

22nd May, 2015

LEGAL NOTICE No. 90

THE NATIONAL POLICE SERVICE COMMISSION ACT
(No. 30 of 2011)

IN EXERCISE of the powers conferred by section 28 of the National Police Service Commission Act, 2011, the National Police Service Commission makes the following Regulations: —

THE NATIONAL POLICE SERVICE COMMISSION (DISCIPLINE) REGULATIONS,
2015

PART I —PRELIMINARY

Citation.

1. These Regulations may be cited as the National Police Service Commission (Discipline) Regulations, 2015.

Interpretation.

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

No. 30 of 2011.

"Act" means the National Police Service Commission Act, 2011;

"appeal" means an appeal lodged with the National Police Service Commission;

"authorized officer" means the Inspector-General or an officer who is authorized by the Inspector-General initiate disciplinary action against an officer;

"civilian staff" means a person serving in the Service but does not carry out policing functions and duties, and is not authorized to use police powers as provided for in the National Police Service Act, 2011; No. 11A of 2011.

"corrective action" means an immediate and temporary measure taken by an immediate supervisor against an officer in order to avert further commission of the offence or misconduct pending commencement of disciplinary processes;

"disciplinary action" has the same meaning as assigned to it under the Act;

"disciplinary proceedings" means proceedings under Part X of the National Police Service Act, 2011; No. 11A of 2011.

"dismissal" means an order against a member of the Service to leave the employment of the Service on disciplinary grounds and may result in other consequences as prescribed in any other relevant law;

"immediate commanding officer of the respective Service" means the officer prescribed by Regulations or Service Standing Orders as having powers of command over the accused officer;

"interdiction" means a disciplinary measure where an officer is discontinued from the Service for a specified period of time but continues to be paid one half of his monthly salary;

"officer" has the same meaning as assigned to it under section 2 of the National Police Service Act; No. 11A of 2011.

"reinstatement" means a person is taken back in the Service on his or her former position, after having been interdicted or suspended;

"resignation" means that the member of the Service voluntarily leaves from the Service in accordance with section 76 of the National Police Service Act, 2011;

"respective Service" means the Kenya Police Service or the Administration Police Service;

"Service" means the National Police Service established under Article 243 of the Constitution.

Disciplinary by the Commission.

3. (1) The Commission shall exercise disciplinary control over the Service.

(2) In these Regulations, "disciplinary control" includes-

(a) the development and prescription of fair and clear disciplinary procedures and mechanisms in accordance with Article 47 of the Constitution;

(b) ensuring compliance with the prescribed disciplinary procedures and guidelines formulated by the Inspector-General;

(c) ensuring compliance with the due process in disciplining members of the Service;

(d) receiving of regular reports from the Inspector-General on disciplinary matters handled by the Service;

(e) reviewing or ratifying of disciplinary actions taken by the Inspector-General;

(f) hearing and determining appeals from the members of the Service; and

(g) observing due process, removing persons holding or acting in offices within the Service.

(3) The Commission shall develop procedures for the undertaking disciplinary proceedings by the Inspector-General and officers authorized by the Inspector-General and shall ensure compliance with the procedures.

(4) Every disciplinary process shall observe due process as provided under Article 47 and Article 246(3) (b) of the Constitution.

Complaints against police officers.

4. (1) The disciplinary process may commence upon occurrence of any of the following -

(a) a complaint from a member of the public;

(b) a complaint from a member of the Service;

(c) a complaint from a state organ; or

(d) an anonymous witness statement or other statement made for another investigation not necessarily commenced for purposes of police Service matters.

(2) Where an incident under subsection (1) occurs, such complaint shall be investigated by the most senior officer available or by an authorized officer in the manner prescribed in the Service Standing Orders.

(3) In exceptional circumstances, where the offence against discipline is clearly manifest as to render investigations unnecessary, the officer in-charge may immediately issue a notification to the appropriate disciplinary committee to conduct the disciplinary proceedings.

(4) During the investigation, statements may be collected from the complainant, any witnesses available and from the officer being accused.

(5) Where the complaints or reports and investigation disclose offences against discipline, the investigations report along with a notification shall be forwarded to the appropriate disciplinary committee to commence disciplinary proceedings.

(6) The appropriate disciplinary committee shall upon conclusion of the disciplinary proceedings make a recommendation to the Inspector-General or authorized officer on the disciplinary action to be taken.

