only an oral examination or both an oral and a written examination have been conducted, the number of candidates who shall be recommended by the Advisory Board shall be four times the number of such posts.

2(a) of 105(l) of  
2005.

(8) The Commission, before deciding the final selection, must invite for an oral examination the candidates who have been recommended by the Advisory Board, as well as any other candidate, who, in its reasoned opinion, should have been included in the list of those recommended by the Advisory Board:

7(d) of 96(l) of 2006.  
105(l) of 2005. Provided that, the provisions of this subsection shall also apply to the procedures for filling posts which on the date of the coming into force of the Public Service (Amendment) Law (No. 3), 2005, are in progress.

2(b) of 105(l) of 2005. (9) The Commission shall then, 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 oral examination, select the most suitable candidate:

2(a) of 156(l) of 2000. Provided that, where the post to be filled is that of the Head of the Department, the recommendations are made by the Director-General of the Ministry concerned:

2(b) of 156(l) of 2000. Provided further that, the Commission may select none of the candidates if, in its opinion, none of them is suitable for appointment or promotion.

3 of 113(l) of 2022. (10) (a) The Commission shall act in accordance with the provisions of paragraph (b) of subsection (2) of section 5A in respect of the performance of the candidates during the oral examination before it.

(b) The general impression of the Advisory Board in respect of the performance of the candidates during the oral examination is recorded in the minutes kept by it and is justified.

(11) A First Entry and Promotion post may be published, subject to the provisions of section 29, at any time within the period of six months prior to its becoming vacant, if such post is expected to become vacant due to the retirement of its holder.

(12) A First Entry and Promotion post may be published, subject to the provisions of section 29, at any time within the period of six months prior to its becoming vacant, if such post is expected to become vacant because there is in progress the procedure for the filling of a higher Promotion post in the same section or subsection of the public service.

(13) Every time a post is published in accordance with subsections (11) or (12) of this section, the post 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 post may be filled by the Commission without publication if it becomes vacant or it is established at a time at which there is in progress a procedure for the filling of another post with the same title. In such a case the post is deemed to have been published on the day at which the other post was published.

(15) No person shall be appointed or promoted to a First Entry and Promotion post unless—

(a) he possesses the qualifications provided in the scheme of service of such post at both the expiration of the deadline for the submission of the applications and the time the decision is taken;

(b) in the case of a candidate who is a public officer, he fulfils the prerequisites of paragraph (c) of subsection (2) of section 35;

(c) in the case of a candidate who is not a public officer, he fulfils the prerequisites of section 31.

(16) In this section the term "section or subsection of the public service" has the same meaning as in section 28.

Procedure for reexamination following annulment of a decision by the Court.

8 of 96(l) of 2006

6 (a), (b), (c), (d) of 1(l) of 2022.

**34A.**—(1) Notwithstanding the provisions of sections 33 and 34 and subject to the provisions of the following subsections of this section, in case of annulment by the Court of a decision of the Commission by which the appointment or promotion of an officer in a First Entry or in a First Entry and Promotion post has been decided, the Commission shall re-examine the decision annulled on the basis of the legal and factual situation in force at the time the annulled decision was taken and everything else that had been decided by the Court's decision:

Provided that, in case the Court found by its decision that there were irregularities in the procedure before the Advisory Board, the Commission must refer the matter to the Advisory Board for reexamination.



(2) Notwithstanding the provisions of subsection (1), if there has been a change in the legal status after the annulled decision was taken, for the purposes of re-examination the new legal situation should be taken into account, if this has a retrospective effect.

(3) Subject to the provisions of subsection (4), for the purpose of re-examination of an annulled decision, the opinion formed by the Commission and the Advisory Board during the oral examination, if such an examination has taken place before the issue of their annulled decision shall be considered as part of the factual situation and shall be taken into account, irrespective of whether in the meantime their composition has changed:

Provided that, if the reason for annulment relates to a prior stage of the oral examination procedure, either before the Advisory Board or before the Commission, in a manner that affects the opinion formed during the oral examination by the Advisory Board or the Commission, as the case maybe, then the opinion in question shall not be taken into account.

(4) Notwithstanding the provisions of subsections (1) and (3) and subject to the provisions of subsection (5), if it is found by the judgement of the Court, that the opinion of the Commission or the Advisory Board, as the case maybe, concerning the performance of the candidates during the oral examination was wrong, the Commission or the Advisory Board, for the purpose of reexamination, may, by a reasoned decision, invite the candidates to a new oral examination.

(5) The provisions of subsection (4) do not apply if the cause of the annulment relates to the reasoning of the opinion of the Commission or the Advisory Board, as the case may be, and no change in their composition had taken place in the meantime. In such a case the Commission or the Advisory Board will proceed to correct or to supplement the defective reasoning on the basis of the notes kept by their members in the course of the oral examination.

(6) Subject to the provisions of subsection (7), for the purposes of re-examination of an annulled decision, the recommendation of the Head of the Department concerned or, if it relates to the post of Head of Department, the recommendation

of the Director-General of the Ministry concerned, which was submitted to the Commission before the issue of its decision which was annulled, shall be considered as part of the factual situation and shall be taken into consideration, irrespective of whether the composition of the Commission had changed in the meantime:

Provided that, if the reason for the annulment relates to a stage of the procedure precedent to the recommendation, in a manner that affects the recommendation, then the recommendation shall be ignored and the Head of Department or the Director General, as the case may be, or in case of his substitution, the new Head of Department or the new Director-General shall be recalled to submit a new recommendation based on the factual situation that existed at the time of the issue of the annulled decision.

(7) A recommendation which was considered to be wrong or which was based on wrong facts shall be ignored and the Head of the Department concerned or the Director-General of the Ministry concerned, as the case may be, or in case of his substitution, the new Head of Department or the new Director-General, shall be recalled to submit a new recommendation based on the factual situation that existed at the time of the issue of the annulled decision:

Provided that, if the opinion of the Commission regarding the performance of the candidates during the oral examination, was found by the Court to be wrong, this does not affect the legality of the recommendation of the Head of Department or the Director-General, which was based on his own personal evaluation for the performance of the candidates during the oral examination.

2 of 152(l) of  
2017.

(7A) The decision of the Court pertaining to the annulment shall not affect the prestige and legality of the written examination of the candidates, conducted in the framework of the procedure for the issue of the Commission's annulled decision, provided the grounds for the annulment of the Commission's decision do not relate to the prestige or legality of the written examination that was conducted.

(8) The provisions of this section shall apply to every procedure of re-examination, regardless of the time the annulled decision was taken.

Procedure  
for filling of  
Promotion posts.

**35.**-(1) Subject to the provisions of section 29, a vacant Promotion post shall be filled without prior publication by the promotion of an officer who serves in the immediately lower grade or post of the specific section or subsection of the public service.

(2) No public officer shall be promoted to another post, unless-

(a) There is such vacant post:

Provided that, in the case of posts with a combined establishment, promotion from the lower to the higher post or grade of that post may be made regardless of the existence or not of a vacancy in the higher post or grade, subject to a manner to be prescribed:

Provided further that, a Promotion post may be filled before becoming vacant, when its holder is on retirement leave;

(b) he possesses the qualifications prescribed by the scheme of service for that post, both at the time when the proposal for the filling of the post was received by the Commission and at the time the decision is taken;

7 of 1(l) of 2022.

(c) he has not been punished during the preceding three years for any disciplinary offence of a serious nature:

Provided that, no public officer shall be promoted to a post which entails direct or indirect participation in the exercise of public authority and in the protection of the general interests of the state, unless he is a citizen of the Republic.

(3)The officers' claims for promotion shall be decided on the basis of merit, qualifications and seniority.

(4) In deciding a promotion, the Commission shall duly take into account the content of the Personal Files and of the Files of the Annual Appraisal Reports of the candidates, the duly reasoned recommendations of the Head of the

Department in which the vacant post exists and the impression formed by the Commission for the candidates during the oral examination, if it took place:

3 of 156(l) of  
2000.

Provided that, where the post to be filled is that of the Head of Department, the recommendations must be made by the Director-General of the Ministry concerned.

(5) For the purposes of this section—

"section or subsection of the public service" has the same meaning as in section 28.

"posts with a combined establishment" means two or more separate posts or two or more grades of the same post, which have a common maximum number of posts.

