

I assent,

C. C. WOOLLEY,

Governor.

24th November, 1950.

ORDINANCE No. 46 of 1950.

AN ORDINANCE further to amend the Constabulary Ordinance by requiring officers to take the oath of office; by making provision for taking the measurements, photographs and finger print impressions of persons in lawful custody; by extending the provisions of the Principal Ordinance relating to the discipline of the force; by establishing a Police Federation; by establishing a Special Reserve Police Force; and for purposes connected with the matters aforesaid.

[25th November, 1950.]

A.D. 1950

BE IT ENACTED by the Governor of British Guiana with the advice and consent of the Legislative Council thereof, as follows:—

Short title.

1. This Ordinance may be cited as the Constabulary (Amendment) Ordinance, 1950, and shall be construed and read

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as one with the Constabulary Ordinance, hereinafter referred to as the Principal Ordinance.

2. Section twenty-four of the Principal Ordinance is hereby amended by the substitution for the words "Every sub-officer and constable" of the words "Every officer, sub-officer and constable".

Amendment of section 24 of the Principal Ordinance.

3. The Principal Ordinance is hereby further amended by the insertion therein after section thirty-two of the following section —

Insertion of new section 32A in the Principal Ordinance.

"Power to take measurements, photographs and finger prints.

32A. (1) It shall be lawful for any officer, or for any non-commissioned officer authorised in writing in that behalf by the Commissioner of Police, to take and record for the purposes of identification the measurements, photographs and finger print impressions of all persons who may from time to time be in lawful custody:

Provided that if such measurements, photographs and finger print impressions are taken of a person who has not previously been convicted of any criminal offence, and such person is discharged or acquitted by a Court, all records relating to such measurements, photographs and finger print impressions shall be forthwith destroyed or handed over to such person.

(2) Any person who shall refuse to submit to the taking and recording of his measurements, photographs or finger print impressions shall be taken before a Magistrate who, on being satisfied that such person is in lawful custody, shall make such order as he thinks fit authorising any officer or non-commissioned officer to take the measurements, photographs and finger print impressions of such person.

(3) For the purposes of this section a person shall be deemed to be in lawful custody where he is lawfully detained at any police station in connection with the commission of any crime within the meaning of section two of the Prevention of Crimes Ordinance."

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4. Subsection (1) of section forty-nine of the Principal Ordinance is hereby amended —

- (a) by the substitution for the words "Any sub-officer or constable" of the words "Any member of the Force";
- (b) by the substitution for the words "superior officer" in paragraph (d) of the words "superior officer or sub-officer"; and
- (c) by the substitution for the words "magistrate or officer" in paragraph (d) of the words "magistrate or any superior officer or sub-officer".

Amendment of section 49 of the Principal Ordinance.

New sections 66A and 66B inserted in the Principal Ordinance.

5. The Principal Ordinance is hereby further amended by the insertion therein after section sixty-six of the following new sections --
 "Constitution of Police Federation.

66A. (1) For the purpose of enabling sub-officers and constables of the force to consider and bring to the notice of the Commissioner of Police and the Governor matters affecting their general welfare and efficiency, there shall be established an organisation to be called the Police Federation which shall act through Branch Boards, Central Conferences and a Central Committee as provided for by rules made under this Ordinance.

(2) All representations shall be made to the Commissioner of Police in the first instance, and the Commissioner of Police shall, if requested by the Federation so to do, submit such representations to the Governor.

(3) No representation shall be made by the Federation in relation to any question of discipline, promotion, transfer, leave or any other matter affecting individuals.

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

Police Federation Rules.

66B. The Commissioner of Police may, with the approval of the Governor in Council make rules for the constitution and Government of the Police Federation and as to any matter appertaining to the Federation."

6. The Principal Ordinance is hereby further amended by the insertion therein after section one hundred and twenty-three of the following --

"Part IV.

Special Reserve Police Force.

Establishment of Special Reserve Police Force.

123.A. There shall be established in the Colony a supplemental body of police styled the "Special Reserve Police" (hereinafter referred to as the "Special Reserve") which may be called out for service by the Commissioner, the Deputy Commissioner or any Superintendent, in any case of actual threatened internal disturbance or external aggression, or in any case where additional police are required for the preservation of good order.

Commissioner to command the Special Reserve.

123.B. (1) Subject to the directions of the Governor, the Commissioner shall have the general command and superintendence of the Special Reserve.

(2) The Special Reserve in any county or district shall consist of such officers, non-commissioned officers and constables as the Commissioner, with the approval of the Governor may direct,

Appointment of officers.

123.C. The Governor may appoint fit and proper persons to be officers of the Special Reserve, and such officers shall be assigned to such county or district as the Commissioner may direct.

Appointment of non-commissioned officers and constables.

123.D. The Commissioner may appoint fit and proper persons to be non-commissioned officers and constables of the Special Reserve.

Qualifications for appointment.

123.E. Every male person who —
 (a) is not less than eighteen years;
 (b) is able-bodied; and
 (c) is of good character,

may, upon making application in writing to the Commissioner in that behalf, be appointed a constable of the Special Reserve.

Precept of appointment and oath of office.

