

ORDINANCE No. 39 OF 1957.
POLICE ORDINANCE, 1957.

I assent.

P. M. RENISON,

Governor.

9th August, 1957.

Arrangement of Sections.

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SCHEDULE.

An Ordinance to amend and consolidate the law relating to the British Guiana Police Force.

[10th August, 1957.]

ENACTED by the Legislature of British Guiana:—

PART I.
 PRELIMINARY.

Short title

1. This Ordinance may be cited as the Police Ordinance, 1957.

Interpretation.

2. (1) In this Ordinance, unless the context otherwise requires—

“aircraft” means any machine for flying, whether propelled by mechanical means or not, and includes any description of balloon;

“assistant commissioner” means an assistant commissioner of police;

“band” means the police band of musicians;

“bandmaster” means the officer specially appointed to have command of the band and responsible therefor to the Commissioner;

“bandsman” means a member of the Force appointed solely for duty in the band;

“branch” means a part of the Force;

“Commissioner” means the Commissioner of Police;

“communications officer” means the officer specially appointed to maintain the efficiency of the wireless telegraphy system in use in the Force and responsible therefor to the Commissioner;

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- “constable” means a member of the Force below the rank of corporal;
- “corporal”, “sergeant” and “station sergeant” mean a corporal, sergeant and station sergeant of police respectively;
- “Deputy Commissioner” means the Deputy Commissioner of Police;
- “division” means a police division;
- “finance officer” means the officer specially appointed to control the finances of the Force and responsible therefor to the Commissioner;
- “inspector” includes a Chief Inspector of Police, an Inspector of Police and a Sub-Inspector of Police;
- “member of the Force” includes officers, inspectors, subordinate officers and constables, and, during the period that they are called out for full-time service, rural and special constables;
- “officer” means a member of the Force holding a rank senior to that of Chief Inspector;
- “prescribed” means prescribed by regulations;
- “quartermaster” means the officer specially appointed to control the receipt and issue of all stores and responsible therefor to the Commissioner;
- “regulations” means regulations made under section 105 of this Ordinance;
- “senior superintendent”, “superintendent”, “deputy superintendent”, “assistant superintendent” and “cadet officer” mean a senior superintendent of police, a superintendent of police, a deputy superintendent of police, an assistant superintendent of police and a cadet officer of police respectively;
- “stores” means any article, equipment, merchandise or commodity required for the use of the Force;
- “subordinate officer” means a member of the Force other than a constable below the rank of sub-inspector;
- “superintendent of police” includes a senior superintendent of police, a superintendent of police, a deputy superintendent of police and an assistant superintendent of police;
- “the Force” or “the Police Force” means the Police Force established in and for the Colony under this Ordinance;
- “transport officer” means the officer specially appointed to ensure the efficient maintenance of all vehicles and vessels belonging to the Force and responsible therefor to the Commissioner;
- “vehicle” means a vehicle of any kind used on a road;
- “vessel” means any ship, sloop, boat, bateau, canoe, corial, punt, scow, or any other kind of craft whatsoever.

(2) The Governor may, where in any particular case the facts so warrant, direct, by notice published in the Gazette, that the designation of any person appointed as bandmaster under this Ordinance shall be Director of Music.

PART II.

CONSTITUTION AND EMPLOYMENT OF THE FORCE.

Designation
and objects
of the Force

3. (1) There shall be established in British Guiana a Police Force to be known as the British Guiana Police Force.

(2) The Force shall be employed for the prevention and detection of crime, the preservation of law and order, the preservation of the peace, the repression of internal disturbance, the protection of property, the apprehension of offenders and the due enforcement of all laws and regulations with which it is directly charged and shall perform such military duties within British Guiana as may be required of it by or under the authority of the Governor.

(3) It shall be lawful for the Governor to cause to be issued arms and ammunition to the Force and for any member thereof to use the same for the purposes outlined in subsection (2) hereof

Composition
of the Force.

4. The Force shall consist of a Commissioner, a Deputy Commissioner and such number of assistant commissioners, senior superintendents, superintendents, deputy superintendents, assistant superintendents, cadet officers, finance officers, quartermaster communications officers, transport officers, bandmasters, inspectors, subordinate officers, constables, bandsmen and band apprentices as the Governor may from time to time direct.

Application
of Ordinance
to persons
already in
the Force.

5. All persons who, at the date of the commencement of this Ordinance, are **servng in the Force** or in the British Guian Militia Band (hereinafter referred to as "the Militia Band") shall be deemed to be appointed or enrolled under this Ordinance with such new designations of rank as the Commissioner with the approval of the Governor may decide, and service under the Police Ordinance or under the Militia Band Ordinance as the case may be shall for the purpose of pensions and gratuities, be deemed to be service under this Ordinance:

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Provided that no person who was enlisted under the Police Ordinance or under the Militia Band Ordinance shall, subject to the provisions of section 36 of this Ordinance, be required to serve for a longer period than the period for which he was so enlisted.

Appointment
of officers
and
inspectors

6. The Governor shall, when necessary, appoint fit and proper persons to be officers and inspectors.

Duties of
the Commis-
sioner.

7. (1) The Commissioner shall, subject to the general orders and directions of the Governor, have the command and superintendence of the Force, and he shall be responsible to the Governor for peace and good order throughout the Colony, for the efficient administration and government of the Force, and for the

proper expenditure of all public moneys appropriated for the service thereof.

(2) The Commissioner shall have his headquarters in Georgetown.

8. The Deputy Commissioner shall act as principal assistant to the Commissioner in the performance of his duties and shall have power, during the absence or incapacity of the Commissioner, or when so authorised by him to do or suffer any act or thing which may by law be done or suffered by the Commissioner.

Duties of the Deputy Commissioner.

9. The assistant commissioners shall perform such duties as the Commissioner may direct.

Duties of the assistant commissioners.

10. All other officers of the Force shall be stationed in such divisions or attached to such branches as the Commissioner may direct and they shall perform such duties as the Commissioner may direct.

Duties of other officers.

11. (1) Every officer shall *ex officio* be a justice of the peace in and for the whole Colony and he shall take the oath required to be taken by justices of the peace.

Officers to be justices of the peace.

(2) As such justice every officer shall at all times act ministerially for the purpose of the preservation of the peace, the prevention of crime and the detection and committal of offenders, but he shall not in any way act judicially as a justice, either in any court or in any manner.

12. (1) Subject to the provisions of this Ordinance and regulations, the Commissioner may appoint fit and proper persons to be subordinate officers and constables and may determine the duties to be performed by such subordinate officers and constables.

Appointment of subordinate officers and constables.

(2) The classes of constables and the number in each class shall be such as the Governor may from time to time determine.

13. (1) The provisions of subsections (2), (3) and (4) of this section shall have effect only by virtue of a proclamation made, in the event of war or other emergency, by the Governor, directing that the said provisions shall come into operation; and when such a proclamation is made the said provisions shall come into operation on such date as may be specified in the proclamation, shall continue in operation until a further proclamation directing that they shall cease to have effect is made by the Governor, and shall then cease to have effect except in respect of things previously done or omitted to have been done.

Employment of the Force as a Military Force

(2) The Force, or any part thereof specified in any proclamation as aforesaid, shall be a military force liable to be employed on military duties in the defence of the Colony, and members of the Force to whom the proclamation applies shall hold, in addition to their police ranks under this Ordinance, such military ranks as may be determined by regulations made by the Governor in Council.

