



# **LAWS OF MALAYSIA**

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TEXT OF REPRINT

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## **PUBLIC OFFICERS (CONDUCT AND DISCIPLINE) REGULATIONS 1993**

**[P.U. (A) 395/1993]**

*As at 15 September 2025*

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**PUBLIC OFFICERS  
(CONDUCT AND DISCIPLINE) REGULATIONS 1993**

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**LAWS OF MALAYSIA**  
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## LAWS OF MALAYSIA

### FEDERAL CONSTITUTION

#### PUBLIC OFFICERS (CONDUCT AND DISCIPLINE) REGULATIONS 1993

IN exercise of the powers conferred by Clause (2) of Article 132 of the Federal Constitution, the Yang di-Pertuan Agong makes the following regulations:

#### PART I

#### PRELIMINARY

##### **Citation and commencement**

1. These Regulations may be cited as the **Public Officers (Conduct and Discipline) Regulations 1993** and shall come into force on the 15 December 1993.

##### **Application**

2. (1) These Regulations shall apply to an officer throughout the period of his service and, in respect of an officer who has not opted into the New Remuneration System, shall apply with such modifications as are necessary and proper having regard to the terms and conditions of his service.

(2) *(Deleted by P.U. (A) 246/2002).*

##### **Interpretation**

3. In these Regulations, unless the context otherwise requires—

“child” means a child of an officer who is dependant on him including—

- (a) a posthumous child, a dependant step-child and an illegitimate child of the officer;
- (b) a child adopted by the officer under any written law relating to adoption or under any custom or usage, upon satisfactory evidence of that adoption; and
- (c) a child who is mentally retarded or physically and permanently incapacitated and is incapable of supporting himself;

“convicted” or “conviction”, in relation to an officer, means a finding by court, under any written law that such officer is guilty of a criminal offence;

“emolument” means all remuneration in money due to an officer and includes basic pay, fixed rewards, incentive payments and other monthly allowance;

“salary” means the basic pay of an officer;

“financial institution” means a bank or financial institution licensed under the \*Banks and Financial Institutions Act 1989 [Act 372] or an Islamic bank licensed under the \*\*Islamic Banking Act 1983 [Act 276] or any other bank established under any written law;

“criminal offence” means any offence involving fraud or dishonesty or moral turpitude;

“Head of Department” means an officer who is in charge of a ministry, department, institution, agency or unit and includes any officer in the Top Management Group and the Managerial and Professional Group who is duly authorized in writing by the officer in

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\*NOTE—The Banks and Financial Institutions Act 1989 [Act 372] has since been repealed by the Financial Services Act 2013 [Act 758] which comes into operation on 30 June 2013—see section 271 of Act 372.

\*\*NOTE—The Islamic Banking Act 1983 [Act 276] has since been repealed by the Islamic Financial Services Act 2013 [Act 759] which comes into operation on 30 June 2013—see section 282 of Act 276.

charge of the ministry, department, institution, agency or unit to act on his behalf;

“Secretary General of the Ministry” means the Secretary General of the appropriate ministry and in the case of a department under the Prime Minister’s Department and the Prime Minister’s Department itself, the officer in charge of the appropriate department;

“co-operative society” means a co-operative society registered under the Co-operative Societies Act 1993 [*Act 502*];

“court” means a court, including a Syariah Court, which has competent jurisdiction under any written law to try a person for a criminal offence;

“officer” means a member of the public service of the Federation;

“insurer” means an insurer licensed under the \*Insurance Act 1996 [*Act 553*] or a takaful operator registered under the \*\*Takaful Act 1984 [*Act 312*];

“Disciplinary Authority” means the appropriate Service Commission whose jurisdiction extends to the service of which the said officer is a member in accordance with the provisions of Part X of the Federal Constitution, and includes an officer or a board of officers in the public service by whom the Commission’s function relating to the disciplinary control is exercisable in pursuance of Clause (5A), (5B), (6) or (6A) of Article 144 of the Federal Constitution.

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\*NOTE—The Insurance Act 1996 [*Act 553*] has since been repealed by the Financial Services Act 2013 [*Act 758*] which comes into operation on 30 June 2013—see section 271 of Act 372.

\*\*NOTE—The Takaful Act 1984 [*Act 312*] has since been repealed by the Islamic Financial Services Act 2013 [*Act 759*] which comes into operation on 30 June 2013—see section 282 of Act 276.

**PART IA****DUTY TO COMPLY WITH REGULATIONS****Duty to comply with Regulations**

3A. (1) An officer shall comply with the provisions of these Regulations.

(2) The breach of any provision of these Regulations shall render an officer liable to disciplinary action in accordance with these Regulations.

**Failure to give and to comply with undertaking**

3B. (1) An officer who fails to give the undertaking provided for in general order 23A of the \*General Orders, Chapter A (Appointments and Promotions) 1973, after being required to do so by the appropriate Disciplinary Authority or his Head of Department, commits a breach of discipline and shall be liable to disciplinary action in accordance with these Regulations.

(2) Without prejudice to subregulation 3A(2) an officer who, having given the undertaking referred to in subregulation (1), fails to comply with the terms of such undertaking commits a breach of discipline and shall be liable to disciplinary action in accordance with these Regulations.

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\*NOTE—The General Orders, Chapter A (Appointments and Promotions) 1973 has since been repealed by the Public Officers (Appointment, Promotion and Termination of Service) Regulations 2005 [P.U.(A) 176/2005] which comes into operation on 1 May 2005—see regulation 61 of [P.U. (A) 176/2005]. See also subregulation 64(1) of [P.U. (A) 1/2012].

PART IB

DUTY OF DISCIPLINARY CONTROL AND SUPERVISION

**Duty to exercise disciplinary control and supervision**

3C. (1) It is the duty of every officer to exercise disciplinary control and supervision over his subordinates and to take appropriate action as soon as possible for any breach of the provisions of these Regulations.

(2) An officer who fails to exercise disciplinary control and supervision over his subordinates or to take action against his subordinate who breaches any provision of these Regulations shall be deemed to have been negligent in the performance of his duties and to be irresponsible, and he shall be liable to disciplinary action.

**Duty to inform Director General of Public Service of every disciplinary action**

3D. It is the duty of every Disciplinary Authority to inform the Director General of Public Service once a disciplinary action has been initiated against an officer and also the outcome of such action upon its conclusion.

PART II

CODE OF CONDUCT

**General**

4. (1) An officer shall at all times give his loyalty to the Yang di-Pertuan Agong, the country and the Government.

(2) An officer shall not—

(a) subordinate his public duty to his private interests;

- (b) conduct himself in such a manner as is likely to bring his private interests into conflict with his public duty;
- (c) conduct himself in any manner likely to cause a reasonable suspicion that—
  - (i) he has allowed his private interests to come into conflict with his public duty so as to impair his usefulness as a public officer; or
  - (ii) he has used his public position for his personal advantage;
- (d) conduct himself in such a manner as to bring the public service into disrepute or bring discredit to the public service;
- (e) lack efficiency or industry;
- (f) be dishonest or untrustworthy;
- (g) be irresponsible;
- (h) bring or attempt to bring any form of outside influence or pressure to support or advance any claim relating to or against the public service, whether the claim is his own claim or that of any other officer;
- (i) be insubordinate or conduct himself in any manner which can be reasonably construed as being insubordinate; and
- (j) be negligent in performing his duties.

**Sexual harassment**

4A. (1) An officer shall not subject another person to sexual harassment, that is to say, an officer shall not—

- (a) make any sexual advance, or any request for sexual favours, to another person; or

- (b) do any act of a sexual nature in relation to another person, in circumstances in which a reasonable person, having regard to all the circumstances, would be offended, humiliated or intimidated.

(2) A reference in subregulation (1) to the doing of an act of a sexual nature to another person—

- (a) includes the making of a statement of a sexual nature to, or in the presence of, that other person, whether the statement is made orally or in writing or in any other manner;
- (b) is not limited to the doing of such act at workplace or during working hours only as long as the doing of such act brings the public service into disrepute or bring discredit to the public service.

### **Outside employment**

5. (1) Unless and to the extent that he is required or authorized to do so in the course of his duties as an officer of a public service, an officer shall not—

- (a) take part, either directly or indirectly, in the management or dealings of any commercial, agricultural or industrial undertaking;
- (b) undertake for reward any work with any institution, company, firm or private individual;
- (c) as an expert, furnish any report or give any evidence, whether gratuitously or for reward; or
- (d) function as an executor, administrator or receiver.

(2) Notwithstanding subregulation (1), an officer may, with the prior written permission of his Head of Department, carry on any of the activities or perform any of the services specified in that

subregulation, either for his benefit or for the benefit of his close relatives or any non-profit-making body of which he is an office-bearer.

(3) In considering whether or not permission should be granted to any officer under subregulation (2), the Head of Department shall have regard to the code of conduct as laid down in regulation 4 and shall ensure that the activity or service—

- (a) does not take place during office hours and during such time when the officer is required to perform his official duties;
- (b) does not in any way tend to impair the officer's usefulness as an officer of the public service; and
- (c) does not in any way tend to conflict with the interests of the public service or be inconsistent with the officer's position as an officer of the public service.

