

**CONSTITUTIONAL APPOINTMENTS AUTHORITY
(COMPLAINTS AND REMOVAL) RULES, 2020**

ARRANGEMENT OF RULES

PART I – PRELIMINARY

Preliminary Matters

Rule

1. Citation
2. Interpretation

**PART II – ADMINISTRATION OF CONSTITUTIONAL
APPOINTMENTS AUTHORITY**

Administration

3. Meetings
4. Role of Chairperson of Authority
5. Voting
6. Conflict of interest
7. Establishment of committees
8. Secretary of Authority
9. Seal of Authority
10. Provision of guidelines for Authority
11. Code of conduct
12. Orientation for Members of Authority

PART III-PROCEDURE FOR THE SUBMISSION OF A COMPLAINT AND THE REMOVAL OF A CONSTITUTIONAL APPOINTEE

Complaints

13. Application of Rules
14. Lodging of complaint by individual or person
15. Restriction on filing of complaint
16. Abuse of complaint process
17. Secretary to inform the Authority of complaint
18. Receipt of complaint by Chairperson
19. Complaint lodged by Authority

Investigation and assessment of complaint

20. Investigation of complaint
21. Procedure for the consideration of a complaint
22. Assessment of complaint
23. Appearance of constitutional appointee at assessment
24. Assessment of inability to perform complaint
25. Post assessment finding
26. Conclusion of assessment
27. Summary dismissal of complaint

PART IV – INVESTIGATION BY TRIBUNAL

28. Appointment of Tribunal
29. Composition of Tribunal
30. Service of hearing notice
31. Hearing to be in camera
32. Right to be present and represented by a lawyer
33. Right not to attend investigation
34. Form of evidence

35. Right to cross examine witnesses and call evidence
36. Failure of party to appear
37. Rules of evidence and standard of proof
38. Submissions
39. Possible decisions of the Tribunal for a complaint
40. Delivery of decision
41. Recording of proceedings
42. Extension of time
43. General power of Tribunal
44. Recommendation of Tribunal
45. Judicial review

FIRST SCHEDULE

SECOND SCHEDULE

THIRD SCHEDULE

FOURTH SCHEDULE

FIFTH SCHEDULE

SIXTH SCHEDULE

SEVENTH SCHEDULE

Part I – PRELIMINARY

Preliminary matters

Citation

1. These Rules may be cited as the Constitutional Appointments Authority (Complaints and Removal) Rules, 2020.

Interpretation

2. In these Rules unless the context otherwise requires;

"appointee" means constitutional appointee;

"Authority" means the Constitutional Appointments Authority;

"Chairperson" means the head of the Authority;

"complaint" means an allegation of inability to perform or a misbehaviour allegation;

"constitutional appointee" means a person proposed to the President by the Authority for appointment to an office specified in the Constitution or any other enactment;

"electronic record" includes data generated, sent, received or stored by electronic means,

(a) voice, where it is used in an automated transaction; and

(b) a stored record;

"guidelines" means general rules, principles or advice related to the filing of a complaint or the removal of a constitutional appointee;

"inability" means infirmity of body or mind that has a substantial and long term adverse effect on a person's ability to carry out normal day to day activities;

"irrationality" means a situation which defies logic or accepted moral standards to the extent that a sensible person could not have arrived at the same conclusion;

"judicial officer" means a Justice of Appeal or Judge of the Supreme Court;

"misbehaviour" includes misconduct that concerns criminality and a blatant expression of prejudice and an act which is considered unethical or improper that brings the office of its holder into disrepute or otherwise contravenes the duty of the appointee to exhibit impartiality

"natural justice" includes lack of bias, right to a fair hearing and a duty to give reasons;

"procedural impropriety" includes where the rules of natural justice have not been adhered to;

"redact" means edit for publication;

"remedial measures" means corrective steps to be taken for an appointee after an assessment of a complaint; and

"Secretary" means the Secretary of the Authority appointed under rule 8.

