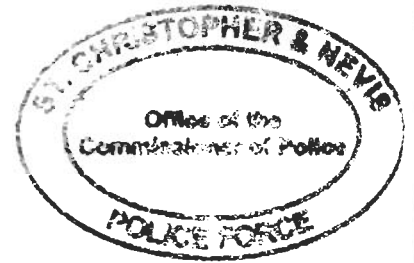


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I assent,

CUTHBERT M SEBASTIAN

Governor-General.

25th June, 2003.

SAINT CHRISTOPHER AND NEVIS

No. 6 of 2003

AN ACT to provide for the restructuring of the Police Force in order to make the Police Force more independent and professional; to provide for civilian posts in the Police Force; to amend and consolidate the Police Act, Chapter 181; and to provide for related or incidental matters.

BE IT ENACTED by the Queen's Most Excellent Majesty by and with the advice and consent of the National Assembly of Saint Christopher and Nevis, and by the authority of the same as follows:—

PART I—PRELIMINARY

1. This Act may be cited as the Police Act, 2003. Short title.
2. In this Act, unless the context otherwise requires, Interpretation.
 - “Association” means the Police Welfare Association established by section 72 of this Act;
 - “Caricom country” means a country that is a member of the Caribbean Community;
 - “Caribbean Community” means the Caribbean Community established by the Treaty establishing the Caribbean Community, which was signed at Trinidad and Tobago on the 4th July 1973 and to which Barbados is a party;
 - “Chief of Police” means the Commissioner of Police appointed under section 11 of this Act;
 - “Commission” means the Police Service Commission established by section 84 of the Constitution;
 - “constable” means a police officer below the rank of corporal;
 - “Division” means a police division of Saint Christopher and Nevis as provided in section 3. (3);

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“Gazetted Police Officer” means the Commissioner of Police, Deputy Commissioner of Police, Assistant Commissioner of Police, Superintendent of Police, Assistant Superintendent of Police, and Inspector of Police;

“Inspector of police” means an Inspector of police appointed under section 12 of this Act;

Cap 220.

“Medical Board” means the Medical Board established under the Medical Act;

“Minister” means the Minister responsible for National Security;

“Police Force” means the Royal Saint Christopher and Nevis Police Force as established by the Constitution and this Act;

“police officer” means a Gazetted police officer, subordinate police officer, constable and special constable;

“Public Service Commission” means the Public Service Commission established by section 77 of the Constitution;

“subordinate police officer” means a station sergeant, sergeant, corporal.

**PART II - THE ROYAL SAINT CHRISTOPHER
AND NEVIS POLICE FORCE**

Continuance of
Police Force in
existence prior to
the coming into
force of this Act.

3. (1) Notwithstanding the repeal of the Police Act, Chapter 181, the Police Force in existence immediately before the coming into force of this Act and styled the Saint Christopher and Nevis Royal Police Force shall continue in existence, except that its composition shall be as spelt out in subsection (2), and (3) of this section.

(2) The Police Force shall be composed of the Chief of Police, the Deputy Chief of Police, Assistant Commissioner of Police, such number of Superintendents, Assistant Superintendents, Inspectors, and Subordinate Police Officers, Constables and Special Constables as the National Assembly may, from time to time, approve.

(3) The Chief of Police shall hold the rank of Commissioner of Police and the Deputy Chief of Police shall hold the rank of Deputy Commissioner of Police.

(4) The Police Force shall, for purposes of administration, be divided into two divisions, constituted and established as follows:

- (a) Saint Christopher Division in Saint Christopher; and
- (b) Nevis Division in Nevis.

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4. (1) For purposes of section 3 of this Act, a Police Officer for the time being serving in the Police Force referred to in section 3. (1) of this Act shall continue to be a member of the Police Force referred to in this Act, and shall have and enjoy all rights, powers, authorities, privileges and immunities conferred on a member of the Police Force under this Act.

Status of members
of previous Police
Force.

(2) A person referred to in subsection (1) shall be deemed to be employed under the provisions of this Act without any break in his service as a Police Officer for the residue of what would have been his term of appointment in the Police Force referred to in subsection (1) of section 3.

5. (1) The Police Force shall be responsible for the prevention and detection of crime, and the maintenance of law and order.

Duties of the
Police Force.

(2) Notwithstanding the generality of subsection (1), a member of the Police Force shall, in particular,

- (a) preserve the peace, prevent and detect crimes, and other infractions of the law;
- (b) apprehend and bring before a court any person found committing any offence rendering him liable to arrest without a warrant, or whom he may reasonably suspect of having committed an offence;
- (c) apprehend any person found smuggling any goods contrary to any revenue law, or found committing an offence under such law;
- (d) seize any goods liable to seizure for contravention of the revenue law, and otherwise assist in the detection of the offences referred to in paragraph (c) and this paragraph, and give such assistance as may be necessary to officers in revenue departments;
- (e) stop, search and detain a vessel, boat, motor vehicle, cart or carriage, in or on which there is reason to suspect that anything stolen, unlawfully obtained, or smuggled may be found;
- (f) stop, search and detain a person who may be reasonably suspected of having on his person or conveying in any manner anything stolen, unlawfully obtained, or smuggled;
- (g) summon any person accused of an offence to appear before a court of law;
- (h) prosecute any person found committing an offence, or he reasonably suspects of having committed an offence;

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- (i) serve and execute at any time all process in any criminal matter which any court or justice of the peace may direct him to serve or execute;
 - (j) keep order in and within the precincts and in the vicinity of any court during any sitting of the court;
 - (k) repress any internal disturbance;
 - (l) defend Saint Christopher and Nevis against external aggression when called out for such purpose under the provisions of section 9 of this Act; and
 - (m) generally do and perform the duties appertaining to the office of a constable.
- (3) The Minister may issue arms and ammunition to the Police Force, and to any member of the Police Force to carry and use the same in the performance of its or his duties, as the case may be.

Powers of the
Police Force

6. (1) A police officer may, without a warrant, arrest a person
- (a) he reasonably suspects of having committed an offence;
 - (b) alleged to have committed aggravated assault in any case in which the police officer reasonably believes that the assault has been committed although not in his presence, and that by reason of the recent commission of the offence a warrant could not have been obtained for the apprehension of the offender;
 - (c) who commits a breach of the peace in the presence of the police officer;
 - (d) who obstructs a police officer while executing his or her duty;
 - (e) who has escaped or attempts to escape from lawful custody;
 - (f) in whose possession anything that may reasonably be suspected to be stolen property is found or who may reasonably be suspected of having committed an offence with reference to that property;
 - (g) who, without giving satisfactory account of himself or herself, the police officer finds lying or loitering in any highway, yard, or other place between the hours of eight o'clock in the evening and five o'clock in the morning;
 - (h) whom he or she finds in any highway, yard, or other place between the hours of eight o'clock in the

evening and five o'clock in the morning and whom the police officer suspects upon reasonable grounds of having committed or being about to commit a felony:

- (i) found between the hours of eight o'clock in the evening and five o'clock in the morning having in his or her possession, without lawful excuse, any house breaking implement;
- (j) for whom the police officer has reasonable cause to believe that a warrant of arrest has been issued.

7. A police officer shall have all such rights, powers, authorities, privileges and immunities and be liable to such duties and responsibilities, as any constable duly appointed has or is subject to either at common law or by virtue of any enactment.

Every Police Officer to be a constable.

8. Where, in any law, powers are conferred upon police officers of a certain rank, such powers may be exercised by police officers of a higher rank.

General Powers of Police Officers.

9. (1) The Police Force shall also be employed for the defence of Saint Christopher and Nevis against external aggression.

Employment of Police Force to repel external aggression etc

(2) Whenever the Defence Force of Saint Christopher and Nevis is called out for actual service by any proclamation of the Governor-General, made in that behalf under the powers contained in the Defence Forces Act, 1997, the Police Force shall be held to be similarly called out for actual service by the proclamation.

Act No 10 of 1997.

(3) The period of actual service shall terminate in like manner as the period of actual service of the Defence Force.

(4) The Governor-General may, acting on the advice of Cabinet and during the continuance of actual service conditions, make any regulations in that behalf, or may suspend for the like period the provisions of any section of this Act.

PART III – COMMAND, APPOINTMENTS, ENLISTMENTS, RETIREMENT, ETC

Command of Police Force

10. (1) The Chief of Police shall have the command and superintendence of the Police Force, and shall be responsible to the Minister for the efficient management, administration and good government of the Police Force.

Command of Police Force

(2) In the absence of the Chief of Police, the Deputy Chief of Police shall exercise the powers and discharge the duties of the Chief of Police.

Appointments and Enlistments

Chief of Police
and Deputy Chief
of Police etc

11. (1) The Chief of Police, Deputy Chief of Police and Assistant Commissioner of Police shall be appointed by the Governor-General, acting in accordance with the recommendations of the Commission, except that the Commission shall not make any recommendation relating to the appointment of the Chief of Police and Deputy Chief of Police before it has consulted the Prime Minister.

(2) If the Prime Minister signifies his objection to the appointment of any person to hold the office of Chief of Police and Deputy Chief of Police, the Commission shall not recommend to the Governor-General to appoint that person.

Superintendents
etc.

12. Any appointment to the Police Force of a person to the rank of Superintendent, Assistant Superintendent, and Inspector shall be made by the Governor-General, acting in accordance with the recommendation of the Commission.

