



ST CHRISTOPHER AND NEVIS

CHAPTER 19.07

POLICE ACT

and subsidiary legislation

Revised Edition

showing the law as at 31 December 2009

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, Cap. 1.03.

This edition contains a consolidation of the following laws:

Police Act

Act 6 of 2003 in force 25th June 2003

Amended by Act 20 of 2009

Regulations

Police Regulations - SRO 17/2008

Criminal Records - SRO 4/2006

Revision Date: 31 Dec 2009

ARRANGEMENT OF SECTIONS

Section

PART I – PRELIMINARY

1. Short title.
2. Interpretation.

PART II – THE ROYAL SAINT CHRISTOPHER AND NEVIS POLICE FORCE

3. Continuance of Police Force in existence prior to the coming into force of this Act.
4. Status of members of previous Police Force.
5. Duties of the Police Force.
6. Powers of the Police Force.
7. Every Police Officer to be a constable.
8. General Powers of Police Officers.
9. Employment of Police Force to repel external aggression etc.

PART III – COMMAND, APPOINTMENT, ENLISTMENT, RETIREMENT, ETC

Command of Police Force

10. Command of Police Force.

Appointments and Enlistment

11. Chief of Police and Deputy Chief of Police.
12. Superintendent etc.
13. Subordinate police officers.
14. Appointments on contract.
15. Acting and temporary appointments.
16. Promotions for Non-Gazetted police officer.
17. Qualification for appointment to the Police Force.
18. Application for posts in the Police Force.
19. Probationary period for Gazetted Police officers.
20. Probationary period for subordinate officers.
21. Oath.
22. Withdrawal or resignation from the Police Force.

Inefficiency, and Retirement from the Police Force

23. Reduction in rank.
24. Retirement from the Police Force on attaining fifty years of age etc.
25. Termination of appointment of police officer.
26. Medical examination.
27. Discharge on medical grounds.
28. Delegation of powers by the Commission.

PART IV – ESTABLISHMENT OF CIVILIAN POSTS IN THE POLICE FORCE

29. Civilian Staff.
30. Police Force Personnel Officer.
31. Police Force Telecommunications Officer.
32. Police Force Finance Officer.

PART V – CUSTODY OF PERSONS ARRESTED BY THE POLICE FORCE

33. Police Station to be lock-up.
34. Grant of bail to persons in custody without warrant.
35. Grant of bail to persons arrested at night and kept in custody without warrant.
36. Bail not to be granted in capital offences.
37. Refusal of bail.
38. Taking of measurements, photographs and finger prints of accused persons.
39. Right of Police Officer to prosecute.

PART VI – FINANCIAL PROVISIONS*Pay and Allowances*

40. Pay and other allowances.
41. Payment of extra expenses.
42. Reward Fund.
43. Purposes of the Fund.
44. Investment of moneys of Reward Fund.

Pensions and Gratuities

45. Definition of certain words.
46. Pensions to be charged on Consolidated Fund.
47. Circumstances in which pension may be granted.
48. Grant of gratuity.
49. Grant of pensions.
50. Pay to be used in the computation of pensions, etc.
51. Increase in pension in cases of retirement based on medical grounds.
52. Grant of gratuity where period of service does not qualify for pension.
53. Retirement on account of injury etc contracted in the discharge of duty.
54. Reduced pension and gratuity.
55. Gratuity where police officer dies while in service or after retirement.
56. Gratuity for death due to injuries or disease while discharging duty.
57. Pension to dependants where police officer dies due to injuries or disease while discharging duty.
58. Pension to cease on conviction.
59. Suspension of pension on re-employment.

Revision Date: 31 Dec 2009

PART VII – DISCIPLINE AND OFFENCES

Disciplinary Control

60. Disciplinary control over Gazetted Police Officers.
61. Disciplinary control over Subordinate Police Officers.
62. Delegation of disciplinary power by the Governor-General.
63. Conduct and discipline.
64. Hearing and determination of charges and complaints.
65. Reduction and dismissal from the Police Force.
66. Suspension from duty pending determination of complaint etc.
67. Appeals.

Offences

68. Mutinous or seditious conduct.
69. Causing disaffection among members of the Police Force.
70. Arrest of offending Police Officer.
71. Harboursing, inducing, etc.