(7) Upon conclusion of the disciplinary proceedings and on receipt of the recommendations of the appropriate disciplinary committee, action may be taken by the

Inspector-General or the authorized officer in accordance with procedure set out in these Regulations and the Service Standing Orders.

(8) Investigations into complaints against police shall be notified to the Internal Affairs Unit, upon commencement of the investigations.

(9) Where investigations under this section disclose offences against discipline, the officer in charge shall be required to inform the Internal Affairs Unit of the notification issued to the appropriate disciplinary committee to conduct proceedings to enable a record of the same to be maintained.

(10) Where an officer accused in a complaint admits to an offence against discipline, appropriate disciplinary proceedings shall be taken by the appropriate disciplinary committee.

(11) An authorized officer or a an officer- in -charge, as prescribed in the Service Standing Orders, may, subject to these Regulations and any other applicable procedure, take corrective action immediately against an officer who is manifestly culpable of a disciplinary offence pending the disciplinary proceedings before the appropriate disciplinary committee in accordance with these Regulations and the Service Standing Orders.

Cooperation with the other agencies.

5. (1) The officer- in-charge shall be required to cooperate with Internal Affairs Unit, the Independent Policing Oversight Authority and other investigative agencies during the course of any disciplinary process.

(2) Authorized officers conducting investigations into complaints against police shall be required to conduct the investigations expeditiously and to issue monthly reports on the findings of investigations to the Internal Affairs Unit for their record and other purposes in line with their mandates.

(3) The Internal Affairs Unit shall be required to submit quarterly reports to the Commission through the Inspector-General of all complaints and outcomes of investigations conducted by the Unit and reported from various field reports.

Commencement of disciplinary proceedings.

6. (1) Disciplinary proceedings before the Disciplinary committees against an officer may be initiated on -

(a) notification from the officer's immediate supervisor;

(b) recommendation from the Internal Affairs Unit of the National Police Service;

(c) recommendation from Independent Policing Oversight Authority;

(d) adverse mention in a report of a parliamentary committee, committee of inquiry, the Auditor General, the Directorate of Criminal Investigations, the Directorate of Public Prosecutions, the Ethics and Anti-Corruption Commission, the Commission on Administrative Justice, or any other official inquiry or investigation; or

(e) where an officer is caught in the act committing an offense against discipline.

Establishment and composition of the National Police Service Disciplinary committee.

7. (1) In exercise of the powers conferred under section 13 of the Act, the Commission shall establish the National Police Service Disciplinary Committee for purposes of hearing and determining disciplinary proceedings for an officer of the rank of assistant superintendent and above.

(2) The Disciplinary Committee shall be consist of —

(a) the concerned Deputy Inspector-General of the Service to which the accused officer belongs or in his or her absence a Commissioner from the National Police Service Commission:

Provided that the Commissioner shall not be a Deputy Inspector-General of the Service; and

(b) four other members appointed by Commission as follows -

(i) two members representing the Kenya Police Service; and

(ii) two members representing the Administration Police Service.

(3) Where the accused officer is an officer from the Directorate of Criminal Investigations, one of the two members representing the Kenya Police Service under paragraph (2) (a) shall be from the Directorate of Criminal Investigations.

(4) Where the accused officer is an officer of the rank of Senior Assistant Inspector-General, the Disciplinary Committee shall consist of at least three members of the Commission.

(5) The officer accused of an offence against discipline may while appearing before the Committee, be represented by a police officer, who shall not be of a rank higher than the accused officer's rank to assist the officer in his defence.

(6) Notwithstanding paragraph (5), the Committee may require the accused officer to make submissions in person during the hearings.

(7) The Disciplinary Committee may decline the officer selected by the accused officer under paragraph (5) and shall give reasons for the refusal, however the accused officer

shall be granted an opportunity to select a different officer to assist him or her in the defence.

Term of the National Disciplinary Committee.

8. (1) The members of the Disciplinary Committee shall be constituted on a case by case basis.

(2) The Disciplinary Committee shall sit at a venue to be determined by the Commission.

Responsibility of the Disciplinary Committee.

9. (1) The Disciplinary Committee shall inquire into matters related to offences against discipline for all officers taking into account the rank of the officer for purposes of the constituting the Disciplinary Committee.

(2) In conducting an inquiry under subsection (1), the Disciplinary Committee may engage the services of any person or institution with expert knowledge in the matter to which the inquiry relates.

