

DECREE OF THE PRESIDENT OF THE SUPREME REVOLUTIONARY  
COUNCIL, 15th July 1973, N. 4.  
Local Government Service Regulations.

THE PRESIDENT  
OF THE SUPREME REVOLUTIONARY COUNCIL

HAVING SEEN the First and Second Charters of the Revolution  
and also Law No. 1 of 21st October, 1969;

HAVING SEEN Law No. 52 of 8th June 1972 (Local Government  
Reform Law);

HAVING SEEN Law No. 29 of 1st April, 1970;

ON THE PROPOSAL of the Secretary of State for Interior;

HEREBY DECREES

Chapter I.

PRELIMINARY PROVISIONS

Article 1

*Definitions*

The following words or phrases shall, unless the context requires  
otherwise, have the meanings hereby respectively assigned to them:

- a) «Appointing Authority» means the authority by which the  
appointment is made;
- b) «Chairman» means the Chairman of the Regional Revolutio-  
nary Council, or District Revolutionary Council;
- c) «Council» means a local government council;
- d) «Family» includes:
  - i) wife, children or step children whether residing with the  
Staff member or not;
  - ii) dependent parents, minor brothers and unmarried sisters  
if they are residing with him.
- e) «Government» means the Government of the Somali Democra-  
tic Republic;
- f) «Initial Recruitment» means appointment made otherwise than  
by promotion or transfer;
- g) «Law» means law No. 52 of 8th June, 1972 (Local Govern-  
ment Reform law) as subsequently amended);

- h) «Secretary of State» means the Secretary of State for Interior;
- i) «President» means the President of the Supreme Revolutionary Council;
- j) «Secretary» means the Regional or District Executive Secretary;
- k) «Service» means Local Government Service;
- l) «Staff» means the staff of Local Government Councils;
- m) «Local Government» means Regional, District, and Village Revolutionary Council.

## Article 2

### *Classification of the Service*

1. There shall be constituted for the local government councils a local government service, provided there shall be no such service for the village councils.

2. The Permanent staff of the Local Government Councils shall consist of personnel appointed directly by the Local Government Councils, and Civil Servants seconded thereto.

3. The Personnel appointed directly by the Local Government Councils may be permanent or temporary. The permanent personnel shall be subject to the provisions of these regulations. The temporary staff shall consist of persons employed for specific jobs and for a specific period and shall be governed by the terms of their contracts.

4. Civil Servants who are now serving in the regions and the districts shall be considered as seconded to the Local Government Councils but shall be governed by the provisions of the Civil Service Law No. 29 of 1st April, 1970, provided that for the purpose of enforcing discipline, efficiency and conduct of the service they shall be subject to these Regulations.

## Article 3

### *Establishment*

1. The total number of posts in the Local Government Councils for which financial provision is made in their budget shall be fixed by the Secretary of State.

2. There shall be assigned to each post a grade, duties and responsibilities, the general nature of which shall be indicated by a title, *division, and grade*.

3. The service shall consist of the following four divisions:

Division A — Administrative and Professional

» B — Executive and Senior Technical

» C — Clerical and Technical

» D — Subordinate personnel and Auxiliary technicians.

4. Each of the above divisions shall consist of the grades and carry salaries as set out in schedule 1 hereto attached.

#### Article 4

##### *Establishment of Regional Recruitment Board*

1. Regional Recruitment Board, hereinafter referred to as the Board, shall be established for each Region as provided by Article 7 of Law No. 66 of 29th October, 1972.

#### Article 5

##### *Method of Recruitment*

1. Vacancies in different divisions/Grades of the Service shall be filled by:

(a) Initial recruitment; or

(b) Secondment of an official from the service of the Government; or

(c) Promotion on the basis of merit and seniority.

2. No vacancy shall be filled by direct recruitment or secondment unless there is no qualified staff member available to fill it by promotion.

3. When a vacancy occurs or is about to occur in any division or grade of the service, the appointing authority shall determine by which method such vacancy may be filled in accordance with Article 5(1) of these Regulations.