(4) Except as may otherwise be determined by the Federal Treasury, all sums of money received by an officer as remuneration for carrying on any of the activities or performing any of the services mentioned in subregulation (1) shall be deposited with the Federal Treasury pending its decision as to the amount, if any, which may be retained by the officer personally and by any other officer who assists such officer in carrying on the activity or performing the service.

### **Dress etiquette**

6. (1) An officer on duty shall always be properly attired in such manner as may be specified by the Government through directives issued from time to time by the Director General of Public Service or other authorities.

(2) An officer who is required to attend an official function shall be attired as specified for the function, and if the dress etiquette for such function is not specified, he shall be appropriately attired for such function.



## **Drugs**

7. (1) An officer shall not use or consume any dangerous drug, except as may be prescribed for his use or consumption for medicinal purposes by a medical practitioner who is registered under the Medical Act 1971 [Act 50], or abuse or be dependent on any dangerous drug.

(2) If a Government Medical Officer certifies in the form as prescribed in the Schedule that an officer is using or consuming, other than for medicinal purposes, a dangerous drug or is abusing or dependent on a dangerous drug, that officer shall be liable to disciplinary action with a view to dismissal.

(3) Notwithstanding subregulation (2), the service of an officer whom a Government Medical Officer has certified to be using or consuming, other than for medicinal purposes, a dangerous drug or abusing or dependent on a dangerous drug may be terminated in the public interest under regulation 49 if the officer has attained the optional retirement age specified by the Government at that time.

(4) For the purpose of this regulation, “dangerous drug” means any drug or substance listed in the First Schedule to the Dangerous Drugs Act 1952 [Act 234].

## **Presents, etc.**

8. (1) Subject to the provisions of this regulation, an officer shall not receive or give nor shall he allow his spouse or any other person to receive or give on his behalf any present, whether in a tangible form or otherwise, from or to any person, association, body, or group of persons if the receipt or giving of such present is in any way connected, either directly or indirectly, with his official duties.

(2) The Head of Department of an officer may, if he thinks fit, permit the officer to receive a letter of recommendation from any person, association, body, or group of persons on the occasion of the

officer's retirement or transfer so long as such letter of recommendation is not enclosed in a receptacle of value.

(3) The Head of Department may permit the collection of spontaneous contributions by officers under his charge for the purpose of making a presentation to an officer in his Department on the occasion of the officer's retirement, transfer or marriage or any other appropriate occasion.

(4) If the circumstances make it difficult for an officer to refuse a present or token of value, the receipt of which is prohibited by this regulation, such present may be formally accepted but the officer shall, as soon as practicable, submit to his Head of Department a written report containing a full description and the estimated value of the present and the circumstances under which it was received.

(5) Upon receipt of a report made under subregulation (4), the Head of Department shall—

- (a) permit the officer to retain the present; or
- (b) direct that the present be returned, through the Head of Department, to the giver.

### **Entertainment**

9. An officer may give to or accept from any person any kind of entertainment if—

- (a) the entertainment does not in any manner influence the performance of his duties as a public officer in the interest of that person; and
- (b) the giving or acceptance of such entertainment is not in any way inconsistent with regulation 4.

**Ownership property**

10. (1) An officer shall, on his appointment to the public service or at any time thereafter as may be required by the Government, declare in writing to his Head of Department all properties owned by him or by his spouse or child or held by any person on his behalf or on behalf of his spouse or child.

(2) An officer who does not own any property shall make a declaration in writing to that effect.

(3) Where, after making a declaration under subregulation (1), an officer or his spouse or child acquires any property, either directly or indirectly, or any property acquired by him or by his spouse or child is disposed of, that officer shall immediately declare such acquisition or disposal of property to his Head of Department.

(4) Where an officer or his spouse or child intends to acquire any property, and the acquisition is inconsistent with regulation 4, the acquisition shall not be made without the prior written permission of the Secretary General of the Ministry.

(5) In deciding whether or not to grant permission under subregulation (4), the Secretary General of the Ministry shall have regard to the following matters:

- (a) the size, amount or value of the property in relation to the officer's emoluments and any legitimate private means;
- (b) whether the acquisition or holding of such property will or is likely to conflict with the interests of the public service or with the officer's position as a public servant, or be in any way inconsistent with regulation 4;
- (c) any other factor which he may consider necessary for upholding the integrity and efficiency of the public service.

(6) The Head of Department shall, if he is satisfied with the declaration of property made by the officer, direct that it be recorded in the officer's records of service that the declaration has been made.

(7) Every declaration under subregulation (1) shall be categorised as classified and every person who gains information under this regulation of any such declaration shall comply with the procedures and regulations pertaining to the management of the Government's classified documents.

(8) In this regulation, "property" includes property of any description, whether movable or immovable, as may be prescribed by the Director General of Public Service from time to time.

**Maintaining a standard of living beyond emoluments and legitimate private means**

11. (1) Where the Head of Department is of the opinion that an officer is or appears to be—

- (a) maintaining a standard of living which is beyond his emoluments and other legitimate private means, if any; or
- (b) in control or in possession of pecuniary resources or property, movable or immovable, the value of which is disproportionate to, or which could not reasonably be expected to have been acquired by the officer with his emoluments and other legitimate private means,

the Head of Department shall, by notice in writing, require the officer to give a written explanation within a period of thirty days from the date of receipt of such notice on how he is able to maintain such standard of living or how he obtained such pecuniary resources or property.

(2) The Head of Department shall, upon receipt of the explanation under subregulation (1) or, where the officer fails to give any explanation within the specified period, upon the expiry of such period,

report this fact to the appropriate Disciplinary Authority together with the officer's explanation, if any.

(3) Upon receipt of the report under subregulation (2), the appropriate Disciplinary Authority may take disciplinary action against the officer or take such other action against the officer as it deems fit.

### **Borrowing money**

12. (1) No officer may borrow from any person or stand as surety to any borrower, or in any manner place himself under a pecuniary obligation to any person—

- (a) who is directly or indirectly subject to his official authority;
- (b) with whom the officer has or is likely to have official dealings;
- (c) who resides or possesses land or carries on business within the local limits of his official authority; or
- (d) who carries on the business of money lending.

(2) Notwithstanding subregulation (1), an officer may borrow money from, or stand as surety to any person who borrows money from, any financial institution, insurer or co-operative society, or incur debt through the acquisition of goods by means of hire-purchase agreements, if—

- (a) the financial institution, insurer or co-operative society from which the officer borrows is not directly subject to his official authority;
- (b) the borrowing does not and will not lead to public scandal and cannot be construed as an abuse by the officer of his public position to his private advantage; and

- (c) the aggregate of his debts does not or is not likely to cause the officer to be in serious pecuniary indebtedness as defined under subregulations 13(7) and (8).

(3) Subject to subregulation (2), an officer may incur debts arising from—

- (a) sums borrowed on the security of land charged or mortgaged, where the sums borrowed do not exceed the value of the land;
- (b) overdrafts or other credit facilities approved by financial institutions;
- (c) sums borrowed from insurers on the security of insurance policies;
- (d) sums borrowed from the Government or any co-operative society; or
- (e) payment due on goods acquired by means of hire-purchase agreements.

### **Serious pecuniary indebtedness**

13. (1) An officer shall not in any manner cause himself to be in serious pecuniary indebtedness.

(2) Serious pecuniary indebtedness from whatever cause, other than as a result of unavoidable misfortune not contributed to in any way by the officer himself, shall be regarded as bringing disrepute to the public service and shall render the officer liable to disciplinary action.

(3) Where serious pecuniary indebtedness has occurred as a result of unavoidable misfortune, the Government may give to the officer such assistance as the circumstances may warrant.

(4) If an officer finds that his debts cause or are likely to cause serious pecuniary indebtedness to him, or civil proceedings arising

from the debt have been instituted against him, he shall immediately report this fact to his Head of Department.

(5) An officer who fails or delays in reporting his serious pecuniary indebtedness or who reports his serious pecuniary indebtedness but fails to disclose its full extent or gives a false or misleading account of such indebtedness commits a breach of discipline and shall be liable to disciplinary action.

(6) Without prejudice to the other provisions of this regulation, where an officer's debts amount to serious pecuniary indebtedness but he has not been adjudged a bankrupt, the Head of Department shall monitor and, from time to time, review the case.

(7) For the purpose of this regulation, the expression "serious pecuniary indebtedness" means the state of an officer's indebtedness which, having regard to the amount of debts incurred by him, has actually caused serious financial hardship to him.

(8) Without prejudice to the general meaning of the expression "serious pecuniary indebtedness" set out in subregulation (7), an officer shall be deemed to be in serious pecuniary indebtedness if—

- (a) the aggregate of his unsecured debts and liabilities at any given time exceeds ten times his monthly emoluments;
- (b) he is a judgement debtor and the judgement debt has not been settled within the period of one month upon receipt of the sealed order of the judgement; or
- (c) he is a bankrupt, or an insolvent wage earner, as the case may be, for so long as any judgement against him in favour of the \*Director General of Insolvency remains unsatisfied or for so long as there is no annulment of his adjudication of bankruptcy.

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\*NOTE—Previously known as the "Official Assignee"—see section 17 of the Bankruptcy (Amendment) Act 2003 [Act A1197].