PART II – ADMINISTRATION OF CONSTITUTIONAL APPOINTMENTS AUTHORITY

Administration

Meetings

3. (1) The Authority shall meet for the despatch of business the number of times determined by the Chairperson.

(2) Despite the provisions of sub-rule (1), the Chairperson shall convene:

- (a) the first meeting of the Authority within seven working days after being appointed as Chairperson; and
- (b) a meeting of the Authority at least once a month, and shall give the members of the Authority seven days written notice of each meeting.

(3) The meetings of the Authority shall take place at the time and place determined by the Chairperson.

(4) The Chairperson

- (a) may convene a special meeting of the Authority; or
- (b) shall, at the request in writing of at least two members of the Authority, convene a special meeting.

(5) The quorum at any meeting of the Authority is three members.

(6) The Authority may co-opt a person to attend a meeting of the Authority, but that person shall not vote on a matter for decision at the meeting.

(7) The proceedings of the Authority shall not be invalidated by reason of a defect in the appointment or qualification of a member.

Role of Chairperson of Authority

4. The Chairperson shall preside at meetings of the Authority and in the absence of the Chairperson a member of the Authority elected by the members present from among their number shall preside.

Voting

5. Matters before the Authority shall be decided by a majority of the members present and voting and in the event of equality of votes, the person presiding shall have a casting vote.

Conflict of interest

6. (1) A member of the Authority who has an interest in a matter for consideration at a meeting

(a) shall disclose the nature of the interest as soon as practicable at the commencement of a meeting and the disclosure shall form part of the record of the consideration of the matter to be included in the minutes, and

(b) shall not participate in the deliberations of the Authority in respect of that matter.

(2) A conflict of interest includes where the matter for consideration at a meeting concerns a family member, close business or other associate of a member of the Authority.

Establishment of committees

7. (1) The Authority may establish committees consisting of members of the Authority or non-members or both to perform a function.

(2) The members of a committee of the Authority shall not exceed five.

(3) Rule 6 on conflict of interest applies to a member of a committee.

Secretary of Authority

8.(1) There shall be a Secretary for the Authority appointed by the Authority.

(2) The Secretary holds office on the terms and conditions specified in the letter of appointment.

(3) The Secretary is responsible for the organisation and administration of the Authority as the head of the Secretariat and is answerable to the Chairperson.

(4) It is the responsibility of the Secretary to:

- (a) keep a full and accurate record of each meeting of the Authority;
- (b) certify any order, direction or decision of the Authority signified by the Chairperson;
- (c) receive and record any complaint filed with the Authority in accordance with these Rules;
- (d) keep a register of each complaint registered with the Authority; and

- (e) carry out any other administrative function of the Authority.

(5) The Secretary may delegate a function to an officer of the Secretariat but is not absolved from the ultimate responsibility for the performance of the delegated function.

Seal of Authority

9. The Secretary shall keep the seal of the Authority and affix it to any document executed or issued by it.

Provision of guidelines by Authority

10. The Authority may issue guidelines for the efficient performance of its functions.

Code of conduct

11. The Authority shall

- (a) establish a code of conduct for members of the Authority, staff and persons whose service the Authority engages; and
- (b) revise the code of conduct from time to time having regard to the changing circumstances of the Authority.

Orientation for members of Authority

12. The Chairperson shall organise an orientation programme for newly appointed members of the Authority to introduce them to the object, functions, procedures and other matters related to the work of the Authority in order for them to perform the functions of the Commission effectively.

**PART III-PROCEDURE FOR THE SUBMISSION OF A
COMPLAINT AND THE REMOVAL OF A CONSTITUTIONAL
APPOINTEE**
Complaints

Application of Rules

13. (1) These Rules apply to the removal of the following appointees:
- (a) a Justice of Appeal,
 - (b) a Judge,
 - (c) the Attorney-General,
 - (d) the Auditor-General,
 - (e) the Electoral Commissioners, and
 - (f) the Ombudsman.
- (2) These rules apply with the necessary modification to any public officer appointed by the Authority in an enactment.