PART VIII – MISCELLANEOUS PROVISIONS

Police Welfare Association

72. Continuity of Police Force Welfare Association.
73. Police Association Rules.

Prohibited Associations

74. Police Officers not to join prohibited association.

Medical Treatment

75. Medical treatment for Police Officers.

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

76. Unauthorised possession of articles supplied to the Police Force.
77. Personation of police officer.
78. Persons who leave the Police Force to deliver articles supplied to them.
79. Delivery of articles supplied to deceased police officers.
80. Offences for non-delivery of articles.

Police officers not liable for irregularity of warrant

81. Police officers not liable for irregularity of warrant.

Satisfaction of civil judgment by police officers

82. Satisfaction of civil judgment.

Unclaimed Property

83. Unclaimed Property.

Recovery of fines

84. Recovery of fines.

Accoutrements and Uniform of the Police Force

85. Accoutrements etc of the Police Force.

Justices of the Peace

86. Justices of the Peace.

Deployment of police officer in another Caricom country

87. Deployment of police officer in another Caricom country.

Police Canteens

88. Police Canteens.

Regulations

89. Regulations.

SCHEDULES

FIRST SCHEDULE

SECOND SCHEDULE

THIRD SCHEDULE

CHAPTER 19.07

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.

PART I – PRELIMINARY

1. Short title.

1. This Act may be cited as the Police Act.

2. Interpretation

2. In this Act, unless the context otherwise requires,

“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);

“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;

“Medical Board” means the Medical Board established under the Medical Act, Cap. 9.15;

“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

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

(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.

4. Status of members of previous Police Force.

(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.

(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. Duties of the Police Force.

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

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

Revision Date: 31 Dec 2009

- (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;
- (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.

6. Powers of a police officer.

(1) A police officer may, without a warrant, arrest a person

- (a) he or she 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 or her 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;
 - (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.

(Amended my Act 20/2009)

7. Every Police Officer to be a constable.

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.

8. General Powers of Police Officers.

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.

9. Employment of Police Force to repel external aggression etc.

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

(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, Cap. 19.14, the Police Force shall be held to be similarly called out for actual service by the proclamation.

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

Revision Date: 31 Dec 2009

(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. Command of Police Force.

(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.

(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

11. Chief of Police and Deputy Chief of Police etc.

(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.

12. Superintendents etc.

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.

13. Subordinate police officers etc.

(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.

14. Appointments on contract.

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.

15. Acting and temporary appointments.

(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 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. Promotions for Non-Gazetted police officers.

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

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

17. Qualification for appointment to the Police Force.

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

- (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;

Revision Date: 31 Dec 2009

- (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. Application for posts in the Police Force.

An application for a post in the Police Force shall be submitted to the Police Force Personnel Officer who shall forward the application to the Commission in accordance with the procedure prescribed by the Governor-General by regulations.

19. Probationary period for Gazetted Police officers.

(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.

20. Probationary period for subordinate officers etc.

(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.

(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. Oath.

(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.

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

22. Withdrawal of resignation from the Police Force.

(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.

(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.

Revision Date: 31 Dec 2009

(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

23. Reduction in rank.

(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.

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

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.

25. Termination of appointment of police officer.

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

Revision Date: 31 Dec 2009

26. Medical examination.

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.

27. Discharge on medical grounds.

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.

28. Delegation of powers by the Commission.

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

29. Civilian Staff.

(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.

30. Police Force Personnel Officer.

(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;
- (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.

31. Police Force Telecommunications Officer.

(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.

Revision Date: 31 Dec 2009

(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.

32. Police Force Finance Officer.

(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. Police Station to be lock-up.

(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.

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

34. Grant of bail to persons in custody without warrant.

(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.

(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, Cap. 3.17.

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

(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.

(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.

36. Bail not to be granted in capital offences.

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.

37. Refusal of bail.

(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.

Revision Date: 31 Dec 2009

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

(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. Right of Police Officer to prosecute.

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

- (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. Pay and other allowances.

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

41. Payment of extra expenses.

(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.

(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. Reward Fund.

(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.

(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. Purposes of the Fund.

(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.

(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.

44. Investment of moneys of Reward Fund.

(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

45. Definition of certain words.

For the purposes of this Sub-Part, the word

“pay”, in relation to a police officer, includes his or her

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

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

Revision Date: 31 Dec 2009

46. Pensions to be charged on Consolidated Fund.

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.