The Governor in Council may make regulations for the administration and discipline of the Force or part thereof serving as a military force, and generally for giving effect to the provisions

of this section and for those purposes may by such regulations modify or amend the provisions of this Ordinance (other than this section). Subject to the provisions of such regulations, members of the Force to whom the proclamation applies shall continue to be subject to the provisions of this Ordinance except so far as those provisions conflict, or are inconsistent, with any provisions of the Army Act for the time being applicable by virtue of the next following subsection.

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Ch. 8.

(3) The provisions of the Army Act, 1955, and all Acts amending that Act with respect to discipline shall apply to a military force constituted under this section with the following modifications:—

- (a) reference to “Her Majesty” or “Secretary of State” shall be construed as references to the Governor;
- (b) no sentence of a court martial upon the trial of a member of the Force shall be carried into execution unless confirmed by the Governor.

(4) Any person who shall volunteer for military service with the Force under this section may be enrolled as a member of the Force for that purpose with such military rank as may be determined by regulations made by the Governor in Council and, save as may be otherwise prescribed by regulations made under this section, shall not have any of the rights, powers or duties, or be subject to any of the liabilities, of a member of the Force for any other purpose.

(5) When any member of the Force is killed on actual military service, or dies from wounds or disease contracted on actual military service, provision may be made out of moneys voted by the Legislative Council for his wife and family in accordance with the rules and regulations for the time being in force governing the provision made in like case for the wives and families of officers, warrant officers, non-commissioned officers, and men of Her Majesty’s Army, or in accordance with any other rules and regulations prescribed by the Governor in Council.

PART III.

OATH.

Oath of
office.

14.(1) Every officer, inspector, subordinate officer and constable shall on his appointment to the Force, take and subscribe the oath following that is to say —

I,, do swear that I will well and truly serve our Sovereign Lady the Queen in the Office of and in such other office in the Police Force as I may at any time hereafter be appointed to, without favour or affection, malice or ill-will, and that I will cause Her Majesty’s peace to be kept and preserved by preventing to the utmost of my power all offences against the same; and that while I continue to hold any office in the Force

I will obey all orders of the Governor and the officers placed over me, subject myself to all ordinances and regulations relating to the Police and I will to the best of my skill and knowledge discharge all the duties of my office faithfully according to law. So help me God.

(2) Such oath shall be taken by the Commissioner before the Chief Secretary and by every other officer, inspector, subordinate officer and constable before the Commissioner, the Deputy Commissioner or any assistant commissioner.

PART IV.

RIGHTS, POWERS, Etc. OF MEMBERS OF THE FORCE.

15. Every member of the Force, so long as he continues to be a member thereof, shall have all such rights, powers, authorities, privileges and immunities and shall be liable to all such duties, responsibilities and penalties as any member of the Force duly appointed now has or is subject or liable to, either by the common law or by virtue of any law which now is or may hereafter be in force in the Colony.

Rights, powers, etc., of members of the Force.

16. Where, in any enactment, powers are conferred upon members of the Force of a certain rank, such powers may lawfully be exercised by members of the Force of any higher rank.

General powers of members of the Force.

17. (1) It shall be lawful for any member of the Force to arrest without a warrant—

Power to arrest without warrant.

- (a) any person who commits in his view an offence punishable either upon indictment or upon summary conviction; or
- (b) any person whom any other person charges with having committed a felony or misdemeanour; or
- (c) any person whom any other person—
 - (i) suspects of having committed a felony or misdemeanour, or
 - (ii) charges with having committed an offence punishable on summary conviction, if such other person is willing to accompany the member of the Force effecting the arrest to the police station and to enter into a recognisance to prosecute such charge; or
- (d) any person whom such member of the Force finds disturbing the public peace; or
- (e) any person whom he has good cause to suspect of having committed or being about to commit any felony, misdemeanour or breach of the peace; or
- (f) any person whom he finds between the hours of eight o'clock in the evening and five o'clock in the morning lying or loitering in a highway, yard, or other place and not able to give a satisfactory account of himself.

(2) Without prejudice to the powers conferred upon a member of the Force by the last preceding subsection, it shall be lawful for any member of the Force, and for any person whom he shall call to his assistance, to arrest without warrant any person who within the view of any such member of the Force shall offend in any manner against any law and whose name and address shall be unknown to such member of the Force and cannot be ascertained by him.

Duty to assist members of the Force.

18. Any member of the Force may call on any person to assist him if, while acting in the execution of his duty, he is resisted or assaulted, or is otherwise in need of assistance, and anyone so called on who, without reasonable excuse, refuses or neglects to render assistance shall be guilty of an offence and shall, on summary conviction thereof, be liable to a fine not exceeding one hundred dollars or to imprisonment for a term not exceeding three months.

Power to stop, search or detain aircraft, vessels, vehicles or persons in certain circumstances.

19. Any member of the Force may stop, search and detain any aircraft, vessel or vehicle in or upon which there shall be reason to suspect that anything stolen or unlawfully obtained, or that any person suspected of having committed any indictable offence, may be found; and he may also stop, search and detain any person who may be reasonably suspected of having or conveying in any manner anything stolen or unlawfully obtained.

Powers of members of the Force in command of police boats.

20. It shall be lawful for any member of the Force in command of any police boat to enter, with one or more of the men employed on such boat, on board any vessel in any bay, roadstead, or river and to remain on board such vessel for such reasonable time as he may deem expedient, and, if he has reasonable ground to suspect that there is on board any such vessel any property stolen or unlawfully obtained or any article prohibited to be imported or exported, it shall be lawful for him to search with any assistance any and every part of such vessel, and, after demand and refusal of the keys, to break open any receptacle, and, upon discovery of any property which he may reasonably suspect to have been stolen or unlawfully obtained or any article prohibited to be imported or exported, to take such property or article and the person in whose possession the same is found before any magistrate to be dealt with according to law; and it shall be lawful for any such member of the Force to pursue and detain any person in the act of conveying any such property or article away from any such vessel, whether he has landed or not, together with any property or article so conveyed away or found in his possession.

Bail of person arrested without a warrant.

21. When a person is arrested without a warrant he shall be taken before a magistrate as soon as practicable after he is taken into custody:

Provided that any member of the Force for the time being in charge of a police station may enquire into the case and—

(a) except when the case appears to such member of the Force to be of a serious nature, may release

- such person upon his entering into a recognisance, with or without sureties, for a reasonable amount to appear before a magistrate at the time, date and place mentioned in the recognisance; or
- (b) if it appears to such member of the Force that such enquiry cannot be completed forthwith, he may release such person on his entering into a recognisance, with or without sureties for a reasonable amount, to appear at such police station and at such times as are mentioned in the recognisance, unless he previously receives notice in writing from the officer in charge of that police station that his attendance is not required and any such bond may be enforced as if it were a recognisance conditional for the appearance of the said person before the magistrate.

22. (1) Any warrant lawfully issued to a member of the Force for apprehending a person charged with any offence may be executed by any member of the Force at any time notwithstanding that the warrant is not then in his possession, but the warrant, on the demand of the person apprehended, shall be shown to him as soon as practicable after his arrest.

Arrest of person on a warrant.