(9) Notwithstanding subregulation (7), an officer may incur debts for the purpose of education loan so long as he is not declared a bankrupt.

### **Report of serious pecuniary indebtedness**

14. (1) The Registrar or Senior Assistant Registrar of the High Court and the Registrar of the Sessions and Magistrate's Courts shall, in respect of proceedings in their courts, report to the appropriate Head of Department every case of a public officer—

- (a) who, being a judgement debtor, does not appear from the file of the suit to have settled the debt within the period of one month upon receipt of the sealed order of the judgment;
- (b) who has filed his own petition in bankruptcy or for a wage earner's administration order; or
- (c) against whom a creditor's petition in bankruptcy has been presented.

(2) The \*Director General of Insolvency shall, as soon as he has sufficiently investigated the affairs of a public officer who is a bankrupt or an insolvent wage earner, communicate to the appropriate Head of Department a report containing the following matters:

- (a) the Statement of Affairs filed by the bankrupt or an insolvent wage earner in accordance with the bankruptcy law for the time being in force;
- (b) the amount of instalment payment ordered or proposed to be made;
- (c) whether or not the \*Director General of Insolvency proposes to initiate any further proceedings and, if so, a brief indication relating to the nature of those further proceedings;

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\*NOTE—Previously known as the “Official Assignee”—see section 17 of the Bankruptcy (Amendment) Act 2003 [Act A1197].



- (d) the main cause of the bankruptcy;
- (e) whether in his opinion the case involves unavoidable misfortune, dishonourable conduct or any other special circumstances, favourable or unfavourable to the officer; and
- (f) any other matter which, in his discretion, he thinks proper to mention.

(3) The Head of Department shall forward the report received under subregulations (1) and (2) together with his report on the officer's work and conduct before and since his serious pecuniary indebtedness to the appropriate Disciplinary Authority.

(4) After considering all the reports, the appropriate Disciplinary Authority shall decide whether to take disciplinary action against the officer concerned and, if so, what action to take.

(5) If the disciplinary action taken under subregulation (4) results in a punishment of deferment of salary movement, the appropriate Disciplinary Authority may, on the expiry of the deferment of salary movement, order that an amount equivalent to the restored salary movement be added to the instalments payable to the \*Director General of Insolvency or to any judgement creditor.

(6) An officer who obtains an annulment of his bankruptcy may be treated as having fully restored his credit.

### **Lending money**

15. (1) An officer shall not lend money at interest, whether with or without security.

(2) The placing of money on fixed deposit or into an account in any financial institution or co-operative society or in bonds issued by the

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\*NOTE—Previously known as the “Official Assignee”—see section 17 of the Bankruptcy (Amendment) Act 2003 [Act A1197].

Government or by any statutory body shall not be regarded as lending of money at interest for the purposes of this regulation.

**Involvement in the futures market**

16. No officer shall involve himself as a buyer or seller or otherwise in any local or foreign futures market.

**Lucky draws, lotteries, etc.**

17. An officer shall not hold or organize or participate in any lucky draws or lotteries other than for purposes of charity.

**Publication of books, etc.**

18. An officer shall not publish or write any book, article or other work which is based on classified official information.

**Making public statement**

19. (1) An officer shall not, orally or in writing or in any other manner—

- (a) make any public statement that is detrimental to any policy, programme or decision of the Government on any issue;
- (b) make any public statement which may embarrass or bring disrepute to the Government;
- (c) make any comments on any weaknesses of any policy, programme or decision of the Government; or
- (d) circulate such statement or comments, whether made by him or any other person.

(2) An officer shall not, either orally or in writing or in any other manner—

- (a) make any comments on the advantages of any policy, programme or decision of the Government;
- (b) give any factual information relating to the exercise of the functions of the Government;
- (c) give any explanation in respect of any incident or report which involves the Government; or
- (d) disseminate any such comment, information or explanation whether made by him or any other person,

unless the prior written permission, either generally or specifically, has first been obtained from the Minister.

(3) Subregulation (2) shall not apply to any comment, information or explanation made, given or disseminated where the contents of the comment, information or explanation had been approved by the Minister.

(4) For the purpose of this regulation, “public statement” includes any statement or comment made to the press or to the public or in the course of any public lecture or speech or in any broadcast or publication, regardless of the means.

### **Prohibition on acting as editor, etc., in any publication**

20. An officer shall not act as the editor of, or take part directly or indirectly in the management of, or in any way make any financial contribution or otherwise to, any publication, including any newspaper, magazine or journal, regardless of the means by which it is published, except the following publications:

- (a) departmental publications;

- (b) professional publications;
- (c) publications of non-political voluntary organizations; and
- (d) publications approved in writing by the Head of Department for the purposes of this regulation.

### **Taking part in politics**

21. (1) Except as provided in subregulation (3), an officer in the Top Management Group and the Managerial and Professional Group is prohibited from taking an active part in political activities or wearing any emblem of a political party, and in particular he shall not—

- (a) make any public statement, whether orally or in writing, that would adopt a partisan view on any matter which is an issue between political parties;
- (b) publish or circulate books, articles or leaflets setting forth his partisan views, or the views of others, on any matter pertaining to any political party;
- (c) engage in canvassing in support of any candidate at a general election, by-election or any election to any office in any political party;
- (d) act as an election agent or a polling agent or in any capacity for or on behalf of a candidate at an election to the Dewan Rakyat or to any State Legislative Assembly;
- (e) stand for election for any post in any political party; or
- (f) hold any post in any political party.

(2) An officer in the Support Group may stand for election or hold office or be appointed to any post in a political party after first obtaining the written approval of the Director General of Public Service or the Secretary General of the appropriate Ministry, as the case may be.

(2A) Notwithstanding subregulations (1) and (2), an Education Service Officer Grade DG41 up to Grade DG48, other than a Principal or Headmaster at educational institutions and an officer who holds any administrative post in any Government agency, may stand for election or hold office or be appointed to any post in a political party after first obtaining the written approval of the Secretary General of the Ministry of Education Malaysia; and the Secretary General of the Ministry of Education Malaysia shall not delegate his power to give the written approval to any other person; and the decision of the Secretary General of the Ministry of Education Malaysia shall be final.

(3) Notwithstanding the provisions of subregulation (1), an officer who has been granted leave until the date of his retirement for the purpose of finishing his accumulated leave may participate in political activities provided that—

(a) he has obtained the prior written approval of the Director General of Public Service or the Secretary General of the appropriate Ministry, as the case may be; and

(b) by being so engaged he does not contravene the provisions of the Official Secrets Act 1972 [Act 88].

(4) An application for approval under paragraph (3)(a) shall be made at least three months prior to the date the officer is allowed to go on leave prior to retirement.

(5) Nothing in this regulation shall preclude an officer from being an ordinary member of any political party.

(6) An officer who has been accepted as an ordinary member of any political party shall as soon as possible inform this fact to his Head of Department.

### **Institution of legal proceedings and legal aid**

22. (1) Where an officer desires legal aid as provided for under subregulation (3) he shall not institute legal proceedings in his own

personal interests in connection with matters arising out of his public duties without the prior consent of the Secretary General of the Ministry.

(2) An officer who receives a notice of the institution or intended institution of legal proceedings against him in connection with matters arising out of his public duties or who receives any process of court relating to such legal proceedings shall immediately report the matter to the Head of Department for instructions as to whether and how the notice or, as the case may be, the process of court is to be acknowledged, answered or defended.

(3) An officer who desires legal aid to retain and instruct an advocate and solicitor for the purpose of legal proceedings in connection with matters arising out of his public duties may make an application to the Secretary General of the Ministry.

(4) An application under subregulation (3) shall contain all the facts and circumstances of the case together with the considered opinion of the Head of Department as to the nature of the officer's involvement and shall be addressed and submitted to the Secretary General of the Ministry.

(5) Upon receipt of an application under subregulation (3), the Secretary General of the Ministry may approve or reject the application, subject to the advice of the Attorney General as to—

- (a) the amount of legal aid to be approved;
- (b) the advocate and solicitor to be retained and instructed by the officer; or
- (c) any other conditions which the Attorney General may consider advisable,

and to a further implied condition that, in the event of the officer being awarded costs by the court at the conclusion of the legal proceedings, no payment in respect of the legal aid so approved will be made by the Government unless the amount of costs so awarded to him is

insufficient to meet charges for retaining and instructing an advocate and solicitor.

(6) Charges for employing, without the approval of the Secretary General of the Ministry, an advocate and solicitor retained and instructed by or on behalf of an officer in legal proceedings in connection with matters arising out of his public duties shall not be paid for by the Government.

### PART III

#### ABSENCE WITHOUT LEAVE

##### **Absence from duty**

23. In this Part, “absence”, in relation to an officer, includes a failure to be present for any length of time at a time and place where the officer is required to be present for the performance of his duties.

##### **Disciplinary action for absence without leave**

24. An officer’s absence from duty without leave or without prior permission or without reasonable cause shall render him liable to disciplinary action.

##### **Procedure in cases of absence without leave**

25. (1) Where an officer is absent from duty without leave or without prior permission or without reasonable cause, his Head of Department shall, as soon as possible, report that fact together with the dates and circumstances of such absence and any further information in respect of such absence to the appropriate Disciplinary Authority.