#### Article 6

##### *Qualification of candidates*

Any candidate to be appointed to a post shall:

a) be a Somali citizen;

b) not be less than sixteen years of age;

c) be physically and mentally fit;

- c) be of a good moral conduct;
- e) not be a defaulting debtor in respect of any private or public body;
- f) not have been interdicted from public office, unless he has been rehabilitated;
- g) posses the following minimum educational qualifications.
  - i) University Degree or its equivalent for appointment to Division A;
  - ii) Secondary School Certificate or its equivalent for appointment to Division « B »;
  - iii) Intermediate School Certificate or its equivalent for appointment to Division « C ».

Provided that any person may be appointed to a technical post in Division B or C without possessing minimum educational qualifications if he is otherwise suitable to fill the post to the satisfaction of the Recruitment Board.

#### Article 7

##### *Probation*

1. Persons appointed to the service against substantive vacancies shall undergo probation for a period of 6 months, if appointed by initial recruitment, or for a period of 3 months if appointed otherwise.

2. If the work or conduct of a member of the service during the period of probation has been found to be unsatisfactory, the appointing authority may, even before the expiry of the period of probation, dispense with his service, if he has been appointed by initial recruitment, or if there be no such post, dispense with his service.

#### Article 8

##### *Solemn Promise and Oath*

A staff member shall on entering the Service take the following Oath before the Chairman or the Secretary.

« I do swear in the name of God that I will abide loyal by the constitution and laws of the Somali Democratic Republic, and the Regulations of the Local Government Councils; will carry out the duties of my post in the required manner with diligence, zeal, and impartiality, will scrupulously keep official secrets, and will conduct myself in a manner so as to ensure the security, honour, and integrity of the State ».

— 36 —

Article 9

*Emoluments*

1. The normal emoluments of the Local Government Staff shall consist of their salaries and allowances as provided by Law.
2. The emoluments due to the permanent staff shall be paid in arrears on monthly basis.
3. Pay for the fraction of a month shall be calculated by dividing the amount of the monthly pay by the number of days in that particular month and multiplying by the number of days served.

Article 10

*Pay*

1. An official appointment to a post shall receive the initial rate of pay of the grade of the division to which he is appointed.
2. When a staff member is suspended he shall receive on third of his pay. If his suspension is revoked he shall receive in arrears the remaining two thirds of his pay.

Article 11

*Allowances*

1. The following officers shall be entitled to responsibility allowance:
  - a) Chairman of the Regional Revolutionary Council;
  - b) Regional Executive Secretary;
  - c) Chairman of the District Revolutionary Council;
  - d) District Executive Secretary;
  - e) Heads of Regional Departments.
2.
  - a) House Allowance shall be paid to the Regional Executive Secretary and the District Executive Secretary;
  - b) House allowance shall also be paid to graduates with professional qualifications;
  - c) the Government may be decree direct the payment of house allowances to any other officer;
  - d) House allowance shall not be paid to officers who are provided Government or Council accommodation.

3. A Staff member shall be entitled to travelling or mission allowance in accordance with the Laws governing the Civil service.

4. Professional allowance shall be given to graduates with technical or professional qualifications at the rate paid by the Government, as provided by Law No. 8 of 1st June 1965 as subsequently amended by Law No. 31 of 30th March, 1972.

5. Other allowances may be paid in accordance with the directives of the Government and the Financial Laws and Regulations.

6. Subject to budgetary limitations, the amount of allowances payable shall be fixed by decree of the President of the Supreme Revolutionary Council on the proposal of the Secretary of State or the competent Secretary as the case may be.

## Chapter II.

### PROMOTION AND SENIORITY

#### Article 12

##### *Promotion*

1. Promotion of the permanent staff to a higher division or grade within the same division shall be subject to the following criteria:

- a) Seniority; or
- b) on the basis of an examination; or
- c) by a special merit which must be specified in writing.

2. Promotions to posts in division « A » or to grades 1 or 2 of division « B » shall be made by decree of the President, on the proposal of the Secretary of State. The Chairman of the Regional Revolutionary Council may recommend promotions to such posts on the advice of the Committee. Promotions to posts in grade 3 or 4 in division « B » or in grade 3 or lower in division « C » shall be made by decree of the Secretary of State on the proposal of the Chairman of the Regional Revolutionary Council having heard the Committee.

