

CHAPTER 10

Miscellaneous

1001. (1) An officer who wishes to make representation relating to his conditions of service or any other matter of a public nature must first address his Head of Department or Permanent Secretary. If he is not satisfied by the reply he receives, he may then write to the Permanent Secretary, Administration, through his Head of Department or Permanent Secretary who must forward the communication without undue delay and advise the officer that this has been done. In every case the Permanent Secretary or Head of Department should embody in a separate memorandum their own views on the representations made and forward this with the communication. Channels of communication from public officers

(2) The Permanent Secretary, Administration will address his reply to the officer and send it through the officer's Permanent Secretary or Head of Department.

(3) Representations received other than through the correct channels will be returned unanswered to the officer.

1002. A petition is a formal reference to ultimate authority for special consideration of a matter affecting a public officer personally. If representations made in accordance with Order 1001 are not successful and they are not concerned with a matter which is the proper subject of an appeal in accordance with provisions of the Regulations of the appropriate Service Commission an officer may if he so wishes, submit a formal petition to the Governor in accordance with the following - Petitioners

- (i) a petition must be submitted through the petitioner's Head of Department or the Permanent Secretary of his Ministry and the Permanent Secretary, Administration, providing sufficient copies to enable each officer through whom it is forwarded to retain one copy. A petition must be forwarded without delay, together with any comments it is desired to make. Petitions or copies of petitions sent direct to the Governor will be ignored.
- (ii) a petition must bear the signature, or independently attested mark, and the address of the petitioner. When written by a person other than the petitioner, the signature and address of the writer must be included.
- (iii) a petition will not be entertained if it -
 - (a) does not comply with (i) above;
 - (b) deals with a matter in which legal remedies are still open;
 - (c) is illegible or worded in abusive or improper language;
 - (d) merely repeats the substance of a previous petition without introducing new matters;
- (iv) a petition should conclude by stating concisely the nature of the redress sought, and a petition which exceeds in length two pages of foolscap must also include a summary of the reasons adduced in support of the redress sought;
- (v) when a petition is submitted more than six months after the decision complained of has been given, the petitioner must furnish satisfactory reason for the delay.

1003. Requests for interviews with the Governor should clearly state the reason for the request and must be submitted through the officer's Head of Department or Permanent Secretary, who should record his views on the matter. Interviews with the Governor

Annual Confidential Reports	<p>1004 (1) A confidential report on all officers will be prepared annually in the prescribed form and will be submitted during the month of July or January and will relate to the previous twelve months ending on 30th June or 31st December.</p> <p>(2) Reports on the Attorney-General, Permanent Secretaries, Commissioner of Police, Director of Audit, Crown Counsel and the Magistrate/Registrar will be prepared by the Governor. Permanent Secretaries will report on Heads of their Departments; these reports will be counter-signed by the Governor. Reports on other officers will be made by Permanent Secretaries in the case of officers serving in Ministry Headquarters and by Heads of Departments in the case of officers serving in their Departments or by a senior officer under whose supervision the officer reported on worked during the year. All reports other than reports made by the Governor will be signed or countersigned by the Permanent Secretary concerned.</p> <p>(3) Confidential reports other than those made by the Governor will be transmitted in duplicate to the Permanent Secretary, Administration, for record in the confidential personal file of the officer reported upon and all such reports will be available to the Public Service Commission.</p>
Reports to be submitted at other times	<p>1005. Reports on officer during their probationary service will be submitted in accordance with the provisions of the Public Service Commission Regulations. When there are special reasons, confidential reports on officers may be submitted at any time. The Permanent Secretary, Administration may also call for special confidential reports on officers and the Governor may at any time call for a report on any officer.</p>
Knowledge of contents of Confidential Report	<p>1006. (1) An officer is entitled to be informed of the general substance of his report and of any favourable or adverse comment.</p> <p>(2) If an officer's work has been unsatisfactory in any respect, and if it is felt that he is capable of improvement, he should be warned in writing before his confidential report is submitted. A copy of the warning letter and of any reply which the officer has made will be submitted to the Permanent Secretary, Administration at the time the annual confidential report on the officer is submitted.</p>
Personal Record Form	<p>1007. When a confidential report is made on an officer for the first time, the report must be accompanied by a Personal Record Form completed in duplicate by the officer.</p>
Death of an officer to be reported immediately	<p>1008. Permanent Secretaries and Heads of Departments will report immediately the death of an officer if the death occurs at headquarters. If a death occurs on leave or elsewhere it will be the responsibility of the first officer to whom it becomes known to make the report. The report will be sent to the Head of the officer's Ministry or Department and to the Permanent Secretary, Administration by the quickest means. The full name and designation of the officer must be given, with particulars of the date, place, and cause of death, if known.</p>

1009. On first appointment an officer is required to notify the Permanent Secretary, Administration the names and addresses of not more than two relatives or friends whom he would wish to be informed in the event of his death or serious illness. Any change in these particulars should be notified promptly to the Permanent Secretary, Administration.