(2) The appropriate Disciplinary Authority may, after considering the report of the Head of Department under subregulation (1), institute disciplinary action against the officer.

**Procedure where officer is absent without leave and cannot be traced**

26. (1) Where an officer is absent from duty without leave or without prior permission or without reasonable cause for seven consecutive working days and cannot be traced, his Head of Department shall cause a letter to be delivered personally or sent by A.R. registered post to the officer at his last-known address, directing the officer to immediately report for duty.

(2) If, after the letter is delivered—

(a) the officer reports for duty; or

(b) the officer fails to report for duty or no news is heard from him,

his Head of Department shall submit a report to the appropriate Disciplinary Authority and the Disciplinary Authority shall institute disciplinary action against the officer.

(3) If the letter cannot be delivered in person to the officer by reason of the fact that he is no longer residing at his last-known address or if the A.R. registered letter is returned undelivered, the Head of Department shall report the matter to the Disciplinary Authority having the jurisdiction to impose a punishment of dismissal or reduction in rank upon the officer.

(4) The appropriate Disciplinary Authority shall, upon receiving the report referred to in subregulation (3) take steps to publish a notice in at least one daily newspaper published in the national language and having national circulation as determined by the Disciplinary Authority—

(a) of the fact that the officer has been absent from duty and cannot be traced; and

(b) requiring the officer to report for duty within seven days from the date of such publication.



(5) If the officer reports for duty within seven days from the date of publication of the notice referred to in subregulation (4), his Head of Department shall report the matter to the appropriate Disciplinary Authority and the Disciplinary Authority shall institute disciplinary proceedings against the officer.

(6) If the officer fails to report for duty within seven days from the date of the publication of the notice referred to in subregulation (4), the officer shall be deemed to have been dismissed from the service with effect from the date he was absent from duty.

(7) The dismissal of an officer by virtue of subregulation (6) shall be notified in the *Gazette*.

### **Forfeiture of emoluments due to absence from duty**

27. (1) Where an officer has been found guilty for being absent from duty without leave or without prior permission or without reasonable cause, he shall not be entitled to any emolument for the period of his absence and all such emoluments shall be deemed to have been forfeited notwithstanding that the appropriate Disciplinary Authority may not have ordered such forfeiture.

(2) An officer whose emoluments are forfeited under subregulation (1) shall be notified in writing of the forfeiture.

(3) The forfeiture of emoluments by virtue of subregulation (1) is not a disciplinary punishment.

**PART IV****OFFICERS SUBJECT TO CRIMINAL PROCEEDINGS, ETC.****Procedure where criminal proceedings are instituted against an officer**

28. (1) An officer shall immediately inform his Head of Department if any criminal proceedings are instituted against him in any court.

(2) Where criminal proceedings are instituted against an officer, the Registrar or Senior Assistant Registrar of the court in which the proceedings are instituted shall send to the Head of Department under whom the officer is serving—

- (a) at the commencement of the proceedings, a report containing the following information:
  - (i) the charge or charges against the officer;
  - (ii) if the officer was arrested, the date and time of his arrest;
  - (iii) whether or not the officer is on bail; and
  - (iv) such other information as is relevant; and
- (b) at the end of the proceedings, the decision of the court and any information relating to appeals, if any, filed by either party.

(3) Where the Head of Department knows that criminal proceedings have been instituted in any court against an officer serving under him, he shall obtain a report containing the information referred to in paragraph (2)(a) from the Registrar or Senior Assistant Registrar of the court and shall forward the report to the appropriate Disciplinary Authority that has the power to impose a punishment of dismissal or reduction in rank together with his recommendation as to whether or not the officer should be interdicted from duty.

(4) Upon consideration of the report and the Head of Department's recommendation forwarded to it under subregulation (3), the appropriate Disciplinary Authority may, if it deems fit, interdict the officer from the exercise of his duties.

(5) Upon the completion of the criminal proceedings against the officer, his Head of Department shall obtain from the Registrar, Deputy Registrar or Senior Assistant Registrar of the court before whom the case was disposed of and forward to the appropriate Disciplinary Authority—

(a) the decision of that court; and

(b) information relating to appeals, if any, filed by that officer or the Public Prosecutor.

(6) Where criminal proceedings against an officer result in his conviction, the appropriate Disciplinary Authority having the jurisdiction to impose a punishment of dismissal or reduction in rank shall, whether or not the officer appeals against the conviction, suspend the officer from the exercise of his duties with effect from the date of his conviction pending the decision of the Disciplinary Authority under regulation 29.

(7) Where criminal proceedings against an officer result in his acquittal and there is no appeal by or on behalf of the Public Prosecutor against such acquittal, the officer shall be allowed to resume his duties and he shall be entitled to receive any emoluments which had not been paid during the period of his interdiction, as well as the annual leave and other entitlements to which he was entitled during the period of his interdiction.

(8) Where the criminal proceedings against the officer result in his acquittal and an appeal is lodged by the Public Prosecutor, the appropriate Disciplinary Authority having the jurisdiction to impose a punishment of dismissal or reduction in rank shall decide whether or not the officer should continue to be interdicted until the appeal is determined.

(9) Where criminal proceedings against an officer result in his conviction but on appeal the officer is acquitted, the officer shall be allowed to resume his duties and he shall be entitled to receive any emoluments which had not been paid during the period of his interdiction or suspension or both, as well as the annual leave and other entitlements to which he was entitled during the period of his interdiction or suspension or both.

(10) Where criminal proceedings against an officer result in his acquittal but on appeal the officer is convicted, the appropriate Disciplinary Authority having the jurisdiction to impose a punishment of dismissal or reduction in rank shall suspend the officer from the exercise of his duties with effect from the date of his conviction pending the decision of the Disciplinary Authority under regulation 29.

(11) For the purpose of this regulation, “acquittal” includes a discharge not amounting to an acquittal.

**Responsibility of Head of Department if officer is convicted of criminal offence**

29. (1) Where criminal proceedings against an officer result in his conviction and he does not appeal against such conviction, or where his appeal against the conviction has been dismissed or where the Public Prosecutor’s appeal against his acquittal results in his conviction, his Head of Department shall immediately obtain a copy of the court’s decision from the Registrar, Deputy Registrar or Senior Assistant Registrar of the court by which he was convicted or his appeal is dismissed.

(2) Upon receipt of the decision referred to in subregulation (1), the Head of Department shall forward it to the appropriate Disciplinary Authority having the jurisdiction to impose a punishment of dismissal or reduction in rank together with the officer’s records of service and the recommendation of the Head of Department that—

(a) the officer should be dismissed or reduced in rank;

- (b) the officer should be punished with any punishment other than dismissal or reduction in rank;
- (c) the service of the officer should be terminated in the public interest; or
- (d) no punishment should be imposed,

depending on the nature and seriousness of the offence committed in relation to the degree of disrepute which the conviction has brought to the public service.

**Disciplinary action shall not be taken until criminal proceedings are completed**

30. (1) Where criminal proceedings have been instituted against an officer and are still pending, no disciplinary action shall be taken against the officer based on the same grounds as the criminal charge in the criminal proceedings.

(2) Nothing in subregulation (1) shall be construed so as to prevent disciplinary action from being taken against the officer during the pendency of such criminal proceedings if the action is based on any other ground arising out of his conduct in the performance of his duties.

**Consequences of an acquittal**

31. (1) An officer who is acquitted of a criminal charge in any criminal proceedings shall not be subject to disciplinary action on the same charge.

(2) Nothing in subregulation (1) shall be construed so as to prevent disciplinary action from being taken against the officer on any other ground arising out of his conduct in relation to the criminal charge, whether or not connected to the performance of his duties, as long as the grounds for the disciplinary action do not raise substantially the

same issues as those in the criminal proceedings in relation to the criminal charge of which the officer was acquitted.

**Procedure where there is an order of detention, banishment, etc.**

32. (1) Where—

- (a) an order of detention other than an order of remand pending trial or for purposes of investigation;
- (b) an order of supervision, restricted residence, banishment or deportation; or
- (c) an order which imposes any form of restriction or supervision, whether with bond or otherwise,

has been made against an officer under any law relating to the security of Malaysia or any part of Malaysia, the prevention of crime, preventive detention, restricted residence, banishment, immigration, or the protection of women and girls or of children, the officer's Head of Department shall apply for a copy of the order from the appropriate authority.

(2) Upon receipt of a copy of the order referred to in subregulation (1), the Head of Department shall forward it to the appropriate Disciplinary Authority having the jurisdiction to impose a punishment of dismissal or reduction in rank together with the officer's records of service and the recommendation of the Head of Department that—

- (a) the officer should be dismissed or reduced in rank;
- (b) the officer should be punished with any punishment other than dismissal or reduction in rank;
- (c) the service of the officer should be terminated in the public interest; or
- (d) no punishment should be imposed,

depending on the degree of disrepute which the officer has brought to the public service.