123.F. (1) On the appointment of any person to be a non-commissioned officer, or constable of the Special Reserve, the Commissioner shall cause to be delivered to him a precept authorising him to act as such.

(2) The precept shall be in the following form:—

“British Guiana

To _____ of

I,

Commissioner of Police, under and by virtue of the power and authority in me vested by the Constabulary Ordinance, hereby appoint you to be a _____ of the Special Reserve Police, and I do issue to you this precept authorising you to act as such.

Dated this _____ day of _____ 19 .

Commissioner of Police.”

(3) Every person appointed to be an officer, non-commissioned officer or constable of the Special Reserve shall take and subscribe before an officer of Police the following oath of office:

“I,

_____ of _____ do swear that I will well and truly serve our Sovereign Lord the King as a member of the Special Reserve Police for the Colony of British Guiana, So Help Me God.”

Equipment.

123.G. Every member of the Special Reserve shall be provided with a short manual describing the powers and duties of the Special Reserve Police, a

badge, a baton, and such clothing and other equipment as may be approved by the Commissioner. Such badge shall be evidence of the office of any member of the Special Reserve Police, and shall in all cases be displayed by every such member when exercising the duties of his office. The cost of these articles of clothing and equipment shall be defrayed from such funds as may be provided by the Legislative Council.

Revocation of appointment.

123.H. The appointment of any member of the Special Reserve may be revoked at any time —

- (a) by the Governor, in the case of officers;
- (b) by the Commissioner in other cases.

Resignation.

123.I. Any member of the Special Reserve may, except when called out for service under the provisions of the next succeeding section, resign from the Special Reserve by giving to the Governor, in the case of officers, and to the Commissioner in other cases, one month's notice in writing. Provided that the Commissioner may, in any fit case, dispense with such notice.

Discipline, authority and pay.

123.J. The provisions of sections forty-nine and fifty of this Ordinance shall apply to every member of the Special Reserve when called out to service, and every such member during that period —

- (a) shall have, exercise and enjoy the same powers, authorities, advantages and immunities as a member of the force, and be liable to the same duties and responsibilities; and
- (b) shall be paid for his services from such monies as may be provided by the Legislative Council, at the same rate as a member of the force of equivalent rank.

Member of Special Reserve to remain within his district when called out for service.

123.K. No member of the Special Reserve shall leave or absent himself from the county or district in which he is stationed during any period in which the Special Reserve are called out for service, without the permission of the officer in charge of the county or district.

Surrender of equipment.

123.L. Every member of the Special Reserve who resigns, or ceases to be a member thereof, shall within one week of his ceasing to be a member, return to the Commissioner his baton, badge and other equipment issued to him, or pay the value thereof.

Offences.

123.M. (1) Every member of the Special Reserve who —

- (a) when called out for service, neglects or refuses to serve, or neglects or refuses to obey any lawful command; or

(b) contravenes the provisions of section 123 K of this Ordinance, shall be liable on summary conviction to a fine not exceeding forty-eight dollars.

(2) Every member of the Special Reserve who —

(a) improperly lends, sells, pledges or otherwise disposes of damages or spoils any equipment issued to him at public expense; or

(b) fails without lawful excuse to return any equipment or pay the value thereof as required by the provisions of section one hundred and twenty-three L of this Ordinance,

shall be liable on summary conviction to a fine not exceeding twenty-four dollars.

(3) Every person who, during any period in which the Special Reserve are called out for duty, impersonates or in any way pretends to be a member of the Special Reserve shall be liable on summary conviction to a fine not exceeding one hundred dollars or to imprisonment for three months.

(4) Every person who is found in possession of any badge, baton, equipment or clothing provided for the use of a member of the Special Reserve, shall, in the absence of a reasonable excuse, be liable on summary conviction to a fine not exceeding forty-eight dollars.

Illness
bodily in
jury and
death.

123.N. (1) Where any member of the Special Reserve through no fault of his own, contracts any illness, or sustains bodily injury while in the actual discharge of his duties as such, he shall be provided with medicines, medical comforts and medical attendance at the public expense on the written authority of the Commissioner or the Deputy Commissioner.

(2) Where any member of the Special Reserve sustains bodily injury in the circumstances specified in the preceding subsection, and is permanently disabled (either totally or partially) as a result thereof, the Governor in Council may grant him a pension or gratuity, the amount of which shall be subject to the approval of the Legislative Council.

(3) Where the aforesaid bodily injury results in death, the Governor in Council may award to the dependants (including any illegitimate children to whose support the deceased was contributing) a pension or gratuity, the amount of which shall be subject to the approval of the Legislative Council.

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(4) Members of the Special Reserve shall not be regarded as workmen for the purposes of the Workmen's Compensation Ordinance or any amending Ordinance.

Regula-
tions.

123.O. (1) The Commissioner may, with the approval of the Governor in Council make Regulations providing for the discipline of members of the Special Reserve when called out for service and generally for all the purposes of this Part of this Ordinance.

(2) There may be annexed to any regulation for the breach thereof —

- (a) in the case of an officer, suspension from pay and duty, pending the decision of the Governor; and
- (b) in the case of non-commissioned officer or constable, suspension without pay for any period not exceeding twenty-eight days, or a fine not exceeding ten days' pay, or confinement to barracks for a period not exceeding seven days.