Subordinate
police officers etc.

13. (1) Any appointment to the Police Force of a person to the rank of station sergeant, sergeant, corporal, constable and special constable shall be made by the Governor-General, acting in accordance with the recommendations of the Commission.

(2) The Governor-General, acting in accordance with the recommendation of the Commission, may, by directions in writing and subject to such conditions as he thinks fit, delegate the powers conferred upon him by subsection (1) to

- (a) one or more members of the Commission;
- (b) the Chief of Police; or
- (c) any other officer of the Police Force;

except that the Governor-General shall not delegate to a person referred to in paragraphs (a) and (c) the power referred to in this subsection without the consent of the Prime Minister.

Appointments on
contract.

14. Where it becomes necessary to recruit a candidate from a State or country outside Saint Christopher and Nevis, or where it is desirable to fill a vacancy for a limited period, the Commission may recommend that the appointment be made on contract for a specified period, and any candidate recommended by the Commission for appointment shall be required to enter into an appropriate contract and to satisfy the Commission that he is likely to give regular and effective service for the duration of the contract.

Acting and
temporary
appointments.

15. (1) Where an acting appointment falls to be made otherwise than as a prelude to a substantive appointment, the Commission may, as a general rule, recommend the most senior officer in the Police Force

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eligible for that acting appointment, and the person recommended shall be required to assume and discharge the duties and responsibilities of the rank to which he is appointed to act.

(2) Where an acting appointment falls to be made as a prelude to a substantive appointment, the Commission shall, as a general rule, follow the procedures and principles applicable to selection for promotion as provided by section 16 of this Act.

(3) Without prejudice to the provisions of section 17, the Commission may recommend that temporary appointments be made whenever the Commission is satisfied that, by reason of shortage of qualified candidates, the appointment of a candidate in a temporary capacity is justified by the needs of the Police Force and that the candidate undertakes to do all he can to become qualified within a reasonable time.

16. Promotion of a police officer, from one rank to another, from the rank of special constable to that of sergeant shall be made in accordance with the regulations made under section 89 of this Act, and notwithstanding the generality of the foregoing such regulations may provide for

Promotions for
Non-Gazetted
police officers.

- (a) qualifications for promotion;
- (b) principles of selection for promotion; and
- (c) temporary promotion.

17. (1) No person shall be appointed to the Police Force unless that person

Qualification for
appointment to
the Police Force.

- (a) has attained the age of eighteen years and has not reached the age of thirty-five years, except that a person who has attained the age of thirty-five years may, with the approval of the Governor-General, be appointed;
- (b) is, according to the standards fixed by the Governor-General, from time to time, of the required height and chest measurement;
- (c) passes a medical examination;
- (d) produces satisfactory proof of his or her good character; and
- (e) has the required educational qualifications.

(2) For purposes of subsection (1)(e), regulations may be made under the provisions of section 89 prescribing qualifications in respect of candidates for first appointment to the Police Force.

18. An application for a post in the Police Force shall be submitted to the Police Force Personnel Officer who shall forward the application to

Application for
posts in the
Police Force

the Commission in accordance with the procedure prescribed by the Governor-General by regulations.

Probationary
period for
Gazetted Police
officers.

19. (1) subject to the provisions of this section, a Gazetted Police Officer shall, after his appointment, be on probation for a period of two years.

(2) Notwithstanding subsection (1), the Governor-General may, acting in accordance with the recommendations of the Commission,

- (a) reduce the probationary period where a police officer performs creditably well; or
- (b) extend the probationary period for a period not exceeding six months.

(3) If, during the probationary period or during the extension of the probationary period, it is found that the police officer,

- (a) due to physical or mental unfitness is unable to perform the duties of his office: or
- (b) is not likely to become an efficient or well-conducted police officer:

then his services may be dispensed with by the Governor-General, acting in accordance with the recommendations of the Commission, except that the officer shall be given a hearing before his services are dispensed with.

(4) If, at the end of the probationary period or extension of the probationary period, the services of the police officer are not dispensed with, the officer shall be confirmed in his or her appointment.

Probationary
period for
subordinate
officers etc.

20. (1) A subordinate police officer, constable, and special constable shall, after his or her appointment, be on probation for a period of two years.

(2) Notwithstanding the provisions of subsection (1), the Commission may recommend that

- (a) the period of probation be reduced to a period of not less than one year if the police officer served in the Police Force for a period of not less than two years on a previous occasion;
- (b) the period of probation be dispensed with if, with the written consent of the Chief Officer of Police of another Police Force in the West Indies, the police officer has been transferred from that Police Force after having completed the required period of probation;
- (c) the probationary period be extended for a period not exceeding six months, where it is necessary to do so.

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(3) If, during the probationary period or during the extension of the probationary period, it is found that the subordinate police officer, constable or special constable,

- (a) due to physical or mental unfitness is unable to perform the duties of his or her office; or
- (b) is not likely to become an efficient or well-conducted police-officer;

then his or her services may be dispensed with by the Chief of Police, acting in accordance with the recommendations of the Commission, except that the officer shall be given a hearing before his or her services are dispensed with.

(4) If, at the end of the probationary period or extension of the probationary period, the services of the officer are not dispensed with, he or she shall be confirmed in his or her appointment.

21. (1) A person shall, on first appointment to the Police Force, take and subscribe to the oath specified in the First Schedule to this Act.

Oath.
First Schedule.

(2) The oath referred to in subsection (1) of this section, shall be administered by a Magistrate or justice of the peace.

22. (1) A subordinate police officer, constable, or special constable shall not, during the period of his or her probation, withdraw or resign from the Police Force unless the officer obtains written permission of the Governor-General.

Withdrawal or
resignation from
the Police Force.

(2) A police officer whose appointment is confirmed shall not withdraw or resign from the Police Force, unless a period of one calendar month has expired from the time he or she gives notice in writing of his or her intention to withdraw or resign from the Police Force.

- (3) The notice referred to in subsection (2) shall,
 - (a) in case of a Gazetted Police Officer, be given to the Governor-General; and
 - (b) in case of a subordinate police officer, constable and special constable, be given to the Commission:

except that the Governor-General or the Commission, as the case may be, may waive the requirement of notice if it is deemed necessary to do so.

(4) Notwithstanding any regulation respecting the non-forfeiture of leave, a police officer who fails, without reasonable cause, to comply with subsection (3) may forfeit all leave, benefits and privileges accruing to him or her in respect of leave.

(5) A police officer shall not withdraw his or her notice of resignation or withdrawal from the police Force before the resignation

becomes effective, except that the Governor-General, acting in accordance with the recommendation of the Commission, accepts a withdrawal of the notice if the withdrawal is tendered in writing at any time before the effective date of the resignation.

(6) A police officer who is absent from duty without leave for a period of two weeks may be declared by the Governor-General, acting in accordance with the recommendation of the Commission, to have resigned his or her office and his or her office shall thereafter become vacant and the police officer shall cease to be a police officer.

Inefficiency, and Retirement from the Police Force

Reduction in rank.

23. (1) Acting in accordance with the recommendations of the Commission, the Governor-General may, for inefficiency, reduce any Gazetted Police Officer to a lower rank, except that before the Commission recommends to the Governor-General to reduce the Chief of Police, and Deputy Chief of Police to a lower rank it shall first consult the Prime Minister.

(2) Acting in accordance with the recommendations of the Commission, the Chief of Police may, for inefficiency, reduce a subordinate police officer to a lower rank.

Retirement from the Police Force on attaining fifty years of age etc.

24. A subordinate police officer, constable, and special constable,
- (a) may be required to retire from the Police Force on attaining fifty years; and
 - (b) shall retire from the Police Force on attaining fifty-five years.

Termination of appointment of police officer.

25. (1) Acting in accordance with the recommendations of the Commission, and subject to the provisions of this section, the Governor-General may, if he or she considers that it is desirable in the best interest of the Police Force that the services of a Gazetted Police Officer, be terminated, he or she may require the officer to retire from the Police Force.

(2) The Governor-General shall, in requiring any police officer referred to in subsection (1) to retire, take into account the conditions of the Police Force, the usefulness of the officer to the Police Force and such other circumstances as may be relevant to the case before terminating the services of the officer.

- (3) For purposes of subsection (2) the Governor-General shall
- (a) call for a full report from the Chief of Police; and
 - (b) give the officer an opportunity to submit a reply to the complaint by reason of which his or her retirement is contemplated; and

if, after considering the report and the reply of the officer, and having taken into account the provisions of subsection (2), he or she is satisfied that the officer should be retired from the Police Force, the officer shall accordingly retire from the Police Force.

(4) Where the officer is retired from the Police Force in accordance with the provisions of this section the question of pension shall be dealt with in accordance with the provisions of subsection (2) of section 47 of this Act.

(5) This section shall not apply to the Chief of Police, Deputy Chief of Police, and Assistant Commissioner of Police.