(3) The Committee may in determining any complaint against an officer, make recommendations to the Commission, including recommendations for dismissal from the Service.

(4) An officer aggrieved by the decision of the Commission following the recommendations of the Disciplinary Committee, may apply to the Commission for a review, in accordance with these Regulations.

Subordinate Disciplinary Committee.

8. (1) Where a hearing is for purposes of undertaking discipline of an officer of the rank of Chief Inspector and below, the Commission shall constitute a Subordinate Disciplinary Committee to inquire into and hear the disciplinary matter.

(2) The Subordinate Disciplinary Committee shall consist of —

(a) a presiding officer. being an officer who is appointed as a presiding officer by the immediate commanding officer of the respective Service, and shall be of a rank not below the rank of Inspector and not of or below the rank of the accused officer;

(b) an assistant presiding officer appointed by the immediate commanding officer of the respective Service, as provided in the Service Standing Orders; and

(c) an officer appointed by the immediate commanding officer of the respective Service to observe the proceedings, who shall not be of a rank lower than the accused officer.

(4) There shall be, during the hearings of the Subordinate Disciplinary Committee, an officer prosecuting the offence being an officer authorized to inquire into offences

against discipline and shall be of a rank higher than the accused officer but not of a rank higher than the presiding officer.

(5) A police officer facing disciplinary action may be accompanied by another officer of his or her choice for assistance and support:

Provided that such an officer shall not be of a senior rank to the presiding officer.

(6) The Subordinate Disciplinary Committee may decline the officer selected by the accused officer under paragraph (5) and shall give reasons for the refusal, however the accused officer shall be granted an opportunity to select a different officer to assist him or her in the defence.

(7) A police officer aggrieved by the Subordinate Disciplinary Committee's decision may apply for appeal in the following sequence-

(a) at the County or Formation or Unit, at the first instance;

(b) to the respective Deputy Inspector-General or to the Directorate of Criminal Investigations, at the second instance;

(c) to the Inspector-General in accordance with these Regulations and the Service Standing Orders, at the third instance.

(8) An appeal from the decision of the Inspector-General shall lie with the Commission in accordance with these Regulations and the Service Standing Orders.

Conduct of disciplinary proceedings.

9. (1) Disciplinary proceedings shall be conducted in accordance with these Regulations the Service Standing Orders and any guidelines issued by the Commission from time to time.

(2) Where an offence against discipline is committed by an officer, the officer's supervisor may take a corrective action, where applicable, pending the commencement of disciplinary process.

(3) The accused officer shall be notified of the offence accused of having committed and shall be accorded an opportunity of at least three calendar days within which to show cause why disciplinary action should not be taken against him or her.

(4) Where a disciplinary hearing is scheduled, an officer accused of a disciplinary offence shall be given at least seven calendar days' notice before the date of the hearing.

(5) The notice under paragraph (4) may, in exceptional circumstances, be waived and the hearing held in accordance with the Service Standing Orders.

(6) Where paragraph (5) is invoked, the presiding officer shall record the reasons for such waiver in writing.

(7) Where applicable or relevant, the officer who is the subject of the hearing may call witnesses or other evidence on his or her behalf, at the officer's own cost.

(8) The disciplinary hearings before the Disciplinary Committees shall be conducted expeditiously and without undue delay or technicalities and any delay in the disposal of the proceedings beyond twenty-eight days shall be reported to the Commission together with the reasons for such delay.

(9) The recommendations of the Disciplinary Committee shall be forwarded to the Commission for confirmation and approval and the Commission shall subsequently communicate the disciplinary action to be taken on the officer through the Inspector-General.

(10) The recommendations of the Subordinate Disciplinary Committee shall be forwarded to the Inspector-General or authorized officer as prescribed in the Service Standing Orders, for confirmation and approval and the Inspector-General or authorized officer shall subsequently communicate or implement, where applicable, the disciplinary action to be taken on the officer, taking into consideration the provisions of regulation 10.

Disciplinary hearings where the accused is absent.

12. (1) Where an officer fails to attend a disciplinary hearing despite evidence of notification of the date, venue and time of the hearing the disciplinary hearing may proceed in the absence of the accused officer and the presiding officer shall record the reasons for the accused officer's absence.

(2) The appropriate disciplinary committee may upon conclusion of the hearing issue a determination of the disciplinary action to be taken in writing, and the disciplinary action taken shall be recorded immediately in accordance with these Regulations.