Procedure for  
filling of  
Interdepartmen-  
tal Promotion  
posts.

8 of 1(l) of 2022

**35A.**-(1) Subject to the provisions of section 29 and subsection (3) of this section, every Interdepartmental Promotion post which is vacant shall be published in the official Gazette of the Republic.

(2) The publication of the post shall give full particulars of the scheme of service and shall specify the deadline for the submission of applications.

(3) An Interdepartmental Promotion post may be filled by the Commission, without being published pursuant to subsection (1), if such post becomes vacant or is created in the time period during which a procedure for filling another post with the same title is in progress and the Interdepartmental Promotion post is considered to have been published on the day on which the above-mentioned other post was published.

(4) No person shall be promoted to an Interdepartmental Promotion post unless-

(a) he possesses the qualifications provided in the scheme of service for the said post, both at the expiration of the deadline for the submission of applications and at the time when the decision for filling the said post is taken;

(b) he has not been punished during the preceding three (3) years for any disciplinary offence of a serious nature:

Provided that, no public officer shall be promoted to a post which entails direct or indirect participation in the exercise of public authority and the preservation of the general interests of the state, unless he is a citizen of the Republic.

Special provisions for the filling of permanent posts.

**36.**-(1) Notwithstanding any provision of this Law, no vacant permanent post in any Ministry or Independent Office or Service shall be published, if an officer is serving in the said Ministry or Independent Office or Service, having been selected under the provisions of section 30 either on a month-to-month basis or on secondment to a permanent post under the same title or to a temporary post under the same title, in which case this post is filled by the Commission, after having complied with the relevant procedures for the approval of the filling of vacant posts, with the appointment, promotion or secondment, as the case may be, of the serving officer:

Provided that, if the number of the vacant permanent posts is less than the number of the officers who are serving either on a month-to-month basis or on secondment to a permanent post having the same title or to a temporary post having the same title, these posts are filled by the Commission, after having selected the most suitable amongst the serving officers, in accordance with the abovementioned provisions.

(2) When a permanent post is established with the abolition or substitution of a temporary post under the same title, the permanent post established in this manner shall be filled by the Commission, in accordance with the relevant procedures for the approval of the filling of vacant posts, provided under subsection (1).

Permanent appointments and promotions.

**37.**-(1) A permanent appointment or promotion shall be effected by a written offer made by the Commission to the person it selects for appointment or promotion, as the case may be, and a written acceptance by him.

9 of 96(l) of 2006. (2) The offer shall state the remuneration and the other terms and conditions of service of the post and shall specify the date from which the appointment or promotion takes effect.

9 of 96(l) of 2006. (3) If the person selected for appointment or promotion states that he does not accept the offer made to him or, in the case where a person is not a public officer, the report of the Government Medical Officer who has examined him is not satisfactory, then the matter shall be re-examined by the Commission which shall proceed to a new offer of appointment or promotion, as the case may be.

9 of 96(l) of 2006. (4) Permanent appointments and promotions shall be published in the official Gazette of the Republic the soonest possible, but not later than 45 days from the acceptance of the offer.

Probation. **38.**-(1) A permanent appointment of a person who is not a permanent public officer shall be made on probation for a period of two years:

Provided that, the Commission may, in special cases and in accordance with specified criteria, waive or reduce 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 effected, a notice of intention to terminate must be given to the officer, setting out the reasons and calling upon him to make any representations, if he so wishes, against such termination. In the light of the representations to be examined, the Commission may either terminate the appointment or extend the probationary period for a further period, up to one more year, as the Commission may in each case consider appropriate. The provisions of this subsection shall apply to every probationary period which was extended:

Provided that, the total period of extension of the probationary period shall in no case exceed three years.

(3) Within one month from 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 an appointment is

confirmed or terminated, a notice to this effect shall be published in the official Gazette of the Republic.

Posting and service of public officers.

3 of 79(I) of 2005.

**39.**–(1) The posting on appointment of a person who was appointed to a non-interchangeable post shall be made by the appropriate authority.

(2) The posting on appointment of a member of the interchangeable staff shall be made by the Head of Department of the interchangeable staff.

(3) On his appointment an officer may be also posted to a diplomatic or other mission of the Republic abroad or to a service or organisation of the European Union or to an international organisation:

Provided that, the posting of an officer to a diplomatic or other mission of the Republic abroad or to a service or organisation of the European Union or to an international organisation may be effected for the purpose of training/education of such officer:

Official Gazette, Third Supplement: 12.8.1968 Supplement III(I): 19.9.1975 2.1.1976 16.2.1990 25.10.1991 27.3.1992 12.7.1994 9.8.2002<sup>4</sup>.

Provided further that, as far as the period of service of an officer in a diplomatic or other mission of the Republic abroad is concerned, the provisions of the Foreign Service of the Republic (Special Provisions) Regulations shall apply.

10 of 96(I) of 2006.

(4) No person can serve in a Department where his spouse, child, brother or sister is serving without the prior approval of the Council of Ministers.

Appointments on contract.

**40.**–(1) Appointments on a contract basis shall be made by a written agreement which contains the duration of the contract, the remuneration of the person appointed and the other terms and conditions of his appointment.

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4 Note.: The Foreign Service of the Republic (Special Provisions) Regulations, 1968 to 2002 were repealed and replaced by the Foreign Service of the Republic (Special Conditions of Service) Regulations, 2006 (P.I. 109/2006, Official Gazette of the Republic, Supplement III(I), 17.3.2006, 29.4.2011, 28.06.2013, 11.07.2014).

(2) The duration of the contract, the remuneration and the other terms and conditions of the appointment shall be decided by the appropriate authority in consultation with the Minister of Finance.

(3) Appointments on contract shall be published in the official Gazette of the Republic.

Month-to-month appointment.

**41.**-(1) A month-to-month appointment shall be effected by a written offer made by the Commission to the person selected for appointment and the written acceptance by him.

(2) The offer shall contain the remuneration and the other terms and conditions of service.

(3) A month-to-month appointment may be terminated by one month's notice in writing or by the payment of one month's salary in lieu of notice.

Acting appointments.

**42.**-(1) When a post becomes vacant for any reason or its holder is absent on leave or unable to perform the duties of his post, another person may be appointed to act in his place in that post under such terms, as may be prescribed.

(2) An acting appointment shall be made on the recommendation of the appropriate authority.

Supernumerary appointments and promotions.

**43.**-(1) The Commission may, after a proposal by the appropriate authority, make a supernumerary appointment or promotion to a post of a lower status and salary in the same section in one of the following cases:

(a) Whenever a vacant post of a higher status and salary in the same section, cannot be filled, due to the nonexistence of a suitable candidate;

(b) in lieu of a vacant Promotion post of a higher status and salary in the same section, which exists on the date of the filling of a post of a lower level and salary in the same section.

(2) Every supernumerary appointment or promotion shall be made on a temporary basis and shall be terminated the soonest possible after the filling of the vacancy against which it was made:



Provided that, if a post to which a supernumerary appointment or promotion was made becomes vacant, then the supernumerary appointment or promotion may continue until such vacant post is filled.

Treatment of disabled persons.

**44.**-(1) Subject to the provisions of any other law, a disabled person who is a candidate for appointment to a post and possesses all the qualifications required by the scheme of service, shall be preferred, if the competent authority for the selection is satisfied that-

(a) He has the abilities to perform the duties of the post;

(b) when compared to the other candidates, he is not inferior in merit and qualifications.

(2) In its effort to form an opinion about the disabled person, the competent authority for the selection may ask for and take into account expert opinion.

(3) For the purpose of this section-

"disabled person" means a person born with or suffering from partial or total physical disability as a result of a subsequent incident and his disability 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 allows him to exercise only a limited number wage-earning jobs.

Reinstatement of officers, whose promotion has been annulled.

**45.**-(1) Where the promotion of an officer is annulled by a decision of the Supreme Court, the Commission may, if after re-examination it does not reinstate him in the same post and provided that all requirements specified in subsection (2), are fulfilled, decide his promotion or his supernumerary promotion, according to whether there exists a vacant post or not, to a post which in every reasonable probability he would have been promoted, had his annulled promotion not taken place.