**Consideration of Disciplinary Authority in cases of conviction and detention**

33. (1) If, after considering the report, the records of service and the Head of Department's recommendation forwarded to it under subregulation 29(2), the appropriate Disciplinary Authority is of the opinion that—

- (a) the officer should be dismissed or reduced in rank, the Disciplinary Authority shall impose the punishment of dismissal or reduction in rank, as it deems appropriate;
- (b) the offence of which the officer was convicted does not warrant a punishment of dismissal or reduction in rank but warrants the imposition of a lesser punishment, the Disciplinary Authority shall impose upon the officer any one or more of the punishments other than dismissal or reduction in rank as specified in regulation 38 as it deems appropriate; or
- (c) no punishment should be imposed on the officer, the Disciplinary Authority shall acquit him.

(2) If, after considering the report, the records of service and the Head of Department's recommendation forwarded to it under subregulation 32(2), the appropriate Disciplinary Authority is of the opinion that—

- (a) the officer should be dismissed or reduced in rank, the Disciplinary Authority shall impose the punishment of dismissal or reduction in rank, as it deems appropriate;
- (b) the grounds on which the order was made against the officer do not warrant a punishment of dismissal or reduction in rank but warrant the imposition of a lesser punishment, the

Disciplinary Authority shall impose upon the officer any one or more of the punishments other than dismissal or reduction in rank as specified in regulation 38 as it deems fit and proper; or

- (c) no punishment should be imposed on the officer, the Disciplinary Authority shall acquit him.

(3) Where a punishment other than dismissal has been imposed on an officer or where the officer has been acquitted by the appropriate Disciplinary Authority, the appropriate Disciplinary Authority shall direct the officer to resume his duties.

## PART V

### DISCIPLINARY PROCEDURE

#### *Chapter 1-General*

#### **Conditions for dismissal or reduction in rank**

34. (1) Subject to subregulation (2), no officer shall be dismissed or reduced in rank in any disciplinary proceedings under this Part unless he has first been informed in writing of the grounds on which such action is proposed and he has been afforded a reasonable opportunity of being heard.

(2) Subregulation (1) shall not apply in the following cases:

- (a) where an officer is dismissed or reduced in rank on the ground of conduct in respect of which a criminal charge has been proved against him;
- (b) where the appropriate Disciplinary Authority is satisfied that for some reason, to be recorded by it in writing, it is not reasonably practicable to carry out the requirements of subregulation (1);



- (c) where the Yang di-Pertuan Agong is satisfied that in the interest of the security of the Federation or any part thereof it is not expedient to carry out the requirements of this regulation; or
- (d) where there has been made against the officer any order of detention, supervision, restricted residence, banishment or deportation, or where there has been imposed on such officer any form of restriction or supervision by bond or otherwise, under any law relating to the security of the Federation or any part thereof, prevention of crime, preventive detention, restricted residence, banishment, immigration, or protection of women and girls.

**Chairman of Disciplinary Authority to determine nature of breach of discipline**

35. (1) Where an officer is alleged to have committed a disciplinary offence—

- (a) the Chairman of the Disciplinary Authority appropriate to that officer; or
- (b) if there is more than one tier of Disciplinary Authority in respect of such officer, the Chairman of the Disciplinary Authority having the jurisdiction to impose a punishment other than dismissal or reduction in rank,

shall, before commencing any disciplinary proceedings in respect of the officer, consider and determine whether the disciplinary offence complained of is of a nature which warrants a punishment of dismissal or reduction in rank or a punishment lesser than dismissal or reduction in rank.

(2) If the Chairman of the Disciplinary Authority referred to in paragraph (1)(a) or (b) determines that the disciplinary offence complained of is of a nature which warrants a punishment of dismissal

or reduction in rank, he shall refer the case to the Disciplinary Authority which has the power to impose such punishment.

*Chapter 2-Disciplinary proceeding not with a view to dismissal or reduction in rank*

**Procedure in disciplinary cases not with a view to dismissal or reduction in rank**

36. (1) If it is determined under subregulation 35(2) that the disciplinary offence complained of against an officer is of a nature that warrants a punishment lesser than dismissal or reduction in rank, the appropriate Chairman of Disciplinary Authority referred to in paragraph 35(1)(a) or (b), on being satisfied that there exists a disciplinary offence, shall inform the officer by notice in accordance with regulation 52 of the facts of the disciplinary offence alleged to have been committed by him and shall give to the officer an opportunity to make a written representation within a period of twenty one days from the date he is informed of the facts.

(2) If the appropriate Disciplinary Authority is of the opinion that the officer's representation requires further clarification, the Disciplinary Authority may require the officer to furnish further clarification within such period as the Disciplinary Authority may specify.

(3) If after considering the officer's representation and, if further clarification is furnished, his further clarification, the appropriate Disciplinary Authority—

- (a) finds the officer guilty of the disciplinary offence alleged to have been committed by him, the Disciplinary Authority shall impose upon the officer any one or more of the punishments other than dismissal or reduction in rank as specified in regulation 38 as it deems appropriate; or
- (b) finds the officer not guilty, the Disciplinary Authority shall acquit him.

*Chapter 3-Disciplinary proceeding with a view to dismissal or  
reduction in rank*

**Procedure in disciplinary cases with a view to dismissal or  
reduction in rank**

37. (1) If it is determined under subregulation 35(2) that the disciplinary offence complained of against an officer is of a nature that warrants a punishment of dismissal or reduction in rank, the Chairman of the appropriate Disciplinary Authority to which the case is referred shall consider all the available information.

(2) If it appears to the Chairman of the appropriate Disciplinary Authority that there exists a *prima facie* case against the officer, the Chairman of the appropriate Disciplinary Authority shall—

- (a) direct that a charge containing the facts of the disciplinary offence alleged to have been committed by the officer and the grounds on which it is proposed to dismiss the officer or reduce his rank be sent to the officer; and
- (b) require the officer to make, within a period of twenty-one days from the date he is informed by notice in accordance with regulation 52 of the charge, a written representation containing the grounds upon which he relies to exculpate himself.

(3) If, after considering the representation made pursuant to subregulation (1), the appropriate Disciplinary Authority is of the opinion that the disciplinary offence committed by the officer does not warrant a punishment of dismissal or reduction in rank, the appropriate Disciplinary Authority may impose upon the officer any of the lesser punishments specified in regulation 38 as it deems appropriate.

(4) If the officer does not make any representation within the period specified in paragraph (2)(b), or if the officer makes such a representation but the representation does not exculpate himself to the satisfaction of the appropriate Disciplinary Authority, the

Disciplinary Authority shall then proceed to consider and decide on the dismissal or reduction in rank of the officer.

(5) If the appropriate Disciplinary Authority is of the opinion that the case against the officer requires further clarification, the Disciplinary Authority may establish an Investigation Committee for the purpose of obtaining such further clarification.

### **Investigation Committee**

37A. (1) The Committee shall comprise not less than two officers.

(2) Members of the Investigation Committee shall be higher in rank than the officer under investigation but the Head of Department of the officer under investigation shall not be a member of the Investigation Committee.

### **Procedure to be followed by the Investigation Committee**

37B. (1) The Investigation Committee—

- (a) shall inform the officer under investigation of the date when the question of his dismissal or reduction in rank will be brought before the Investigation Committee; and
- (b) may call and examine any witness or take any action as it thinks necessary and proper for obtaining further clarification regarding the case.

(2) If the Investigation Committee is of the view that the officer should be allowed to be present before the Investigation Committee to exculpate himself, the officer shall present himself before the Committee for such purpose.

(3) If witnesses are called and examined by the Investigation Committee, the officer shall be given an opportunity to be present and to cross-examine the witnesses on his own behalf.

(4) No documentary evidence shall be used against an officer unless the officer has previously been supplied with a copy of the evidence or given access to the evidence.

(5) The Investigation Committee may permit the Government or the officer to be represented by an officer in the public service or, in exceptional cases, by an advocate and solicitor, but the Investigation Committee may withdraw such permission subject to any reasonable and necessary adjournment to enable the officer to present his case in person.

(6) If the Investigation Committee permits the Government to be represented, it shall also permit the officer under investigation to be similarly represented.

(7) If the officer under investigation who is required to appear before the Investigation Committee fails to appear on the date and at the time appointed and if no sufficient ground is shown for an adjournment, the Investigation Committee may proceed to consider and decide on the complaint or may adjourn the proceeding to another date.

(8) Upon the completion of its investigation, the Investigation Committee shall submit a report on such investigation to the appropriate Disciplinary Authority.

(9) If the appropriate Disciplinary Authority is of the opinion that the report submitted to it under subregulation (8) is vague in particular matters or that further investigation is required, the appropriate Disciplinary Authority may refer the matter back to the Investigation Committee for further investigation.

### **Further grounds for dismissal**

37C. (1) If, in the course an investigation by the Investigation Committee, further grounds for the dismissal of the officer under investigation are disclosed, the Investigation Committee shall inform the appropriate Disciplinary Authority of the further grounds.

(2) If the Disciplinary Authority thinks fit to proceed against the officer on such further grounds, the officer shall be given a written statement of those grounds, and the procedures set out in regulations 37, 37A and 37B shall apply in respect of the further grounds as they apply in respect of the original grounds.