Disciplinary proceedings by the Service.

13.(1) The Inspector-General may either directly or through an authorised officer or the appropriate disciplinary committees, initiate disciplinary proceedings against any member of the Service in the manner provided under these Regulations and any Guidelines issued by the Commission or the Service Standing Orders.

(2) Where a complaint or report against an officer discloses an offence against discipline, appropriate disciplinary action shall be taken by the Inspector-General, the authorised officer or the concerned disciplinary committee in accordance with these Regulations.

(3) Where disciplinary proceedings are initiated by the Inspector-General or an authorised officer, the Inspector-General or authorized officer shall notify the Commission for information purposes.

(4) A police officer who commits an offence against discipline is liable to-

(a) reprimand;

(b) suspension;

(c) confinement to barracks or police residential quarters;

(d) reduction of salary by not more than one third of basic salary for a period not exceeding three months;

(e) a fine not exceeding a third of basic salary; No. 11A of 2011.

(f) an order of restitution;

(g) stoppage of salary increments for a specified period but not exceeding one year;

(h) reduction in rank,

(i) dismissal from the service; or any combination of the punishments provided under this paragraph. No. 11A of 2011.

(5) The sanctions provided under paragraph 4 (f) (g) (h) (i) and shall only take effect on approval and confirmation by the Commission.

(6) In the determining what disciplinary action to take against an officer under paragraph (4), the Inspector-General or the authorized officer shall take into consideration-

(a) the circumstances in which the offence was committed and the gravity of the offence;

(b) the seniority and length of service of the officer;

(c) the previous record and conduct of the officer, and

(d) the statement made by the officer for the purposes of mitigation.

(7) The officer presiding on the subordinate disciplinary committee shall enter the details of the punishment, including the date of the punishment and the offence for which it was imposed, on the record sheet of the police officer punished, and a copy of the record shall be forwarded to the Commission.

(8) Where the recommended disciplinary action relates are as provided under regulation 10 (4) the recommended disciplinary action shall require confirmation by the Commission.

(9) Where a disciplinary offence amounts to a criminal offence, or where an officer is charged of a criminal offence, the Service shall, in accordance with these regulations and the service standing orders, take appropriate disciplinary action regardless of whether the criminal proceedings result in a conviction or an acquittal.

(10) Where the Service fails to take the requisite disciplinary action the Commission may initiate disciplinary proceedings against the accused officer as provided in section 88 (4) of the National Police Service Act.

(11) Where an officer commits a criminal offence, the Inspector-General or authorised officer shall interdict the officer in accordance with the provisions of these Regulations and the Service Standing Orders and shall immediately inform the Commission of the interdiction.

Interdiction

14. (1) An officer under investigation, may be interdicted by the Inspector-General or an authorized officer to facilitate investigations.

(2) An interdiction of an officer shall not mean removal from office.

(3) An interdicted officer shall continue to be subject to all laws, Regulations, Service Standing Orders and Guidelines relating to the Service.

(4) An officer under investigation may, depending on the nature of the case, be interdicted pending the investigation.

(5) Where the officer is interdicted, the officer shall surrender his or her Certificate of Appointment to the supervisor.

(6) Despite any provision in this regulation, the officer's appointment shall not cease only because of such interdiction or suspension.

(7) While an officer is interdicted or suspended, the officer's powers, privileges and benefits shall be suspended, but the officer shall continue to be subject to the discipline and penalties provided under the National Police Service Act, 2011, as if the officer had not been interdicted or suspended.

(8) An officer who has been interdicted from duty will be entitled to half salary as well as to remain in the accommodation as provided to the officer.

(9) Notwithstanding paragraph (8), during an officer's interdiction or suspension as the case may be, the officer may be required to proceed to his permanent residence and to report to the local police station or post as prescribed in the Service Standing Orders.

Retirement on grounds of public interest.

15. (1) If the Inspector-General after having considered the report made with regard to an officer, and is of the opinion that the matter cannot suitably be dealt with under any provision in these Regulations or the Service Standing Orders, the Inspector-General shall the officer in writing specifying the complaints by reason of which the officer's retirement is in the public interest.

(2) The notice issued under paragraph (1) shall be issued to the officer together with the any report or part of a report containing any matter against the officer.