(2) The Commission's authority provided in subsection (1), shall be exercised only when the Commission is convinced that, in view of the merit, qualifications and seniority of the officer and the number of the vacant posts which were filled during the time that elapsed between its decision and its annulment, the officer's career had in fact been affected.

(3) Notwithstanding any other provision in this Law, when the supernumerary promotion of an officer to a post is decided under subsection (1), the officer shall serve in it enjoying all the rights and benefits of the post until a post of the same title becomes vacant, in which case the officer shall take it by being promoted to it.

(4) When the promotion of an officer is decided under subsections (1) or (3), such promotion shall have effect as from the day since which, in the Commission's opinion, he would have been promoted, had his annulled promotion not been decided.

Abolition of post. **46.** Subject to the provisions of any other law, in case of abolition of a post, its holder is considered to continue to hold it with all its privileges and benefits until the holder of the post so abolished retires or is appointed or promoted either to a post which was created or to another post.

Secondment. **47.**-(1) Secondment of an officer may be decided in any of the following cases—

- (a) for the filling of a vacant post, after selection, in accordance with section 30;
- (b) when the supernumerary promotion of an officer is decided in accordance with section 43;
- (c) when there is a vacant post or when the exigencies of the service so demand and provided that at the time of the decision there is available staff, or is expected to be, in similar posts or other posts under the same or different Ministry, Department, Section or Service;
- (d) when there is a demand for the execution of duties in order to meet the exigencies of the service in a Ministry, Department, Section or Service;

4(a) of 79(l) of 2005.

(e) on special occasions, when there is a demand for the execution of special duties and functions in a Ministry, Department, Section or Service;

4(b) of 79(l) of 2005.

(f) for the performance of special duties in a diplomatic or other mission of the Republic abroad or in a service or organisation of the European Union or in a service of a member-state of the European Union or in an international organisation.

(2) With the exception of paragraph (a) of subsection (1), the officer who is seconded continues to hold the organic post from which he was seconded, but he comes under the hierarchical administrative control of the Head of the Department to which he is seconded.

(3) The period of secondment of an officer to a vacant post under paragraph (a) of subsection (1) shall count as service in such post for all purposes of this Law.

4(c) of 79(l) of 2005.

(4) The secondment shall be decided by the Commission after the recommendation of the appropriate authority and, if the secondment entails the removal of the officer from one Ministry or Independent Office or Service to another Ministry or Independent Office or Service or his service abroad under paragraph (f) of subsection (1), the matter shall be submitted to the Commission by the Minister of Finance together with his own views, as well as with the views of the two appropriate authorities:

4(d) of 79(l) of 2005.

Provided that, if the officer is seconded to a service or organisation of the European Union or to a service of a country being a member-state of the European Union or to an international organisation, the matter shall be submitted to the Commission by the Minister of Finance together with his own views as well as with the views of the appropriate authority of the officer to be seconded.

4(e) of 79(l) of 2005.

(5) Paragraph (c) of subsection (1) shall apply only in cases where the posts which are held by officers who are about to be seconded belong to the grades of admission of staff in the public service.

4(f) of 79(l) of 2005

(6) Secondments under paragraphs (c), (d), (e) and (f) of subsection (1) may be of a duration of up to three (3) years and may be renewed:

2 of 78(l) of 2013.

Provided that, the time period of the secondment of an officer to a diplomatic or other mission of the Republic abroad in accordance with paragraph (f) of subsection (1) cannot exceed the time period prescribed in the Foreign Service of the Republic (Special Provisions) Regulations, as amended or replaced from time to time.

(7) Secondments shall be published in the official Gazette of the Republic.

(8) For the purposes of this section—

"grade of admission of staff in the public service" means the lower post in a section or subsection of the public service and the term "section or subsection of the public service" has the same meaning as in section 28.

Transfer and  
movement of  
officers.

5 of 79(l) of  
2005.

**48.**—(1) For the purposes of this section—

"transfer" means the movement of an officer which necessitates a change in the place of residence and includes transfer to a diplomatic or other mission of the Republic abroad or to a service or organisation of the European Union or to an international organisation:

Provided that, as far as the period of service of the officer in a diplomatic or other mission of the Republic abroad is concerned, the provisions of the Foreign Service of the Republic (Special Provisions) Regulations shall apply;

"movement" means the movement of an officer which does not necessitate a change in the place of residence.

(2) The transfers of officers shall be made by the Commission after a duly reasoned proposal made by the appropriate authority.

(3) The movements of officers shall be made by the Head of the Department concerned on his own duly reasoned decision:

2 of 194(l) of  
2011.

Provided that, the transfers of members of the interchangeable staff who are posted to a Ministry, including its Departments, shall be made within the same

Ministry, including its Departments, by the Director-General concerned, on his own duly reasoned decision, which shall be notified to the Director of the Public Administration and Personnel Department:

2 of 21(l) of  
2014.

Provided further that, the Minister of Finance may transfer members of the interchangeable staff who are posted to a Ministry, including its Departments, to another Ministry or Department under such Ministry, on the duly reasoned recommendation of the Director of the Public Administration and Personnel Department, which shall include the views of the Directors-General of the Ministries concerned.

(4) In exceptional cases of urgent nature the appropriate authority can make a temporary transfer for a period not exceeding three months:

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

Assignment of  
duties.

3 of 194(l) of  
2011.

**48A.** –(1) Notwithstanding any other provision of this Law, the Director-General of a Ministry or, in the case of an Independent Office or Service, the Head of the Department concerned, may, on his own duly reasoned decision, assign duties to an officer holding a non-interchangeable post at the Ministry and Department of the Ministry or at the Independent Office or Service, respectively, when there is a vacant post or when the exigencies of the service so demand and provided that at the time of the decision there is available staff, or is expected to be, in similar posts or other posts under the Ministry and Department of the Ministry, or at the Independent Office or Service, as the case may be:

Provided that, the assignment of duties under this subsection cannot entail a change in the officer's place of residence.

(2) The selection of the officer to whom duties shall be assigned under subsection (1) shall be made on the basis of seniority, with the officer with the shortest seniority to be selected for such assignment first:

Provided that, the said officer shall have the required qualifications to perform the duties assigned to him.

3(a) of 78(l) of  
2013.

(3) The assignment of duties under this section shall apply only in cases of officers holding posts in the grades of admission of staff in the public service.

3(b) of 78(l) of 2013.

(4) The assignment of duties under this section shall apply for a time period up to three (3) years and may be renewed.

(5) An officer to whom duties are assigned under this section, continues to hold the organic post to which he was appointed, but he comes under the hierarchical administrative control of the Head of the Department in which the duties have been assigned to him.

(6) Every act of assignment of duties carried out under this section shall be recorded in a list of names containing particulars on the officer's post, the duties assigned to him and the exigencies of the service covered, as well as the time period of the assignment and a copy of the table shall, be forwarded to the Public Administration and Personnel Department at the end of each year.

(7) For the purposes of this section, the term "grade of admission of staff in the public service" shall have the same meaning assigned to this term by section 47 of this Law.

Seniority of officers.

**49.**-(1) The seniority between officers holding the same permanent post or grade of the same post, either permanently or temporarily or either from month-to-month, or on secondment, or on contract, shall be determined by the effective date of their appointment, promotion or secondment to the particular post or grade, as the case may be, irrespective of the way it is held.

(2) In the case of simultaneous appointment, promotion or secondment to the particular post or grade of the same post, seniority shall be determined according to the previous seniority of the officers.

(3) The seniority between officers holding different posts with the same salary conditions shall be determined according to the effective dates of their appointments, promotions or secondments to their present posts, irrespective of the way they are held or, if these dates are the same, according to their previous seniority.

(4) The seniority between officers holding posts with different salary conditions shall be determined according to the salary conditions of the respective posts.

(5) The seniority between officers holding the same post or grade of the same post or different posts with the same salary conditions, the salary and title of which have been changed as a result of a salary revision or re-organisation, shall be determined according to the officers' seniority immediately prior to such revision or re-organisation.

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

(7) In this section—

"salary conditions" in relation to some posts means the fixed salary attached to the posts or, in the case of salary scales, the highest point of the scales and in the case of salary scales with the same top scale, the lowest point of the scale and in the case of combined salary scales of a post or grade of a post, the top of the higher scale of every post or grade and in the case of scales with the same top scale, the lowest point of the lower scale of every post or grade;

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

"grade of the same post " means grade of some post which is combined with another grade in the same post and which grades have the maximum number of posts combined.