Lodging of complaint by individual or person

14. (1) An individual or any person may lodge an inability to perform or a misbehaviour complaint against an appointee with the Authority.
- (2) A complaint against an appointee shall be
- (a) on the grounds of inability to perform the functions of office from infirmity of body or mind; or
 - (b) for misbehaviour.
- (3) The complaint shall be lodged with the Secretary of the Authority and shall be as set out in Form A in the First Schedule.

- (4) The information to be provided by a complainant shall include:
 - (a) the full name and address of the complainant;
 - (b) the full name of the appointee who is the subject of the complaint;
 - (c) the date, time and place the misbehaviour or inability to perform took place;
 - (d) a full description of the inability to perform; and
 - (e) a full description of the misbehaviour

- (5) The complaint may be lodged within six months
 - (a) after the inability to perform became apparent; or
 - (b) after the date on which the alleged misbehaviour took place or came to the notice of the complainant.

- (6) The complaint may be submitted
 - (a) in written form placed in triplicate by the complainant in a sealed envelope marked "Confidential: Complaint" without the name of the appointee on the envelope and delivered in person or by mail; or
 - (b) by electronic record;

- (7) The Secretary shall immediately assign a serial number to the complaint on receipt and register it in a register of the Authority designated for that purpose.

- (8) The Secretary shall, within seven days of receipt of the complaint, provide the complainant with an acknowledgement of receipt of complaint as set out in Form B in the Second Schedule on which the serial number of the complaint is clearly indicated.

- (9) The Secretary shall inform the complainant of
- (a) the complaint process; and
 - (b) the right to engage a lawyer

at the time when the receipt of complaint is provided.

Restriction on filing of complaint

15. (1) A complainant shall not institute an action in court or with any other conflict resolution body until the complaint procedure with the Authority has been exhausted, but this shall not apply to an indictable offence.

(2) A complainant shall not send a complaint to the appointee who is the subject of the complaint or send the complaint to any other person.

(3) The complaint shall not be referred to in any legal proceedings even where the complaint relates to the judge overseeing the case.

Abuse of the complaint process

16. A person who abuses the judicial inability to perform and misbehaviour process by filing frivolous or repetitive complaints may be restricted by the Authority from filing a further complaint.

Secretary to inform the Authority of complaint

17. The Secretary shall
- (a) refer the complaint to the Chairperson of the Authority;
and
 - (b) distribute the complaint to the members of the Authority.

Receipt of complaint by Chairperson

18. The Chairperson of the Authority shall convene a meeting within fourteen days after receipt of a complaint from an individual or person to determine if there is evidence in support of the allegation of inability to perform or misbehaviour.

Complaint lodged by Authority

19. (1) The Authority may lodge a complaint of inability to perform or misbehaviour against an appointee.

(2) A complaint lodged in terms of sub-rule (1) shall be lodged by the Chairperson.

(3) Where the Authority lodges a complaint against an appointee, the Secretary shall inform the appointee of the alleged inability to perform or misbehaviour and give the appointee an opportunity to make an oral or written representation as to whether the matter gives rise to a case to answer.

(4) The Authority shall appoint a Tribunal to determine the matter within a period of not more than three months after the written or oral representation by the appointee if the Authority considers that the allegations raised in the complaint against the appointee disclose a ground for the discipline or removal from office of that appointee.

Investigation and assessment of complaint

Investigation of complaint

20. (1) If the Authority determines that there is evidence in support of the allegation of inability to perform or misbehaviour, it shall conduct an investigation to assess the complaint and determine whether the allegations are credible.

(2) The Authority shall take into consideration the matters set out in the Third Schedule in the conduct of its informal enquiries.

Procedure for the consideration of a complaint

21. The Secretary shall

- (a) inform the appointee in writing that a complaint has been lodged against the appointee;
- (b) send a copy of the complaint to the appointee complained against;
- (c) inform the appointee in writing that an assessment has commenced and the nature of the assessment;
- (d) provide the appointee with any other documents that are before the Authority; and
- (e) give the appointee complained against ten working days to respond in writing to the allegations.