3. The Staff Committee of the Regional Revolutionary Council shall with the approval of the Chairman of the Council make promotions to grades 4 of Division « C ». The Staff Committee of the District Revolutionary Council may send through the Chairman or the Regional Executive Secretary any recommendations for promotions other than those for which the approval of the President is necessary and those in Division « D » and on receipt of these recommendations the Regional Executive Secretary shall place them before the Committee for their consideration provided the prior concurrence of the Chairman of the Regional Revolutionary Council is obtained. The District Revolutionary Council may make promotions within division « D » without reference

Article 13

*Qualifications for Promotion*

1. Civil Servants who are serving the Local Government Councils on secondment may be promoted in accordance with the relevant provisions of Civil Service Law No. 29 of 1st April, 1970. The Council may, however, make recommendations to the Government with respect to the promotion of seconded staff.

2. No promotion shall be made except to a vacant post. To be considered for promotion a Staff member shall have served at least three years in the same grade within the division to which he belongs.

3. Educational qualifications, professional experience, practical knowledge of the service, and good character to be judged from annual confidential report, shall be the basic criteria for judging a staff member's suitability for promotion. In case of equal merit and qualifications precedence shall be given in the order of seniority.

4. Successful performance of the functions of a post of higher grade by an employee of division « A » or « B » for a period not less than one year may constitute an additional qualification for promotion.

5. No promotion involving a movement of the staff member from one division to a higher division shall be made except on the basis of an internal competitive examination or educational qualification, provided that the staff-member concerned has served in the lower grade for a period of not less than three years.

6. In case where a staff-member shows special merit or revolutionary consciousness, the Chairman may direct this to the attention of the Committee.

Article 14

*Seniority*

1. Subject to any disciplinary proceedings, the seniority of a staff member in his grade shall be determined by the date on which he enters that grade.

2. Where two staff members with previous recognized service enter a grade on the same date, the staff member who was the senior at the time of entry into that grade shall continue to be the senior.

Chapter III.

SECONDMENTS, TRANSFERS, AND LEAVE

Article 15

*Transfers and Secondments*

1. The Secretary shall in consultation with the Chairman determine the assignment of the Council's staff to the various branches of the service and shall provide for such transfers or temporary assignments as the exigencies of the Service may require from time to time.

2. The Secretary of State may transfer a staff-member from one Council to another.

3. Transfers of staff from the Local Government Service to the Government Service or vice versa may be made by the Presidency through the Directorate of Personnel and Establishment on the proposal of the Secretary of State provided the staff member shall not thereby lose his grade or seniority.

4. Seconded staff may be transferred from one council to another by their respective Secretaries of State.

5. A District Revolutionary Council may second a staff-member to another District Revolutionary Council for a specified period of time subject to the approval of the Chairman of Regional Revolutionary Council having heard the Secretary but in case of officials in Division « A » the approval of the Secretary of State shall be necessary.

Article 16

*Ordinary leave*

1. Every member of the permanent staff shall be entitled to annual leave of thirty days with pay, which shall normally be taken at the end of a year of service. This leave shall not be accumulated.

2. Where the exigencies of the service so require, the annual leave may be divided into shorter period or suspended or interrupted.

3. The Secretary shall grant leave to the permanent staff when they become eligible for such leave provided leave of officers in division « A » are made with the approval of the Chairman.

Article 17

*Extra-Ordinary Leave*

In addition to annual leave, a staff member may, subject to exigencies of service, be granted by the Chairman, extraordinary leave without



— 40 —

Article 18

*Maternity Leave*

1. A women staff member shall, in addition to leave referred to in Article (16) above, be intitled to maternity leave with pay for a period of four months.

Provided that application for such leave shall be made to the Secretary and shall be supported by a certificate from a Government Medical Officer and that at least two months of such leave are taken after the date of delivery.

2. No ordinary leave shall be granted to a women staff member during the year in which maternity leave has been granted.

Article 19

*Sick Leave*

1. A Staff member may be granted sick leave for not more than twelve months in any period of three years. Application for sick leave shall be made to the Secretary through the Head of Department, and supported by a report from a government medical officer.