(2) Any other warrant lawfully issued to any member of the Force may be executed only by a member of the Force having it in his possession at the time it is executed and on the demand of the person affected thereby it shall be then shown to that person or at any time thereafter.

23. When any writ, warrant, order, or summons of any magistrate or justice of the peace is delivered or given to a constable, he shall if time permits, show or deliver it to the officer, inspector or subordinate officer of the Force under whose immediate command he then is, and the officer, inspector or subordinate officer shall, if necessary, nominate and appoint by indorsement thereon, any assistant or assistants to him, the officer, inspector or subordinate officer thinks proper, to execute the writ, warrant, order, or summons; and every constable or other constable whose name is so indorsed, and every assistant aforesaid, shall have all the same rights, powers and authorities for and in the execution of the writ, warrant, order, or summons as if it had been originally directed to him expressly by name.

Indorsement of process.

24. Any summons lawfully issued by a Court may be served by any member of the Force at any time between the hours of five o'clock in the morning and eight o'clock in the evening.

Service of process.

25. (1) When any action is brought against any member of the Force for any act done in obedience to the warrant of any magistrate or justice of the peace, he shall not be held responsible for any irregularity in the issuing of the warrant, or for any want of jurisdiction in the magistrate or justice issuing it, and may plead the general issue and give the warrant in evidence.

Action against member of the Force acting in obedience to a warrant.

(2) Upon production of the warrant and proof that the warrant was signed and that the signature purports to be that of the magistrate or justice whose name appears subscribed thereto, and that the act or acts of which complaint is made, was or were done in obedience to the warrant, the court shall give judgment for the member of the Force and he shall recover the full costs of the suit as between solicitor and client.

Power to take measurements, photographs, and fingerprints.

26. (1) It shall be lawful for any member of the Force to take and record for the purpose of identification any measurements, photographs and fingerprint impressions of all persons who may from time to time be in lawful custody:

Provided that if such measurements, photographs and fingerprint 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 fingerprint impressions shall forthwith be 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 fingerprint 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 member of the Force to take the measurements, photographs and fingerprint impressions of such person.

(3) For the purpose 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 or offence within the meaning of section 2 of the Prevention of Crimes Ordinance.

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27. (1) Notwithstanding the provisions of any other ordinance, any officer, inspector or subordinate officer may, if he considers it necessary so to do for the maintenance and preservation of law and order or for the prevention or detection of crime, erect or place, or cause to be erected or placed, barriers in or across any road or street or in any public place within the Colony in such manner as he may think fit.

Road barriers.

(2) Any member of the Force may take all reasonable steps to prevent any vehicle being driven past such barrier and any driver of any vehicle who fails to comply with any reasonable signal of a member of the Force in uniform, requiring such person to stop such vehicle before reaching any such barrier, shall be guilty of an offence and shall, on summary conviction thereof, be liable to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment.

(3) No member of the Force shall be liable for any loss or damage resulting to any such vehicle or for any injury to the driver or any other occupant of such vehicle as a result of the driver of such vehicle failing to obey any member of the Force acting under the provisions of subsection (2) of this section.

PART V.

PROVISION OF BUILDINGS.

28. The Governor may assign for the use of the Force such buildings and premises as may respectively be provided or available for that purpose and may make any further provision necessary for the accommodation of members of the Force.

Provision of buildings for the Force.

PART VI.

CONDITIONS OF SERVICE OF SUBORDINATE OFFICERS AND CONSTABLES APPOINTED BY THE COMMISSIONER.

29. (1) Subject to the provisions hereinafter contained, a person joining the Force as a constable shall be on probation for a period of two years. At the expiration of that period a probationer if efficient, of good character and qualified as hereinafter stated for further service, shall be confirmed in his appointment in the Force.

Constable on joining to be on probation.

(2) During the probationary period aforesaid the services of any constable may be dispensed with at any time if the Commissioner considers that he is not fitted, physically or mentally to perform the duties of his office or that he is not likely to become an efficient or well conducted constable.

(3) A constable whose services are dispensed with under this section shall be entitled to receive one month's notice of the termination of his services or one month's pay in lieu of such notice.

(4) If any candidate for appointment to the Force knowingly and wilfully makes, or in connection with his application for appointment, any false statement, he shall be guilty of an offence and shall be liable on summary conviction thereof, to a fine not exceeding one hundred dollars or to imprisonment for a term not exceeding three months.

30. (1) Every person selected as an apprentice in the band shall be liable to serve for seven years whether he is promoted or not to any higher rank in the band, but the Commissioner may dismiss him for misconduct, or may accept his resignation, or may discharge him after giving him six months' notice of his intention to do so.

Apprentices in the band.

(2) Every such apprentice engaged for service in the band shall be between the age of fourteen and eighteen years:

Provided that no person shall be engaged for service in the band as an apprentice except with the consent of his parent or guardian, such consent being in writing and signed by the parent or guardian in the presence of the Commissioner or officer delegated by the Commissioner for that purpose.

Engaging in
trade or
business.

31. (1) A member of the Force may be discharged by the Commissioner at any time, if, without the consent of the Commissioner —

- (a) he carries on any business or trade or holds any other office or employment for hire or gain;
- (b) he resides at any premises where any member of his family keeps a shop or carries on any like business;
- (c) he holds, or any member of his family living with him holds, any licence granted in pursuance of the liquor licensing laws or the laws regulating places of public entertainment, or he has any pecuniary interest in any shop or business carried on by virtue of such licence; or
- (d) his wife, not being separated or divorced from him, keeps a shop or carries on any like business in the Colony.

(2) For the purpose of this section, the expression "member of his family" shall include a parent, son or daughter, brother or sister, husband or wife.

Provision of
hospital ac-
commoda-
tion and
treatment.

32. (1) The Governor may provide hospital accommodation, medical and dental treatment and, subject to regulations, the issue of spectacles and essential dentures for the members of the Force, at such places as he may think fit, and may cause medicine, food, attendance and other necessaries to be supplied to sick members of the Force in hospital, and may order any deductions requisite to defray all or any of the charges so incurred to be made from the salary or pay of the sick members of the Force according to their rank as he may think fit:

Provided that no such deduction shall be made from the salary or pay of a member of the Force while under treatment on account of any injury received or illness suffered by him in the performance of his duty.

(2) If any member of the Force is incapacitated for duty, by his own misconduct, the Commissioner may order that he shall forfeit the whole or any part of his salary or pay for the period during which he is so incapacitated.

PART VII

WITHDRAWAL FROM THE FORCE.

33. (1) Subject to the provisions of subsection (2) of this section, an inspector, subordinate officer or constable may withdraw from the Force on giving to the Commissioner at least six months' notice in writing of his intention to do so:

Provided that an inspector, with the prior consent of the Governor in writing, and a subordinate officer or constable, with the prior consent of the Commissioner also in writing, may withdraw from the Force without giving such notice.

(2) No inspector, subordinate officer or constable may withdraw from the Force during any period which may be certified by the Governor, in his discretion, for the purpose of this

Withdrawal
from the
Force.

subsection, to be a period of hostilities, apprehended hostilities, internal disorder or other grave emergency.

34. (1) The Commissioner may at any time discharge any subordinate officer or constable from the Force on the ground that, having regard to the conditions of the Force, the usefulness of the subordinate officer or constable thereto and any other relevant circumstance, such discharge is desirable in the public interest:

Discharge.