Appraisal Reports.

**50.**-(1) Subject to the provisions of subsection (2), Appraisal Reports for all officers shall be prepared and submitted to the Commission, annually in the prescribed manner and time.

9 of 1(l) of 2022.

(2) Appraisal Reports shall be submitted to the Commission every six months for every officer serving on probation or in a temporary post during the first two years of his service. The final report shall be submitted immediately after the expiration of the probationary period and shall contain a final recommendation whether the appointment of the officer should be confirmed or whether his probationary period should be extended or whether his appointment should be terminated.

(3) The Appraisal Reports shall be prepared, where this is possible, by a three-member evaluation team and, on completion, they shall be notified to the officers concerned.

(4) No person shall participate in the evaluation of an officer if he is his spouse or related to him 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 an Appraisal Report for an officer is not possible, the provisions of this subsection will not apply. In such a case the existence of the kinship must be stated in the Appraisal Report.

(5) No adverse Appraisal Report shall be prepared for an officer, before he is given the opportunity to be heard and to submit his representations.

(6) After every promotion, the lawyer of every person who has legal interest to challenge the promotion in court, has the right to inspect the Files of his own Annual Appraisal Reports and those of the person or persons who have been promoted.

Training.

**51.** Series of training courses and other facilities may be arranged for the purpose of promoting the efficiency of the officers in the performance of their duties and for acquiring the necessary qualifications for their advancement in the service, which courses the officers may be required to attend and to take exams.



Resignation. **52.**–(1) Subject to the provisions of any other law or of any other provision having legislative effect, no officer may resign from his post without prior permission of the Commission.

(2) Any officer who resigns from his post without the Commission's prior permission shall be deemed to be absent from duty without leave and shall be liable to disciplinary proceedings.

Retirement. **53.**–(1) Subject to the provisions of subsection (5) and notwithstanding the provisions of any other Law, the Commission has the authority to decide the retirement of a permanent and pensionable officer from the public service in any of the following cases:

- (a) When the officer attains the age of compulsory retirement;
- (b) when it is demanded from an officer who has attained the age of fifty-five years to retire;
- (c) upon the request of an officer for an early voluntary retirement;
- (d) on account of ill-health;
- (e) on account of bankruptcy of the officer as provided in section 68;
- (f) when the officer retires in order to take up a public office incompatible with the post he is holding, or to be appointed to a public law organisation or to an authority of local administration;
- (g) in case of unjustified inefficiency in the execution of his duties or unsuitability of the officer;
- (h) as a disciplinary punishment, in accordance with the provisions of this Law.

2 of 68(l) of 2005. (2) The Commission shall decide an officer's retirement after the submission of a proposal by the appropriate authority which is binding on it in the cases of paragraphs (a) and (f) of subsection (1), as well as in the case of paragraph (c) of subsection (1), where the officer is serving on the 30th of June, 2005 and submits

an application for retirement upon the completion of his sixtieth year of age or at any later stage.

2 of 27(l) of 1994. (3) In the cases of paragraphs (c) and (f) of subsection (1), the appropriate authority, before submitting its proposal to the Public Service Commission, must make sure that–

(a) the officer has no financial obligations towards the state, or if he has such obligations he shall settle them, and

(b) no disciplinary or criminal case is pending against him.

(4) The decision for an officer's retirement, under paragraphs (b) and (g) of subsection (1) is taken after the officer is given the opportunity to be heard.

2 of 60(l) of 1996. (5) Subject to the provisions of the above subsections, the retirement of permanent and pensionable officers shall be governed by the provisions of the

Κεφ.311<sup>5</sup>  
9 ΤΟΥ 1967  
18 ΤΟΥ 1967  
51 ΤΟΥ 1968  
119 ΤΟΥ 1968  
9 ΤΟΥ 1971  
65 ΤΟΥ 1973  
42 ΤΟΥ 1976  
38 ΤΟΥ 1979  
2 ΤΟΥ 1981  
39 ΤΟΥ 1981  
25 ΤΟΥ 1984  
2 ΤΟΥ 1986  
47 ΤΟΥ 1987  
61 ΤΟΥ 1990  
107 ΤΟΥ 1990  
137 ΤΟΥ 1991  
33(l) ΤΟΥ 1992  
112(l) ΤΟΥ 1992  
43(l) ΤΟΥ 1993  
17(l) ΤΟΥ 1994  
5(l) ΤΟΥ 1995  
71(l) ΤΟΥ 1996.

Pensions Law or any Law amending or substituted for the same and any Regulations made thereunder.

2 of 60(l) of 1996. (6) Subject to the provisions of subsection (3) of section 41, temporary monthly-paid officers shall retire on attaining the age of sixty years.

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<sup>5</sup> Note: The Pensions Law (Cap.311, as amended), was repealed and replaced by the Pensions Law of 1997 [L.97(l)/1997, as amended by Laws 3(l)/98, 77(l)/99, 141(l)/2001, 69(l)/2005, 37(l)/2010, 94(l)/2010, 31(l)/2012 and 131(l)/2012].

Age of public officers.

**54.** The age of a public officer shall be proved by such evidence as the Council of Ministers may prescribe.

## **PART V –BENEFITS OF OFFICERS**

Emoluments.

6 of 79(l) of 2005.

**55.**–(1) The emoluments of an officer shall include the salary paid to him in accordance with the salary scale or the fixed salary of his post, as provided in the Budget, as well as any general increase of salaries and the cost of living allowance.

(2) Without prejudice to the provisions of subsection (1), there shall also be granted to an officer, allowances, compensations and other financial benefits, as may be prescribed.

Retirement benefits.

**56.**–(1) The retirement benefits of permanent and pensionable officers are those prescribed by the Pensions Law or any law amending or substituted for the same and any Regulations made thereunder.

(2) The retirement benefits of a monthly-paid officer, who does not belong to the permanent public service and is not serving on contract, shall be prescribed by Regulations made under this Law.

Leave of absence.

**57.** Every officer is granted such leave as it will be prescribed.

Medical treatment.

**58.** Every officer is entitled to such medical treatment, as it will be prescribed.

Uniforms.

**59.** The holders of certain public posts, who are entitled to free uniforms, as it will be prescribed, shall wear them during the performance of their duties.

## **PART VI - DUTIES, OBLIGATIONS AND RIGHTS OF PUBLIC OFFICERS**

Fundamental duties of public officers.

**60.**–(1) Public officers shall–

- (a) serve the people in its entirety, respect the Constitution and the law and be loyal to the State;

(b) execute the will of the State.

(2) Every public officer must–

(a) always be impartial, impersonal and fair in carrying out his duties, use only objective criteria and every possible effort for the promotion of the orderly functioning of the State and the public service;

(b) not undertake either in his personal capacity or as a member of a collective organ, the solution of any matter and shall not take part in the issue of any acts or decisions, if he himself or any person with whom he has an individual relationship or up to and including a fourth degree relation by blood or marriage, has an apparent benefit. Officers who are up to and including fourth degree relatives by blood or marriage are not allowed to participate in the same meeting of a collective organ:

Provided that, the exemption of so many members from a meeting of a collective organ, as would prevent the members to form a quorum, is not allowed;

(c) do his utmost to serve the public in an objective, fair, impersonal and impartial manner;

(d) comply with all legal provisions and the administrative instructions and circulars issued under them, regarding the public service, as well as with the instructions of his hierarchically superiors, whereas at the same time he is responsible for the execution of his duties and the legality of his official actions:

Provided that, where the order is obviously illegal, the officer must not execute it and must report it immediately to his superior. If his superior insists on the execution of the order, in compliance with an opinion of the Attorney-General, the officer shall be obliged to comply;

(e) not to act or omit to act or conduct himself in such a way that may bring the public service in general or his office in particular into disrepute or which may tend to impair the confidence of the public in the public service;

(f) behave with propriety, politeness and sincerity.

(3) The duties of a public officer shall be the ordinary duties of his post, as indicated in the relevant scheme of service, as well as any other relative duties which may be assigned to him.

The officer has a right to execute his duties.

Absence without leave.

**61.** A public officer who is absent from duty without leave or who intentionally refuses or omits to perform his duties is liable to disciplinary proceedings.