2. Sick leave shall be on full pay for the first three months, and one-ahlf of the pay for the remaining months.

3. A staff member shall be entitled to free medical treatment in the Government medical institutions.

Article 20

*Study Leave*

1. Study leave may, on the proposal of the Chairman, be granted by the Secretary of State to a staff member who has been awarded a fellowship or accorded permission to attend a course of training connected with his work for a period not exceeding twenty-four months. A staff member may also be given permission to attend a seminar connected with his work for a period not exceeding three months.

2. During the course of approved and authorised fellowship, seminar, or a course of training abroad, a staff member shall not be eligible for pay but his family may be given the following allowance:

- a) full pay for a seminar for a period not exceeding three months for a fellowship or a course of training for a period not exceeding twenty-four months the following allowance shall payable:

— 41 —

- ii) if the monthly pay is less than So. Sh. 600, the allowance shall be two-thirds of the pay with a maximum of So. Sh. 300.

3. The term family for purposes of Article 20 (2) above, shall in addition to wife and minor children, include the parents, minor brothers, and unmarried sisters, provided they are dependent on the staff member concerned.

#### Article 21

##### *Recall from Leave*

The Chairman may, for exigences of service, recall a staff member from leave and the staff members shall, unless unable to do so for serious and sufficient reasons, report to duty at the prescribed time.

#### Chapter IV.

### CONDUCT OF STAFF MEMBERS

#### Article 22

##### *Prohibitions*

1. A staff member shall not:
  - a) commit any act that may throw suspicion on his integrity loyalty to the State of the Council,
  - b) publish or cause to be published anything concerning the activities of the Council or make any public statement on the policy of the Government or the Council or on matters concerning national security, except in the normal course of his official duties or with the prior approval of the Chairman concerned,
  - c) hold more than one post at a time, except with the approval of the Secretary of State with regard to staff in division « A », or the Chairman, on the recommendations of the Secretary, for all other staff.
  - d) except in the case of charitable in situations or of humanitarian causes, ask for or accept any contribution to, or otherwise associate himself with the raising of any fund in pursuance of any objective whatsoever, except with the approval of the Chairman,
  - e) accept a valuable gift or testimonial except with the approval of the Chairman,

... trade or business nor take part in the registra-

— 42 —

- g) engage in speculation nor make any investment likely to embarrass or influence him in the discharge of his official duties,
  - h) borrow any money from or otherwise place himself under pecuniary obligation to any person, firm or bank with whom he is likely to have official dealings,
  - j) bring or attempt to bring in his favour or against any other civil servant any political or other outside influence to bear upon any superior authority in respect of any matter pertaining to his service of that of other civil servant, as the case may be.
2. A staff member shall not permit any member of his family to do any of the above acts.

#### Article 23

##### *Buying and Selling Houses*

The Staff shall be governed by the provisions of Law No. 50 of 10th August, 1972 concerning purchase and acquisition of real property.

#### Article 24

##### *Duties and Responsibilities of staff*

Every staff member shall perform the duties of his office in accordance with the directives and instructions pertaining to his work. He shall, in the course of his employment demonstrate good behaviour, dignity and:

1. Keep a good moral conduct.
2. Comply with the provisions of these regulations.
3. Be responsible towards his superiors, courteous towards the public, his colleagues and subordinates.
4. Keep absolute secrecy of official information.
5. Report without delay to his superiors any unlawful act which he may get to know in the course of performing his duties.
6. Comply with office hours scrupulously.
7. Assist or replace by authority of the competent officer any of his colleagues whenever necessary.
8. Remain on duty after his normal working hours if the exigencies of the Serve so require.
9. In case of his absence send a justification for his absence

11. Serve in such place as his superiors may from time to time direct.
12. Further the course of good Local Government.
13. Give his whole time to serving the national interest as well as the interest of his council area.