(6) Notwithstanding subsection (1), the services of a police officer may be terminated for any of the following reasons, that is to say,

- (a) in case of a police officer holding a permanent appointment,
 - (i) on dismissal or removal in consequence of disciplinary proceedings;
 - (ii) on compulsory retirement;
 - (iii) on voluntary retirement;
 - (iv) on retirement for medical reasons;
 - (v) on being retired in public interest;
 - (vi) on resignation without benefits payable under any enactment providing for the grant of pension, gratuities or compensation;
 - (vii) on the abolition of the office;
 - (viii) on redundancy;
 - (ix) for irregularity of attendance;
- (b) in case of a police officer holding a temporary appointment,
 - (i) on the expiry or other termination of the appointment for a specified period;
 - (ii) where the office itself is of a temporary nature and is no longer necessary;
 - (iii) on the termination of appointment where the police officer is on probation;
 - (iv) on dismissal or removal in consequence of disciplinary proceedings;
 - (v) ill-health;

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- (c) where the police officer is on contract, then his or her services shall be terminated in accordance with the terms of the contract.

Medical
examination.

26. The Chief of Police may require a subordinate police officer, constable, or special constable to submit to medical examination by the Medical Board where he or she considers the officer to be incapacitated from further performance of his or her duties.

Discharge on
medical grounds.

27. The Governor-General may, acting in accordance with the recommendations of the Commission, discharge from the Police Force a subordinate police officer, constable, and special constable who is certified by the Medical Board to be incapacitated for further service by reason of infirmity of mind or body which is likely to be permanent.

Delegation of
powers by the
Commission

28. The Commission may, by Order and with the consent of the Prime Minister, confer powers or impose duties on any public officer or on any authority of the Government for the purpose of the exercise of its functions under this Act.

PART IV – ESTABLISHMENT OF CIVILIAN POSTS IN THE POLICE FORCE

Civilian Staff

29. (1) Subject to ~~the provisions~~ of this part, the Governor-General may, acting ~~in accordance~~ with the recommendations of the Public Service Commission, ~~establish~~ such civilian posts in the Police Force as he may deem necessary for the purposes of making the Police Force efficient and responsive to the needs of the country.

(2) Persons to hold ~~any~~ post established by virtue of subsection (1) shall be appointed ~~by the~~ Governor-General, acting in accordance with the ~~recommendations of~~ the Public Service Commission.

Police Force
Personnel Officer

30. (1) For the purposes of
- (a) providing full personnel service to the Police Force;
 - (b) developing ~~personnel~~ policies that shall assist the Police Force in ~~achieving~~ its operational objectives or goals; and
 - (c) ensuring fair ~~treatment~~ of applicants to the Police Force and ~~police officers~~;

there is established, within the Police Force, the post of Police Force Personnel Officer, which post shall be a civilian post.

(2) The Police Force Personnel Officer shall be appointed by the Governor-General acting in accordance with the recommendations of the Public Service Commission upon such terms and conditions as may be specified in his or her instrument of appointment.

(3) The duties of the Police Force Personnel Officer shall be the following. that is to say,

- (a) develop, from time to time, a manpower plan that shall assist the Police Force in achieving its operational objectives or goals;
- (b) maintain complete and up to date records of the Police Force;
- (c) promote transparency in horizontal transfers and to that effect develop a policy relating to transfers within the Police Force;
- (d) promote transparency in the filling of vacant positions at local, regional and international institutions;
- (e) maintain comprehensive and accurate personnel files relating to any serving and retired police officer;
- (f) develop and implement a recruitment policy and procedure for new entrants in the Police Force, which shall ensure that entrants are recruited on a consistent basis and on merit;
- (g) develop a standard offer of employment letter and contract of employment;
- (h) develop a promotion policy and procedure with clear criteria that applies to each grade, and to ensure that only suitably qualified candidates are considered for promotion;
- (i) identify training needs and make recommendations for providing the training needs through a combination of use of the Police Force Training School and off island courses, and, where appropriate, by conducting the training personally;
- (j) devise standard confirmation and promotion letters that detail the new post, reporting arrangements, changes to pay and benefits and other employment matters as may be appropriate;
- (k) devise a policy and procedure relating to unauthorised absence, lateness and sickness absence;
- (l) devise a policy and procedure relating to certification requirements;
- (m) constantly keep under review, and update the policy relating to discipline and disciplinary proceedings;

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- (n) develop a staff appraisal system; and
- (o) perform any other function as may be assigned to him or her by the Chief of Police acting in accordance with the recommendations of the Public service Commission.

Police Force
Telecommunications
Officer.

31. (1) For the purpose of providing secure and reliable telecommunications services, there is established, within the Police Force, the post of Police Force Telecommunications Officer, which post shall be a civilian post.

(2) The Police Force Telecommunications Officer shall be appointed by the Governor-General, acting in accordance with the recommendations of the Public Service Commission, upon such terms and conditions as may be specified in his or her instrument of appointment.

(3) The duties of the Police Force Telecommunications Officer shall be the following, that is to say:

- (a) manage the telecommunications department so as to ensure that secure and reliable telecommunications services are provided to the Police Force twenty-four hours a day;
- (b) supervise the technical staff employed in the department;
- (c) ensure that any telecommunications equipment that relate to police operations is programmed in a manner that provides secure communications;
- (d) ensure that all police telecommunications equipment is regularly serviced and maintained in good working order;
- (e) specify, estimate and justify either upgrades to existing systems or the acquisition of new equipment;
- (f) perform any other function that may be assigned to him or her by the Chief of Police, acting in accordance with the recommendations of the Public Service Commission.

Police Force
Finance Officer.

32. (1) For the purpose of providing and creating an efficient and properly accountable Police Force, there is established the post of Police Force Finance Officer, which post shall be a civilian post.

(2) The Police Force Finance Officer shall be appointed by the Governor-General, acting in accordance with the recommendations of the Public Service Commission, upon such terms and conditions as may be specified in his or her instrument of appointment.

(3) The duties of the Police Force Finance Officer shall be the following, that is to say:

- (a) develop a three year rolling Finance Plan for the Police Force;
- (b) prepare detailed annual budgets;
- (c) efficiently monitor and control any expenditure relating to the Police Force;
- (d) produce regular and accurate reports;
- (e) monitor suppliers of items to the Police Force and related activities to ensure proper accountability, and value of such items;
- (f) perform any other duty assigned by the Chief of Police.

PART V – CUSTODY OF PERSONS ARRESTED BY THE POLICE FORCE

33. (1) A police station shall be deemed to be a lock-up house for the temporary confinement of any person charged with an offence, and such person shall be received and detained in the lock-up according to law.

Police Station to be lock-up.

(2) A police station shall be provided with a secure place of confinement.

34. (1) Where any person is in custody of a police officer without a warrant issued by a Magistrate, the police officer may, subject to section 36 of this Act, take bail by recognizance for the appearance of the person before a court at a time and place to be specified.

Grant of bail to persons in custody without warrant.

(2) If the person granted bail in accordance with the provisions of subsection (1)

- (a) does not appear at the time and place specified in the recognizance; and
- (b) the court does not think fit to extend recognizance or having extended the recognizance the person fails to appear before the court;

the court may cause a record of the recognizance to be drawn up and to deal with the recognizance in accordance with the provisions of section 205 of the Magistrates Code of Procedure Act.

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35. (1) Where a person is arrested without a warrant after the hour of eight o'clock in the evening and before the hour of five o'clock in the morning that person shall be taken to a police station, and the police officer in charge of the station may grant that person bail by recognizance, with security, for the appearance of the person before a court at a time and place specified in the recognizance.

Grant of bail to persons arrested at night and kept in custody without warrant.

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(2) A person who is arrested in the manner specified in subsection (1) shall, on refusing or being unable to provide security, be brought before a court as soon as may be practicable after his or her arrest and be dealt with in accordance with the law, except that a person arrested for any of the offences specified in section 6 of the Criminal Procedure Act shall be brought before the court within the time prescribed by that section.

Bail not to be granted in capital offences

36. Nothing contained in sections 34 and 35 of this Act shall be construed as authorising any police officer to grant bail to any person charged with a capital offence.

Refusal of bail.

37. (1) A police officer may, on reasonable grounds or for good cause, refuse to grant bail to any person in his or her custody.

(2) Where the officer refuses to grant bail to a person in his or her custody as provided in sections 34 and 35 of this Act, the officer shall, when so requested by the person in his or her custody, as soon as may be practicable after the request is made, take or cause to be taken the person before a court which is conveniently near to have the person dealt with in accordance with the law.

Taking of measurements, photographs and finger prints of accused person.

38. (1) A Gazetted Police Officer or a police officer duly authorised by the **Chief of Police** may, for the purpose of identification, conduct a parade, ~~take and record~~ the measurements, photograph and finger print impressions of ~~a person~~

- (a) ~~suspected~~, from the nature or character of the offence ~~with which~~ the person is charged, to have been ~~previously~~ convicted or engaged in a crime;
- (b) ~~where the~~ measurements, photograph and finger print ~~impressions of that person~~ are required in the interest of justice.

(2) If a ~~person charged of an offence~~ refuses to submit himself or herself to the ~~taking of his or her~~ measurements, photograph and finger print impressions, he or she shall be taken to a court, and if the court is satisfied that the suspicion of the police officer is justified by the considerations specified in subsection (1) it may make such order with respect to the taking of the measurements, photograph and finger print impressions as it deems fit.

(3) Where any measurements, photograph and finger print impressions are taken of any person with no previous conviction and the person is discharged or acquitted by a court, any record relating to the measurement, photograph and finger print impressions shall be forthwith destroyed in the presence of a Gazetted Police Officer or handed over to the person.

39. Where a police officer lays an information or complaint against any person

Right of Police Officer to prosecute.