Provided that any subordinate officer or constable discharged under the provisions of section 31, or of this section may be granted a pension, gratuity or other allowance which has accrued to him by virtue of any ordinance relating to pensions then in force save that the amount so awarded shall not exceed the amount for which a public officer would be eligible if he retires from the public service in the circumstances described in paragraph (d) of section 8 of the Pensions Ordinance, 1933.

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(2) Where any person is discharged from the Force in pursuance of the provisions of section 30, section 31 or subsection (1) of this section, he may, within a period of fourteen days from the date of his discharge, appeal to the Governor against such discharge, in a manner prescribed by regulations.

(3) Where the Governor allows an appeal, the subordinate officer or constable shall be re-instated in the Force, and shall for all purposes be regarded as if he had not been discharged from the Force.

35. Except with the approval of the Governor the services of any inspector, subordinate officer or constable shall not extend beyond the age of fifty-five years.

Retiring age.

36. Any member of the Force whose period of service expires during the occurrence or apprehended occurrence of hostilities, internal disorder, or other grave emergency of any kind, may be retained and his service prolonged for such further period not exceeding twelve months, as the Governor may direct.

Prolongation of service in certain cases.

37. (1) Every inspector, subordinate officer or constable who —

Illegal withdrawal from the Force.

- (a) withdraws himself from the Force without giving such notice or receiving such consent as is required under the provisions of section 33 of this Ordinance; or
- (b) absents himself from duty for the space of twenty-four hours or more without permission or without lawful excuse,

shall be deemed illegally to have withdrawn from the Force and shall be guilty of an offence and shall, on summary conviction thereof, be liable to a fine not exceeding two hundred and fifty dollars or to imprisonment for a term not exceeding three months.

(2) It shall be sufficient in any charge or complaint for an offence under this section to state that the person proceeded against did illegally withdraw himself from the Force, and the onus of proving that any withdrawal was with permission, or any

absence from duty for twenty-four hours or more was with permission or lawful excuse, shall be on the person proceeded against

Warrant to apprehend inspector, subordinate officer or constable illegally withdrawing from the Force.

38. On a complaint being made on oath to a magistrate by an officer that an inspector, a subordinate officer or constable has illegally withdrawn from the Force and that there is reasonable cause to suspect that the inspector, subordinate officer or constable is concealed on any premises, or is aboard any aircraft or vessel within the limits of the Colony, the magistrate shall grant to the officer a warrant to search the premises on, or aircraft or vessel in which the inspector, subordinate officer or constable is suspected of being concealed, and if he is found, to arrest him in order that he may be dealt with according to law.

Power to order arrest of inspector, subordinate officer or constable.

39. An officer may order the arrest of an inspector, subordinate officer or constable for any offence mentioned in section 37 of this Ordinance, and that he be taken before a magistrate to be dealt with according to law.

Aiding in illegal withdrawal from the Force.

40. Any person who —

- (a) knowingly aids or abets any inspector, subordinate officer or constable illegally to withdraw from the Force; or
- (b) knowingly conceals any inspector, subordinate officer or constable who has illegally withdrawn from the Force; or
- (c) knowing that any inspector, subordinate officer or constable has illegally withdrawn from the Force aids him to quit the Colony,

shall be guilty of an offence and shall, on summary conviction thereof, be liable to a fine not exceeding one hundred dollars or to imprisonment for a term not exceeding three months.

PART VIII

Offences.

Punishment for serious offence.

41. (1) Any member of the Force who —

- (a) begins, raises, abets, countenances or excite mutiny amongst any members of the Force; or
- (b) causes or joins in any sedition or disturbance whatsoever; or
- (c) being present at any assemblage tending to riot, does not use his utmost endeavour to suppress the riot; or
- (d) coming to the knowledge of any actual or intended mutiny, sedition, rebellion or insurrection, does not without delay give information thereof to an officer or justice of the peace; or
- (e) assaults a magistrate or any member of the Force of a rank superior to his own rank; or
- (f) draws or lifts or offers to draw or lift any weapon or offers any violence against any magistrate or any member of the Force of a rank superior to his own rank,

shall be guilty of an offence and shall, on summary conviction thereof, be liable to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding twelve months.

(2) Any person who is convicted of an offence under subsection (1) of this section shall *ipso facto* cease to be a member of the Force and shall forfeit all pension rights.

42. Every inspector, subordinate officer or constable who —

(a) refuses or neglects to serve or execute any warrant or process lawfully directed to be by him served or executed; or

(b) is guilty of any neglect or violation of duty in his office; or

(c) is guilty of any breach of any regulation for which no special punishment is provided or of any other misconduct as a member of the Force,

shall be guilty of an offence and shall, on summary conviction thereof, be liable to a fine not exceeding fifty dollars or to imprisonment for a term not exceeding two months.

43. Any inspector, subordinate officer or constable against whom any complaint or information of an offence punishable on summary conviction or of an indictable offence has been laid may, until and pending his trial, be interdicted from duty at the discretion of the Commissioner and paid at such rate of pay, being not less than half pay, as the Commissioner may deem fit:

Provided that if the complaint or information is dismissed or the inspector, subordinate officer or constable is acquitted, the Commissioner shall direct the whole of the pay withheld under this section to be paid to the inspector, subordinate officer or constable as the case may be.

44. (1) Any person who, knowing that any inspector, subordinate officer or constable is on duty, harbours or entertains, or either directly or indirectly sells or gives any intoxicating liquor to the inspector, subordinate officer or constable or permits the inspector, subordinate officer or constable to abide or remain in his house (except in extreme urgency), shall be guilty of an offence and shall, on summary conviction thereof, be liable to a fine not exceeding one hundred dollars or to imprisonment for a term not exceeding three months.

(2) If any person being a licensed distiller or the holder of a licence for the sale of intoxicating liquor or employed in connection with the business of any such distiller or holder of such licence be convicted under this section, the proceedings and the evidence shall be forwarded to the Governor, and the said distiller or keeper or other person shall, in addition to any other penalty under this section be liable to have his licence forfeited or suspended by the Governor, irrespective of any penalty suffered under the conviction. Notice in the Gazette of such forfeiture or suspension shall be sufficient notice thereof for all purposes.

45. Any person who causes, or attempts to cause or does any act calculated to cause disaffection amongst the members

Punishment for less serious offence by inspector, subordinate officer or constable.

Interdiction and dismissal of inspector subordinate officer or constable.

Entertaining inspector, subordinate officer or constable on duty.

Causing disaffection etc. amongst

members of
the Force.

of the Force, or induces or attempts to induce, or does any act calculated to induce, any member of the Force to withhold his services or commit any breach of discipline, shall be guilty of an offence, and shall, on summary conviction thereof, be liable to a fine not exceeding two hundred and fifty dollars or to imprisonment for a term not exceeding six months or to both such fine and imprisonment, and in either case, if a member of the Force, shall forfeit all pension rights and be disqualified from being a member of the Force.

Surrender of
articles on
death.

46. (1) When any member of the Force dies possessed of any article which has been supplied to him for the execution of his office but which he has not been expressly authorised to keep for his private benefit, his personal representative or heir, or the person in whose house he dies, shall within fourteen days after his death, deliver all those articles whatsoever to the person authorised by the Commissioner for that purpose.

