

**PUBLIC SERVICE COMMISSION ACT****Repealed by Act 2007-29 as from 28.6.2007****Principal Act**

<b>Act. No. 1956-06</b>	<i>Commencement</i>	1.1.1957
	<i>Assent</i>	19.7. 1956

Amending enactment	Relevant current provisions	Commencement date
Acts. 1963-14	–	
1969-03	ss. 5, 7, 8(1) and 11	
Regs of 28.5.1970	ss. 5, 7, 8(1) and 11	
Acts. 1974-28	–	
1975-19	ss. 2, 7 and 8(1)	
1983-04	ss. 2, 3, 5 and 7	

The Public Service Commission Regulations (L.N. 1983/021), made under s.74 of the Constitution, appear under the title Gibraltar Constitution Order 1969.

RE-ARRANGEMENT OF SECTIONS.

Previous number	New Number
1	1
2	2
3-5	Repealed
6	3
7, 8	Repealed
9	4
10-13	Repealed
14	7
15	5
16	8
17	6
18	9
19	10
20	Repealed
21	11
First Schedule	Repealed
Second Schedule	Repealed

ARRANGEMENT OF SECTIONS.

Section

1. Short title.
2. Interpretation.
3. Defects in appointments not to invalidate proceedings.
4. Salaries and expenses.
5. Communications to be privileged.
6. Protection of members.
7. False information.
8. Publication and disclosure of information.
9. Attempts to influence Commission.
10. Attorney-General's fiat.
11. Saving.

**1956-06**  
**Repealed**

## Public Service Commission

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AN ACT TO PROVIDE FOR THE CONSTITUTION OF A PUBLIC SERVICE COMMISSION AND MATTERS INCIDENTAL THERETO.

**Short title.**

1. This Act may be cited as the Public Service Commission Act.

**Interpretation.**

2. In this Act, unless the context otherwise requires, –

“board” means a board appointed by the Commission under regulations made under section 74 of the Constitution;

“chairman” means the chairman of the Commission appointed under section 72 of the Constitution;

“Commission” means the Public Service Commission established under section 72 of the Constitution;

“member” means a member of the Commission appointed under section 72 of the Constitution and includes the chairman and any additional member appointed under that section;

“public office” means any civil office of emolument under the Crown in Gibraltar.

**Defects in appointments not to invalidate proceedings.**

3. The validity of the proceedings of the Commission shall not be affected by any defect in the appointment of a member thereof.

**Salaries and expenses.**

4. All salaries and expenses incurred by the Commission in the discharge of its functions shall be payable out of the Consolidated Fund.

**Communications to be privileged.**

5. No person, shall in any legal proceedings be permitted or compelled to produce or disclose any communication, written or oral, that has taken place–

- (a) between the Commission, or any member of the Commission or of any board, or any officer of the Commission, and the Government, the Governor, a Secretary of State, or a public officer; or

- (b) between any persons who are members of the Commission or of any board, or officers of the Commission, in exercise of or in connection with the exercise of their functions -

unless the Deputy Governor consents in writing to such production or disclosure.

**Protection of members.**

6. Every member of the Commission shall have such and the like protection and privileges, in case of any action or suit brought against him for any act done or omitted to be done in the execution of his duties under this Act or any regulations made thereunder as is by law given to any magistrate acting in the execution of his office.

**False information.**

7. A person who in connection with an application by himself or any other person for employment or appointment, promotion or transfer in a public office or in connection with any matter upon which it is the duty of the Commission to advise the Governor, wilfully gives to the Commission or to any member or to any board any information which is false or misleading in any material particular is guilty of an offence and is liable on conviction to imprisonment for two years and to a fine of £100.

**Publication and disclosure of information.**

8.(1) No member of or officer employed by the Commission nor any other person shall without the consent in writing of the Deputy Governor publish or disclose to any unauthorized person or otherwise than in the course of duty the contents or any part of the contents of any document, communication or information whatsoever which has come to his knowledge in the course of his duties whether under the Constitution or under this Act or under any regulation made thereunder, and a person who knowingly acts in contravention of the provisions of this section is guilty of an offence. and is liable on conviction to imprisonment for one year and to a fine of £100.

(2) A person who having possession of any information which to his knowledge has been published or disclosed in contravention of the provisions of subsection (1) publishes or communicates to any other person otherwise than for the purpose of any prosecution under this Act or in the course of his duty, any such information, is guilty of an offence and is liable on conviction to imprisonment for one year and to a fine of £100.

**Attempts to influence Commission.**

9. A person who, otherwise than in the course of his duty, directly or indirectly by himself or by any other person in any manner whatsoever influences or attempts to influence any decision of the Commission or of any member is guilty of an offence and is liable on conviction to imprisonment for two years and to a fine of £200:

Provided that nothing in this section shall prohibit any person from giving a certificate or testimonial to any applicant or candidate for any public office or from supplying any information or assistance upon formal request by the Commission.

**Attorney- General's fiat.**

10. A prosecution in respect of any offence against this Act shall not be instituted except by, or with the consent of, the Attorney-General.

**Saving.**

11. Nothing in this Act shall derogate from –

- (a) any provision of the Gibraltar Constitution Order 1969, and any other Order in Council replacing or amending the same vesting in the Governor the power of making appointments to the public service; or
- (b) any instructions given to the Governor by Her Majesty through a Secretary of State as to how such power should be exercised and in particular the instructions contained in regulations under Chapter III of Part I of Colonial Regulations or any Colonial Regulations substituted for or amending the same.