- (a) appearing before a Magistrate; or
- (b) alleged to have committed an offence and is arrested and brought before a Magistrate,

trying or inquiring into the matter of the information, complaint or charge, and the officer cannot continue with the case for any reason, another police officer may continue with the case in the same manner as the officer in whose name the information, complaint or charge was laid or made would have done.

PART VI – FINANCIAL PROVISIONS

Pay and Allowances

40. A police officer shall be paid such pay and allowances as the National Assembly may, from time to time, approve.

Pay and other allowances.

41. (1) The Governor-General may approve and direct the Accountant-General to make payment of any extraordinary expenses which appear to have been necessarily incurred in detecting and arresting offenders and executing the powers and duties imposed on police officers under this Act.

Payment of extra expenses.

(2) No payment referred to in subsection (1) shall be made unless the expenses are certified by the Chief of Police or an officer in charge of the Division in which the expenses were incurred.

42. (1) There shall be a Fund to be known as the Police Reward Fund, which Fund shall consist of fines and penalties imposed on a subordinate police officer or any other person by virtue of the provisions of this Act or by regulations made under this Act.

Reward Fund.

(2) The fines and penalties referred to in subsection (1) of this section shall be imposed by the Disciplinary Tribunal and thereafter be received by the Police Officer in charge of the Division who shall transmit the money to the Police Force Finance Officer.

(3) Upon receipt of the moneys referred to in subsection (2) the Police Force Finance Officer shall deposit the money on the Police Reward Fund Account.

43. (1) The moneys of the Reward Fund shall be used to pay for such rewards, and other purposes as the Minister may, from time to time, direct.

Purposes of the Fund.

(2) Where any enactment provides that any part or share of any seizure or forfeiture, or proceeds thereof may be awarded to any person as prosecutor, informer, or otherwise, and such part or share is

awarded to a subordinate police officer, constable or special constable, the officer awarded the part or share shall put to his own personal use and benefit the part or share awarded to him.

Investment of
moneys of Reward
Fund.

44. (1) The Chief of Police may, after consultation with the Financial Secretary, direct the Police Force Finance Officer to invest moneys of the Reward Fund in any loan or public security under any Act, or in any bank.

(2) Any interest that accrues on moneys invested in accordance with the provisions of subsection (1) shall be expended as provided in section 43 of this Act.

Pensions and Gratuities

Definition of
certain words.

45. For the purposes of this Sub-Part, the word “pay”, in relation to a police officer, includes his

- (a) salary;
- (b) personal allowance;
- (c) detective allowance;

“police officer” means a subordinate police officer, constable, and special constable.

Pensions to be
charged on
Consolidated
Fund.

46. There shall be charged on and paid out of the Consolidated Fund as provided in this Part such sums of money as may, from time to time, be granted by way of pension, gratuity, or other allowance in accordance with the provisions of this Part to a police officer who has been in the Police Force.

Circumstances in
which pension
may be granted.

47. (1) Subject to the provisions of subsection (2) and this Act, no pension shall be granted to a police officer who has not served twenty-five years in the Police Force or attained the age of fifty years, whichever is earlier, unless the Governor-General is satisfied that the officer, on the basis of the findings of the Medical Board, is incapacitated by some infirmity of mind or body for further service in the Police force and that the infirmity is likely to be permanent.

(2) Where the services of a police officer are terminated in accordance with the provisions of section 25 of this Act, and a pension, gratuity, or other allowance cannot be granted to him under the provisions of this Part, the Governor-General may, if he or she thinks fit, grant to the officer such pension, gratuity, or otherwise, as he or she thinks just and proper, except that the amount shall not exceed the amount that the officer would have been eligible to receive if he or she had retired from the Police Force on the findings of the Medical Board as provided in subsection (1).

Grant of gratuity

48. Subject to this Part, the Governor-General may grant to a police officer who has served in the Police Force for a period of ten years or

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more and gives three month's notice of his or her intention to resign. upon resignation, a gratuity computed at the rate of half a month's pay for each completed six months of service.

49. (1) Subject to this Part, the Governor-General may grant to a police officer who has served in the Force for a period of ten years or more, upon retirement, a pension computed at the rate of fifteen-sixtieths of his or her pay plus one-sixtieths in respect of each year of service in excess of ten years of service, except that the pension granted under this subsection shall not exceed two-thirds of the average pay of the police officer during the three years immediately preceding his or her retirement.

Grant of pensions.

(2) The Governor-General may, in addition to the gratuity granted under section 48 of this Act, grant to a police officer who has served in the Police Force for a period of fifteen years or more and gives three month's notice of his or her intention to resign, upon resignation, a pension computed at the rate of fifteen-sixtieths of his or her pay plus one-sixtieths in respect of each year of service in excess of ten years of service.

50. (1) For the purposes of computing the amount of gratuity and pension payable to a police officer. the following provisions shall apply. that is to say.

Pay to used in the computation of pensions. etc.

- (a) where the police officer has held the same rank for a period of three years immediately preceding the date of his or her retirement, then the full annual pay enjoyed by him or her at that date in respect of that rank shall be taken into account;
- (b) where the police officer has, at any time, during a period of three years immediately preceding the date of his or her retirement, been transferred from one rank to another but whose pay is not changed because of the transfers, then the full annual pay enjoyed by him or her at the date of retirement in respect of the rank then held by him or her shall be taken into account; and
- (c) in other cases, subject to the provisions of subsection (2), one-third of the aggregate pay enjoyed by the police officer in respect of his or her service immediately preceding the date of his or her retirement shall be taken into account.

(2) Where the one-third of the aggregate pay referred to in paragraph (c) of subsection (1)

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- (a) is less than the highest annual pay enjoyed by a police officer at the date of any transfer within a period of three years immediately preceding the date of his or her retirement, then the highest annual pay shall be taken into account; and
- (b) is less than the annual pay which would have been enjoyed by the police officer at the date of his or her retirement had he or she continued to hold any rank from which he or she was transferred at any time during a period of three years immediately preceding the date of his or her retirement and received all increments which, in the opinion of the Governor-General, would have been granted to him or her, then the annual pay which the police officer would have enjoyed shall be taken into account.

(3) For the purposes of computing pensions under subsection (2), a police officer shall be deemed to have been on duty on full pay throughout the period of three years immediately preceding the date of his or her retirement.

(4) Notwithstanding subsection (3), if the one-third aggregate of the pay referred to in subsection (2) is less than the pay which would have been enjoyed by the police officer at the date of his or her retirement had he or she continued to hold any rank from which he or she has been transferred at any time during a period of three years immediately preceding the date of his or her retirement, and received all increments which, in the opinion of the Governor-General, would have been granted to him or her, then the annual pay which the police officer would have enjoyed shall be taken into account.

Increase in pension in cases of retirement based on medical grounds.

51. A police officer who retires from the Police Force on the findings of the Medical Board as provided by section 47(1) of this Act, having served in the Police Force for a period of more than ten years but less than twenty years, may be granted a pension as if his or her service in the Police Force had been twenty years.

Grant of gratuity where period of service does not qualify for pension

52. The Governor-General may grant a gratuity to a police officer, who retires from the Police Force before completing a period of ten years in the Police Force, and the gratuity shall be computed at the rate of half a month's pay for each complete six months of service.

Retirement on account of injury, etc contracted in the discharge of duty

53. (1) This section shall apply to a police officer who has been in the service of the Police Force for a period of less than ten years and is holding a pensionable office in which he or she has been confirmed, and while in the service of the Police Force

- (a) gets permanently injured in the actual course of the discharge of his or her duty by any injury attributable to the nature of his or her work; or
- (b) contracts a disease in the actual course of his or her duty as a result of being exposed to the disease by the nature of his or her work;

not being an injury or disease wholly or mainly due to, or seriously aggravated by his or her own culpable negligence or misconduct.

(2) A police officer referred to in subsection (1) may, if his or her retirement is necessitated or materially accelerated by his or her injury and has been in the service of Police Force for less than ten years, be granted, in lieu of any gratuity under section 52 of this Act, a pension under section 49(1) of this Act as if the words “ten years or more, but less than fifteen years” appearing in that subsection were omitted from that subsection.

(3) In addition to the pension that may be granted under subsection (2), the police officer referred to in this section may, upon retirement, be granted an additional pension computed at the annual rate of the proportion of his or her actual pay at the date of his or her injury depending on the nature of the injury as specified in the Third Schedule to this Act, except that the amount may be reduced to such an extent as the Governor-General shall think reasonable where the injury is not the cause or sole cause of retirement.

(4) For the purpose of assessing the amount of additional pension referred to in subsection (3), a provisional award may, where there is doubt as to the degree of permanent impairment of the capacity of the police officer to contribute to his or her support, be granted to the officer until the degree of permanent impairment is determined.

(5) If a police officer referred to in this section is proceeding on a journey to or from the Federation approved by the Governor-General at the commencement or termination of his or her services in the Federation and during the course of the journey is permanently injured, then the officer shall, for the purposes of this section, be deemed to have been injured as provided by subsection (1) if the injury arises out of the damage of the vessel, aircraft, or vehicle as a result of circumstances arising out of a war in which Her Majesty is engaged.

(6) If a police officer referred to in this section, while travelling by air in pursuance of official instructions, is permanently injured and the injury is not wholly or mainly due to, or aggravated by his own culpable negligence or misconduct, the officer shall, for the purposes of this section be deemed to have been injured in the circumstances specified in subsection (1), except that the rates of pension prescribed in subsection (3) shall, respectively, be

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- (a) sixty four-hundred-and -eightieths;
- (b) one hundred -and -twenty four-hundred-eightieths;
- (c) one hundred-and-eighty four-hundred-and- eightieths;
and
- (d) two hundred and forty four-hundred-and -eightieths.