#### Chapter V.

### EFFICIENCY AND DISCIPLINE

#### Article 25

1. The staff member shall be liable to a penalty specified under Article (26) of these regulations, for inefficiency, misconduct or subversion.
2. A staff member shall be deemed to be inefficient if:
  - a) he has earned unsatisfactory reports on his character roll for two or more consecutive years; or
  - b) by reason of infirmity of mind or body, he is, in the opinion of the authority concerned inefficient or has ceased to be efficient and is not likely to recover his efficiency.
3. A staff member shall be guilty of misconduct if:
  - a) he violates any of the provisions of the conduct regulations applicable to the staff;
  - b) he commits a breach of discipline or instructions issued by the Government, or the Chairman, or his superior;
  - c) if he commits an offence involving moral turpitude.

#### Article 26

##### *Penalties*

1. The penalties which may be imposed under these regulations upon a staff member shall be:
  - a) censure;
  - b) fine not exceeding seven day's pay;
  - c) recovery from his pay of the whole or part of any pecuniary loss caused to the Council by negligence or breach of order;
  - d) suspension for a maximum period of three months with forfeiture of pay or part of pay;
  - e) demotion;
  - f) compulsory retirement;
  - g) discharge from Service;

2. The penalties specified in clauses (a) and (b) in Article 26 (1) above shall be deemed to be minor penalties while those specified in clauses (c), (d), (e), (g) and (h) of the said Article shall be deemed to be major penalties. The penalty specified in clause (c) above, shall be regarded a minor penalty if the loss involved is not more than one hundred shillings and shall be considered a major penalty if the loss involved is more than one hundred shillings.

3. Without prejudice to any other Law the penalties which may be imposed for the offences specified in Article 26 (1) shall be the following:

- a) for misconduct, any of the penalties under Article 26(1) depending on the gravity of the offence;
- b) for inefficiency, any penalty under clauses (a), (b), (d), (e), (f), (g), and (h) of Article 26(1) depending on magnitude of the inefficiency;
- (c) for corruption or subversion, any penalty under clauses (f), (g), (h) of Article 26(1) depending on the gravity of the offence.

4. A competent authority may impose for an offence specified in Article 26(3) one or more penalties prescribed for that offence under Article 26(3) or these regulations.

#### Article 27

##### *Procedure for Imposing Disciplinary Measures*

1. No authority subordinate to the authority by which a staff member is appointed shall be competent to impose on him a major penalty under these regulations.

2. Minor penalties may be imposed by the Chairman or the Secretary but major penalties shall be imposed by the Staff Committee subject to the approval of the Secretary of State for staff appointed by the President.

3. The procedure to be followed in disciplinary cases shall be as laid down in Schedule III attached to these regulations.

#### Article 28

##### *Refusal to Obey an Official Order*

1. No staff member shall refuse either expressly or by a deliberate neglect, the order of superior officer. If the staff member considers that the order is improper he shall ask that the order be given to him in writing and if the order is given to him in writing he shall obey it and any consequences which may arise from the issuance of such order shall then be his responsibility.

— 45 —

Chapter VI.

TERMINATION OF SERVICE

Article 29

*Cause of Termination of Service*

The Service of any permanent staff member may be terminated owing to:

1. Voluntary resignation, or
2. Discharge on medical grounds, or
3. Retirement from service, or
4. Dismissal as a result of a disciplinary action.

Article 30

*Discharge from the Service*

For unsatisfactory service or inefficiency a Staff member may be discharged on any of the following grounds:

1. During the period of probation;
2. As a result of disciplinary action;
3. In accordance with the terms of the contract if his appointment was made by contract;
4. As a result of conviction, not causing dismissal, which has become final.

Article 31

*Resignation*

1. A staff member may resign his post at any time;
2. A staff member withdraw his resignation at any time;
3. Resignation from staff member may be accepted by the appointing authority.

Article 32

*Discharge on Medical Grounds*

A staff member who, after examination by a government medical

— 46 —

Article 33

*Retirement from Service*

A staff member shall be retired from the Service upon reaching the requirement age as under:

1. 60 years in the case of males;
2. 55 years in the case of females.

Article 34

*Terminal Benefits*

A staff member shall on retirement upon superannuation or otherwise be entitled to pension or gratuity in accordance with the Law, No. 50 of 31st December, 1969 (Law on Pension and Gratuity) as subsequently amended.

