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**PREFACE****001 COMING INTO FORCE**

This Edition of “General Orders, 1986 edition” incorporating the various amendments and where applicable with the effective dates given in the respective Orders, came into force on 1 November 1985.

Amendment No. 225/85

**002 PAST REGULATIONS**

This edition of General Orders supersedes the 1973 edition. With effect from 1 November 1985, no claim may be entertained in relation to any entitlement to or eligibility for any benefit falling outside the scope of this edition except as prescribed or varied therein.

Amendment No. 225/85

**003 DEFINITIONS**

In these General Orders except where the context otherwise requires –

“approved country or island” means a country or home island to or from which passages have been authorized for an officer for leave purposes or for travel on assumption of duty or on termination of appointment;

“authorized officer” means a Responsible Officer;

“basic salary” means the basic rate of salary as published from time to time by the Permanent Secretary for the Public Service;

“child” includes a legally adopted child or a stepchild;

The “Commission” means the Judicial and Legal Service Commission; Public Service Commission; Police and Prison Service Commission; Teaching Service Commission established under the Constitution, as the context requires;

“contract officer” means an officer who is serving under a standard Agreement of Service which provides for a specific period of employment and where applicable terminal gratuity;

“country of origin” means the country of an officer’s permanent residence at the time of this appointment to the public service or such other country as the Permanent Secretary for the Public Service shall agree in any individual case;

“dependent child” means –

- (a) in relation to a designated officer, a child who has not reached the age of 21; or
- (b) in relation to any other officer, a child who has not reached the age of 18, and who is-
  - (i) unmarried;

- (ii) not gainfully employed either part time or full time, except in casual employment within the period normally set aside as vacation by the educational institution which the child is attending;
- (iii) is wholly dependent upon the officer;

“designated officer” means an officer designated by the Minister for Overseas Development in accordance with the Overseas Service Aid Scheme Agreement;

“established office” or “established post” means an office or a post included under the personal emoluments sub-head of the Solomon Islands Estimates but does not include an office or post filled by an elected member of Parliament;

“expatriate officer” and “overseas officer” means a public officer appointed outside Solomon Islands and not indigenous thereto;

“fixed term appointment” means an officer who is serving under a standard agreement of service on fixed term for a specified period but otherwise on conditions as for permanent and non-pensionable appointment;

“the Government” means the Government of Solomon Islands.

“Head of Division” means an officer to whom authority has been delegated by a Responsible Officer to exercise any authority conferred upon or to undertake any duty imposed upon a Responsible Officer under these orders, and shall include an officer acting as Head of Division;

“locally engaged officer” means an expatriate officer engaged in the Public Service on local terms and conditions;

“office of emolument” in relation to the definition of public office means any office other than a fully funded aid post, reflected in the Establishment Register;

“officer” means an officer who was appointed to any public office in the Public Service of Solomon Islands as defined under the Constitution;

“other employee” means any employee of the Government who is not a public officer, but does not include a headman;

“passage” means a passage of Government expense to enable an officer to assume duty on first appointment and to travel between his work station and home island for leave purposes, on retirement or on termination of appointment;

“pensionable service” shall have the meaning ascribed to it in the Pensions Rules (Cap. 110);

“pensionable office” means a public office declared to be a pensionable office in terms of the Pension Act (Cap. 110);

“Permanent Secretary for the Public Service” means the officer for the time being holding the office so designated in the Establishment Register or acting in that office;

“posting” means the assignment by a Responsible Officer of an officer to a different post –

- (a) in the same office or Ministry,
- (b) within a common service, or

- (c) by agreement between two Responsible Officers, and with the concurrence of the Permanent Secretary for the Public Service, between their respective offices or Ministries;

“public office” means an office of emolument in the public service;

“public officer” means the holder of a public office and includes any person appointed to act in a public office;

“public service” means service in a civil capacity in respect of the government of Solomon Islands;

“qualifying service” has the meaning ascribed to it in the Pensions Rules (Cap. 110);

“Responsible Officer” means an officer for the time being holding or acting in the office designated as Permanent Secretary in accordance with Section 40 of S.I. Constitution and the Establishment Register and includes any officer to whom authority has been delegated by a Responsible Officer to exercise any authority conferred upon or to undertake any duty imposed upon a Responsible Officer under these Orders;

“salary” means the salary attaching to any public office and excludes acting or any other allowance or grant;

“scheduled service” means pensionable service under the Government of Solomon Islands listed in the respective Schedules of the Pensions Act (Cap. 110);

“service” means the public service;

“temporary officer” means an officer not on probation, pensionable, permanent, non-pensionable or contract terms of service, who is appointed by letter on the conditions stated therein.

Amendment No. 225/85

#### **004 GENDER AND NUMBER**

In these Orders words and expressions –

- (a) imparting the masculine gender include the feminine gender;
- (b) in the singular include the plural and in the plural include the singular.

**GENERAL ORDERS****Section****General Orders**

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**1 GENERAL ORDERS****101 GENERAL ORDERS**

The conditions of service of Public Officers of the Government of Solomon Islands, instructions for the conduct of public business and miscellaneous matters relating to the public service are embodied in this code of regulations which shall be known as General Orders.

**102 ADMINISTRATION OF GENERAL ORDERS**

General Orders are the orders of the Government. The authority to interpret and administer General Orders, including the power to amend, repeal or waive any order either in general or in any particular case is vested with the Permanent Secretary for the Public Service. All communications relating to General Orders, terms and conditions of service and to personal affairs of officers shall be addressed to the Permanent Secretary for the Public Service.