(7) Where the Governor-General is satisfied that damages have been or shall be recovered by the police officer in respect of an injury for which an additional pension may be granted under subsection (3) he or she may take into account the damages when granting the additional pension in such manner and to such extent as he or she thinks fit, and in doing so he or she may withhold or reduce the additional pension.

(8) For the purposes of subsection (7), the police officer shall be deemed to recover damages

- (a) whether they are paid
 - (i) in pursuance of a judgement or court order; or
 - (ii) by way of settlement or compromise of his or her claim; and
- (b) whether or not proceedings are instituted or not to enforce the claim.

(9) In this section, unless a contrary intention appears, references to

- (a) a police officer being injured; and
- (b) the date on which an injury is sustained;

shall, respectively, be construed as including references to the police officer contracting the disease as specified in subsection (1), and to the date on which the disease is contracted.

(10) A police officer referred to in subsection (1) shall not benefit from the provisions of the Workmen's Compensation Act.

Reduced pension
and gratuity

54. (1) A police officer who becomes eligible for pension under the provisions of this Part may, in accordance with the provisions of this section, opt to be paid, on his or her retirement, a reduced pension and gratuity in lieu of the pension provided for by this Part.

(2) The option referred to in subsection (1) shall be exercised by the police officer not later than the day immediately preceding the date of retirement of the police officer, except that the Governor-General may, if it appears to him or her to be equitable to do so, taking into account all the circumstances, allow the police officer to exercise the option at any time between the date of retirement and the date of award of the pension under this Part.

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(3) Where the police officer exercises the option referred to in this section, his or her decision shall be irrevocable after the date of his or her retirement.

(4) The date of the exercise of the option by the police officer shall be deemed to be the date of receipt of the police officer's written notification addressed to the Commissioner of Police.

(5) For the purposes of this section, reduced pension shall be pension equal to three-fourths of the amount of pension that would be payable under this Part including any allowance payable under section 53 of this Act.

(6) For the purposes of this section, reduced gratuity shall be gratuity equal to one-fourth of amount of pension that is payable under this Part including any allowance payable under section 53 of this Act multiplied by twelve and one-half.

55. (1) Subject to the provisions of section 51 of this Act, where a police officer who is not on probation or contract dies while in the service of the Police Force, the Governor-General may grant to his or her legal representative a gratuity of either an amount not exceeding his or her annual pay, earned pension gratuity or his commuted pension gratuity, if any, whichever is the greater.

Gratuity where
police officer dies
while in service
or after retirement.

(2) The Governor-General may, where a police officer to whom a gratuity or other allowance has been granted under this Part dies after his or her retirement from the Police Force and the sums paid to him at his death on account of any pension, gratuity, or other allowance in respect of his or her service in the Police Force are less than the amount of the annual pay enjoyed by him or her at the date of his or her retirement, grant to the legal personal representative of the police officer a gratuity equal to the deficiency.

(3) For purposes of subsection (1),

- (a) "annual pay" means the pay that would be taken for the purpose of computing any pension or gratuity to the police officer if he or she had retired from the Police Force at the date of his or her death on the findings of the Medical Board as provided in subsection (1) of section 46 of this Act;
- (b) "commuted pension gratuity" means the gratuity, if any, that may have been granted to the police officer under section 54 of this Act if he or she had retired from the Police Force at the date of his or her death on the findings of the Medical Board as provided in subsection (1) of section 47 of this Act.

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Gratuity for death due to injuries or disease while discharging duty.

56. (1) Where a police officer dies
- (a) while in actual discharge of his duty by some injury specifically attributable to the nature of his or her work;
 - (b) while in the service of the Police Force as a result of contracting a disease to which he or she is specifically exposed by the nature of his or her work:

not being an injury or disease wholly or mainly due to, or seriously aggravated by his own serious and culpable negligence or misconduct, the Governor-General may grant to the legal personal representative of the police officer gratuity specified in subsection (2).

(2) The amount of gratuity that may be granted under subsection (1) shall either be an amount not exceeding two years' pay of the police officer or a gratuity payable under section 55 of this Act, whichever is greater.

(3) Gratuity payable under this section shall only be paid if the death of the police officer occurs within seven years of the date of the injury or contracting the disease.

Pension to dependants where police officer dies due to injuries or disease while discharging duty.

57. (1) This section shall apply to a police officer who dies while in
- (a) actual discharge of his duty by some injury specifically attributable to the nature of his work; or
 - (b) the service of the Police Force as a result of contracting a disease to which he is specifically exposed by the nature of his work.

(2) Notwithstanding subsection (1), no grant shall be made under this section unless

- (a) the injury or disease was not wholly or mainly due to, or seriously aggravated by the police officer's own serious and culpable negligence or misconduct; and
- (b) the death of the police officer occurs within seven years of the date of the injury or contracting the disease.

(3) The Governor-General may, in addition to the grant made under section 55 or 56 of this Act, grant to the dependants of the police officer referred to in subsection (1), the pension prescribed in subsections (4) and (5).

(4) The Governor-General may, in addition to a grant made under section 55 or 56 of this Act to a police officer, grant to the legal personal representative of the police officer the following pension, that is to say, if the police officer

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- (a) leaves a widow, a pension to the widow while she remains unmarried, computed at a rate not exceeding ten sixtieths of the police officer's pay at the date of the injury;
 - (b) leaves a widow to whom a pension is granted under the preceding paragraph and a child or children, a pension in respect of each child, until the children attain eighteen years of age, of an amount not exceeding one-eighth of the pension prescribed under paragraph (a);
 - (c) leaves children without a widow or where no pension is granted to the widow, a pension in respect of each child, until the children attain the age of eighteen years, of double the amount prescribed under paragraph (b);
 - (d) leaves children and a widow to whom a pension is granted under paragraph (a) and the widow subsequently dies, a pension in respect of each child as from the date of the death of the widow, until the children attain eighteen years of age, of an amount double the amount prescribed under paragraph (b);
 - (e) leaves no widow or if no pension is granted to his widow and his mother is alive and was wholly dependent on him for support, a pension to the mother, of an amount that would have been granted to the widow;
 - (f) leaves no widow or mother, or if no pension is granted to the widow or mother and his father is alive and was wholly dependent on him for support, a pension to the father, while without adequate means of support, of an amount that would have been granted to the widow;
 - (g) leaves no children who may be eligible for pension under this subsection, and if any brother or sister were wholly or mainly dependent on him for support, a pension to the brother or sister, until the brother or sister attains eighteen years of age, of an amount not exceeding the pension that would be granted under paragraphs (b) and (c).
- (5) Notwithstanding the provisions of subsection (4), the Governor-General may.

- (a) if he or she is of the opinion that compassionate grounds exist, grant to any child of a deceased police officer, being a child who at the death of the police officer was wholly or mainly dependent on the officer for support and who had attained eighteen years, a pension for such period as the Governor-General may determine, of an amount not exceeding the pension that is prescribed under paragraph (b);
- (b) where a police officer leaves a child who was incapacitated at the time of the police officer's death and notwithstanding any pension that may have been granted under paragraph (b) or (c) of subsection (4), grant an additional pension to the incapacitated child after such child has attained eighteen years of age and as long as the incapacity continues, of an amount not exceeding one-half of the pension prescribed under paragraph (b) or (c) of subsection (4).

(6) In the case of a pension granted under paragraph (e) of subsection (4), if the mother is a widow at the time of the grant of the pension and subsequently re-marries the pension shall cease as from the date of the re-marriage, or if it appears to the Governor-General at any time that the mother is adequately provided with other means of support, the pension shall cease from such date as the Governor-General may determine.

(7) A pension granted to a female child under this section shall cease upon the marriage of such child under the age of eighteen years.

(8) No pension shall be payable under subsection (4) of this section at any time in respect of more than six children exclusive of incapacitated children.

(9) If a police officer referred to in this section is proceeding on a journey to or from the Federation approved by the Governor-General at the commencement or termination of his or her services in the Federation and during the course of the journey is permanently injured, then the police officer shall, for the purposes of this section, be deemed to have been injured as provided by subsection (1), except that the injury shall arise out of the damage of the vessel, aircraft, or vehicle due to circumstances arising out of a war in which Her Majesty is engaged.

(10) If a police officer referred to in this section, while travelling by air in pursuance of official instructions, is permanently injured and the injury is not wholly or mainly due to, or aggravated by his or her own

culpable negligence or misconduct, he or she shall, for the purposes of this section be deemed to have been injured in the circumstances specified in subsection (1), except that the rates of pension prescribed in subsection (4) shall be fifteen-sixtieths and one-sixth respectively.

(11) Where the Governor-General is satisfied that damages have been or shall be recovered by the police officer in respect of an injury for which an additional pension may be granted under subsection (9), he or she may take into account the damages when granting the additional pension in such manner and to such extent as he or she may think fit, and in doing so he or she may withhold or reduce the additional pension.

(12) For the purpose of subsection (11), the police officer shall be deemed to recover damages

- (a) whether they are paid
 - (i) in pursuance of a judgment or court order;
 - (ii) by way of settlement or compromise of his or her claim; and
- (b) whether or not proceedings are instituted to enforce the claim.