Freedom of expression.

**62.**-(1) Subject to the provisions of subsection (2), public officers shall be free to express their opinion, either privately or in public, by way of speeches, lectures, announcements, studies or commentaries, on subjects related to science, art, religion or on any subjects of general interest.

(2) Public officers shall not be allowed to publish or broadcast on television or radio or any other news media on any matter which is related to the performance of their duties, without the prior permission of the appropriate authority.

(3) No public officer shall receive payment for any publication or broadcast without the permission of the appropriate authority.

Public officers' right to trade unionism.

**63.** The freedom of trade unionism and the unhindered exercise of the rights related to it shall be guaranteed for all public officers.

Work environment.

**64.** Public officers shall have the right to be provided, in their working areas, with hygienic and safe working conditions.

Private employment and interest in companies.

**65.**-(1) Public officers shall be obliged to offer their services at any time, if the exigencies of the service so demand.

(2) No public officer is allowed to practice any profession or trade or to employ himself in any occupation or business other than his employment in the public service:

2(a) of 148(l) of 2017.

Provided that, in exceptional cases and after the recommendation of the appropriate authority, the Minister of Labour, Welfare and Social Insurance may grant permission to a public officer for part-time private employment or

recruitment, following the submission of an application on his part, in accordance with the terms and conditions prescribed by the Council of Ministers, provided that such part-time employment or recruitment does not affect the performance of the applicant's duties as a public officer:

2(b) of 148(l) of 2017.

Provided further that, terms and conditions prescribed by the Council of Ministers shall bind both the officer at the time of submission of the application to obtain permission for part-time private employment or recruitment and the appropriate authority at the time of examination of the submitted application:

Provided even further that, for the purposes of this subsection, in the case of a member of the interchangeable staff or an officer serving on secondment, the term "appropriate authority" means the Ministry or Independent Office or Service where such person serves:

Provided even further that, in case during the period of validity of the officer's permission for part-time private employment or recruitment, it is established, either by the officer or by the appropriate authority, that any term prescribed by the Council of Ministers is being violated, such permission shall be terminated.

2(c) of 148(l) of 2017.

(2A) The Minister of Labour, Welfare and Social Insurance shall submit to the Parliamentary Committee on Financial and Budgetary Affairs, every January, a written information on all the permissions of private employment or recruitment granted to public officers during the previous year, together with a full account on the grounds for such decision.

2(a) of 151(l) of 2017.

(3) No public officer is allowed:

(a) To participate in the administration of any non-public company or partnership or other private undertaking;

(b) to hold shares or other interest in any non-public company or partnership or other private undertaking,

except on permission of the Minister of Finance, which may be granted on such terms as the Minister shall determine, provided the grant of such

permission is not incompatible with the performance of the officer's public duties:

Provided that, a public officer is not allowed to participate in the administration of any public company.

(4) Notwithstanding the provisions of subsection (3), the Minister of Finance shall grant to a public officer the permission, as provided, under subsection (3), in the following cases:

(a) where the grant of the permission will benefit the public interest;

(b) where the interest of the public officer in the company or partnership or other private undertaking is derived from an inheritance and the possession of the shares will not affect the performance of his duties.

(5) A public officer shall have the right to acquire shares of public companies, the number of which shall not exceed the percentage of the share capital to be determined by the Minister of Finance:

2(b) of 151(l) of 2017.

Provided that, a public officer can not hold shares in a public company, where such shares grant him a right of control or administration therein.

(6) Every public officer must disclose, on his appointment to the public service and every year thereafter, to the Minister of Finance particulars of any investment or interest that he may have in any company, partnership or other private undertaking, the activities of which are directly or indirectly connected with his duties.

Acquisition of property, etc.

**66.**-(1) No public officer is allowed to acquire either directly or indirectly any movable or immovable property, by taking advantage of his position for this purpose, or to hold such property where his personal interests in such property are in conflict with his public duties.

(2) In March of every third year, the public officer shall be obliged to submit a declaration regarding any changes that may have taken place in his personal assets, or those of his wife or her husband and children whom he protects and supports. The first declaration must be submitted in March of the year following

the coming into force of this law. If there are no changes, a negative declaration is submitted. The appropriate authority, may, with a reasoned decision, require the submission of an interim declaration, giving a reasonable time-limit for its submission. It may also require clarifications about the particulars submitted and may also check the accuracy of the public officer's declaration. The disclosure of a false capital statement submitted by a public officer renders him liable to disciplinary proceedings.

(3) Whenever a reasonable suspicion arises as to the source of a public officer's financial means, an inquiry may be carried out, in the prescribed manner, for the purpose of ascertaining the source of such means. If, as a result of such an inquiry, it is established that the public officer had acquired such means under circumstances which constitute a criminal or disciplinary offence, the appropriate authority shall proceed to take all necessary measures.

Official  
information,  
evidence and  
documents.

**67.**-(1) All information, written or oral, which comes to the knowledge of a public officer in the execution of his duties, shall be confidential and its communication to any person shall be prohibited, except for the proper performance of an official duty or on the express direction of the appropriate authority.

(2) Subject 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 duties or to produce an official document which is in his custody, he shall refer this matter to the appropriate authority for a decision whether such evidence or the production of such document is contrary to the public interest, in which case the appropriate authority, after consulting the Attorney-General of the Republic, shall determine the matter accordingly.

(3) No public officer is allowed to give technical or professional advice to any person without the permission of the appropriate authority, except for the performance of a public duty.

Bankruptcy.

11 of 96(l) of  
2006.

**68.**-(1) A public officer against whom proceedings in bankruptcy have been initiated, shall forthwith inform his Head of Department accordingly.



(2) The appropriate authority, upon his adjudication as a bankrupt or as soon as a receiving order is issued against him or upon his entering into composition with his creditors, shall inform the Commission about it and, at the same time, send a report stating the extent of the officer's debts and the reasons for which they were incurred, and the Commission shall decide whether reasons of public interest justify his interdiction.

(3) Following that, the Commission shall, as soon as possible, examine the case and, on the basis of the court proceedings or after examination of the facts and after having heard the officer, shall decide the compulsory retirement of such officer, unless the Commission is convinced that his financial difficulties were brought about by unavoidable misfortune and were not due to extravagance or culpable improvidence, or that there are mitigating factors for the officer, in which case, the officer who has been interdicted, shall be reinstated to his post.

(4) During the period of interdiction of the officer all his powers, privileges and benefits are suspended:

Provided that, the Commission allows the officer to receive part of the emoluments of his post, which is not less than one half, as the Commission may think fit.

(5) In the case where an officer has been interdicted by the Commission and the Commission decides his reinstatement to his post pursuant to subsection (3), his interdiction shall be terminated and the officer shall be entitled to the full amount of the emoluments he would have received had he not been interdicted.

(6) Should the Commission decide the compulsory retirement of the officer from the public service, the provisions of subsection (6) of section 79, shall be applied *mutatis mutandis*.

Gifts and bribes. **69.**—(1) No public officer is allowed, either directly or indirectly, to receive or give any presents in the form of money, other goods, free trips or other personal benefits, except for ordinary gifts from or to personal friends:

Provided that, on his retirement from service, a public officer may accept a present according to the prescribed manner:

Provided further that, this provision may be relaxed by the Council of Ministers in specified cases or in any special case where the Council of Ministers considers that it would be undesirable or contrary to public interest to reject such present.

(2) In case where it would be undesirable for the sake of public interest to reject a present, the public officer may accept it, but he shall immediately report the matter to his Head of Department, whereupon the present shall be dealt with in the prescribed manner.

(3) A public officer shall immediately report to his Head of Department the offer of a present made to him in contravention of the provisions of this section and the present shall be dealt with in the prescribed manner.

(4) If a present, monetary or otherwise, is offered or given to an officer in consideration of a service rendered or to be rendered by him in his official capacity, the officer must immediately inform his Head of Department about it.

Obligation to report acts of corruption or bribery to the appropriate authority.

2 of 183(l) of 2003.

Civil responsibility for loss or damage.

**69A.** A public officer who, during the performance of his duties, ascertains or has reasonable cause to believe that an act of corruption or bribery had been committed by another officer in the performance of his duties, is bound to report it in writing to the relevant appropriate authority to which he belongs, giving all necessary particulars in support of his allegation.