(3) If after giving the officer an opportunity to show cause why the officer should not be retired in the public interest and the Inspector-General is satisfied that the officer should retire in the interest of the public, the Inspector-General shall forward to the Commission the report on the case including comments from —

(a) the officer;

(b) the Deputy Inspector-General or Director of the Directorate of Criminal Investigation;

(c) the Inspector-General, and the Commission shall make a final determination whether the officer should be retired in the interest of the public.

Review and confirmation and by

16. (1) A disciplinary action taken by the Inspector-General or authorised officer shall be subject to review by the Commission in accordance with these Regulations.

(2) If on reviewing a disciplinary action taken by the Inspector-General or an authorised officer, the Commission finds that disciplinary measure taken is not proportionate to the disciplinary offence, the Commission shall make recommendations to the Inspector-General on the required corrective action to be taken.

(3) The disciplinary proceedings shall be performed in accordance with these regulations and the Service Standing Orders, and any officer who fails to adhere to these procedures shall attract disciplinary proceedings against the authorised officer.

(4) In reviewing a disciplinary measure taken against an officer, the Commission may review the process and outcome of an investigation and the recommended punishment, in order to confirm that the disciplinary action meted on an officer was commensurate to the offence committed.

Hearing during Disciplinary proceedings.

17. (1) Disciplinary proceeding shall be conducted in accordance with these Regulations and the Service Standing Orders and any guidelines issues by the Commission from time to time.

(2) Where an offence against discipline is committed by an officer, the officer's supervisor may take immediate corrective action, where necessary, pending the commencement of disciplinary process.

(3) In all disciplinary proceedings, the accused officer shall be notified of the offence he is charged of and shall be given at least three calendar days within which to show cause why disciplinary action should not be taken against him or her.

(4) Where a disciplinary hearing is scheduled, an officer accused of a disciplinary offence shall be given at least twenty-four hours' notice before the date of the hearing.

(5) In exceptional circumstances, the notice under paragraph (4) may be waived and the hearing held in accordance with the Service Standing Orders.

(6) Where paragraph (5) is invoked, the presiding officer shall be required to make a written statement stating the reasons for the waiver.

(7) The officer who is the subject of the hearing may, where applicable, call witnesses or other evidence on his or her behalf, at the officer's cost.

(8) The disciplinary hearing before the Disciplinary Committee shall be conducted expeditiously and without undue delay or technicalities and any delay in the disposal of the proceedings beyond twenty-eight days shall be reported to the Commission stating the reasons for the delay.

(9) The recommendations of the National Disciplinary Committee shall be forwarded to the Commission for confirmation and approval and the Commission shall within seven days upon receipt of the recommendations communicate to the Inspector-General the disciplinary action to be taken against the officer.

(10) The Inspector-General shall take the disciplinary action within three days of receipt of the communication from the Commission.

(11) The recommendations of the Subordinate Disciplinary Committee shall be forwarded to the Inspector-General or authorized officer as prescribed in the Service Standing Orders, for confirmation and approval.

(12) The Inspector-General or authorised officer shall thereafter communicate or implement, where application the disciplinary action to be taken on the officer, taking into consideration regulation 10 of these Regulations.

Action by Commission on review.

18. (1) The Commission shall establish whether the correct procedures as prescribed in these Regulations, the Service Standing Orders and the Guidelines have been followed and whether correct disciplinary measures have been taken.

(2) Upon review of a decision or action by the Commission, the Commission may-

(a) uphold the decision,

(b) set aside the decision;

(c) vary the directions as it considers to be just;

(d) make any decisions for refund, reinstatement of remuneration or release of withheld payment due to an officer as it considers to be just;

(e) direct that disciplinary action to be taken against any authorised officer or other persons within the Service who has failed to discharge a duty in which he or she was under obligation to discharge, in relation to the disciplinary case; or

(f) make any other appropriate decision in view of the circumstances of the case.

Record of disciplinary cases generally.

19. (1) The Commission shall keep records, and include in its annual report, the number of members of the police service who have been subjected to the disciplinary process, the offences committed, the disciplinary action taken, appeals and number of successful appeals.

(2) The record referred to in subsection (1), shall include-

(a) the outcome of all reviews and appeals of cases by the Commission and the Service, including where the officer is not found guilty;

(b) information relating to misconduct which the officer is accused of;

(c) the disciplinary action taken; and

(d) the outcome of the review by the Commission or the Service, where applicable, the outcome of the appeal.

Power of review by the Commission of its decisions.

20. (1) Where disciplinary hearing has been conducted before the Commission, the person aggrieved by the decision of the Commission may apply to the Commission to review that decision.