### **Powers of the Disciplinary Authority**

37D. If, after considering the officer's representation and the report of the Investigation Committee, if any, the appropriate Disciplinary Authority—

- (a) finds the officer guilty of the disciplinary offence alleged to have been committed by him and that the officer should be dismissed or reduced in rank, the Disciplinary Authority shall impose the punishment of dismissal or reduction in rank, as it deems appropriate;
- (b) finds the officer guilty of the disciplinary offence alleged to have been committed by him but that, after taking into consideration the circumstances in which the disciplinary offence was committed and other mitigating factors, such offence does not warrant a punishment of dismissal or reduction in rank but warrants the imposition of a lesser punishment, the Disciplinary Authority shall impose upon the officer any one or more of the punishments other than dismissal or reduction in rank as specified in regulation 38 as it deems appropriate; or
- (c) finds the officer not guilty, the Disciplinary authority shall acquit him.

PART VI

DISCIPLINARY PUNISHMENTS

**Types of disciplinary punishments**

38. If an officer is found guilty of a disciplinary offence, any one or any combination of two or more of the following punishments, depending upon the seriousness of the offence, may be imposed on the officer:

- (a) warning;
- (b) fine;
- (c) forfeiture of emoluments;
- (d) deferment of salary movement;
- (e) reduction of salary;
- (f) reduction in rank; or
- (g) dismissal.

**Fine or forfeiture of emoluments**

39. (1) A punishment of fine or forfeiture of emoluments shall be made in accordance with subregulations (2), (3), (4), (5) and (6).

(2) Any fine imposed on any one occasion shall not exceed an amount equivalent to seven days' emoluments of the officer concerned.

(3) If an officer is fined on more than one occasion in any calendar month, the aggregate of the fines imposed on him in that month shall not exceed an amount equivalent to forty-five per cent of his monthly emoluments.

(4) Where the punishment is imposed as a consequence of the officer being absent from duty without leave or without prior permission or without reasonable cause, any forfeiture of the officer's emoluments shall, unless otherwise decided by the appropriate Disciplinary Authority, be calculated by having regard to the actual period the officer is absent.

(5) The implementation of the punishment of a fine or forfeiture of emoluments shall not be carried out against an officer who was absent without leave or without prior permission or without reasonable cause where the officer's emoluments have been forfeited, in respect of such absence from duty, under regulation 27.

(6) All fines or forfeitures of emoluments shall be deducted from the officer's monthly emoluments and shall be paid into the revenue of the Government.

### **Deferment of salary movement**

40. (1) The punishment of deferment of salary movement may be imposed by the appropriate Disciplinary Authority for a period of—

- (a) three months;
- (b) six months;
- (c) nine months; or
- (d) twelve months,

as the Disciplinary Authority deems appropriate.

(2) The punishment of deferment of salary movement imposed on an officer shall be executed on the next anniversary of the salary movement of that officer after the date of imposition of the punishment by the appropriate Disciplinary Authority.

(3) An officer on whom the punishment of deferment of salary movement is imposed shall not be entitled to receive any salary



movement for and during the period in which the punishment is in force.

(4) A punishment of deferment of salary movement shall have the following consequences on the officer on whom the punishment is imposed—

- (a) his salary movement shall be altered to the nearest date of salary movement after the expiry of the period of punishment; and
- (b) the date of his salary movement shall remain at the date altered under paragraph (a) until the officer reaches the maximum step in his salary schedule.

### **Reduction of salary**

41. (1) Subject to subregulation (6), the appropriate Disciplinary Authority may impose a punishment of reduction of salary on an officer in accordance with the following provisions:

- (a) the salary can only be reduced horizontally in the same salary level in the officer's salary schedule;
- (b) the reduction of salary shall not exceed three salary movements, provided that the punishment of reduction of salary shall not render the officer to receive a salary less than the minimum salary determined by the grade for the post held by the officer; and
- (c) the duration of the punishment shall not be less than twelve months but shall not be more than thirty-six months on any one occasion.

(2) The punishment of reduction of salary imposed on an officer shall be implemented on the date as specified by the appropriate Disciplinary Authority or if no date is specified, on the date the punishment is imposed.

(3) The date of salary movement of an officer on whom the punishment of reduction of salary is imposed shall be altered to the date of the next salary movement after the punishment expires.

(4) An officer on whom the punishment of reduction of salary is imposed shall not be entitled to receive any salary movement for and during the period in which the punishment is in force.

(5) For the purpose of paragraph (1)(b), a “salary movement” is equal to the amount of one annual salary increment of basic salary.

(6) The punishment of reduction of salary does not apply to an officer who is on the minimum salary point.

(7) If the punishment of reduction of salary imposed under these Regulations renders the officer to receive a salary less than the minimum salary determined by the grade for the post held by the officer, the officer’s salary shall be reduced to the minimum salary of an officer in the grade of the post held by him.

### **Reduction in rank**

42. (1) Subject to subregulation (3), the appropriate Disciplinary Authority may impose the punishment of reduction in rank on an officer and such punishment shall be imposed by—

- (a) reducing the grade of the officer to one lower grade in the same scheme of service; and
- (b) determining the salary of the officer using the method in subregulation (2).

(2) The methods to determine the salary of the officer who is imposed with the punishment of reduction in rank are as follows:

- (a) subject to paragraphs (b) and (c), the new salary of the officer shall first be reduced its amount by one annual salary increment at the grade before his reduction in rank and that amount shall be the officer’s salary at the reduced grade;

- (b) if the salary is higher than the maximum salary at the reduced grade, the maximum salary at the reduced grade shall be the salary of the officer at the reduced grade; or
- (c) if the salary is less than the minimum salary at the reduced grade, the minimum salary at the reduced grade shall be the salary of the officer at the reduced grade.
- (d) for an officer who is not provided with a salary point but was reduced in rank to a grade which is provided with a salary point, his substantive salary before the punishment is imposed shall be first reduced by fifteen percent and thereafter his salary shall be determined at a salary point which is lower, but nearest, in the salary schedule for the reduced grade, and if the nearest salary point is equal to or less than the minimum salary of the reduced grade, the salary of the officer shall be determined at the minimum salary point of the reduced grade.

(3) If the punishment of reduction in rank is combined with the punishment of reduction of salary, both punishments shall be carried out simultaneously and paragraphs (a), (b) and (c) shall be applied according to whichever is appropriate.

(4) The punishment of reduction in rank is not applicable to an officer on lateral appointment and contract appointment.

## PART VIA

### INTERDICTION AND SUSPENSION

#### **Interdiction for the purpose of investigation**

43. (1) Without prejudice to regulations 28 and 44, if an officer is alleged or reasonably suspected of having committed a criminal offence or a serious disciplinary offence, the appropriate Disciplinary Authority having the jurisdiction to impose a punishment of dismissal or reduction in rank on such officer may interdict the officer for a

period not exceeding two months for the purpose of facilitating investigation against the officer.

(2) In deciding whether to interdict an officer under subregulation (1), the appropriate Disciplinary Authority shall take into account the following factors:

- (a) whether the allegation or the suspected offence is directly related to the officer's duties; and
- (b) whether the presence of the officer in the office would hamper investigation.

(3) If, during the period an officer is under interdiction—

- (a) criminal proceedings are instituted against the officer in any court; or
- (b) disciplinary action is taken against him with a view to his dismissal or reduction in rank,

the interdiction order made under subregulation (1) shall cease to have effect from the date such criminal proceedings are instituted or disciplinary action is taken against the officer; and the appropriate Disciplinary Authority shall take such further action as it thinks fit under regulation 44.

(4) An officer who has been interdicted under this regulation shall be entitled to receive full emoluments during the period of his interdiction.

### **Interdiction**

44. (1) The appropriate Disciplinary Authority having the jurisdiction to impose a punishment of dismissal or reduction in rank may, if it thinks fit and proper and having regard to the matters specified in subregulation (4), interdict an officer from the exercise of his duties if—

- (a) criminal proceedings have been instituted against the officer;  
or
- (b) disciplinary proceedings with a view that a punishment of dismissal or reduction in rank be imposed on him have been instituted against the officer.

(2) If an officer is interdicted under paragraph (1)(a), his interdiction may be made effective from the date he was arrested or from the date the summons were served on him.

(3) If an officer is interdicted under paragraph (1)(b), his interdiction may be made effective from such date as may be determined by the appropriate Disciplinary Authority.

(4) In deciding whether to interdict an officer under subregulation (1), the appropriate Disciplinary Authority shall take into account the following factors:

- (a) whether the nature of the offence with which the officer is charged is directly related to his duties;
- (b) whether the presence of the officer in the office would hamper investigation;
- (c) whether the presence of the officer in the office to exercise his normal duties and responsibilities may be a source of embarrassment to, or may adversely affect the name or image of, his department; or
- (d) whether, taking into account the nature of the offence with which the officer is charged, the interdiction of the officer would result in the Government incurring a loss.

(5) If the appropriate Disciplinary Authority recalls an officer who has been interdicted under subregulation (1) to resume his duties whilst criminal proceedings or disciplinary proceedings with a view to his dismissal or reduction in rank are still pending, then—

- (a) the order of interdiction shall cease to have effect from the date the officer resumes his duties;
- (b) the officer shall be paid his full emoluments from the date he resumes his duties; and
- (c) any part of his emoluments which has not been paid during his interdiction shall not be paid until the criminal proceedings or disciplinary proceedings with a view to his dismissal or reduction in rank have been completed and a decision as regards such emoluments has been made by the appropriate Disciplinary Authority.