**70.-(1)** A public officer shall be responsible to the Republic for any loss or damage caused by his negligent, careless or dangerous act or omission during the performance of his duties and he may be charged with the full amount or part of the loss or damage caused in that way, if the Minister of Finance so decides, after having taken the views of the Attorney-General and of the Auditor-General.

(2) A public officer shall also be responsible to the Republic for any compensation paid by the Republic to third parties for his negligent, careless or dangerous acts or omissions, during the performance of his duties.

(3) The Republic's claim for reimbursement against the public officers in the cases envisaged by the above-mentioned subsections is barred at the end of three years. In the cases mentioned in subsection (1) the period of three years commences from the date when the damage has accrued, and in the cases mentioned in subsection (2) from the date when the Republic has paid the compensation.

Political rights of public officers.  
2 of 100(l) of 2015.  
102(l) of 2015.

**71.** Every public officer may exercise his civil rights in the manner specified in the Civil Rights of Public Officers, Education Officers, Municipal Employees, Community Employees and Employees of Legal Entities of Public Law of 2015.

Work period of public officers.

**72.**-(1) Subject to the remaining provisions of this section, the hours of work of public officers for every week shall be spread over five working days, from Monday to Friday inclusive, in a way to be specified:

Provided that, the total number of weekly hours of work which is in force until the date of publication of this Law is not affected, unless the Council of Ministers decides otherwise.

(2) From the application of the five-day week service, exemptions can be made by department, section, specialisation, work sector, time and region, if this is dictated by their operational methods, the kind and the nature of service or the work.

(3) The remaining conditions for the application and operation of the five-day week service will be specified.

## **PART VII - DISCIPLINARY CODE**

Disciplinary offences.

**73.**-(1) A public officer is liable to disciplinary prosecution if:

(a) he commits an offence involving dishonesty or moral turpitude;

(b) he does or fails to do something in a manner which amounts to a contravention of any of the duties or obligations of a public officer.

(2) For the purposes of this section, the term "duties or obligations of a public officer" includes every duty or obligation imposed on a public officer under this

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

No public officer is prosecuted twice for the same offence.

**74.** No disciplinary prosecution may be taken against a public officer in respect of the same disciplinary offence for which he has already been found guilty or acquitted.

Only one disciplinary punishment for each disciplinary offence.

**75.** No more than one disciplinary punishment may be imposed for the same disciplinary offence:

Provided that, a reprimand or severe reprimand may be imposed concurrently with every punishment specified in paragraphs (c), (d), (e) or (f) of subsection (1) of section 79.

Termination of disciplinary liability.

**76.** No disciplinary prosecution shall be instituted against a person who has in any way ceased to be a public officer, however any disciplinary proceedings that may have been started shall continue even if such person ceased to be a public officer, except in the case of death.

Criminal prosecution.

**77.** If a criminal prosecution is instituted against a public officer, no disciplinary prosecution shall be taken or continued against him for reasons related to the criminal prosecution, until such criminal prosecution is finally disposed of.

Disciplinary prosecution following criminal prosecution.

**78.** If a public officer who was prosecuted for a criminal offence is acquitted, he cannot be prosecuted disciplinarily for the same offence, he may however be prosecuted for a disciplinary offence arising out of his conduct, which is connected with the criminal case, but which does not raise the same sub judice issue as that of the charge in the criminal prosecution.

Disciplinary punishments.

**79.**-(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) demotion in salary scale;
- (h) demotion to a lower post;
- (i) compulsory retirement; and
- (j) dismissal.

(2) A reprimand shall be made orally and shall be noted in the officer's Personal File.

(3) A severe reprimand shall be made in writing and a copy thereof shall be served to the officer and registered in his Personal File.

(4) Stoppage of increment means the 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.

2 of 109(l) of  
1996.

(6) On compulsory retirement from a pensionable post, the matter of retirement benefits shall be submitted by the Minister of Finance to the Council of Ministers which shall decide on the granting of retirement benefits as well as on the commencement of their payment, taking into consideration the circumstances of the case:

Provided that, the retirement benefits 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 upon him.

(7) Dismissal entails forfeiture of all retirement benefits:

12 of 96(l) of 1996.

Provided that, pension is paid to the spouse of the officer dismissed and to his dependent children, if any, as if he had passed away on the date of his dismissal, to be calculated on the actual number of years in service.

(8) When an officer is punished with dismissal or compulsory retirement or demotion to a lower post, this fact is published in the official Gazette of the Republic.

Deletion of disciplinary punishments.

**80.** -(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, shall be respectively deleted.

(2) Deleted punishments shall be withdrawn from the Personal File of the officer and shall not thereafter constitute criteria for assessment.

Taking of disciplinary action. Investigation for the commission of disciplinary offences and their trial.

**81.**-(1) The Commission shall not proceed to take disciplinary action against any public officer unless a written proposal of the appropriate authority is submitted.

(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 authority concerned shall forthwith:

First Schedule, Part I.

(a) If the offence is one of those specified in Part I of the First Schedule, cause a departmental inquiry to be made in such manner as the appropriate authority may direct and act as provided in section 82:

Provided that, if the appropriate authority is of the opinion that, owing to the seriousness of the offence or the circumstances under which it was committed, it should carry a more serious punishment, it may refer the matter to the Commission, in which case it acts under paragraph (b);

10(a), (b) of 1(l) of 2022. Second Schedule, Part I.

(b) in any other case, cause an investigation to be carried out as prescribed in the Regulations set out in Part I of the Second Schedule and acts as provided in section 83.

10(c) of 1(l) of  
2022  
4 of 113(l) of  
2022.

Second  
Schedule,  
Part I.

(3) In every Ministry and Independent Office or Service, with the exception of the Office of the Commission, there shall be established a list of officers who may be designated as investigating officers to investigate disciplinary offences under the Regulations laid down in Part I of the Second Schedule, comprising by at least four (4) officers of different as possible hierarchical levels, serving at a post of the A8 salary scale of the Government salary bill or higher, as applicable on the date of entry into force of this Law, and who shall receive appropriate training for the purposes of undertaking the duties of investigating officer:

Provided that, in the case of an Independent Office or Service, the number of officers included in the said list may be smaller:

Provided further that, the list of investigating officers of each Ministry and Independent Office or Service, shall be sent to the Public Administration and Personnel Department, which shall jointly forward all relevant lists to the Secretariat of the Council of Ministers.

Power of  
appropriate  
authority to try  
summarily  
certain offences.

First Schedule,  
Part I, Part II

**82.**-(1) The appropriate authority shall have power to try summarily any disciplinary offences specified in Part I of the First Schedule and to impose any of the punishments specified in Part II of the said Schedule.

(2) When, as a result of the departmental inquiry carried out in accordance with paragraph (a) of subsection (2) of section 81, the appropriate authority decides that a disciplinary offence has been committed which can be tried summarily, then copies of evidential statements and of any other existing relevant documents, shall be given to the officer concerned and shall also be given an opportunity to be heard.

First Schedule,  
Part II

(3) After having heard the officer concerned, the appropriate authority may impose any of the punishments set out in Part II of the First Schedule, having previously heard him on the kind of the punishment to be imposed.

(4) Without prejudice to the general power of the appropriate authority to delegate its powers, the appropriate authority may delegate any of its powers under this section to the Head of the Department concerned or to any other senior officer who shall be of a higher rank than the officer concerned.

Proceedings  
before the  
Commission.

**83.**—(1) When the investigation carried out under paragraph (b) of subsection (2) of section 81 is completed and the commission of a disciplinary offence is revealed, the appropriate authority shall forthwith refer the matter to the Commission and shall forward to it:

- (a) the report on 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 a period is prescribed, within two weeks of the date of receipt by it of the charge, the Commission shall proceed to issue and serve a summons to the officer concerned in accordance with the prescribed form and manner:

Second  
Schedule,  
Part II.

Provided that, until the form and the manner of service of the summons are prescribed, the form of summons set out in Part II of the Second Schedule may be used and the manner of service therein provided may be followed.

(3) An officer facing a disciplinary prosecution shall be entitled to know the case against him.

(4) Copies of witnesses' depositions and of any other relevant documents shall be given to the officer who is disciplinarily prosecuted.