Article 35

*Retirement in the Public Interest*

1. Notwithstanding anything contained in these regulations, if the Committee, on the recommendations of the Chairman, considers that a Staff member should be required to retire in the Public interest they shall call for full report substantiating the case.

2. The Committee shall give opportunity to the staff member to be heard and if they are nevertheless satisfied of the validity of the report they shall follow the following procedure:

- a) where the staff member had been appointed by decree of the President, the Regional Revolutionary Council Chairman, having heard the Regional Committee, shall submit the finding of the Committee together with his recommendations and those of the District Revolutionary Council Committee concerned, to the Secretary of State who shall forward it to the President together with his recommendations. The Secretary of State may reject the report if he is not thoroughly convinced and send it back to the Council stating the reasons thereof.
- b) where the staff member had been appointed by decree of the Secretary of State, the Regional Revolutionary Council Chairman shall submit the documents referred to Article (35)(2)(a) above, to the Secretary of State who shall make a final ruling.
- c) where the staff member had been appointed by the staff Committee of the Regional Revolutionary Council, the Chairman of the Regional Revolutionary Council shall be the final authority

- of the District Revolutionary Council Chairman shall be final.
- d) a staff member retired in the public interest in accordance with the above procedure shall be entitled to all benefits and privileges as if he was retired on medical grounds.

### Article 36

#### *Dismissal due to Disciplinary act or Criminal Conviction*

1. A staff member may be dismissed from Service:
  - a) as a result of disciplinary action imposed by the Committee subject to confirmation by the appointing authority;
  - b) as a result of conviction, which has become final, on a criminal fraud, theft, cheating, misappropriation, or any offence which debar a staff member from holding public office, notwithstanding any amnesty that may have been granted;
  - c) where he absents himself from duty without justification for a period of six months, provided that where the absence is less than six months, he shall be subjected to disciplinary proceedings for an offence under these regulations.
2. A staff member who is dismissed as above shall not be entitled to final leave.
3. Dismissal of Staff member for disciplinary action shall be subject to the approval of:
  - a) the President in case of staff appointed by him;
  - b) the Secretary of State in case of staff appointed by him;
  - c) the Regional Committee in case of staff appointed by them.

### Chapter VII.

#### FINAL PROVISIONS

### Article 37

#### *Absorption into Service*

On coming into force of these regulations the permanent officials serving the Local Government Councils shall be deemed to have been appointed to the service and shall be deemed to have been



— 48 —

Article 38

*Abrogation*

Any decree or regulation contrary to or inconsistent with these regulations is hereby abrogated.

Article 39

*Coming into Force*

These regulation shall come into force immediately and shall be published in the official Buletin.

Mogadishu, 15th July, 1973.

*Jaalle Maj. Gen. Mohamed Siad Barre*  
PRESIDENT  
of the Supreme Revolutionary Council

*Jaalle Maj. Gen. Mohamed Siad Barre*  
Secretary of State for Interior ad-Interim

*VISTO e registrato - Reg. n. 1, foglio n. 7.*  
*Mogadiscio, li 6 Gennaio 1974.*  
*Il Magistrato ai Conti:*  
Magg. ABDULLAHI WARSAME NUR

Schedule I.

S A L A R Y S C A L E S

Division « A »

Administration and Professional Staff

Grade	1	1800 (fixed)
Grade	2	1600 1500 1400
Grade	3	1300 1250 1200
Grade	4	1160 (fixed)
Grade	5	1150 1120 1090
Grade	6	1060 1030 1000
Grade	7	920 890 860 830 800
Grade	8	720 690 660 630 600

Division « B »

Executive and Senior Technical Staff

Grade	1	1060 1030 1000
Grade	2	920 890 860

— 50 —

Grade	3	720
		690
		660
		630
		600
Grade	4	530
		510
		490
		470
		450

Division « C »

Clerical and Technical Staff

Grade	1	920
		890
		860
		830
		800
Grade	2	720
		690
		660
		630
		600
Grade	3	530
		510
		490
		470
		450
Grade	4	430
		410
		390
		370
		350

Division « D »

Subordinate Personnel and Auxiliary Technicians

Grade	1	430
		410
		390

Grade 2	340	
	330	
	320	
	310	
	300	
Grade 3	290	
	280	270
	260	
	250	
Grade 4	240	
	230	
	220	
	210	
	200	