(6) During the period of his interdiction under this regulation, an officer shall be entitled, unless and until he has been suspended or dismissed, to receive not less than half of his emoluments as the appropriate Disciplinary Authority deems fit.

(7) Without prejudice to subregulation 28(7), where an officer has been acquitted of a criminal charge or has been discharged but such discharge does not amount to an acquittal or has been acquitted of any disciplinary charge, any part of his emoluments which has not been paid to him while he was interdicted shall be paid to him.

### **Suspension**

45. (1) The appropriate Disciplinary Authority having the jurisdiction to impose a punishment of dismissal or reduction in rank may suspend an officer from the exercise of his duties if—

- (a) the officer has been convicted by any criminal court; or
- (b) an order as specified in regulation 32 has been made against the officer.

(2) The period of suspension under this regulation shall commence from the date of conviction or the effective date of the order, as the case may be.

- (3) An officer who is suspended from the exercise of his duties—
- (a) shall not be allowed to receive any part of his emoluments which has not been paid during the period of his interdiction under regulation 44; and
  - (b) shall not be entitled to receive any emolument throughout the period of his suspension.
- (4) The decision by the appropriate Disciplinary Authority to suspend an officer shall be notified to him in writing.

### **Unpaid emoluments**

45A. (1) Where disciplinary proceedings against an officer result in the officer being dismissed, he shall not be entitled to any part of the emoluments which has not been paid to him during the period of his interdiction or suspension.

(2) Where disciplinary proceedings against an officer result in a punishment other than dismissal being imposed on the officer, he shall be entitled to receive any part of his emoluments which has not been paid to him during the period of his interdiction or suspension.

### **Resumption of duties**

46. Where an officer is interdicted under regulation 44 or suspended under regulation 45, and the disciplinary proceedings against the officer result in a punishment other than dismissal being imposed on the officer, the appropriate Disciplinary Authority shall order the officer to resume his duties.

### **Disciplinary procedures for an officer serving outside Malaysia**

47. Where criminal proceedings have been instituted against an officer who is serving outside Malaysia, the officer shall be interdicted

in accordance with regulation 44, and if he is convicted, disciplinary action shall be taken under these Regulations against him.

### **Officer shall not leave Malaysia without written permission**

48. (1) An officer who has been interdicted or suspended from the exercise of his duties shall not leave Malaysia without the prior written permission of the Chairman of the appropriate Disciplinary Authority.

(2) If the officer who has been interdicted or suspended from the exercise of his duties is serving outside Malaysia, he shall be immediately recalled to Malaysia and he shall not leave Malaysia without the prior written permission of the Chairman of the appropriate Disciplinary Authority.

(3) Notwithstanding the provisions of subregulation 44(6), the appropriate Disciplinary Authority shall take all necessary steps to stop the payment of any emoluments to an officer who has been interdicted but has left Malaysia without the prior written permission from the Chairman of the appropriate Disciplinary Authority.

## **PART VII**

### **TERMINATION IN THE PUBLIC INTEREST**

#### **Termination in the public interest**

49. (1) Notwithstanding any provision in these Regulations, where the Government finds or where representations are made to the Government that it is desirable that the service of an officer be terminated in the public interest, the Government may call for a full report from the Head of Department in which the officer is or has been serving.

(2) The report referred to in subregulation (1) shall contain particulars relating to the work and conduct of the officer and the comments, if any, of the Head of Department.



(3) If, after considering the report received under subregulation (1), the Government is satisfied that, having regard to the conditions of the service, the usefulness of the officer to the service, the work and conduct of the officer and all the other circumstances of the case, it is desirable in the public interest so to do, the Government may terminate the service of the officer with effect from such date as the Government shall specify.

(4) It shall be lawful for the appropriate Disciplinary Authority to recommend to the Government that the service of an officer be terminated in the public interest notwithstanding that disciplinary proceedings have not been carried out under any of the provisions of these Regulations; and the Government may so terminate the service of such officer.

(5) Notwithstanding anything in these Regulations and any other law to the contrary, in terminating the service of any officer in the public interest under this regulation, such officer may not be given any opportunity of being heard and an officer whose service has been terminated in the public interest under this regulation shall not for the purpose of Article 135(2) of the Federal Constitution, be regarded as having been dismissed, regardless of whether such termination of the service of the officer involved an element of punishment or was in connection with conduct in relation to his office which the Government regards as unsatisfactory or blameworthy.

## PART VIII

### MISCELLANEOUS

#### **Application of 1993 Regulation**

50. The disciplinary procedures provided in these Regulations shall apply to the contravention of any provision of the \*Public Officers (Conduct and Discipline) (General Orders, Chapter D)

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\*NOTE—Public Officers (Conduct and Discipline) (General Orders, Chapter “D”) Regulations, 1968 [*P.U. (A) 290/68*] has since been repealed by the Public Officers (Conduct and Discipline) (“Chapter D”) General Order, 1980 [*P.U. (A) 203/80*] which comes into operation on 30 June 2013—see regulation 48 of [*P.U. (A) 203/80*].

Regulations, 1968 [*P.U. (A) 290/68*] or the \*Public Officers (Conduct and Discipline) (General Orders, Chapter D) Regulations, 1969 [*P.U. (A) 273/69*] or the Public Officers (Conduct and Discipline) (Chapter “D”) General Orders 1980 [*P.U. (A) 203/80*] as they apply to the contravention of any provision of these Regulations.

### **Particulars of the offence and punishment to be recorded**

50A. Every disciplinary action taken against an officer which results in a punishment being imposed upon the officer under these Regulations shall be recorded in the officer’s records of service by stating the particulars of the offence committed and the punishment imposed.

### **Surcharge**

51. (1) Notwithstanding anything contained in these Regulations, the Disciplinary Authority may impose a surcharge on any officer in accordance with the Financial Procedure Act 1957 [*Act 61*].

(2) Every imposition of a surcharge under subregulation (1) shall be recorded in the officer’s record of service.

### **Service of notice, document, etc**

52. (1) Every officer shall furnish to his Head of Department the address of his residence or any change of that address and that address shall be his address for the purpose of serving on him any notice or document required to be served under these Regulations or for the purpose of communicating with him on any matter in relation to these Regulations.

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\*NOTE— Public Officers (Conduct and Discipline) (General Orders, Chapter D) Regulations, 1969 [*P.U. (A) 273/69*] has since been repealed by the Essential (General Orders, Chapter D) (Repeal) Regulations 1981 [*P.U. (A) 139/81*] which comes into operation on 17 July 1980—see regulation 2 of [*P.U. (A) 139/81*].

(2) Any notice, document or communication left at or posted to or sent by any other reasonable means to the address for service furnished under subregulation (1) shall be deemed to have been duly served on or communicated to the officer.

### **Signatures on letters and other correspondence**

53. (1) Any correspondence between the appropriate Disciplinary Authority and the officer who is subject to disciplinary action shall be signed by the Chairman of the appropriate Disciplinary Authority or by any member of the Disciplinary Authority on behalf of the Chairman.

(2) Notwithstanding the provisions of subregulation (1), where the Disciplinary Authority is a Service Commission established under Part X of the Federal Constitution, any correspondence required to be signed may be signed by the Secretary of the Service Commission concerned.

### **Repeal and savings**

54. (1) The Public Officers (Conduct and Discipline) (Chapter “D”) General Orders 1980, hereinafter referred to as “the repealed General Orders”, are hereby repealed.

(2) Where on the date of coming into operation of these Regulations, disciplinary proceeding were pending before the appropriate Disciplinary Authority, the proceedings shall be continued under and in conformity with these Regulations; but where on the coming into operation of these Regulations, any disciplinary matter was in the course of being heard, or had been heard but no order or decision had been made thereon, the proceedings shall continue under the repealed General Orders.

(3) For the purpose of completing a hearing before it, or making an order or rendering a decision on a matter heard before the coming into

operation of these Regulations, the appropriate Disciplinary Authority shall complete the hearing in accordance with the authority vested in it immediately before the coming into operation of these Regulations and may make such order or decision as it could have made under the authority vested in it immediately before the coming into operation of these Regulations.

(4) For the purpose of this regulation, “Disciplinary Authority” shall have the meaning assigned to it under the repealed General Orders.

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*\*NOTE—see regulation 4 of the Public Officers (Conduct and Discipline) (Amendment) Regulations 2011 [P.U. (A) 435/2011] w.e.f 1 Januari 2012 which provides the following provision:*

**Savings and transitional**

4. If an offence occurs before these Regulations come into operation, regardless of whether the disciplinary proceedings relating to it has commenced or not, the proceeding for the offence shall commence or continue under and in compliance with the Public Officers (Conduct and Discipline) Regulations 1993 before being amended by these Regulations.

