

2025-12-11

OBJECTS AND REASONS

This Bill would alter the *Constitution* to provide for the appointment or promotion, as the case may be, of persons who have been temporarily employed or acting in a post in the Public Service for a period of 3 years or more on the date immediately preceding 1st January, 2026.

Arrangement of Sections

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4. Appointment of persons employed in the Public Service for a period of 3 years or more
5. Establishment of offices at 1st January, 2026
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BARBADOS

A Bill entitled

An Act to alter the *Constitution* to provide for the appointment or promotion, as the case may be, of persons who have been temporarily employed or acting in a post in the Public Service for a period of 3 years or more on the date immediately preceding 1st January, 2026.

ENACTED by the Parliament of Barbados in accordance with the provisions of section 49 of the *Constitution* as follows:

Short title

1. This Act may be cited as the *Public Service (Appointments) Act, 2025*.

Interpretation

2. In this Act,

“Chief Medical Officer” means a person who holds the office of Chief Medical Officer established by the *Public Service (General) Order, 2020 (S.I. 2020 No. 41)*;

“Medical Board” means a board, comprising 2 or 3 registered medical practitioners, which is appointed by

- (a) the Chief Medical Officer, in respect of an officer in the Public Service serving in Barbados; or
- (b) an agency which represents Barbados and is authorised to appoint such a board, in respect of an officer in the Public Service serving outside Barbados,

to determine whether the officer is physically or mentally fit to perform the duties of his office or any other office in the Public Service;

“Medical Officer” means a person who holds the office of Medical Officer of Health established by the *Public Service (General) Order, 2020 (S.I. 2020 No. 41)*;

“public officer” or “officer” has the meaning assigned to it by section 2 of the *Public Service Act, Cap. 29*;

“Public Service” has the meaning assigned to it by section 2 of the *Public Service Act, Cap. 29*;

“temporary office” has the meaning assigned to it by section 2 of the *Public Service Act, Cap. 29*.

Alteration of Part 2 of Chapter VIII of the Constitution

3. Part 2 of Chapter VIII of the *Constitution* is hereby altered to the extent necessary to give effect to the provisions of this Act.

Appointment of persons employed in the Public Service for a period of 3 years or more

4. Notwithstanding the provisions of Part 2 of Chapter VIII of the *Constitution*, sections 13, 18, 19 and 20 of the *Public Service Act*, Cap. 29, the Recruitment and Employment Code of the *First Schedule* to the *Public Service Act*, Cap. 29 and paragraph 3 of the *Public Service (Qualifications) Order, 2016* (S.I. 2016 No. 92),

- (a) section 5(1) shall apply to any person who is not appointed to the Public Service and who has been employed in
 - (i) a temporary office;
 - (ii) an established office; or
 - (iii) a combination of a temporary office and an established office; and
- (b) section 5(2) shall apply to any person who is a public officer and who has been acting in a post,

for 3 years or more immediately before 1st January, 2026.

Establishment of offices at 1st January, 2026

- 5.(1)** Any person who at 1st January, 2026
- (a) is not appointed to the Public Service; and
 - (b) has been employed in
 - (i) a temporary office; or
 - (ii) an established office,

for 3 years or more immediately before 1st January, 2026 shall be entitled to be appointed to the office with effect from 1st January, 2026 and shall be deemed to be so appointed.

(2) A public officer who has been acting in a post for 3 years or more immediately before 1st January, 2026 shall be deemed to be appointed to the office with effect from 1st January, 2026.

(3) For the purposes of this Act and subject to subsections (1) and (2), where no vacancy or relevant office exists, a supernumerary office is deemed to be established.

(4) This section does not apply to the Police Service or the Prison Service.

Ineligibility for appointment under section 5

6.(1) A person shall not be eligible for appointment to an office under section 5 where the person

- (a) is the subject of a disciplinary matter commenced pursuant to the provisions of the *Public Service Act*, Cap. 29 or any other relevant enactment;
- (b) is the subject of an ongoing criminal matter;
- (c) was convicted of an offence and his conviction has not been expunged from his criminal record;
- (d) has been on medical leave for a period of at least 3 months accumulatively in any one calendar year and has had his case processed by the Director General for referral to a Medical Officer or a Medical Board for examination;
- (e) has in his personnel records a negative report or a report of conduct which contravenes the *Public Service Act*, Cap. 29 or any other relevant enactment.

- (2) Notwithstanding subsection (1), where
- (a) a person is exonerated in respect of a disciplinary matter or criminal matter; or
 - (b) a person described in subsection (1)(c) is deemed fit for employment within the Public Service by the Medical Officer or the Medical Board to which his case was referred by the Director General,

the person shall be retroactively appointed to the relevant office in accordance with section 5.

- (3) Notwithstanding subsection (1) and paragraph 21(1) of the *Second Schedule* to the *Public Service Act*, Cap. 29, where a person's conviction is expunged from his criminal record, the person shall be retroactively appointed to the relevant office in accordance with section 5.

Exceptions to sections 4 and 5

7.(1) Sections 4 and 5 shall not apply to temporary offices that were created in respect of a specific project; and the determination as to whether a temporary office was so created shall be made by the Ministry responsible for the Public Service.

- (2) Where an officer to whom section 4 or 5 applies is prejudiced by the operation of either section, in respect of an appointment to an office by virtue of the provisions of either section, the President may appoint the officer to an office, the appointment of which results in the remedying of the prejudice.

Status of officers appointed pursuant to this Act

8. For the avoidance of doubt, notwithstanding that the persons to whom this Act applies were appointed by this Act and not by the President, acting in accordance with the advice of the Administrative, General and Professional Service Commission, the Teaching Service Commission, the Judicial and Legal Service Commission or the Protective Services Commission, as the case may be, those persons are nonetheless public officers and are subject to the disciplinary

procedure and other provisions of the *Constitution* and every enactment relating to public officers to the same extent and in the same manner as public officers who are appointed by the President, acting in accordance with the advice of the Administrative, General and Professional Service Commission, the Teaching Service Commission, the Judicial and Legal Service Commission or the Protective Services Commission.

Commencement

9. This Act shall come into operation on the 1st day of January, 2026.

Read three times and passed the House of Assembly this
day of , 2025.

Speaker

Read three times and passed the Senate this day of
, 2025.

President