(5) The hearing of the case before the Commission is conducted and completed in the prescribed manner:

Provided that, until Regulations are made in this respect, the Regulations set out in Part III of the Second Schedule shall apply.

Second  
Schedule,



Part II.

(6) The officer who is disciplinarily prosecuted shall be given the opportunity to be heard both before the establishment of guilt as well as before the imposition of punishment.

(7) In every proceeding before the Commission, in accordance with this Part, the public officer may be represented by a lawyer of his choice.

Conviction for certain offences.

**84.**—(1) When a public officer has been convicted for an offence involving dishonesty or moral turpitude and the conviction has either been upheld on appeal or no appeal has been filed, the Commission shall, as soon as possible, obtain a copy of the minutes of the proceedings of the Court which tried the case and of the Court to which an appeal may have been filed.

(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 minutes of the proceedings referred to in subsection (1), seek the opinion of the Attorney-General of the Republic as to whether the offence is one involving dishonesty or moral turpitude. The Attorney-General of the Republic shall advise thereon the soonest possible and, in the case of an affirmative advice, the Commission, shall, without any further investigation and after giving the officer concerned the opportunity to be heard, impose such disciplinary punishment as the circumstances of the case may justify.

2 of 107(l) of 2008.

(3) Repealed.

Interdiction.

2(a) of 137(l) of 2009.

**85.**—(1) When an investigation of a disciplinary offence is directed under the provisions of paragraph (b) of subsection 2 of section 81 against an officer or on the commencement of a police investigation with the object of instituting criminal proceedings against him, the Commission may, if the public interest so requires, interdict the officer from duty during the investigation and, should this be the case, act under subsection (1A), save in exceptional cases where it may act under subsection (1B):

2(b) of 137(l) of 2009. (1A) If the Commission intends to interdict the officer, it shall notify him of such intention and invite him at the same time to submit written representations, if he so wishes, within four working days and upon studying such representations, if submitted, it shall forthwith decide whether or not to interdict the officer.

2(b) of 137(l) of 2009.  
158(l) of 1999  
99(l) of 2014  
28(l) of 2020. (1B) (a) Notwithstanding the provisions of section 43 of the General Principles of Administrative Law of 1999, the Commission may, in exceptional cases, in order to ensure that the smooth conduct of the investigation shall not in any way be affected, interdict the officer forthwith under subsection (1), without taking the actions stated in subsection (1A), granting at the same time the officer the right to submit, if he so wishes, a written objection to its decision to interdict him, within four working days at the latest from the date of service thereon of its decision.

(b) In case an objection is submitted under paragraph (a), upon studying the grounds contained therein, the Commission shall decide forthwith whether to continue or terminate the interdiction and if the Commission terminates the interdiction of the officer, all his powers and benefits suspended under subsection (3) of this section shall be reinstated, as of the date of commencement of the interdiction.

Provided that, the period of interdiction of the officer pending the investigation shall not exceed three months, it may, however, on serious grounds, be extended for another three months.

2(c) of 137(l) of 2009. (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 completion of the case in application of the provisions of subsection (1A).

2(d) of 137(l) of 2009. (2A) In case the Commission intends to extend the interdiction of the officer, four days prior to its expiry, it shall act applying, mutatis mutandis, the provisions of subsection (1A).

(3) Notice of his interdiction shall be given in writing to the officer as soon as possible. The powers, privileges and benefits of the officer shall be suspended during the period of his interdiction:

Provided that, the Commission shall allow the officer to receive such portion of the emoluments of his post, 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 no disciplinary case is proved against him, the interdiction shall come to an end and the officer shall be entitled to the full amount of the emoluments which he would have received, had he not been interdicted. If he is found guilty, the Commission shall decide whether any portion of his emoluments will be returned to him.

Offences.

**86.** Any person who, having been summoned to appear before the Commission, fails to attend at the time and place mentioned in the summons or who refuses to answer any question that is lawfully put to him during the disciplinary hearings, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding three hundred pounds .

### **PART VIII – MISCELLANEOUS PROVISIONS**

Regulations,  
saving of  
General Orders,  
etc.

**87.**-(1) The Council of Ministers may make Regulations to be published in the official Gazette of the Republic, for the better carrying into effect of the provisions of this Law and, generally, for regulating every subject concerning the Commission, the public service and the public officers:

Provided that, until such Regulations are issued or any matter is otherwise regulated under this Law, any regulations or public instruments and the General Orders and administrative directions contained in circulars or elsewhere, and the existing practice regarding the public service and the public officers shall continue to be in force in so far as they are not inconsistent with the provisions of this Law.

7 of 79(l) of  
2005.

(2) Without prejudice to the generality of subsection (1), any such Regulations may, inter alia, provide for all or any of the following subjects:

- (a) The regulation of any matter which does not refer to judicial proceedings, which under the provisions of this Law is required to be prescribed;
- (b) the forms and the rights for any matter prescribed or permitted by or under this Law, or emanating from its provisions;
- (c) the salary placement of an officer who is appointed, promoted or seconded to another post or for the performance of other duties;
- (d) the method of readjustment of the salary of an officer whose post is upgraded or downgraded as a result of revision of salaries or re-organisation;
- (e) the payment of thirteenth (13th) salary to an officer;
- (f) the granting of an increment to the salary scale of the post of an officer, including the conditions for granting, withholding, stoppage or deferment of increment, the efficiency and, generally, the salary upgrading of an officer on combined salary scales;
- (g) the allowances of an officer, including travelling allowances, outside his place of work and abroad, the compensations including over-time compensation, the advance-payments and other financial benefits;
- (h) the work time of an officer, the hours of work, the public holidays, the sick leave or leave of absence; and
- (i) any other matter related to the subjects referred to in paragraphs (a) to (h) hereinabove.

2 of 69(l) of 2000. (3) Regulations made under this section may provide for retrospective effect.

2 of 69(l) of 2000. (4) Regulations made under this section shall be laid before the House of Representatives. If within sixty days of such laying the House of Representatives does not by resolution amend or annul, in whole or in part, the Regulations so laid, they shall then, immediately after the expiration of the time-limit hereinabove mentioned, be published in the official Gazette of the Republic and they shall come into force as from the day of their publication. In the event of their amendment in whole or in part by the House of Representatives, such Regulations

shall be published in the official Gazette of the Republic, as amended by it, and shall come into force as from the day of their publication.

Savings.

Cap. 286<sup>6</sup>  
85 of 1983  
(Repealed)

**88.** Nothing in this Law contained shall affect the provisions regulating matters relating to the conduct and discipline, disciplinary offences and the prosecution and punishment of officers belonging to the Prison Service and contained in the Prison Discipline Law or any other law amending or substituted for the same and the Regulations made thereunder.

Repeals and  
Savings.

33 ΤΟΥ 1967  
31 ΤΟΥ 1980  
78 ΤΟΥ 1981  
10 ΤΟΥ 1983  
48 ΤΟΥ 1986  
169 ΤΟΥ 1986  
70 ΤΟΥ 1987.

**89.** Subject to the remaining provisions of this section, the Public Service Laws, 1967 to 1987 are hereby repealed:

Provided that:

(a) The appointment of the members of the Commission made in accordance with the provisions of the Public Service Laws, 1967 to 1987 shall not be affected;

(b) any procedure for the filling of a post, which is pending before the Commission on the date of the coming into force of this Law, shall continue and shall be concluded in accordance with the provisions of the Public Service Laws, 1967 to 1987;

(c) the Confidential Reports for the officers in respect of the year 1989 shall be prepared in accordance with the provisions of the Public Service Laws, 1967 to 1987 and the regulatory provisions relating to the preparation and submission of the Confidential Reports. Irrespective of this, a copy of the report shall be notified to the officer concerned.

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<sup>6</sup> Note: The Prison Discipline Law (Cap. 286, as amended), was repealed and replaced by the Prisons Law of 1996 [L.62(I) of 1996, as amended by Laws 12(I)/97, 96(I)/2005, 116(I)/2008, 37(I)/2009, 200(I)/2015, 39(I)/2016, 42(I)/2018, 112(I)/2018 and 36(I)/2020].

Entry into force of this Law.

**90.**–(1) Subject to the provisions of subsection (2), this Law shall come into force as from its publication in the official Gazette of the Republic.<sup>7</sup>

(2) Section 72 shall come into force on the 1st May, 1990.