Amendment No. 226/85

**103 THE SECRETARY TO CABINET**

The Secretary to Cabinet shall be regarded as head of the Public Service. In the exercise of this function the Secretary to Cabinet issues his directions through the Permanent Secretary for the Public Service over which designation such directions and decisions are conveyed to public officers and to the public service.

Amendment No. 226/85

**105 APPLICATION**

General Orders apply to the public service and all public officers and other Government employees are bound thereby except insofar as:-

- (a) the contrary intention appears in General Orders; or
- (b) alternative provision is made for any particular public officer or other employee of Government in any –
  - (i) Act of Parliament;
  - (ii) Ordinance in Solomon Islands;
  - (iii) regulation, rule bye-law or order made under any such Act or Ordinance;
  - (iv) terms of appointment which may exclude the operation of General Orders or any one of them.

Amendment No. 226/85

**106 OBJECTS OF GENERAL ORDERS**

General Orders state what is permitted and it follows that where there is no provision there is no authority. General Order shall be deemed comprehensive. Authority for any particular matter shall not therefore be presumed by reason only of the fact that General Orders make no provision for such matter.

**107 REFUND OF OVERPAYMENTS**

In the day to day administration of General Orders errors may occur. When an error does occur no officer shall be allowed either to lose or to gain thereby. Subject to GO A113 any underpayment shall be made good to an officer. Any overpayment made to any public officer or other employee of the Government from public funds may, subject to the provisions of the Labour Act, be recouped by the Government by deductions from the officer's salary over a reasonable period of time, subject always to the limitation that deductions from an officer's salary or pay may not exceed at any one pay-period more than 33⅓% of the officer's fortnightly take home pay. Officers are employed on the understanding that any moneys owing by them to the Government may be recouped from deductions from salary.

Amendment No. 226/85

**108 DUTY TO BE ACQUAINTED WITH GENERAL ORDERS**

Ignorance of the provisions of any General Order shall be no excuse for its infringement or for non-compliance therewith. It is therefore the duty of all officers to be acquainted with General Orders as from time to time in force. They must, for this reason, be readily available in every Ministry for consultation by all public officers and other employees of the Government and it is the duty of every Responsible Officer to ensure that all public officers and other employees of the Government has access to a copy.

**109 AMENDMENTS TO GENERAL ORDERS**

General Orders may be supplemented or amended from time to time. Such amendments and additions have equal validity and are issued with the same authority and under the same conditions as General Orders.

Amendments shall –

- (a) except where only an individual figure or word is involved, be made by the printing or reprinting of an appropriate page of General Orders;
- (b) not be issued with any covering memorandum save where there is some special reason why a cover-memorandum should be issued;
- (c) in each case have a serial number printed in the bottom right hand corner of the page. Consecutive sheets of one amendment will carry the same amendment number;
- (d) have the date of the amendment printed in the bottom right hand corner of each sheet. The date of the amendment will be the effective date unless any other date is specifically stated as the effective date in the text;
- (e) have running heads showing the chapter of General Orders and the numbers of the Orders on the particular page;
- (f) be listed in numerical order on a sheet at the beginning of the book and each amendment shall be crossed off this list as it is received and put into the binder;
- (g) have a black vertical line drawn down the left hand margin denoting new or revised material.

**110 RESPONSIBILITY FOR MAINTAINING GENERAL ORDERS AMENDED TO DATE**

It is the responsibility of the Responsible Officer to ensure that all amendments and additions to General Orders are made immediately they are received to all copies in his Ministry/Office.

**111 NOT PERSONAL PROPERTY**

General Orders are official documents and must not be regarded as the property of individuals nor must officers take them with them on transfer from one office or Ministry to another.

**112 REFERENCE**

When it is necessary to refer to General Orders the General Order number should be given and quotations may be made if this is necessary for clarity.

**113 TIME BAR**

No claim by a public officer or other employee of the Government for allowances or any other awards under General Orders will be entertained by the Government unless the claim is lodged within twelve months of the event which gave rise to the claim.

**114 DEFINITIONS**

Words shall have the meaning ascribed to them in the definitions where applicable unless the context otherwise requires. Where any laws, regulations, or agreements have been quoted or reproduced herein the definitions in them must be applied to them. In any case of ambiguity reference should be made to the Permanent Secretary for the Public Service for clarification.

Amendment No. 226/85

**115 CONFLICT**

In the event of conflict between General Orders and any Ministerial instruction or direction General Orders shall prevail but where any conflict exists between the law and General Orders the law shall prevail.

Amendment No. 226/85

**116 AUDIT**

While administering General Orders the Permanent Secretary for the Public Service shall inform the Auditor General when it has been necessary to depart from the provisions of General Orders because of novel issues in particular cases so as to assist him in his duties and to avoid the necessity of raising audit queries.

Amendment No. 226/85

**117 FINANCE**

The Permanent Secretary for the Public Service shall consult the Permanent Secretary, Ministry of Finance on all proposed amendments to General Orders which will or are likely to result in increased or reduced expenditure of public funds.

Amendment No. 226/85

**118 STATUTE**

Much of the provision for the management of the public service is made in statutory instruments, Acts and rules and regulations made thereunder. Where this occurs reference is made to the relevant legal documents but they are not reproduced herein.

Amendment No. 226/85