Assessment of complaint

22. (1) An assessment of a complaint shall involve

- (a) a factual assessment of whether the allegations are credible; and
- (b) a legal assessment as to whether there is evidence in support of the allegation against the constitutional appointee.

(2) The Authority may seek the assistance of a lawyer to consider any legal issue raised or arising from the facts of the complaint.

(3) The lawyer shall take an oath or make an affirmation before a commissioner of oaths at the commencement of proceedings that

any information in connection with the assessment of the complaint will be solely used to assist the Authority.

Appearance of constitutional appointee at assessment

23. (1) An appointee may appear before the Authority at the assessment stage of an investigation and may respond to an allegation orally or in writing.

(2) The Secretary shall give notice to appear to the appointee in writing or by electronic record at least ten working days before the date of the scheduled assessment.

(3) The appointee may be represented by a lawyer or another person at the assessment.

(4) The examination of the complaint shall be kept confidential, unless otherwise requested by the appointee.

(5) The Authority may demand additional information from an appointee in writing which the appointee shall submit within ten working days after receipt of the notice to produce as set out in Form C in the Fourth Schedule.

(6) The Authority shall consider the information provided and conclude the assessment in private.

Assessment of inability to perform complaint

24. (1) The Authority

(a) may request the advice of three medical practitioners established as a medical board to enquire into an inability to perform complaint lodged against an appointee and

(b) shall require the submission of a written report of the medical board findings to the Authority.

(2) Copies of the report of the medical board shall be made available to the appointee and the legal representative of the appointee where the appointee has one.

Post assessment finding

25. (1) Where the Authority finds that the facts do not warrant the removal of the appointee after the conduct of an assessment, it may request the appointee to

(a) remedy any wrong complained of; or

(b) carry out any task that forms part of the appointees official function that is the subject of the complaint.

(2) The remedial measures shall be carried out within a specific time.

Conclusion of assessment

26. (1) The Secretary shall inform the complainant and the appointee of its decision in writing at the conclusion of the assessment.

(2) The decision shall include the reasons based on which the decision was taken and any remedial measures.

Summary dismissal of complaint

27. (1) The Authority may summarily dismiss a complaint where it considers that the complaint:

- (a) was made anonymously;
- (b) does not disclose inability to perform or misbehaviour;
- (c) relates solely or essentially to the merits of a judgment or order in which the appointee is a judicial officer;
- (d) is frivolous, vexatious or not made in good faith;
- (e) is trivial;
- (f) is hypothetical;
- (g) occurred at too remote a time to justify further consideration;
- (h) had a satisfactory means of redress;
- (i) relates to the exercise of a judicial or other function that is or was subject to appeal or judicial review;
- (j) relates to an individual who is no longer an appointee as at the time the complaint was lodged;
- (k) does not justify further consideration taking into consideration the circumstances; or
- (l) should not reasonably be considered.

(2) The Secretary shall inform the complainant and the appointee in writing of the summary dismissal of the complaint by the Authority and shall provide the reasons for the decision.

PART III – INVESTIGATION BY TRIBUNAL

Appointment of Tribunal

28. (1) The Authority shall establish an ad-hoc Tribunal to determine a complaint of inability to perform or misbehaviour against an appointee if the Authority considers that the allegations raised in the complaint against the appointee disclose a ground for the discipline or removal from office of that appointee.

(2) Examples of the grounds for the discipline or removal of an appointee for misbehaviour shall be a set out in the Fifth Schedule.

Composition of the Tribunal

29. (1) The Tribunal shall consist of a President and no fewer than two other members selected from among persons

(a) who hold or have held office

(i) as judges with unlimited original jurisdiction; or

(ii) in a court with appellate jurisdiction from that court;
or

(b) who are eminent jurists of proven integrity.

(3) The Authority shall not appoint any person to the Tribunal who is closely associated in any manner with the complainant or the appointee complained against.