## **FIRST SCHEDULE**

### **(Section 82)**

#### **PART I**

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

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

#### **PART II**

Punishments which can be imposed by the appropriate authority:

1. Reprimand

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<sup>7</sup> Note.: The principal Law 1/1990 was published in the Official Gazette of the Republic on 27 January 1990.

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

## **SECOND SCHEDULE**

### **(Section 81(2)(b))**

#### **PART I**

Regulations relating to the investigation of disciplinary offences:

11 of 1(l) of  
2022.

**1. The appropriate authority -**

(a) in case the officer under investigation holds a post up to scale A13(ii) of the Government salary bill, as applicable on the date of entry into force of this Law, shall designate one or more officers from the list of investigating officers of the appropriate authority responsible for the officer under investigation (referred to in this Part as the “investigating officer”) to conduct the investigation:

Provided that, the investigating officer must hold a post of a higher grade to that of the officer under investigation:

Provided further that, in case the appropriate authority considers that it is not possible, practical or feasible to appoint an investigating officer under the provisions of this sub-paragraph, it may refer the matter to the Council of Ministers to designate an investigating officer applying, mutatis mutandis, the provisions of sub-paragraph (b), concerning an officer holding a post higher

than the A13(ii) scale of the Government salary bill, as applicable on the date of entry into force of this Law.

(b) In case the officer under investigation holds a post higher than the A13(ii) scale of the Government salary bill, as applicable on the date of entry into force of this Law, it shall notify the Council of Ministers forthwith, in order to designate an investigating officer from the list of investigating officers of an appropriate authority other than the authority in which the officer under investigation is placed:

Provided that, the investigating officer must not hold a post lower than that of the officer under investigation, save in the case of an investigating officer serving in the Law Office of the Republic or the Internal Audit Service, in which case the investigating officer may hold a post lower than that of the officer under investigation:

Provided further that, these provisions shall not affect the investigating officers designated to investigate a disciplinary offence whose commission commenced prior to the date of entry into force of this Law.

3 of 137(l) of  
2009.

**2.** The investigation shall be conducted the soonest possible and completed at the latest within sixty days from the date on which such investigation was ordered. In case, for any reason whatsoever, the investigation cannot be completed within the above-mentioned deadline, the investigating officer shall apply to the appropriate authority to obtain an extension to the deadline for completing the investigation, for such extension period as shall be deemed absolutely necessary, at the discretion of the appropriate authority and by reasoned decision thereof, based on the circumstances of each case.

**3.** For the purposes of the investigation, the investigating officer shall have power to hear any witness 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 the information that came to his knowledge and shall sign any statement so made, after its having been read out to him.



4. The officer concerned shall be entitled to know the case for which he is prosecuted and at the same time, he shall be provided with a copy of the witnesses' statements and of any other relevant documents and shall be also given the opportunity to be heard.
5. After the completion of the investigation, the investigating officer shall forthwith report his conclusions to the appropriate authority, giving full reasons in support thereof, and at the same time he submits all relevant documents.
6. On receiving the report of the investigating officer, the appropriate authority shall forthwith refer it, together with all documents submitted, to the Attorney-General of the Republic for advice, together with its own views on the report.
7. The Attorney-General of the Republic shall, with all reasonable speed, examines the matter and give his advice to the appropriate authority whether a charge may be brought against the officer concerned. In case of an affirmative advice he shall draft the charge.
8. On receiving the charge drafted by the Attorney-General of the Republic, the appropriate authority shall sign it and send it to the Chairman of the Commission, together with all documents submitted to the Attorney-General of the Republic.

**PART II**

**(Section 83(2))**

**Form of Summons**

You are hereby summoned to appear before the Public Service Commission at its Office in Nicosia in the ..... day of ....., 19....., at the hour of .....am/pm for the hearing of a disciplinary charge filed against you that .....

.....

(state shortly the offence or offences).

2. If you wish to call witnesses, either to testify or to bring evidential material before the Commission, you must make all necessary arrangements, in order to secure the attendance of the witnesses and the production of the evidential material.

3. If you fail to appear before the Commission at the above-mentioned place and time, the Commission may either demand your personal attendance or proceed to hear the case in your absence.

Dated the ..... day of ....., 19.....

(Signed) .....

Chairman of the  
Public Service Commission

..... /Service

### **Service of Summons**

A summons shall be served upon the officer through the Head of his Department, who makes sure that the summons is delivered to him by hand and who signs an acknowledgement of its receipt by the officer on the copy of the summons, which shall then be returned to the Commission.

## **PART III**

### **(Section 83(5))**

#### **Hearing of the case**

1. If the officer appears on the date fixed by the Commission for the hearing of the case, the hearing shall be carried out as in this 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, the hearing of the case shall be carried out in his absence:

Provided that, the Commission may demand the personal attendance of the officer.

3. The hearing of the case shall be carried out, as far as possible, in the same manner as the hearing of a criminal case which is tried summarily.
4. The Commission shall have power:
  - (a) to summon witnesses and demand their attendance, as well as attendance of the officer, in the same way as in summary trials;
  - (b) to demand the production of every document which is relevant to the charge;
  - (c) to admit any evidence, whether written or oral, even if it would not be admissible in civil or criminal proceedings;
  - (d) to adjourn the hearing from time to time, provided that the hearing proceeds as expeditiously as possible.
5. During the hearing there shall be kept minutes of the proceedings.
6. The Commission may by its decision either find the officer guilty for all or for any of the offences for which he was charged and impose upon him whichever of the disciplinary punishments that the circumstances of the case would justify, having first heard him in mitigation of sentence, or acquit the officer.
7. Every judgment of the Commission must be duly reasoned and signed by the Chairman. Copy of such judgment shall be sent to the appropriate authority and another copy shall be given to the officer free of charge.

## NOTES

The following laws contain provisions which do not form part of the principal Law and they cannot be included in the consolidated text of the Law as a section thereof. However, in view of the fact that they affect the application of the Law, it was considered expedient to include them in this Note:

1. The Public Service (Amendment) Law of 1996 [L. 60(I)/1996], published in the official Gazette of the Republic, Supplement I(I), dated 19.4.96, contains the following provision:

«Retrospective effect. 3. This Law shall come into force as from 27 January 1990.».

2. The Public Service (Amendment) Law of 2001 [L. 4(I)/2001], published in the official Gazette of the Republic, Supplement I(I), dated 26.1.2001, contains the following provision:

«Entry into force of this Law. 4. This Law shall come into force on the 1<sup>st</sup> March,2001.».

3. (a) By virtue of section 5 thereof, the Public Service (Amendment) (No. 2) Law of 2003 (L. 128(I)/2003) shall come into force on a date to be fixed by the Council of Ministers by a notification published in the official Gazette of the Republic.

(b) By a decision of the Council of Ministers pursuant to section 5 of L. 128(I)/2003, published in the official Gazette of the Republic, Supplement III(I), dated 14.5.2004 (P.I. 559/2004), Law 128(I)/2003 came into force on the date of publication of the said notification, that is, on 14.5.2004.

4. The Public Service (Amendment) Law of 2006 [L.96(I)/2006], which was published in the official Gazette of the Republic, Supplement I(I) dated

28.4.2006, contains the following provision:

«Entry into force of this Law.  
96(I) of 2006. 13.-(1) Subject to the provisions of subsection (2), the Public Service (Amendment) Law, 2006 shall come into force upon publication in the official Gazette of the Republic.

(2) The provisions of sections 5, 6 and 7 of the Public Service (Amendment) Law, 2006 shall also apply in relation to the procedure for the filling of First Entry and First Entry and Promotion posts, in respect of which no Advisory Boards have been established, whereas paragraph (c) of section 6 and paragraph (c) of section 7 of the said Law shall also be applied by the Advisory Boards which have not sent their report to the Public Service Commission».

**5.** The Public Service (Amendment) Law of 2022 [L. 1(I)/2022], published in the official Gazette of the Republic, Supplement I(I), dated 21.1.2022, contains the following provision:

«Entry into force of this Law. 12.-(1) Subject to the provisions of subsection (2), this Law shall come into force on the date of its publication in the Official Gazette of the Republic.

(2) Sections 5 and 8 shall come into force on the 1st of January 2024. »