

**ACT 460**  
**PARLIAMENTARY SERVICE ACT, 1993**

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**ACT 460**  
**PARLIAMENTARY SERVICE ACT, 1993(1)**

**AN ACT relating to the Parliamentary Service established by article 124 of the Constitution and to provide for related matters.**

## *The Service*

### **1. The Parliamentary Service**

The Parliamentary Service established by article 124 of the Constitution comprises the departments prescribed by Regulations made under section 18 of this Act.

### **2. Membership of the Service**

The members of the Service are,

- (a) the Clerk of Parliament, the deputies and assistants,
- (b) the secretary to the Board, and
- (c) any other persons employed by the Service.

### **3. Functions of Service**

The functions of the Service are,

- (a) to provide support services to Parliament and the committees or agencies of Parliament for the purposes of ensuring the full and effective exercise of the powers of Parliament, and
- (b) to provide any other services that Parliament may by resolution determine or that are prescribed by Regulations made under section 18.

## *The Board*

### **4. The Board**

The governing body of the Service is the Parliamentary Service Board provided for by clause (2) of article 124 of the Constitution.

### **5. Composition**

The Board consists of

- (a) the Speaker, as chairman,
- (b) four other members all of whom shall be appointed by the Speaker, acting in accordance with the advice of a committee of Parliament, and
- (c) the Clerk to Parliament.

### **6. Tenure of office**

(1) A member of the Board appointed under paragraph (b) of section 5 shall hold office for four years in the terms and conditions determined by the Speaker acting in accordance with the advice of a committee of Parliament.

(2) A member specified in subsection (1) may resign from office by notice in writing addressed to the Speaker and may be removed by the Speaker acting in accordance with the advice of a committee of Parliament, by writing addressed to that member on grounds of disability, neglect of duty or stated

misconduct.

(3) A member ceasing to hold office otherwise than by removal is eligible for reappointment.

(4) Where a member appointed under paragraph (b) of section 5 is absent from the Republic or incapacitated by illness or any other sufficient cause from performing the functions of office, the Speaker, acting in accordance with the advice of a committee of Parliament may appoint another person to act until the member is able to resume the performance of functions under this Act.

(5) A member shall continue to hold office although Parliament is dissolved by virtue of article 113 of the Constitution and until the first sitting of the next Parliament when the member shall cease to hold office.

## **7. Welfare and dignity of Parliament**

In addition to any other function under this Act, and the Standing Orders, the Board shall promote the welfare of members of Parliament and members of staff and the dignity of Parliament.

## **8. Meetings of the Board**

(1) The Board shall meet at least once in every month for the transaction of business at the times and at the places determined by the Board.

(2) A special meeting of the Board shall be called on a written request signed by the Speaker or by a majority of the members addressed to the secretary of the Board.

(3) The Speaker shall preside at meetings of the Board, and in the absence of the Speaker a member of the Board elected by the members present from among themselves shall preside.

(4) A question proposed at a meeting of the Board shall be determined by a simple majority of the members present and voting, and in the event of an equality of votes the person presiding shall have a casting vote.

(5) The quorum at a meeting of the Board is three.

(6) The Board may co-opt a person to advise it at its meetings, but a co-opted person is not entitled to vote on a matter for decision by the Board.

(7) The validity of the proceedings of the Board shall not be affected by a vacancy among its members or by a defect in the appointment or qualification of a member.

## **9. Control of the Service**

The Board shall have general control of the management of the affairs of the Service on matters of policy.

## **10. The Speaker**

The Speaker has ultimate responsibility, subject to the decisions of the Board for the administration, organisation and control of the employees within the Service.

## **11. Minister for Parliamentary Affairs**

The Minister responsible for Parliamentary Affairs or the Leader of the House shall liaise between Parliament, the Office of the President, the Cabinet and the Service on a matter that relates to those

institutions.

## **12. The Clerk to Parliament**

(1) In accordance with clause (3) of article 124 of the Constitution, the Clerk to Parliament is the head of the Parliamentary Service, and is responsible for the day-to-day business of the Service.

(2) The Clerk is answerable to the Speaker.

## **13. Secretary to the Board**

(1) There shall be an officer within the Service designated as the secretary to the Board.

(2) The secretary shall arrange the business for, and record and keep the minutes of the meetings of, the Board.

(3) The secretary shall perform any other functions directed by the Board or as delegated by the Speaker, and shall be assisted in the performance of those functions by the staff of the Service directed by the Board on the recommendations of the Speaker.

## **14. Appointment of members of the Service**

(1) The appointment of the Clerk and the other members of staff in the Service shall be made in accordance with clause (4) of article 124 of the Constitution.

(2) The Board may after consultation with the Public Services Commission delegate a part of the functions specified in subsection (1) to the Speaker or a member of the Service in respect of the posts specified in the delegation.

(3) Public officers may be transferred or seconded to the Service or may otherwise give assistance to it.

### *Finance and Miscellaneous Provisions*

## **15. Expenses of the Service**

The administrative and operational expenses of the Service including salaries and allowances payable to or in respect of persons servicing in the Service and on the Board are hereby charged on the Consolidated Fund.

### **15A. Submission of estimates**

The Board shall at least two months before the end of the financial year submit to the President the estimates of the Service and the President shall at least one month before the end of the financial year cause the estimates to be laid before Parliament without revision but with any recommendations that the President may make on them.<sup>2(2)</sup>

## **16. Accounts and audit**

(1) The Service shall keep books of account and proper records in relation to them in the form approved by the Auditor-General.

(2) The accounts of the Service shall be audited and reported on by the Auditor-General in accordance with article 187 of the Constitution.

## **17. Annual report**

(1) The Board shall, as soon as possible, after the expiration of each financial year, but within three months after the termination of that year, submit to Parliament an annual report dealing generally with the activities and operations of the Service within the year which shall include any other information requested by Parliament.

(2) A copy of the annual report shall be forwarded to the Minister responsible for Finance and any other person or authority as determined by Parliament.

## **18. Regulations**

(1) In exercise of the powers conferred on the Board by clause (5) of article 124 of the Constitution, the Board shall with the prior approval of Parliament by constitutional instrument, make Regulations providing generally for the effective and efficient administration of the Service.

(2) Without prejudice to the general effect of subsection (1), the Regulations shall

- (a) prescribe the terms and conditions of service of officers and other employees in the Service, and
- (b) divide the Service into branches, divisions or departments considered expedient by the Board for the effective and efficient administration of the Service.

## **19. Interpretation**

In this Act, unless the context otherwise requires,

“**Board**” means the Parliamentary Service Board established by clause (2) of article 124 of the Constitution;

“**member**” means a member of the Board;

“**Regulations**” means the Regulations made by virtue of clause (5) of article 124 of the Constitution under this Act;

“**Service**” means the Parliamentary Service established by of article 124 of the Constitution.

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## Endnotes

### **1 (Popup - Footnote)**

1. The Act was assented to on 23rd November, 1993.

### **2 (Popup - Footnote)**

2. Inserted by the Parliamentary Service (Amendment) Act, 2008 (Act 763).