Schedule II

RULES FOR HOLDING COMPETITIVE EXAMINATIONS

1. *Advertisement of Vacancies.*

- (1) When a post falls vacant and is to be filled by direct recruitment the Board of the Council in which the vacancy occurs shall, after informing the Chairman, advertise in the press, or radio and other possible means, the vacancy. The Special Recruitment Board shall advertise on behalf of the Council for positions which may be filled by appointment of the President or the Secretary of State.
- (2) The advertisement shall specify the title(s), number(s), division(s), Grade(s), Salary and nature of the Post(s) to be filled as well as:
  - (a) minimum educational qualifications required;
  - (b) minimum experience, if required;
  - (c) age requirement;
  - (d) documents to be forwarded;
  - (e) details of examination such as medical, professional etc. to be undertaken by the candidate;
  - (f) where and how applications are to be sent:

2. *Place and Time for Examination.*

The Board shall specify the place and the time of examination.

3. *Proof of Age.*

A candidate for appointment shall prove his age to the satisfaction of the Board by the production of his birth certificate.

The age accepted by the Board for the purpose of admission to the examination shall be regarded as the age accepted for all purposes under the Law and these regulations including the date of retirement.

4. *Arrangement for Examination.*

No candidate shall be admitted to an examination unless the competent Board are satisfied that he has fulfilled all the requirements mentioned in the advertisement.

The Board may establish its own rules and procedures for the conduct of an examination and ensure that such rules are duly observed.

The Board shall have the power to appoint any number of persons as it may deem necessary for:

- (a) setting question paper;
- (b) invigilation;
- (c) correction of answer sheets; and
- (d) checking corrected answer sheets.

The Board shall take measures to ensure that the answer sheets are identified with the names of the candidates only after the papers have been marked.

A record shall be kept of proceedings of an examination and of any decision of the Board including marking of papers which shall be signed by the markers in the presence of the Chairman of the Board concerned.

5. *Qualifications for Interview.*

Candidates who obtain not less than fifty percent of the marks in all written papers shall be eligible to be admitted to an interview. Candidates who score a total marks of less than 50% in the written examination shall be considered as failed.

The minimum qualifying marks in an interview shall be fifty percent. At the time of an interview, candidates shall be

The Board shall place successful candidates in the order of merit which shall be based on the aggregate of the results of the written examination and the interview, but the value of the interview in relation to the total valuation shall be one fourth.

When two or more candidates obtain equal marks in an examination, seniority in age shall decide the order of merit.

Candidates who obtain qualifying marks and who in accordance with the order of merit, rank highest shall be declared successful candidates and shall fill the vacancies.

The remaining candidates who obtain qualifying marks shall be declared qualified candidates for suitable positions which fall vacant in the ensuing three months.

6. *Practical Examination.*

Candidates for posts requiring technical or professional skills such as typing, driving, mechanic, etc., shall undergo a practical examination.

7. *Allocation to Units.*

The Secretary in consultation with the Chairman shall allocate the successful candidates to the departments subject to their having been declared medically fit by a government medical officer.

Where a successful candidate does not accept appointment to a post, it shall be offered to the next qualified candidate in the order of merit.

## PROCEDURE FOR DISCIPLINARY CASES

### DEFINITION

Staff member means, for the purpose of this schedule, a staff member charged with an offence.

1. Offences involving minor penalties shall be dealt with in the following manner:

- a) The Secretary of State in respect of all Local Government the Director-General or the Director of Local Government;
- b) the Ministry of Interior in respect of all staff of Local Government;
- c) the chairman of Regional Revolutionary Council in respect of the entire staff of the region below the rank « A »; 5;
- d) the Regional Executive Secretary in respect of the entire staff of the except those in Division « A »;
- e) the Chairman of the District Revolutionary Council in respect

- f) the District Executive Secretary in respect of all staff below his rank in the service of the District Revolutionary Council except those in division « A ».

A staff member on whom a fine may be imposed on disciplinary grounds shall furnish explanation before the authority competent to impose the fine and if the explanation is not satisfactory in the opinion of the authority the fine may then be imposed. The entire proceedings shall be recorded in writing and kept in the personnel file of the staff member involved.