(4) The Authority will assist the Tribunal in appointing a Secretariat in the discharge of its duties.

Service of hearing notice

30. (1) The Tribunal shall serve a hearing notice on the appointee whose conduct is the subject of an investigation at least ten working days before the hearing date.

(2) The hearing notice shall

- (a) be as set out in Form D in the Sixth Schedule;
- (b) list the allegations in the complaint against that appointee;
- (c) include a summary of the evidence in support of the allegations; and
- (d) be accompanied by copies of any documentary evidence to be adduced.

(3) The personal service of the hearing notice on the appointee shall be effected by the Tribunal through

- (a) tendering a copy of the complaint to the appointee or where that is not possible,
- (b) serving the notice by registered mail; or
- (c) any other way that the Tribunal may determine.

(4) The hearing date of the complaint shall be not more than three months after the service of the hearing notice on the appointee.

Hearing to be in camera

31. A hearing of the Tribunal shall be in camera unless the appointee decides the hearing shall be held in public.

Right to be present and be represented by a lawyer

32. (1) An appointee whose conduct is subject of the investigation is entitled to be

- (a) present throughout the proceedings;
- (b) heard; and
- (c) represented by a lawyer.

(2) The Tribunal may appoint a lawyer to assist it in its investigation.

Right not to attend investigation

33. (1) An appointee who has been served with a hearing notice may elect not to attend the investigation in person or be represented by a lawyer.

(2) Where the appointee elects not to attend the investigation, the Tribunal may consider the evidence available, take a decision and make such recommendations as it considers appropriate.

Form of evidence

34. (1) A witness before the Tribunal shall give evidence on oath or affirmation and may be asked questions to seek clarification on a complaint.

(2) The members of the Tribunal may ask the appointee questions or request the appointee to clarify any matter related to the complaint.

(3) The Tribunal may accept evidence by affidavit if it considers that the appointee will not be prejudiced by the absence from the hearing of the person who has given evidence by affidavit.

(4) Where the Tribunal accepts evidence by affidavit, it may require the person who made the affidavit to appear before it for clarification or inquiry at a time and place specified by the Tribunal.

(5) The Tribunal may request any person other than the parties or their witnesses to appear before it and give evidence that may assist in its consideration of the complaint.

Right to cross-examine witnesses and call evidence

35. An appointee whose conduct is the subject of an investigation is entitled to

- (a) cross-examine any witness during the hearing; and
- (b) call evidence to rebut an allegation in the complaint.

Failure of party to appear

36. (1) Either party that failed to appear before a Tribunal that has determined an investigation may apply in writing to the Tribunal for the re-hearing of a complaint, setting out the reasons for failing to appear.

(2) If the Tribunal is satisfied that the hearing notice was not duly served on the missing party or that the party who failed to appear at the hearing was prevented from appearing for reasonable cause, it may order the complaint to be re-heard.

Rules of evidence and standard of proof

37. The Tribunal

- (a) is not bound by rules of evidence and shall be guided by the rules of natural justice and relevancy; and

(b) shall apply a criminal standard of proof in its findings.

Submissions

38. The appointee whose conduct is the subject of investigation or the lawyer of that appointee may make oral or written submission when the hearing of evidence by the Tribunal ends.

Possible decisions of the Tribunal for a complaint

39. (1) The Tribunal shall issue an order on the complaint and provide the parties with a copy of the order.

(2) The order may dismiss a complaint with stated reasons, or may conclude the complaint because appropriate corrective action has been taken or intervening events have made further action unnecessary such as where an appointee retires voluntarily during the proceedings,

(3) If the order does not dismiss or conclude the complaint, the order may recommend the sanction of the appointee by:

- (a) suspending the appointee;
- (b) censuring or reprimanding the appointee, either by private communication or by public announcement;
- (c) in the case of a judicial officer, ordering that no new case be assigned to the judicial officer for a limited, fixed period;
- (d) requesting the appointee to retire voluntarily;
- (e) certifying the disability of the judicial officer where the person is eligible to retire but does not;
- (f) finding the appointee temporarily unable to perform the functions of the office

- (g) recommending corrective action;
- (h) removing the appointee or
- (i) ordering any other sanction considered applicable under the circumstances.