(13) For the purposes of this section,

- (a) “brother”, in relation to a person, includes a male child of his father or mother;
- (b) “child” includes
 - (i) a posthumous child.
 - (ii) a step child who, before the date of the injury or contracting of disease, was wholly or mainly dependent on the police officer for support.
 - (iii) a child born out of wedlock who, before the date of the injury or contracting of disease is wholly or mainly dependent on the police officer for support; or
 - (iv) an adopted child who is adopted in a manner recognised by law and is, before the injury or contracting of disease, wholly or mainly dependent on the police officer for support;
- (c) “incapacitated”, in relation to a child, means an inability to function normally by reason of physical or mental disability to such an extent that the child is unable to earn his or her own living; and a child who is too young to earn his or her living shall be treated as incapacitated if it appears that, by reason of

physical or mental disability, the child will be incapable of earning his or her own living when he or she attains the age at which he or she would otherwise be capable of doing so:

- (d) “mother”, in relation to a person, includes his or her stepmother and a female person whom he or she has been adopted:
- (e) “sister”, in relation to a person, includes a female child of his or her father or mother.

Pension to cease on conviction

58. (1) Subject to this section, if a police officer to whom a pension is granted under this Part is convicted of any offence before any court and is sentenced to death or imprisonment for a period exceeding twelve months with hard labour, then the pension payable to him or her shall forthwith cease.

(2) Where the police officer referred to in this section receives the Governor-General’s pardon in respect of the offence, the police officer’s pension shall forthwith be restored.

Suspension of pension on re-employment

59. Where a police officer to whom a pension is granted under this Part is subsequently appointed to any office in the Public Service or re-appointed into the Police Force, the payment of his or her pension shall be suspended during the period of his re-employment.

PART VII – DISCIPLINE AND OFFENCES

Disciplinary Control

Disciplinary control over Gazetted Police Officers.

60. (1) The power of disciplinary control over any Gazetted Police Officer shall, subject to the provisions of subsection (2), be exercised by the Governor-General, acting in accordance with the recommendation of the Commission.

(2) The manner and procedure to be followed in the exercise of the power of disciplinary control referred to in this section shall be prescribed by the Governor-General by regulations, acting in accordance with the recommendation of the Commission.

Disciplinary control over Subordinate Police Officers, etc

61. (1) The power of disciplinary control over a subordinate police officer, constable and special constable shall, subject to the provisions of subsection (2), be exercised by the Governor-General, acting in accordance with the recommendation of the Commission.

(2) Subject to this Act, the manner and procedure to be followed in the exercise of the power of the disciplinary control referred to in this section shall be prescribed by the Governor-General by regulations, acting in accordance with the recommendation of the Commission.

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62. The Governor-General may, acting in accordance with the recommendation of the Commission, by directions in writing and subject to such conditions as he or she thinks fit, delegate his or her powers under sections 60 and 61 of this Act to any one or more members of the Commission or, with the consent of the Prime Minister, to the Chief of Police or any other officer of the Police Force.

Delegation of disciplinary power by the Governor-General.

63. (1) A police officer shall conduct himself or herself in a manner becoming of a police officer, and in that connection shall observe, and comply with, the disciplinary regulations made under this Act.

Conduct and discipline.

(2) For the purposes of this section, the offences specified in sections 68, 69, 70 and 71 of this Act are offences against discipline in the Police Force.

(3) A police officer who commits a disciplinary offence or who contravenes any disciplinary regulations shall be proceeded against in accordance with the provisions of section 65 of this Act.

64. (1) Subject to subsection (3), the Commission may, when a complaint or charge is made against a subordinate police officer, constable and special constable for breach of disciplinary regulations, recommend to the Governor-General that a Gazetted Police Officer designated by the Chief of Police hear and determine the charge or complaint.

Hearing and determination of charges and complaints.

(2) The designated police officer referred to in subsection (1) shall, after hearing and determining a charge or complaint, report to the Commission his or her findings together with a recommendation that one or other of the following penalties be imposed, that is to say,

- (a) caution or reprimand;
- (b) suspension, deferment or stoppage of increment;
- (c) fine not exceeding two hundred dollars;
- (d) reduction in rank;
- (e) forfeiture of good conduct pay or badges, or of any benefit arising from service;
- (f) dismissal from the Police Force;
- (g) in the case of Special Constables and constables only, confinement to barracks for a period not exceeding twenty-eight days, and the confinement shall involve the performance of ordinary duty and parades as well as fatigue duties.

(3) Where a charge or complaint is made against a Station Sergeant or sergeant, the charge or complaint shall be heard and determined by the Chief of Police on the instructions of the

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Governor-General, acting in accordance with the recommendation of the Commission, and the Chief of Police may recommend any of the disciplinary penalties specified in paragraphs (a), (b), (c), (d), (e), and (f) of subsection (2).

Reduction and dismissal from the Police Force.

65. (1) The Governor-General may, where a member of the Police Force is convicted of a criminal offence or is found guilty for breach of any disciplinary regulations made under this Act, subject to subsection (2),

- (a) reduce the police officer to a lower rank; or
- (b) dismiss the police officer from the Police Force.

(2) In exercising the powers conferred upon him or her by subsection (1), the Governor-General shall act on the recommendation of the Commission, except that in the case of the Chief of Police and Deputy Chief of Police the Commission shall not make any recommendation to the Governor-General before it has consulted the Prime Minister.

(3) The reduction in rank or dismissal of a police officer referred to in subsection (1), if ordered, shall be in addition to the punishment imposed on conviction.

Suspension from duty pending determination of complaint etc.

66. (1) A police officer against whom a complaint or information for an offence triable in any court or against whom a charge is made for breach of any disciplinary regulation made under this Act may, pending the determination of the complaint, information or charge,

- (a) be suspended from duty, in which case he or she shall receive half pay;
- (b) if he or she is granted bail and not suspended, be either
 - (i) employed on full time duty, in which case he or she shall receive full pay; or
 - (ii) employed on part-time duty, in which case he or she shall receive a rate of pay determined by the Chief of Police that is not less than half pay.

(2) Where a police officer referred to in this section is acquitted of the complaint, information or obtains a decision that is in his or her favour on the charge, he or she shall be paid the pay that was withheld pending the determination of the complaint, information or charge, as the case may be.

(3) Where a police officer referred to in this section is convicted on the complaint, information or does not obtain a decision that is in his favour on the charge, he or she shall not be paid the pay that was withheld pending the determination of the complaint, information or charge, as the case may be.

(4) The provisions of subsection (1) shall not operate to deprive the police officer referred to in this section of any part of the house and lodging or the use of any free quarters to which he is entitled.

67. (1) A person who is aggrieved by the decision of the Governor-General made pursuant to the provisions of sections 60 or 61 of this Act may, within a period of twenty-eight days after the decision has been communicated to him or her, appeal to the Public Service Board of appeal against the decision.

Appeals.

(2) Upon an appeal being lodged with the Board pursuant to the provisions of this section, the Board may affirm or set aside the decision appealed against or may make any other decision that the authority or person from whom the appeal lies would have made.

Offences

68. (1) A police officer who

- (a) begins, raises, abets, or excites a mutiny;
- (b) causes or joins in any sedition or disturbance; or
- (c) having known of any mutiny, rebellion, or insurrection does not immediately report the matter to a Gazetted Police Officer or a Magistrate;

Mutinous or
seditious
conduct.

commits an offence and is liable, on summary conviction, to a fine not exceeding three years.

(2) A police officer who

- (a) being present at any assembly tending to riot, does not use his or her uttermost endeavour to suppress the tendency; or
- (b) strikes his or her superior or offers any violence against him or her;

commits an offence and is liable, on summary conviction, to a fine not exceeding seven hundred dollars or to imprisonment for a term not exceeding six months, with or without hard labour.

69. (1) Any person who

- (a) causes or attempts to cause, or does anything calculated to cause disaffection amongst members of the Police Force;
- (b) induces or attempts to induce, or does anything calculated to induce any member of the Police Force

Causing
disaffection
among members of
the Police Force.

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to withhold his or her services or to commit breaches of the peace; or

- (c) aids or incites any other person to assault or resist any member of the Police Force in the execution of his or her duty;

commits an offence and is liable, on summary conviction, to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding three months, and in case of a conviction on indictment, is liable to imprisonment for a term not exceeding two years, with or without hard labour.

(2) In this section the word “person” includes a person who is not a member of the Police Force.

Arrest of
offending police
officer.

70. A police officer who

- (a) commits any offence triable by any court may be arrested and dealt with according to law;
- (b) commits a breach of any disciplinary regulations made under this Act may, subject to the provisions of this Act be placed under open or closed arrest in accordance with the regulations on the order of a Gazetted Police Officer or such police officer as the Chief of Police may, in writing, authorise.

Harbouring,
inducing, etc.

71. (1) A person who knowingly harbours or permits a police officer to remain in his or her house while on duty, except in case of extreme urgency, commits an offence.

(2) A person who, knowingly and with intent to unduly influence, entertains, or either directly or indirectly sells or gives intoxicating liquor to a subordinate police officer, constable or special constable commits an offence.

(3) A person who, by threat or any offer, induces or endeavours to induce a subordinate police officer, constable or special constable to commit a breach of his or her duty or any part of his or her duty commits an offence.