(2) Where the Commission has confirmed or determined action to be taken against an officer following recommendations of the disciplinary board, an officer aggrieved by the decision of the Commission may apply to the Commission to review that decision.

(3) An application for review shall be in writing and be made within seven days, of the decision.

(4) An application for review to the Commission shall be on any of the following grounds-

(a) an error on the face of the record; or

(b) a new and important matter that was not considered by the Commission's disciplinary panel in the conduct of the officer's proceedings.

(5) The Commission may, where applicable, deal with a review by way of written submissions between the officer and the Commission or through oral hearing or both by way of written submissions and oral hearing.

(6) Where the application for review is to the Commission and the matter is to be handled through a hearing-

(a) the Commission shall constitute a panel to hear the case;

(b) the composition shall depend on the gravity of the case and the rank of the officer involved and shall be comprised of members including-

(i) a Commissioner who shall be the chairperson of the panel:

(ii) an officer from the same Service as the officer applying for review, designated by the Inspector-General in consultation with the respective Deputy Inspector or Director of the Directorate of Criminal Investigations, as the case may be;

(iii) a human resource officer from the Service of the concerned officer; and

(iv) any other officer who possesses the knowledge and skills that are found necessary by the panel;

(c) the panel shall consider the application for review within twenty one days of receipt of the application and shall make recommendations to the Commission for the Commission's consideration and final decision; and

(d) the decision and reasons for the decision shall be submitted to the officer by the Commission, through the Inspector-General within fourteen days of the receipt of the panel's recommendations.

Appeals.

21. (1) Where a disciplinary hearing has been conducted by an authorized officer or disciplinary board, the officer aggrieved by the decision of the authorized officer may appeal to the designated appellate authority.

(2) Any further appeal shall lie with the Commission.

Procedure for appeal.

22. (1) An appeal to the Commission or to the designated appellate authority within the Service, as the case may be, shall be in writing and shall be made within thirty days of the decision appealed against.

(2) An officer who appeals to the Service designated appeal authorities shall submit a copy of the appeal to the Inspector-General and to the concerned Deputy Inspector-General of the Officer's Service and to the Commission for information purposes.

(3) The Commission or the designated appellate body may, in accordance with the Service Standing Orders, accept an appeal out of time where there is a compelling reason to do so or in the interest of justice, and the officer shall in writing state the reasons justifying the appeal out of time.

(4) The Commission or the designated appellate body as per the Service Standing Orders or the Commission, as the case may be, may deal with an appeal by way of written submissions by the parties or through oral hearing or both.

(5) Where an appeal is to the Commission and the matter is to be handled through a hearing —

(a) the Commission shall establish a panel to hear the case;

(b) the composition shall depend on the rank of the person involved and shall be comprised of-

(i) a Commissioner to chair the panel;

(ii) an officer from the same Service as the officer appealing, designated by the Inspector-General in consultation with the respective Deputy Inspector-General or Director of the Directorate of Criminal Investigations, as the case may be;

(iii) a human resource officer from the Service of the concerned officer; and

(iv) any other officer who possesses the knowledge and skills deemed necessary by the panel;

(c) the panel shall consider the matter within twenty one days and shall make recommendations to the Commission for the Commission's consideration and final decision; and

(d) the decision and reasons for the decision shall be given to the officer by the Commission, through the Inspector-General within fourteen days' of the receipt of the recommendation of the panel.

Report of the panel.

23. (1) The appeals panel shall deliver its report to the Commission within seven days of the conclusion of the hearing and may, in respect of a decision appealed against recommend to-

(a) uphold the decision;

(b) set aside the decision;

(c) vary the decision as it considers to be just;

(d) make such directions as it may considers appropriate, with respect to the decision;

(e) make any decision for refund, reinstatement of remuneration or release of withheld payment due to an officer as it considers to be just;

(f) direct that disciplinary action be taken against any authorizing officer or other person within the Service who has failed to discharge a duty that was under obligation to discharge in relation to the disciplinary case; or

(g) make any other appropriate decision in view of the circumstances of the case.

(2) An appellant who is dissatisfied with the decision of the commission may petition the commission for review, if there is new information that warrants such review by the Commission.

(3) The Commission may issue guidelines for the better carrying out of disciplinary processes and proceedings.

Made on the 7th May, 2015.

JOHNSTON KAVULUDI,
Chairperson,
National Police Service Commission.