(4) This rule shall apply with the necessary modification to any appointee.

Delivery of decision

40. (1) A decision of the Tribunal shall be in writing and contain a concise statement of the investigation, the points for determination, the decision and the reasons for the decision on each separate issue and shall be set out in Form E of the Seventh Schedule.

(2) The decision of the Tribunal shall be delivered on a date fixed for that purpose but not later than twenty-one working days after conclusion of the proceedings.

(3) The Tribunal shall redact the decision

- (a) to any extent necessary in the interests of national security; and
- (b) where it has dismissed the complaint and include only the allegations and a summary of its findings.

(4) The Secretary shall cause the decision of the Tribunal on a complaint to be published after it has been delivered.

Recording of proceedings

41. The Tribunal shall cause the record of any proceedings to be taken in shorthand, tape-recorded or electronically recorded.

Extension of time

42. The Tribunal may extend the time prescribed by these Rules for the doing of any act or taking of any action that it considers to be just and expedient for sufficient cause shown.

General power of Tribunal

43. The Tribunal may make any order on the application of a party that may be necessary for the rule of law, or to prevent the abuse of its process and nothing in these Rules limits or otherwise affects the inherent power of the Tribunal.

Recommendation of Tribunal

44. (1) The Tribunal shall forward its recommendation on a complaint to the Authority.

(2) The recommendation shall include

(a) the record of the charges framed, the evidence led, the response and other proceedings relevant to the investigation;

(b) a statement

(i) that the allegations against the appointee have been proved and the reasons for that conclusion; and

(ii) as to whether the details of any matter the Tribunal considered aggravated or alleviated the gravity of the conduct complained about; and

(c) a summing up.

(3) The Authority shall forward the consolidated recommendations that constitute the majority decision of the Tribunal to the President.

Judicial review

45. (1) A decision of a Tribunal may be subject to judicial review by the parties to a complaint to consider the factual and legal findings of the Tribunal.

(2) An application for judicial review shall be in accordance with the Rules of Court.

(3) Judicial review may be sought on one or combination of the grounds of

- (a) illegality;
- (b) irrationality;
- (c) procedural impropriety; or
- (d) legitimate expectation.

FIRST SCHEDULE

(rule 14(3))

Form A

COMPLAINT AGAINST CONSTITUTIONAL APPOINTEE

1.Full name of complainant

.....

2.Title of complainant: (Dr., Prof., Mr, Mrs, Miss,etc.)

.....

3. Physical Address of complainant

.....

.....

.....

4.If complainant is a company or other entity such as a non-governmental organisation, full name of company or entity.....

.....

5.Full name and title (e.g. company secretary, etc.) of person representing the company or other entity.

.....

.....

.....

.....

6.Full Name and title of constitutional appointee in respect of whom complaint is being lodged

.....

.....

8. Date complaint lodged:/...../20.....
(Day)/ month/ year)

9. Please specify how you would like to receive acknowledgement of receipt of your complaint:

email: (please provide e: mail address)

.....
.....

(specify if different from mailing address already provided)

9. Signature of Complainant

.....

SECOND SCHEDULE

(rule 14 (8))

Form B

ACKNOWLEDGEMENT OF RECEIPT OF COMPLAINT

Complaint No: CAA...../20.....

Received from

.....
.....

(Full names of complainant)

of.....
.....

(Full address of complainant)

Signature.....

Secretary, CAA

Date...../...../20.....