*\*\*NOTE—see regulation 5 of the Public Officers (Conduct and Discipline) (Amendment) Regulations 2015 [P.U. (A) 252/2015] w.e.f 1 July 2015 which provides the following provision:*

**Savings and transitional**

5. Notwithstanding anything contained in these Regulations, the application of these Regulations shall be subject to the following conditions:

- (a) if any offence is committed from 1 January 2012 until the date these Regulations come into operation of which the proceedings are still pending or the proceedings have commenced but the decision on it has not been made, the reduction in rank made in accordance with the regulations applicable before these Regulations come into operation is valid but the salary of the officer at the reduced grade shall be determined in accordance with these Regulations;
- (b) if any offence is committed from 1 January 2012 until the date these Regulations come into operation of which the punishment is a reduction of salary imposed against an officer in the Top Management Group in accordance with the regulations applicable

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before these Regulations come into operation, the punishment of reduction of salary is valid and shall be implemented in accordance with the regulations applicable before these Regulations come into operation;

- (c) if the punishments provided in these Regulations are more severe than the punishments before these Regulations come into operation, the implementation of the punishments shall follow the regulations applicable before these Regulations come into operation; and
- (d) subject to paragraphs 5(a) and (b), these Regulations shall be applied to any offence committed from 1 January 2012 until the date these Regulations come into operation of which the proceedings for the offence are still pending or the proceedings have commenced but the decision on it has not been made.

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SCHEDULE

PUBLIC OFFICERS (CONDUCT AND DISCIPLINE)  
REGULATIONS 1993

[Subregulation 7(2)]

CERTIFICATION BY THE GOVERNMENT MEDICAL OFFICER

To .....  
.....

I, ..... a Government Medical Officer  
certify that I have carried out a physical and mental examination on the following  
officer:

Name:.....  
Identity Card No.:.....  
Address:.....  
On:..... At:.....

Based on the physical and mental examination that was carried out and the drug  
testing result of the above-mentioned officer I certify that\*\*-

- (a) he/she is a drug dependent as defined in the Drug Dependents  
(Treatment and Rehabilitataion) Act 1983.

☐

- (b) he/she is using or consuming, other than for medicinal purposes a dangerous drug or abusing a dangerous drug which is listed in the First Schedule to the Dangerous Drug Act 1952. ☐
- (c) he/she is not a drug dependent as defined in the Drug Dependents (Treatment and Rehabilitation) Act 1983 or a drug user of any drug that is listed in the First Schedule to the Dangerous Drug Act 1952. ☐

The type of dangerous drug/drugs\* as listed in the First Schedule to the Dangerous Drug Act 1952 that was found to be positive in the drug test result of the above-mentioned officer is:

.....  
.....

Enclosed herewith the drug tests result on the above-mentioned officer dated.....and the Laboratory Reference Number.....

.....  
(Government Medical Officer's Signature  
And Official Chop)

.....  
Date

\*Please delete whichever is inapplicable

\*\*Please tick, where applicable

Made the 4 October 1993.

[JPA. Sulit TT.8006 Jld. 17/ (3); PN. (PU<sup>2</sup>)76]

By Command,

TAN SRI DATO' SERI AHMAD SARJI BIN ABDUL HAMID  
*Secretary to the Cabinet*

# LAWS OF MALAYSIA

## FEDERAL CONSTITUTION

### PUBLIC OFFICERS (CONDUCT AND DISCIPLINE) REGULATIONS 1993

#### LIST OF AMENDMENTS

Amending Law	Short title	In force from
P.U. (A) 329/1995	Public Officers (Conduct and Discipline) (Amendment) Regulations 1995	See regulation 1 Public Officers (Conduct and Discipline) (Amendment) Regulations 1995
P.U. (A) 246/2002	Public Officers (Conduct and Discipline) (Amendment) Regulations 2002	20-06-2002
P.U. (A) 506/2002	Public Officers (Conduct and Discipline) (Amendment) Regulations 2002 (Corrigendum)	20-06-2002
P.U. (A) 111/2006	Public Officers (Conduct and Discipline) (Amendment) Regulations 2006	20-06-2002
P.U. (A) 132/2007	Public Officers (Conduct and Discipline) (Amendment) Regulations 2007	29-03-2007
P.U. (A) 250/2010	Public Officers (Conduct and Discipline) (Amendment) Regulations 2010	01-08-2010
P.U. (A) 435/2011	Public Officers (Conduct and Discipline) (Amendment) Regulations 2011	01-01-2012
P.U. (A) 252/2015	Public Officers (Conduct and Discipline) (Amendment) Regulations 2015	01-07-2015

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**LAWS OF MALAYSIA**  
**FEDERAL CONSTITUTION**  
**PUBLIC OFFICERS**  
**(CONDUCT AND DISCIPLINE) REGULATIONS 1993**

**LIST OF REGULATIONS AMENDED**

Regulations	Amending authority	In force from
2	P.U. (A) 246/2002	20-06-2002
3	P.U. (A) 246/2002	20-06-2002
Part 1A	P.U. (A) 246/2002	20-06-2002
3A	P.U. (A) 246/2002	20-06-2002
3B	P.U. (A) 246/2002	20-06-2002
Part 1B	P.U. (A) 246/2002	20-06-2002
3C	P.U. (A) 246/2002	20-06-2002
3D	P.U. (A) 246/2002	20-06-2002
Part II	P.U. (A) 246/2002	20-06-2002
4	P.U. (A) 246/2002	20-06-2002
4A	P.U. (A) 246/2002	20-06-2002
5	P.U. (A) 246/2002	20-06-2002
6	P.U. (A) 246/2002	20-06-2002
7	P.U. (A) 246/2002 P.U. (A) 132/2007	20-06-2002 29-03-2007
8	P.U. (A) 246/2002	20-06-2002
9	P.U. (A) 246/2002	20-06-2002
10	P.U. (A) 246/2002	20-06-2002
11	P.U. (A) 246/2002	20-06-2002
12	P.U. (A) 246/2002	20-06-2002
13	P.U. (A) 246/2002	20-06-2002
14	P.U. (A) 246/2002	20-06-2002
15	P.U. (A) 246/2002	20-06-2002
16	P.U. (A) 329/1995	15-12-1993



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Regulations	Amending authority	In force from
	P.U. (A) 246/2002	20-06-2002
17	P.U. (A) 246/2002	20-06-2002
18	P.U. (A) 246/2002	20-06-2002
19	P.U. (A) 246/2002	20-06-2002
20	P.U. (A) 246/2002	20-06-2002
21	P.U. (A) 329/1995	22-09-1995
	P.U. (A) 246/2002	20-06-2002
	P.U. (A) 250/2010	01-08-2010
	P.U. (A) 252/2015	01-07-2015
22	P.U. (A) 246/2002	20-06-2002
Part III	P.U. (A) 246/2002	20-06-2002
23	P.U. (A) 246/2002	20-06-2002
24	P.U. (A) 246/2002	20-06-2002
25	P.U. (A) 246/2002	20-06-2002
26	P.U. (A) 329/1995	15-12-1993
	P.U. (A) 246/2002	20-06-2002
27	P.U. (A) 246/2002	20-06-2002
Part IV	P.U. (A) 246/2002	20-06-2002
28	P.U. (A) 246/2002	20-06-2002
29	P.U. (A) 246/2002	20-06-2002
30	P.U. (A) 246/2002	20-06-2002
31	P.U. (A) 246/2002	20-06-2002
32	P.U. (A) 246/2002	20-06-2002
33	P.U. (A) 246/2002	20-06-2002
Part V	P.U. (A) 246/2002	20-06-2002
34	P.U. (A) 246/2002	20-06-2002
35	P.U. (A) 246/2002	20-06-2002
36	P.U. (A) 246/2002	20-06-2002
37	P.U. (A) 246/2002	20-06-2002
37A	P.U. (A) 246/2002	20-06-2002

Regulations	Amending authority	In force from
37B	P.U. (A) 246/2002	20-06-2002
37C	P.U. (A) 246/2002	20-06-2002
37D	P.U. (A) 246/2002	20-06-2002
Part VI	P.U. (A) 246/2002	20-06-2002
38	P.U. (A) 246/2002	20-06-2002
39	P.U. (A) 246/2002	20-06-2002
40	P.U. (A) 246/2002	20-06-2002
41	P.U. (A) 246/2002 P.U. (A) 435/2011 P.U. (A) 252/2015	20-06-2002 01-01-2012 01-07-2024
42	P.U. (A) 246/2002 P.U. (A) 435/2011 P.U. (A) 252/2015	20-06-2002 01-01-2012 01-07-2024
Part VIA	P.U. (A) 246/2002	20-06-2002
43	P.U. (A) 246/2002 P.U. (A) 506/2002	20-06-2002 20-06-2002
44	P.U. (A) 246/2002	20-06-2002
45	P.U. (A) 246/2002	20-06-2002
45A	P.U. (A) 246/2002	20-06-2002
46	P.U. (A) 246/2002	20-06-2002
47	P.U. (A) 246/2002	20-06-2002
48	P.U. (A) 246/2002	20-06-2002
Part VII	P.U. (A) 246/2002	20-06-2002
49	P.U. (A) 246/2002	20-06-2002
Part VIII	P.U. (A) 246/2002	20-06-2002
50	P.U. (A) 246/2002	20-06-2002
50A	P.U. (A) 246/2002	20-06-2002
51	P.U. (A) 246/2002	20-06-2002
52	P.U. (A) 246/2002	20-06-2002
53	P.U. (A) 246/2002 P.U. (A) 111/2006	20-06-2002 20-06-2002

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Regulations	Amending authority	In force from
54	P.U. (A) 329/1995	15-12-1993
	P.U. (A) 246/2002	20-06-2002
Jadual	P.U. (A) 132/2007	29-03-2007

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