(2) Any person who contravenes this section shall be guilty of an offence and shall, on summary conviction thereof, be liable to a fine not exceeding fifty dollars, or to imprisonment for a term not exceeding three months; and any justice of the peace may issue his warrant to search for and seize all such articles which are not so delivered, wherever the same may be found, and to arrest the person in whose possession the same are found.

Improper
possession
of articles
supplied.

47. Every person who has in his possession any article whatsoever supplied at the public expense to any member of the Force which that member of the Force has not been expressly authorised to keep for his private benefit, and who does not satisfactorily account for his possession thereof, shall be guilty of an offence, for which he may be arrested without warrant by any member of the Force, and shall on summary conviction thereof, be liable to a fine not exceeding fifty dollars or to imprisonment for a term not exceeding three months.

Personation
of member
of the Force.

48. Every person who puts on or assumes, either in whole or in part, the dress, name, designation, or description of any member of the Force to which he is not entitled, for the purpose of obtaining admission into any house or other place, or of doing or promising to be done any other act which he would not by law be entitled to do or promise to be done on his own authority, shall be guilty of an offence and shall, on summary conviction thereof, be liable to a fine not exceeding one hundred dollars or to imprisonment for a term not exceeding three months.

Persons
acquitted by
Court not
punishable
on same
charge under
this Ordinance
and if convicted
liability of
member of
Force to
dismissal or
reduction
in rank.

49. (1) No person who has been acquitted by a court of any crime or offence shall be tried on the same charge or suffer any punishment on account thereof under this Ordinance.

(2) If any member of the Force has been convicted of any criminal offence, in addition to any penalty awarded by the court, he shall be liable to dismissal from the Force or a reduction in rank, but shall not otherwise be liable to be punished under this Ordinance for the same offence.

PART IX
POLICE FEDERATION.

50. (1) For the purpose of enabling inspectors, subordinate officers and constables to consider and bring to the notice of the Commissioner 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 the provisions of section 51 of this Ordinance.

Constitution
of Police
Federation.

(2) The Police Federation shall be entirely independent of and unassociated with any body outside the Force and shall have no power to make representations in relation to any matter of discipline, promotion, transfer or leave or any other matter affecting individuals.

51. The Commissioner may with the approval of the Governor make rules for the constitution and governance of the Police Federation and as to any matters appertaining thereto.

Police
Federation
rules.

PART X.

PROHIBITED ASSOCIATIONS.

52. For the purpose of this Part of this Ordinance, a "prohibited association" means—

Definitions.

- (a) any trade union as defined by the Trades Unions Ordinance, whether the union is registered or incorporated or not;
- (b) any league, organisation or body of persons, whether registered or not, which has for its objects, or one of its objects, the promotion of feelings of ill-will and hostility between different classes or races;
- (c) any other organisation, society or club, any of the objects of which may be subversive of good discipline on the part of a member of the Force, and which the Commissioner shall, with the approval of the Governor, declare to be a prohibited association.

Cap. 113.

53. (1) It shall not be lawful for any member of the Force to be or to become a member of any prohibited association.

Members of
the Force
not to join
prohibited
associations.

(2) If any member of the Force becomes a member of a prohibited association, such member of the Force, the association, and every officer of the association who is knowingly a party to the admission or enrolment of such member of the Force shall be liable, on summary conviction, for each offence to a fine not exceeding one hundred dollars.

54. (1) It shall not be lawful for any prohibited association to permit any member of the Force to receive any benefit, financial or otherwise, from the association, or for any such association to receive any money from a member of the Force.

Prohibition
of member
of the Force
receiving
benefits from
prohibited
associations.

(2) If there shall be a contravention of the provisions of this section, the member of the Force, the association and every

officer of the association who is knowingly a party to such contravention, shall be liable, on summary conviction, for each offence to a fine not exceeding one hundred dollars.

PART XI.

PENSIONS.

Award of pensions.

55. Subject to the provisions of this Ordinance, pensions, gratuities and allowances shall be paid in respect of service in the Force at the rate prescribed by, and in accordance with, the provisions of the Pensions Ordinance, 1933, or any ordinance amending the same, or any ordinance relating to the award of pensions, gratuities and allowances to public officers for the time being in force.

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Leave of absence on military duty.

56. For the purposes of this Part, leave of absence for active service with Her Majesty's armed forces, or for special duty in connection with any war in which Her Majesty may be engaged, shall be counted as service for pension and shall be deemed to be continuous service in the Force.

Saving.

57. Notwithstanding the provisions of section 55, any person who, upon the commencement of this Ordinance, is in receipt of a pension by virtue of the provisions of any ordinance relating to the Force, shall continue to receive pension at the rate prescribed by such ordinance.

Retirement.

58. (1) The Commissioner may, with the approval of the Governor, require any inspector, subordinate officer or constable who has attained the age of fifty years to retire from the Force.

(2) Subject to the approval of the Governor, any inspector, subordinate officer or constable who has attained the age of fifty years may, at his own request, retire from the Force.

Preservation of pension rights on secondment or temporary transfer.

59. (1) It shall be lawful for the Governor to second or temporarily transfer an inspector, subordinate officer or constable for duty (not being duty as a member of the Force) in the service of the Colony or for duty in the service of another Colony.

(2) Where an inspector, subordinate officer or constable is seconded or temporarily transferred under subsection (1) of this section, and he is seconded or temporarily transferred for duty in an office or employment which would not entitle him to pension under this Ordinance, the period during which he shall serve in such office or employment as aforesaid shall count for pension as if the inspector, subordinate officer or constable had not been seconded or temporarily transferred.

Interpretation of "constable".

60. For the purposes of this Part the term "constable" shall include privates and apprentices appointed to the band.

PART XII.

MISCELLANEOUS PROVISIONS.

Arms, clothing and equipment.

61. The Force shall be armed, clothed and equipped at the public expense.

62. (1) No person may without the consent in writing of an inspector, subordinate officer or constable, and then only with the approval of the Commissioner, deduct from the pay or allowances of an inspector, subordinate officer or constable any amount on account of any order, charge, or incumbrance given, made or created by the inspector, subordinate officer or constable on his pay or allowance except for reasonable and *bona fide* charges for not more than three months' arrears of house or land rent due by the inspector, subordinate officer or constable.

Protection of inspectors, subordinate officers and constables from civil process for debt.

(2) No pay or allowances aforesaid or any part thereof shall be paid to any person other than the inspector, subordinate officer or constable to whom it is due, except in the case of absence, illness or other incapacity or in any other case at the special request of the inspector, subordinate officer or constable, when the pay or allowances due to the inspector, subordinate officer or constable may be delivered to any agent duly authorised by him in writing to receive it.

(3) No pay or allowances aforesaid, or any part thereof, shall be liable to be attached, seized, or taken in execution by any process of law or otherwise howsoever.

(4) No inspector, subordinate officer or constable shall be liable to imprisonment under the order of a court by reason of the non-payment of any debt or demand he has incurred or for which he has become liable.

(5) The provisions of this section relating to the stoppage of pay shall not be construed to apply to any penalties or stoppages incurred by an inspector, subordinate officer or constable under this Ordinance or under any of the regulations or standing orders made under this Ordinance.

63. (1) Every inspector, subordinate officer and constable shall be liable to contribute to the maintenance of his wife and children, and also to the maintenance of any illegitimate children of whom he is proved to be or admits that he is the father, to the same extent as if he were not a member of the Force.