Next of kin

1010. If an officer is killed or injured as a result of an accident while he is on duty, an immediate investigation will be made. The Permanent Secretary or Head of Department will ask for the appointment of a Board of inquiry to investigate the circumstances of the accident and to determine whether the accident took place when the officer was on duty, whether it resulted directly from that duty and whether the officer was himself to blame in any way. The Board will be appointed by the Permanent Secretary, Administration and will include a medical officer and a senior officer of the Ministry or Department in which the officer was employed. The Board's report will be sent through the Chief Medical Officer to the Permanent Secretary or Head of Department of the officer, who will forward it with his recommendations to the Permanent Secretary, Administration.

Injury to officer

1011. (1) Claims from employees eligible for compensation under the Workmen's Compensation Ordinance should be made in the prescribed form through the Head of Department to the Labour Commissioner who will express an opinion as to liability and assess the compensation payable.

Workmen's Compensation

(2) Where government work is given out by contract, the contractors should be required under the contract to insure their liability in respect of the workmen employed by them.

1012 No officer shall be entitled to claim compensation in respect of losses of, or damage to, private property incurred through fire, theft, riots or otherwise in the course of his service, but grants of compensation may be made. No such concession shall be made in respect of losses or damage which, in the opinion of the Financial Secretary were due to negligence for which the officer was responsible or which could reasonably have been covered by insurance.

Loss of, or damage to private property

1013. (1) Permanent Secretaries and Heads of Departments are responsible for ensuring that all public buildings under their charge -

Upkeep of public buildings

- (i) are equipped where necessary, with fire extinguishers and that arrangements are made for the periodical examination of such equipment and the supply of refills; and
- (ii) are, as far as practicable, hurricane-proof, and that all doors, windows, etc., are made secure on notification of a hurricane warning.

(2) Unless it is otherwise expressly stated, the responsibility for maintaining all government buildings is vested in the Director of Public Works whose duty it is to repair all damage to property chargeable to public funds including that which occurs through fault or neglect on the part of the authorised occupiers.

(3) No alterations or improvements to public buildings may be undertaken at public cost without the authority of the Permanent Secretary, Ministry of Communications and Works.

(4) When alterations, additions or improvements to official premises are desired, Permanent Secretaries or Heads of Departments will apply to the Ministry of Communications and Works stating the requirements in detail and fully explaining the necessity or desirability of the proposed work.

Departments' responsibility for maintaining public buildings and grounds

1014. Permanent Secretaries and Heads of Departments will ensure that arrangements are made for every government building and grounds in their charge to be maintained in clean, neat and orderly condition.

Occupation of public buildings by Departments

1015. (1) Before or immediately after occupation is taken of a government building, the Permanent Secretary or Head of Department taking occupation or an officer designated by them will call for the keys of the building and report to the Director of Public Works any defect or damage which may be observed.

(2) Officers entrusted with government keys are personally responsible for their adequate care. The loss of any key in circumstances suggesting negligence by the officer concerned will render him personally liable for any expenses incurred by the government in its replacement or in furnishing new locks and keys.

(3) Permanent Secretaries and Heads of Departments are required to keep a register of all keys to buildings in their charge and officers to whom keys are issued for retention will be required to acknowledge the receipt of keys by their signature in the register. Duplicates of keys must not be kept in the offices of buildings for which they are used. Permanent Secretaries and Heads of Departments must ensure that keys of offices and buildings are handled only by responsible officers. Any loss of keys must be reported at once.

(4) The Accountant General will keep all duplicate keys of safes in the Treasury vault and maintain a record of all safes and officers to whom the safe keys are issued. Officers to whom safe keys are issued are personally responsible for their security and will report losses immediately to the Accountant General.

Uniforms

1016. Officers and employees who are eligible for the issue of free uniforms will be required to obey such departmental instructions as may be issued concerning the wearing of uniform while on duty.

Government vehicles

1017. (1) A government vehicle shall only be driven by an officer or employee authorised by the Head of Department on whose charge the vehicle is placed.

(2) Heads of Departments are responsible for ensuring that all officers authorised by them to drive government vehicles are in possession of valid driving licences.

Order of precedence

1018. The following is the approved order of precedence for Montserrat:-

- (a) The Governor;
- (b) *The Chief Justice;
- (c) The Speaker;
- (d) The Chief Minister;
- (e) *Senior British Naval, Military or Royal Air Force Officers of or above the rank of Commodore, Brigadier or Air Commodore respectively;
- (f) Ministers of Government (in order of date of appointment);
- (g) Attorney General;
- (h) Financial Secretary;
- (i) *Bishop of Antigua (Anglican);
- (j) *Bishop of St. John/Basseterre (Roman Catholic)

- (k) Principal Permanent Secretary, Chief Minister's Office;
- (l) *British military officers of the rank of Captain or Commander, Colonel or Lieutenant Colonel, Group Captain or Wing Commander;
- (m) *Puisne Judges;
- (n) Members of the Legislative Council (in order of date of election or appointment);
- (o) Chairman, Public Service Commission;
- (p) Permanent Secretaries in order of seniority;
- (q) Commander, Montserrat Defence Force;
- (r) Commissioner of Police;
- (s) Heads of Department in order of grade and seniority within grades.

** Asterisk denotes courtesy precedence.*