(4) For purposes of subsection (3) of this section, the word “offer” means money, gift, spiritous liquors, or any other thing.

(5) On the hearing of any offence under this section, if the other facts constituting the offence are established, it shall not be necessary to prove guilty knowledge or intention, except that the onus of disproving it shall lie on the accused person.

(6) A person who commits an offence under the provisions of subsection (1), (2), or (3) shall, on summary conviction, be liable to a fine of four hundred dollars or to imprisonment for a term not exceeding four months or both.

PART VIII – MISCELLANEOUS PROVISIONS***Police Welfare Association***

72. (1) The Police Welfare Association established by the repealed Act and in existence immediately before the coming into force of this Act shall continue in operation for the purpose of enabling subordinate police officers, constables and special constables to consider and bring to the notice of the Chief of Police and the Governor-General matters affecting their general welfare.

Continuity of
Police Welfare
Association.

(2) The Association shall be constituted and operate as provided by rules made under section 73 of this Act.

(3) No representation shall be made by the Association in relation to any question of discipline, promotion, transfer, or leave unless some question of principle is involved.

(4) The Association shall be entirely independent of and unassociated with any body outside the Police Force.

73. The Governor-General may make rules for the constitution and governance of the Association and any matter appertaining to the Association, and until such rules are made the rules set out in the Second Schedule to this Act shall have effect in relation to the constitution, governance and other matters appertaining to the Association.

Police
Association Rules.
Third Schedule.

Prohibited Associations

74. (1) No member of the Police Force shall join a prohibited association.

Police Officers
not to join
prohibited
association

(2) A member of the Police Force who joins a prohibited association shall, on summary conviction, be liable to a fine not exceeding one thousand dollars, and in addition to that penalty he or she shall forthwith be dismissed from the Police Force.

(3) For the purposes of this section, "a prohibited association" means

- (a) any league, association, or body of persons, whether registered or not, that has as its objects or one of its objects the promotion of feelings of ill-will and hostility between different classes or races; or
- (b) any other association, society or club whose objects or object may be subversive of good discipline on part of any member of the Police Force and which the Chief of Police declares, with the approval of the Minister, to be a prohibited association.

Medical Treatment

Medical treatment
for Police
Officers.

75. (1) A member of the Police Force shall be entitled to hospital treatment, medical, dental and surgical attention at the expense of the Government.

(2) A member of the Police Force who is incapacitated for duty by his or her own misconduct may, by the order of the Governor-General, forfeit the whole or any part of his pay for the period during which he or she is incapacitated.

Improper use, and Return of Articles supplied to Members of the Police Force

Unauthorised
possession of
articles supplied
to the Police
Force.

76. A person who, without permission, has in his or her possession any article that is supplied at public expense to a member of the Police Force for the execution of police duties commits an offence and is liable, on summary conviction, to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding six months or both.

Personation of
police officer.

77. (1) A person, not being a police officer, who
- (a) without the permission of a Gazetted Officer wears, either in whole or part the dress of any police officer;
 - (b) assumes the name, designation, or description of any police officer;
 - (c) assumes any name or designation intended to resemble the name or designation of any police officer;
 - (d) pretends to be a police officer for the purpose of obtaining admission into any house or other place, or doing any act which he or she is not by law empowered to do;

commits an offence and shall be liable, on summary conviction, to a fine not exceeding six hundred dollars or to imprisonment for a term not exceeding six months or both.

(2) Nothing contained in subsection (1) shall be construed as preventing a person from wearing the dress of the police officer in the course of a stage play, concert, or circus performance.

Persons who
leave the Police
Force to deliver
articles supplied
to them.

78. A police officer who resigns, retires or is dismissed from the Police Force shall forthwith deliver any article that was supplied to him or her at public expense for the execution of his or her duties to a person appointed for that purpose by the Chief of Police.

Delivery of
articles supplied
to deceased
police officers

79. Where a police officer dies while still in the service of the Police Force, then his or her next of kin, executor, legal personal representative, or the person in whose house the death occurs and being in possession of any article that was supplied to the deceased police

officer, as the case may be, shall, after due notice is given to him or her by a Gazetted Police officer, deliver all the articles that were given to the deceased police officer for the execution of his or her duties to a police officer appointed for that purpose by the Chief of Police.

80. (1) A person who contravenes section 78 or 79 of this Act commits an offence and is liable on summary conviction to a fine not exceeding four hundred dollars or to imprisonment for a term not exceeding four months or both.

Offences for non-delivery of articles.

(2) The Magistrate may issue a warrant for the arrest of a person who contravenes section 78 or 79 of this Act, and for the search and seizure anywhere of any articles that is not delivered as required by those sections.

Police Officers not to be liable for irregular warrant

81. (1) Subject to the provisions of this section, where an action is brought against a police officer for any act done in accordance with a warrant issued by a Magistrate, the police officer against whom the action is brought shall not be held responsible for the irregularity of the warrant or for any want of jurisdiction on part of the Magistrate who issued the warrant.

Police officers not liable for irregularity of warrant.

(2) For the purposes of this section the police officer against whom the action is brought may plead the general issue of the warrant and submit the warrant in evidence.

(3) The court shall give judgment for the police officer against whom an action is brought and shall award him or her the full costs of the suit when it is proved that:

- (a) the signature appearing on the warrant is that of the person whose names are written below the signature appended on the warrant;
- (b) the person who issued the warrant was reputed to be and acted as a Magistrate for the District; and
- (c) the act complained of was done in obedience to the warrant that was issued.

Satisfaction of civil judgment by Police Officers

82. (1) If a judgment is obtained in a civil court against a subordinate police officer or an officer of a lower rank no execution of the judgment shall be made, except that a certificate setting out the full particulars of the judgment and the nature of the action in which the judgment was obtained shall be prepared by the Magistrate or Registrar and forwarded to the Chief of Police.

Satisfaction of civil judgment.

(2) Upon receipt of the certificate referred to in subsection (1) of this section the Chief of Police shall determine the mode and manner in which the judgment shall be satisfied by the police officer as may be reasonable in the circumstances.

(3) The Chief of Police, having determined the mode and manner in which the judgment is to be satisfied, shall cause the amount of the judgment, including costs, to be deducted from the pay of the police officer, and the Chief of Police shall cause the deductible amounts to be paid to the Magistrate or Registrar for the purpose of satisfying the judgment.

Unclaimed property

Unclaimed
Property.

83. (1) Where any property comes into the possession of the Police force in connection with any criminal offence or under section 30 of the Pawnbrokers Act, a Magistrate may, upon application by a police officer or person claiming the property, make an order for the delivery of the property to the person appearing to the Magistrate to be the owner of the property, and where the owner cannot be ascertained, the Magistrate may make such order with respect to the property as is reasonable in the circumstances.

(2) An order made under this section shall not affect the right of any person to institute legal proceedings against any person for recovery of the property delivered to him by virtue of the provisions of subsection (1) of this section, except that the legal proceedings shall be instituted within a period of six months from the date of the order and after the expiration of the six months the right shall cease.

(3) Any property that comes into the possession of the Police Force under the circumstances specified in subsection (1) of this section and any other property that otherwise comes into the possession of the Police Force in respect of which the owner is not ascertained and no order of court is made in respect of that property shall be dealt with as follows, that is to say,

- (a) in case of perishable property whose custody may involve unreasonable expense or inconvenience, the property may be sold as soon as is convenient after the property has come into the possession of the Police Force;
- (b) in case of property consisting of money, the property shall be dealt with as provided in this section with regard to the proceeds of sales authorised after it has remained in the possession of the Force for a period of three months; and

(c) in the case of any other property, such property may be publicly sold at a public auction as soon as may be after it has remained in the possession of the Police Force for a period of three months and has been advertised for fourteen days.

(4) The proceeds of any sale authorised under this section shall, after deduction of expenses, be received by the Police Force Finance Officer who shall deposit the proceeds to the account of the Police Reward Fund.

(5) Notwithstanding the provisions of subsection (4) of this section, any property found by a person other than a police officer not being property provided for by any law and which property has not been claimed by the owner may be delivered to the finder on claiming the property, except that the delivery to the finder shall not be effected until the property has remained in the possession of the Police Force for a period of three months.

(6) In the event that the property referred to in subsection (5) is of a nature that necessitates immediate sale, the proceeds of the sale shall be paid to the Police Force Finance Officer who shall deposit the proceeds to the Police Reward Fund, and after the expiration of three months the proceeds may, after deduction of expenses of sale and if the proceeds are not claimed by the owner, be delivered to the finder on his claiming the proceeds.

(7) Where property deposited with the Police Force is delivered to the finder in accordance with the provisions of this section, the finder may be required to execute a bond of indemnity to the Police Force in respect of the delivery of the property.

Recovery of fines

84. (1) Any fine imposed under this Act shall be recovered in accordance with the provisions of the Magistrates Code of Procedure Act before any Magistrate for the District where the offence is committed.

Recovery of fines

(2) Any fine imposed on a subordinate police officer, constable, and special constable, for the breach of any rules or regulations made under this Act may be enforced by deducting the entire amount of the fine or such monthly deductions of not more than half a month's pay from pay due or accruing to the subordinate police officer, constable or special constable.

Accoutrements and Uniform of the Police Force

85. Members of the Police Force shall wear such uniform as the Governor-General shall direct, and the uniform together with arms and accoutrements shall be supplied to each member of the Police Force at the public expense.