Liability of inspector, subordinate officer or constable for maintenance of wife and children.

(2) If an inspector, subordinate officer or constable fails to contribute a sufficient amount for the maintenance of his wife and children, the Commissioner may deduct such an amount from his pay, not exceeding one-third thereof, as may appear to him to be necessary, and may apply that amount towards the maintenance of such wife and children as aforesaid in any manner the Commissioner thinks fit.

64. The funeral expenses of any member of the Force dying whilst in the Force shall be defrayed by the Commissioner from any moneys provided by the Legislative Council for that purpose.

Funeral expenses of a member of the Force dying while serving.

65. Subject to the provisions of this Ordinance, all offences under this Ordinance shall be punishable on summary conviction, and all fines and penalties imposed or incurred by or under this Ordinance may be sued for and recovered under any Ordinance for the time being in force regulating procedure before magis-

Prosecution and procedure.

trates exercising jurisdiction and appeals from magistrates' decisions.

Right of officer, inspector, subordinate officer to prosecute police cases.

66. Where a member of the Force lays an information or makes a complaint against anyone, any officer, inspector or subordinate officer may appear before the magistrate who is trying or inquiring into the matter of the information or complaint and shall have the same privileges as to addressing the magistrate and examining the witnesses adduced in the matter as the member of the Force who laid the information or made the complaint would have had.

Grant of special award.

67. If on the trial of any criminal cause in the Supreme Court, the judge before whom the cause is tried is of the opinion that any member of the Force has distinguished himself in apprehending or detecting and bringing to justice the perpetrator or abettor of a crime, the judge shall have authority to grant a reward, not exceeding twenty dollars, to that member of the Force; and the reward shall be paid from the Treasury, on the certificate of the judge, out of moneys provided for that purpose by the Legislative Council.

Sale of unclaimed articles in the hands of the Force.

68. (1) All articles coming into the possession of any member of the Force as unclaimed property or property found and remaining unclaimed for the period of three months may be publicly sold at auction, after due advertisement thereof for fourteen days:

Provided that—

- (a) an animal whose value does not exceed twenty dollars, remaining unclaimed for seven days, may be publicly sold at auction, after due notice thereof for seven days; and
- (b) perishable goods may be sold before they become unfit; if they are unfit for use they may be destroyed.

(2) The proceeds of all sales aforesaid shall be paid into the Treasury for and on behalf of the Colony.

Power to make orders with respect to property in possession of police.

69. Where any property has come into the possession of the police in connection with any criminal charge or as the result of any search carried out by a member of the Force, a court of summary jurisdiction may, on the application either by an officer or by a claimant of the property, make an order for the delivery of the property to the person appearing to the court to be the owner thereof, or, if the owner cannot be ascertained, make such order with respect to the property as to the court may seem meet.

Fine fund.

70. (1) All fines inflicted upon any inspector, subordinate officer or constable under this Ordinance, or under any regulations made thereunder, shall be deducted from his salary and be paid by the Commissioner to the credit of a fine fund from which special awards to inspectors, subordinate officers and constables, the cost of upkeep of recreation rooms, of sporting outfits, and of providing amusements, may be paid as provided for in regulations.

(2) There shall be paid into the fine fund established by subsection (1) of this section all moneys standing to the credit of the fine funds established by the Police Ordinance, and the Militia Band Ordinance.

Cap. 77.
Cap. 89.

71. Where in this or any other enactment or in any rule, regulation, by-law, or Order in Council, the expression "Chief Officer of Police" is used, it shall mean the officer having command of the police in any division and shall include any person authorised by such said Chief Officer of Police to act in that behalf.

Definition of
Chief Officer.

PART XIII.

SPECIAL CONSTABULARY.

72. There shall be maintained a supplemental body of police styled the "Special Constabulary", any member of which may be called out for service by the Commissioner, the Deputy Commissioner, any Assistant Commissioner, or any officer in charge of a division in any case where additional police are required for the preservation of good order.

Designation
and objects
of Special
Constabulary.

73. (1) Subject to the general order and directions of the Governor, the Commissioner shall have the general command and superintendence of the Special Constabulary.

Commissioner to
command
the Special
Constabulary.

(2) The Special Constabulary in any division shall consist of such grades of officers, inspectors, subordinate officers and constables as the Commissioner, with the approval of the Governor, may direct.

74. The Governor may appoint fit and proper persons to be officers of the Special Constabulary, and such officers shall be assigned to such division as the Commissioner may direct.

Appointment
of officers.

75. The Commissioner may appoint fit and proper persons to be inspectors, subordinate officers and constables in the Special Constabulary by delivering to each of such persons a precept authorising him so to act. Such inspectors, subordinate officers and constables shall upon appointment, take the oath of office as prescribed in section 14 of this Ordinance.

Appointment
of inspectors,
subordinate
officers and
constables.

76. Any person appointed a special constable who—

Refusal to
take Oath.

- (a) refuses to take the oath hereinbefore mentioned when required to do so, or refuses or neglects to appear at the time and place for which he is summoned for the purpose of taking the oath; or
- (b) being called upon to serve, refuses or neglects to serve or obey the lawful orders and directions given to him for the performance of the duties of his office,

shall, on summary conviction thereof, be liable to a fine not exceeding twenty-five dollars, unless he proves to the satisfaction of the Court before which he is tried that he was prevented by illness or some unavoidable accident, in the opinion of the Court constituting a sufficient excuse.

Clothing and
equipment.

77. It shall be lawful for the Governor to provide at public expense, for the use of members of the Special Constabulary, clothing and equipment for the proper carrying out of the duties of their office.

Revocation
of appoint-
ment.

78. The appointment of any member of the Special Constabulary may be **revoked at any time**—

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

Resignation.

79. Any member of the Special Constabulary may, except when called out for full-time service, resign from the Special Constabulary by giving to the Governor in the case of officers and to the Commissioner in all other cases, one month's notice in writing:

Provided that any such notice may in any fit case be dispensed with.

Discipline,
authority
and pay.

80. (1) Every member of the Special Constabulary when called out for full-time service, shall be deemed for all purposes a member of the Force and shall be subject to all the provisions of this Ordinance as regards the discipline, powers and immunities of constables under Part IV, and shall be paid for his services from such moneys as may be provided by the Legislative Council, at the same rates as a regular member of the Force of equivalent rank.

(2) Except as provided for in subsections (2) and (3) of section 83 nothing contained in this Part shall entitle a member of the Special Constabulary to any pension or gratuity under this Ordinance.

Member of
Special Con-
stabulary to
remain in
his division
when called
out for full-
time service.

81. No member of the Special Constabulary shall leave or absent himself from the division in which he is stationed during any period in which he has been called out for full-time service, without the permission of the officer in charge of the division.

Offences.

82. Every member of the Special Constabulary who—

- (a) when called out for full-time service, neglects or refuses to serve, or neglects or refuses to obey any lawful command; or
- (b) contravenes the provisions of section 81 of this Ordinance,

shall be guilty of an offence and shall, on summary conviction thereof, be liable to a fine not exceeding fifty dollars.

Illness,
bodily injury
and death.