THIRD SCHEDULE

(rule 21(2))

QUESTIONS FOR AUTHORITY'S ASSESSMENT IN RESPECT OF INVESTIGATION OF COMPLAINT

1. Whether the misbehaviour occurred in the appointee's official capacity or private life.
2. Whether the misbehaviour occurred in the appointee's primary role or additional role.
3. Whether the constitutional appointee exploited his or her official position to satisfy personal desires.
4. Whether the misbehaviour constituted a crime
5. Whether the misbehaviour involved a dishonest act or moral turpitude.
6. Whether the appointee acted in bad faith, intentionally, knowingly or negligently.
7. Whether the appointee's misbehaviour or misconduct was spontaneous, pre-meditated, or deliberate.
8. Whether the appointee was motivated by compassion for others or for personal profit, vindictiveness, ill will, or other dishonest and selfish motives.
9. Whether the misbehaviour or misconduct involved the appearance of impropriety or an actual impropriety.
10. Whether the misbehaviour affected or appeared to affect the administration of Justice.
11. Whether the appointee's behaviour was contrary to a public policy to which the state has made a commitment.

12. Whether the misbehaviour evidenced lack of independence or impartiality.

13. Whether the appointee breached any Code of Ethics.

14. The extent of the misbehaviour

- (a) whether the misbehaviour was an isolated instance or part of a pattern or course of conduct.
- (b) whether the misbehaviour took place over a significant period.
- (c) the actual or potential for harm to the public's perception of the fairness

15. The appointee's culpability

- (a) whether the appointee was suffering from personal or emotional problems
- (b) whether the appointee had any physical or mental health challenges
- (c) whether the problems being experienced by the appointee could have been caused by or are related to or due to stress induced by excessive work or inadequate administrative support
- (d) whether the appointee's behaviour was unethical
- (e) whether the appointee ignored others' efforts to be persuaded to change behaviour

17. The appointee's record

- (a) the length of time the appointee has served
- (b) whether the appointee was experienced and should have been familiar with the high standards established for behaviour in respect of a person in their position
- (c) whether the appointee had previously been sanctioned

18. The appointee's reputation

- (a) positive contributions made by the appointee to the community
- (b) the appointee's commitment to fairness and innovative reforms
- (c) the appointee's ability to fairly, effectively, and efficiently carry out the duties of the office

FOURTH SCHEDULE

(rule 23(5))

FORM C

NOTICE TO PRODUCE ADDITIONAL INFORMATION

To:.....

.....

(Full name)

.....

.....

(Address)

This notice is to inform you that the Constitutional Appointments Authority requires you to produce additional information in writing in respect of a complaint lodged against you.

You are to produce the additional information regarding complaint No.made against you by

.....

.....

(name of person who has lodged the complaint)

aboutwithin ten working days after receipt of this notice

Signed.....

Secretary, CAA

Date:...../...../20.....

FIFTH SCHEDULE

(rule 28(2))

Examples of the grounds for the discipline or removal of an appointee for misbehaviour

1. Bribery
2. Fraud
3. Utilisation of public resources for private gain
4. Deliberate loss of court records or any records under the responsibility of the appointee
5. Bias
6. Conflict of interest
7. Nepotism
8. Favouritism
9. Improper socialisation with members of the legal profession, executive or the legislature
10. Predetermination of an issue involved in the litigation
11. Prejudice
12. Sexual misconduct
13. Incompetence
14. Lack of integrity

SIXTH SCHEDULE

(rule 30(2))

FORM D

NOTICE OF HEARING

To:.....
.....

(Full name)

.....
.....

(Address)

This notice is to tell you that the hearing date for the following matter has been fixed:

Hearing of Tribunal regarding complaint

No.....made against you by

.....
.....

(name of person who has lodged the complaint)

Signed.....

Secretary, Tribunal

Date:...../...../20.....

SEVENTH SCHEDULE

(rule 40(1))

Form E

DECISION OF TRIBUNAL IN RESPECT OF COMPLAINT LODGED

1.Full name of complainant

.....
.....

2.Address of complainant

.....
.....

3.Name and address of officer against whom complaint lodged

.....

4.Serial number of complaint

.....
.....

5.Decision of Authority

.....
.....
.....
.....

Signed:

Secretary, Tribunal

Date...../...../20