Accoutrements etc
of the Police
Force.

Justices of the PeaceJustices of the
Peace

86. A Gazetted Police Officer shall be ex officio a Justice of the Peace for the country, and in that capacity shall at all times act ministerially for the purposes of the preservation of the peace, prevention of crime, and detection and committal of offenders, except that he or she shall not in any way act judicially save as expressly provided by this Act.

Deployment of police officer in another Caricom countryDeployment of
police officer in
another Caricom
country.

87. (1) The Governor-General may, acting in accordance with the recommendation of the Commission, by direction in writing require any member of the Police Force to proceed to any other Caricom country for the performance of any duties appertaining to his or her office under the directions of the officer in charge of the Police Force of that other Caricom country, except that the police officer shall not be required to proceed to that other country without his or her consent having been obtained, which consent shall be in writing.

(2) A member of the Police Force of another Caricom country who is sent to Saint Christopher and Nevis to perform any duties appertaining to his or her office shall, while on duty in Saint Christopher and Nevis, be liable to perform the same duties and be subjected to the orders of the Chief of Police of Saint Christopher and Nevis in the same manner and in all respects as if he or she were a member of the Royal Saint Christopher and Nevis Police Force, and shall have the same rights, powers, privileges and immunities as are conferred by law and custom on members of the Royal Saint Christopher and Nevis Police Force.

(3) Where a member of the Police Force referred to in subsection (2), while performing duties in Saint Christopher and Nevis, becomes ill or injured while in Saint Christopher and Nevis, that police officer shall be entitled to the same medical care as if he or she were a member of the Royal Saint Christopher and Nevis Police Force.

(4) Nothing in this section shall be construed as affecting the prerogative power of the Crown to seek or accept assistance from any country outside Caricom.

Police Canteens

Police Canteens

88. (1) There may be established in any Division of the Police Force such canteens as the Chief of Police may approve at which the keepers of the canteens may sell intoxicating liquors by retail to members of the Police Force.

(2) The Chief of Police Force may make rules in regard to the hours during which the canteens shall be kept open on each day and for the proper management of the canteens.

Regulations

89. (1) The Minister may generally make regulations to give effect to the provisions of this Act, and without prejudice to the generality of the foregoing the Minister may make regulations relating to all or any of the following, that is to say,

Regulations.

- (a) the description and issue of arms, ammunition, accoutrements, badges of rank, uniforms and necessities to be supplied to the Police Force;
- (b) the conditions subject to which allowances may be paid to members of the Police Force;
- (c) the conditions subject to which repatriation expenses may be paid to widows and dependants of deceased members of the Police Force;
- (d) the leave of absence and periods and conditions of absence which may be granted to a member of the Police Force; and
- (e) generally, for the good government of the Police Force and such other matters as are deemed expedient for rendering the Police Force efficient in the discharge of its duties and for securing proper discipline in the Police Force.

(2) A draft of any regulations proposed to be made affecting pay, allowances, pension, clothing, conditions of service, efficiency, or general welfare of the Police Force shall be submitted to the Central Committee of the Police Welfare Association for consideration and a reasonable period shall be allowed for deliberation of the proposed regulations.

Repeal and Savings

90. (1) The Police Act, Chapter 181, is hereby repealed.

Repeal and savings.

(2) Notwithstanding the repeal of the Police Act, and until new regulations or rules are made under this Act any regulations or rules made under the repealed Act shall continue into force with such modifications and qualifications as are necessary to bring them into conformity with the provisions of this Act.

(3) The Police Service Commission Regulations, No 46 of 1974 shall continue in force with such modifications and qualifications as are necessary to bring those regulations into conformity with the provisions of this Act.

SCHEDULES

First Schedule

(Section 18)

Oath of Allegiance

“I, do swear that I will well and truly serve Our Sovereign Lady the Queen in the office of in the Federation without favour or affection, malice or ill-will, and that I will cause Her Majesty’s peace to be preserved, and will prevent to the utmost of my power offences against the same. So help me God!”

Second Schedule

(Section 53(3))

Additional Pension Payable Under section 53(3)

Capacity of police officer to support himself or herself	Additional pension (annual rate of the proportion of his or her actual pay)
1. Slightly impaired	Forty four-hundred-and eightieths of a month’s pay
2. Impaired	Eighty four-hundred-and eightieths of a month’s pay
3. Materially impaired	One-hundred-and twenty four-hundred-and eightieths of a month’s pay
4. Totally destroyed	One-hundred-and-sixty four-hundred-and-eightieths of a month’s pay

Third Schedule

(Section 73)

POLICE WELFARE ASSOCIATION RULES

Constitution

1. The Police Welfare Association shall consist of all members of the Police Force below the rank of Inspector of Police and the Association shall act through Branch Boards and a Central Committee as provided in this Schedule.

Branch Boards

2. (1) There shall be constituted a Branch Board for each of the ranks of Sergeants, Corporals, Constables, and Special Constables.

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(2) The Branch Board of any of the ranks shall consist of five elected members, except that where the number of any rank does not exceed five, all members of the rank shall form the Branch Board, and if the authorised establishment of the Police Force is 200 or over, a Branch Board shall consist of seven elected members.

3. Subject to paragraph 2 of this Schedule, every member of the Police Force of the rank of Station Sergeant, Sergeant, Corporal, Constable, or Special Constable shall have the right to vote at the election of the Branch Board for his or her rank.

Right to Vote.

4. The elections shall take place annually in the month of January and the annual meetings of the Branch Boards shall be held not later than the seventh day of February.

Elections and Annual Meetings.

5. A Branch Board may submit representations in writing to the Chief of Police or Deputy Chief of Police only.

Representation by Branch Board.

6. (1) There shall be constituted a Central Committee of the Association consisting of twelve members namely, one Station Sergeant, one Sergeant, two Corporals, four Constables (three men and one woman), four Special Constables (two men and two women) to be elected in the manner specified in this Schedule.

Representation by Central Committee

(2) The Members of each Branch Board shall, at the annual meeting, by ballot, elect from among their numbers the members of the Central Committee.

(3) The Central Committee may submit representations in writing to the Chief of Police, and to the Governor-General. and shall consider and report upon any matters referred to them by the Chief of Police or by the Governor-General.

7. Members of a Branch Board or the Central Committee shall hold office until the Branch Board or the Central Committee for the succeeding year is elected.

Tenure of office of members.

8. Each Branch Board and the Central Committee shall, by ballot, elect its Chairman, Secretary, and its treasurer from among its own members.

Officers.

9. The Chairman at any meeting of a Branch Board or the Central Committee at which he or she is present shall have a second or casting vote.

Chairman to have casting vote.

10. Subject to the provisions of these Rules, every Branch Board or Central Committee may regulate its own procedure including the appointment of committees and sub-committees.

Procedure at meetings.

11. (1) Branch Boards may hold four quarterly meetings, including the annual meetings, each lasting not more than one day, but additional meetings for any special purpose may be held with the consent of the Chief of Police.

Meetings.

(2) The Central Committee may hold meetings once in every two months, each lasting not more than two days, but additional meetings for special purposes may be held with the consent of the Governor-General.

Elections	12. All elections shall be by secret ballot under the supervision of a Gazetted Police Officer of the Police Force or a Justice of the Peace, and the provisions for securing secrecy and freedom from interference in voting as set out in Part II of this Schedule shall apply in respect of all elections this Schedule.
Elector to give one vote to any candidate	13. At any election under these Rules each elector may give one vote and no more for each of any number of candidates not exceeding the number to be elected.
Filling of vacancies	14. On any vacancy occurring in a Branch Board, or in the Central Committee, during any year another member shall be elected as provided in this Schedule to fill the vacancy so occurring.
Mode of Making representations.	15. Representations may be by resolution or petition in writing, submitted by the Secretary to the Chief of Police or the Governor-General through the Chief of Police.
Facilities for meetings.	16. Except where, in special circumstances a member of the Police Force is required for duty for which no substitute is available, leave shall be given for attendance at all such meetings duly held and every such attendance shall, as regards allowances and expenses, be deemed to be an occasion of Police duty.
Provisions for ensuring secrecy	17. (1) Every person in attendance at the polling station or other place of voting shall maintain and aid in maintaining the secrecy of the voting in such station or place and shall not communicate , except for some purpose authorised by law, before the poll is closed, to any person any information as to the name or other means of identification of any elector who has or has not applied for a ballot paper or voted at that station or place. (2) No person shall interfere with or attempt to interfere with a voter when marking his or her vote, or otherwise attempt to obtain in the polling station or other place of voting information as to the candidates for whom any voter in such station or place is about to vote or has voted, or communicate at any time to any person any information obtained in a polling station or other place of voting as to the candidate for whom any voter in such station or place is about to vote or has voted. (3) Every person in attendance at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting and shall not communicate any information obtained at such counting

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as to the candidate for whom any vote is given in any particular ballot paper.

(4) No person shall, directly or indirectly, induce any voter to display a paper after he or she has marked the same so as to make known to any person the name of the candidate for or against whom he or she has so marked his or her vote.

(5) Every person who acts in contravention of the provisions of this rule shall be liable, on summary conviction, to imprisonment for six months or to a fine of four hundred and eighty dollars.

WALFORD V GUMBS
Speaker.

Passed by the National Assembly this 23rd day of May, 2003.

JOSÉ LLOYD
Clerk of the National Assembly.