83. (1) Where any member of the Special Constabulary, through no fault of his own, contracts any illness or sustains bodily injury while in the actual discharge of his duties as such—

- (a) he shall be provided with medicines, medical comforts and medical attendance at the public expense on the written authority of the Commissioner;
- (b) he shall receive full pay according to his rank in the Special Constabulary during any period of incapacitation but not exceeding three months without a recommendation from a medical board, and in no case exceeding twelve months.

(2) Where any member of the Special Constabulary sustains bodily injury in the circumstances specified in subsection (1) of this section, 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.

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

Cap. 111.

PART XIV.

SUPERNUMERARY CONSTABLES, SUBORDINATE OFFICERS, INSPECTORS AND OFFICERS.

84. (1) If in any case application is made by any person to the Commissioner for constables, subordinate officers and/or inspectors to be employed in his service on special duties, the nature of which duties shall be specified in the application, the Commissioner may, if he thinks fit, appoint men as supernumerary constables, subordinate officers and inspectors to be employed on the special duties specified in the application.

Supernumerary constables, subordinate officers, inspectors and officers.

(2) The Governor may appoint fit and proper persons to be officers.

(3) The men so appointed and employed shall be subject to all the provisions of this Ordinance and the regulations made thereunder relating to discipline, punishment, powers and immunities of constables.

(4) The pay and expenses and the cost of uniform of supernumerary constables, subordinate officers, inspectors or officers shall be defrayed by the person requiring their services. The cost of the uniform shall be paid annually in advance and the pay and expenses shall be paid monthly in advance to the Commissioner.

(5) Proceedings for any sum payable under this section may, on the complaint of an officer of police, be taken before any magistrate against the person liable to pay the sum.

(6) Whenever any person availing himself of the services of supernumerary constables, subordinate officers, inspectors or officers no longer desires to maintain such supernumerary constables, subordinate officers, inspectors or officers, or wishes to reduce the number of such supernumerary constables, subordinate officers, inspectors or officers in his service, he may terminate their services by giving two months' notice thereof in writing to the Commissioner. A supernumerary constable, subordinate officer or inspector shall be given one month's notice of the termination of his employment by an officer of police.

(7) Nothing in this section confers on any supernumerary constable, subordinate officer, inspector or officer, any claim for a pension or gratuity under this Ordinance;

Cap. 111.

Provided that, notwithstanding the provisions of the Workmen's Compensation Ordinance, a supernumerary constable, subordinate officer, inspector or officer shall be regarded as a workman, and the person making the application in accordance with the provisions of subsection (1) of this section as an employer, within the meaning of that ordinance.

PART XV.

RURAL CONSTABULARY.

Interpretation.

85. In this Part of this Ordinance, unless the context otherwise requires—

“the superintendent” means the superintendent of police assigned by the Commissioner to have charge of the rural constabulary;

“officer of the rural constabulary” includes the Commissioner, the superintendent, and any police officer having the command and superintendence of any rural constabulary;

“the rural constabulary” means the body of rural constables appointed and acting under this Ordinance;

“rural constable” means one of those constables and includes any subordinate officer of the rural constabulary.

Establishment of rural constabulary.

86. The rural constabulary shall be maintained under this Ordinance and shall consist of the subordinate officers of the rural constabulary and rural constables as hereinafter provided.

Objects of the rural constabulary.

87. The principal objects for which the rural constabulary is established are that its members may be capable—

(a) in time of peace, of acting as an efficient auxiliary to the Force in the performance of such of their ordinary duties as the Commissioner shall deem fit; and

(b) in the time of internal disturbance or of external aggression, of at once assuming to the extent found requisite by the Commissioner the ordinary duties of the Force.

Powers of officers of the Force.

88. Every officer of the Force shall, within the limits of the place in which he exercises authority in matters relating to the Force, have the control and command of the rural constabulary and perform the duties in relation thereto directed by the Commissioner or as prescribed by the regulations.

Appointment of inspectors in divisions.

89. The Commissioner may from time to time appoint fit and proper persons, being inspectors or subordinate officers of the Force, to be inspectors of the rural constabulary in each division.

Number and distribution of the rural constabulary.

90. Subject to the provisions hereinbefore contained, the rural constabulary shall consist of the number and grades of subordinate officers of the rural constabulary and rural constables from time to time directed by the Commissioner.

Appointment.

91. Subject to the provisions of this Ordinance and of any regulations, the Commissioner may appoint any qualified person to be a rural constable.

92. (1) On appointing any person to be a rural constable, the Commissioner shall deliver or cause to be delivered to him a precept authorising him to act as a rural constable.

Precept of appointment and oath of office.

(2) When he receives the precept, the person so appointed shall take the oath of office specified in section 14 of this Ordinance.

93. (1) Every rural constable—

- (a) shall be entitled to all the privileges and immunities conferred upon any constable by any law or Ordinance for the time being in force;
- (b) may serve and execute any summons, warrant, or other process in any cause or matter, whether criminal, quasi-criminal or civil, issued by any magistrate or justice of the peace; and
- (c) shall obey all orders lawfully given to him by a magistrate, or a justice of the peace, or by a superior officer, inspector, or subordinate officer.

General powers and duties.

(2) The privileges and immunities, however, to which a rural constable is entitled by virtue of paragraph (a) of sub-section (1) of this section shall be subject to the following modifications—

- (a) the expression “pay and allowance” means pay or allowance in respect only of a rural constable’s employment or services as a rural constable;
- (b) a rural constable shall not be exempt from liability to be imprisoned under the order of a court by reason of the non-payment of any debt or demand he has incurred or for which he has become liable;
- (c) a rural constable shall have no claim to any pension or gratuity under this Ordinance.

94. (1) The Commissioner may at any time call out members of the rural constabulary for full-time service with the Force, and in the case of an emergency, any officer may call out for full-time service with the Force the members of the rural constabulary subject to his orders, and they shall thereupon be deemed to be, for all purposes, members of the Force and shall be subject to the provisions of this Ordinance and of any regulations as regards discipline, powers, privileges and immunities of constables.

Liability for full-time service.

(2) Except in the case of an emergency, a rural constable shall not be required to serve beyond the limits of the division in which he resides.

(3) When a call is made, every rural constable so called out shall forthwith, or at the appointed time, unless he is specially excused by the Commissioner or an officer, repair to the appointed place of muster and there place himself under the orders of the officer in command for the services required of him and during the necessary period.

(4) Any rural constable who refuses or neglects to comply with the requirements of this section shall, on summary conviction thereof, be liable to a fine not exceeding twenty-five dollars or to imprisonment for a term not exceeding two months.

(5) In any proceedings against a rural constable under this section, proof that a notice calling out rural constables for full-time service was served upon such rural constable shall be conclusive proof that the call came to his knowledge.

Illness,
bodily injury
and death.

95. Where any member of the rural constabulary is called out for full-time service, and 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 entitled to the same privileges and be subject to the same disability as is provided by section 83 of this Ordinance with respect to any member of the Special Constabulary.

Remunera-
tion of rural
constables.

96. Whenever any rural constable is called out or employed on full-time service with the Force or whenever he serves or executes any process mentioned in section 93 of this Ordinance he shall be paid at the rates specified in the schedule hereto, or at any other rates from time to time fixed by order of the Governor in Council.

Schedule.

Offences by
rural con-
stables.