2. The competent Chairman may require a subordinate staff member to pay for the whole or part of a pecuniary loss not exceeding one hundred shillings provided the loss has been assessed by a technically competent ad-hoc committee and the report of the Committee, the amount involved, etc., shall be recorded and the staff member informed in writing. In such a case the staff member shall be given opportunity to be heard and his explanation shall be recorded.

3. Offences involving major penalties shall be dealt with by the Committee in the following manner:

- a) the competent executive secretary shall frame the charge against the staff member involved and, shall put it on the agenda of the Committee. The charge shall be accompanied with a written explanation from the staff member except when the staff member involved refuse to submit such explanation or fails to do so within one week from the date of the written notification of the charge.
- b) the Chairman of the Committee shall then fix a date for the case to be heard by the Committee and then the Secretary shall send a letter to the staff member asking him to appear before the Committee, the letter shall give the date, time, and place of the hearing and a copy of it shall be signed by the staff member as a receipt.
- c) if the staff member fails to appear before the Committee, a second hearing shall be fixed and the staff member shall be notified and if he fails to attend again the Committee may deal with the case in absentia provided the staff member had been so warned in the letter notifying him of the second meeting of the Committee.
- d) when the staff member charged is present, the Chairman of the Committee shall read to him the charge and explain to him the penalty it may involve.
- e) the Chairman of the Committee shall then ask the staff mem-

- f) if the staff member admits the charge the Committee shall meet in camera in order to discuss what penalty is appropriate and then on reaching a decision shall, in the presence of the staff member, read out their findings and the penalty.
- g) if the staff member does not admit charge he shall be allowed to make a statement in his defence, and to produce witnesses.
- h) the officer reporting the charge against the staff member i. e. the officer who is making the complaint, may be required by the Committee for a statement or questioning or for both.
- i) when a staff member is charged with inefficiency by reason of infirmity of mind or body the Chairman of the Committee shall send him for examination by a government medical board and shall then put the result to the committee for their consideration.
- j) if the staff member refuses to appear before a government medical board under paragraph (i) above, he shall be considered unfit for service unless he gives explanation substantiating the reason for his refusal.
- k) if the staff member is hindering continually the proceedings of the Committee, the Committee shall give him a warning and if the warning does not prove to be sufficient the Committee may suspend the staff member forthwith.
- l) the Committee shall deal with disciplinary cases as expeditiously as possible but in any case for a period not exceeding one month and shall avoid adjournment and postponement of meetings as far as possible.
- l) the Committee shall deal with disciplinary cases as expeditiously as possible and substitute a quorum.
- m) at least more than half of the members of Committee shall constitute a quorum.
- n) except in the case of dismissal decisions of the Committee shall be passed by a simple majority.
- o) in case of dismissal the decision of the Committee shall be passed by majority of two thirds;
- p) where a member of the Committee is replaced after he had heard a part of the evidence of a case the Committee shall decide whether the new member will be able to follow the case;
- q) in the event of a change of the Chairman and where the new Chairman was not a member of the Committee, the Committee shall proceed with the case if all evidence has been heard but if the evidence is yet to be heard the proceedings shall be stopped and the case reheard.



- r) in so far as possible change of the Chairman shall be avoided while the proceedings of a case are going on.
- s) the chairman or a member of the Committee during the proceedings of a case in which he is or is likely to be an interested party and he shall be considered an interested party if he is a witness in the case.
- t) the proceedings of the case shall be recorded and every witness and the staff member shall have his statement, questions, or answers read to him for verification.
- u) the findings of the committee shall be read to the staff member unless he deliberately absents himself in which case Executive Secretary shall call him to his office and read to him the findings of the Committee in the presence of another officer or he may send an official letter and ensure its receipt.
- v) every case shall be compiled in one file bearing the name of the case and every document regarding the case shall be kept in the file. A summary of the case shall be kept in the personal file of the staff member and a copy of it shall be sent to the Secretary of State who shall have the power of review.
- w) a major penalty shall be subject to approval by the appointing authority who may confirm, vary, or revoke the decision of the Committee.