97. Any rural constable who—

- (a) refuses or neglects to serve or execute any order lawfully given to him; or
- (b) refuses or neglects to serve or execute any summons, warrant, or other process; or
- (c) is guilty of any violation or neglect of duty not otherwise provided for in this Part,

shall be guilty of an offence and shall, on summary conviction thereof, be liable to a fine not exceeding fifty dollars or to imprisonment for a term not exceeding three months.

Resignation.

98. (1) A rural constable may resign his appointment on giving one month's notice in writing of his intention to do so to the superintendent of police of the division in which he resides:

Provided that the Commissioner may, if he thinks fit, refuse to accept the resignation for any period he deems necessary.

(2) Whenever he thinks fit to do so, the Commissioner may allow a rural constable to resign his appointment without giving notice.

Recom-
mendation
for interdic-
tion and
dismissal.

99. (1) Upon complaint by a magistrate, an officer may interdict any rural constable who is serving in the magisterial district of such magistrate and in that case such officer shall forthwith report the interdiction and the grounds thereof to the Commissioner.

(2) A magistrate, whether after or without interdiction, and a justice of the peace, may recommend to the Commissioner that a rural constable be dismissed from his office.

(3) The Commissioner shall take the interdiction or recommendation (or both) into consideration, and after allowing the rural constable an opportunity of making a defence, shall communicate his decision to the magistrate or justice of the peace and to such constable.

Dismissal.

100. The Commissioner may at any time dismiss any rural constable from his office or dispense with his services.

Surrender of appointments of rural constable on resignation or dismissal.

101. (1) When any rural constable resigns, or is dismissed from, or ceases to hold and exercise his office, all powers and authorities vested in him as a rural constable, shall immediately cease and determine, and he shall within seven days after deliver all articles or appointments supplied to him for the execution of his office to the inspector or subordinate officer of the district in which he resides.

(2) Every rural constable who contravenes any of the provisions of this section shall be guilty of an offence, and shall, on summary conviction thereof, be liable to a fine not exceeding twenty-five dollars, or to imprisonment for a term not exceeding two months, and any justice of the peace may issue his warrant to search for and seize all articles or appointments not so delivered over wherever they are found, and to arrest the person in whose possession they are found.

Surrender of appointments of rural constable upon death.

102. (1) When any rural constable dies, his heir, executor, or other representative, or the person in whose house he dies, possessed of any articles or appointments supplied to the rural constable for the execution of his office, shall, within fourteen days after the death, deliver up to the inspector or subordinate officer of the division in which the rural constable resided, all articles or appointments supplied to, and in the possession of, the rural constable for the execution of his office at the time of his death.

(2) Every person who contravenes any of the provisions of this section shall be guilty of an offence and shall, on summary conviction thereof, be liable to a fine not exceeding twenty-five dollars or to imprisonment for a term not exceeding two months, and any justice of the peace may issue his warrant to search for and seize all articles or appointments not so delivered over wherever they are found, and to arrest the person in whose possession they are found.

Bodily injury to rural constable.

103. Subject to the provisions of section 95 of this Ordinance, where a rural constable sustains bodily injury while in the actual discharge of his duty, he shall be provided with medicines, medical comforts and medical attendance at the public expense on the written authority of any officer.

Granting of special reward for apprehension of criminal.

104. If, on the trial of any case in the Supreme Court in its criminal jurisdiction, the judge before whom the case is tried, is of the opinion that any rural constable has distinguished himself in apprehending or detecting and bringing to justice the perpetrator or abettor of any crime, the judge may grant a reward, not exceeding ten dollars to the rural constable, and the reward shall be paid from the Treasury on the certificate of the judge out of moneys provided by the Legislative Council for that purpose.

PART XVI.

REGULATIONS.

Regulations.

105. The Commissioner may from time to time, with the approval of the Governor, make regulations with regard to all or any of the following matters, that is to say—

- (a) the description and issue of arms, ammunition, accoutrements, uniforms, dentures, spectacles and

- necessaries to be supplied to members of the Force;
- (b) the promotion and demotion of inspectors, subordinate officers and constables from one grade to another;
 - (c) offences against discipline, disciplinary procedure, and penalties;
 - (d) the interdiction, suspension and dismissal of inspectors, subordinate officers and constables;
 - (e) the procedure for appeal against the discharge from the Force of a subordinate officer or constable;
 - (f) the duties to be performed by all persons appointed under this Ordinance;
 - (g) the qualifications of persons seeking appointment to any part of the Force, the form and method of their appointment, their general government with respect to their classification and rank, their training, the services required of them and their conduct in the performance thereof;
 - (h) the distribution of personnel throughout the Colony and the requiring of any officer, inspector, subordinate officer or constable to reside in the quarters provided for him and the conditions under which he shall reside;
 - (i) the management and good governance of any police depot, quarters, stations, offices, hospitals, training school, rifle ranges, and cells and of the persons confined therein;
 - (j) the establishment and the good management of any canteen, shop and recreation room for the benefit of the Force;
 - (k) messing and accommodation of members of the Force;
 - (l) the taking of measurements, photographs and fingerprint impressions of persons in lawful custody;
 - (m) leave and weekly rest days;
 - (n) the periodical muster and drill of the Special and Rural Constabularies;
 - (o) public and private entertainments by the band;
 - (p) generally for the good order and governance of the Force;

PART XVII

GENERAL.

106. All members of the Force shall, in respect of any matter not provided for in this Ordinance or any regulations made thereunder, be subject to the provisions of Colonial Regulations and General Orders as are from time to time in force.

107. (1) The Police Ordinance and the Militia Band Ordinance are hereby repealed.

Application
of Colonial
Regulations
and General
Orders.

Repeal.
Cap. 77.
Cap. 89.

(2) All regulations made or continued in force under the Police Ordinance and under the Militia Band Ordinance and in force at the commencement of this Ordinance shall, in so far as they are not in conflict with the provisions of this Ordinance, continue in force until revoked by regulations made under this Ordinance.

Cap. 77.
Cap. 89.

SCHEDULE

Section 96.

TABLE OF FEES AND ALLOWANCES PAYABLE TO RURAL CONSTABLES.

	\$ c
1. For execution of a warrant of commitment	1.50
2. For making any arrest where a warrant of apprehension has been issued, or for making any arrest where a warrant has not been issued if the magistrate considers the arrest was properly made	2.00
3. For preparing a summons if the summons has been initialled by an Officer of Rural Constabulary or the Inspector of Rural Constabulary	1.50
4. For attendance at court	2.50
5. For executing in the prescribed manner any warrant of distress or levy or warrant of ejection, or other process issued by a magistrate	2.00
6. For performance of police duties when required to assist the police for the first eight hours or part thereof and 56c. per hour for each hour over eight	3.00
7. For the attendance at any muster to a subordinate officer or constable per diem	2.00
8. Travelling allowance to a constable when engaged in the execution of his duty, on the scale for the time being sanctioned for the police force.	
9. (a) The allowance specified in item 8 shall be in the discretion of the magistrate, and shall be paid by the magistrate at the conclusion of the case or the completion of the service. The account shall be made out by the police.	
(b) In any case under item 2 the Commissioner of Police may, on the recommendation of the magistrate, award special remuneration not exceeding \$5.	
(c) Where any constable receives any monthly pay or salary from public revenues, he shall not be entitled to any fees or allowances under this Ordinance, unless the Chief Secretary expressly authorises the payment.	