47. Circumstances in which pension may be granted.

(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).

48. Grant of gratuity.

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 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. Grant of pensions.

(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.

(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. Pay to be used in the computation of pensions, etc.

(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,

- (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)

- (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.

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

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.

Revision Date: 31 Dec 2009

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

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.

53. Retirement on account of injury e.t.c contracted in the discharge of duty.

(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

- (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.

54. Reduced pension and gratuity.

(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.

(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.

Revision Date: 31 Dec 2009

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

(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.

(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.

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

(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.

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

(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

- (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

Revision Date: 31 Dec 2009

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 with hold 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;

Revision Date: 31 Dec 2009

- (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.

58. Pension to cease on conviction.

(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.

59. Suspension of pension on re-employment.

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

60. Disciplinary control over Gazetted Police Officers.

(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.

61. Disciplinary control over Subordinate Police Officers etc.

(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.

62. Delegation of disciplinary power by the Governor-General.

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.

63. Conduct and discipline.

(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.

(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. Hearing and determination of charges and complaints.

(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.

(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 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).

Revision Date: 31 Dec 2009

65. Reduction and dismissal from the Police Force.

(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.

66. Suspension from duty pending determination of complaint etc.

(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. Appeals.

(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.

(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. Mutinous or seditious conduct.

(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;

commits an offence and is liable, on summary conviction, to a term 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. Causing disaffection among members of the Police Force.

(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 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.

Revision Date: 31 Dec 2009

70. Arrest of offending police officer

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.

71. Harboursing, inducing, etc.

(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, spirituous 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. Continuity of Police Welfare Association.

(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.

(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. Police Association Rules.

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.

Prohibited Associations**74. Police Officers not to join prohibited association.**

(1) No member of the Police Force shall join a 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**75. Medical treatment for Police Officers.**

(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**76. Unauthorised possession of articles supplied to the Police Force.**

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.

77. Personation of police officer.

(1) A person, not being a police officer, who

Revision Date: 31 Dec 2009

- (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.

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

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.

79. Delivery of articles supplied to deceased police officers.

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. Offences for non delivery of articles.

(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.

(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. Police officers not liable for irregularity of warrant.

(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.

(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. Satisfaction of civil judgment.

(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.

(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

83. Unclaimed Property.

(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

Revision Date: 31 Dec 2009

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. Recovery of fines

(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.

(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. Accoutrements etc of the Police Force.**

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.

*Justices of the Peace***86. Justices of the Peace**

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 country***87. Deployment of police officer in another Caricom country**

(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.

Revision Date: 31 Dec 2009

Police Canteens

88. Police Canteens

(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. Regulations

(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,

- (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.

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.

(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.

Right to Vote.

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.

Elections and Annual Meetings.

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.

Revision Date: 31 Dec 2009

Representation by Branch Board.

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

Representation by Central Committee.

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.

(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.

Tenure of office of members.

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.

Officers.

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

Chairman to have casting vote.

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.

Procedure at meetings.

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.

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.

(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 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.

Revision Date: 31 Dec 2009

(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.

FOURTH SCHEDULE

(Section 89)

POLICE REGULATIONS

ARRANGEMENT OF REGULATIONS

PART I – PRELIMINARY

Regulation

1. Citation.
2. Interpretation

PART II – ORGANISATION OF DIVISIONS

3. Districts and sub-districts.
4. District boundaries.
5. Number of police officers attached to a Division.
6. Number of police officers attached to a branch or section

PART III – PERSONAL RECORDS OF POLICE OFFICERS

7. Application form.
8. Maintenance of personal records.
9. Contents of personal record.
10. Inspection of personal record.
11. Expungement from personal record.
12. Transfer of personal record.
13. Certificate to be given to a police officer ceasing to be a member of the Police Force.
14. Personal record of police officer ceasing to be a member of the Police Force.
15. Register of fingerprints of police officers.
16. Force Regulation number.
17. Special constables.

PART IV – QUALIFYING EXAMINATIONS

18. Qualifying examinations.
19. Results of examinations.

20. Unsuccessful examinations.
21. Police officer not promoted after passing examination.
22. Effect of qualifying examination.

PART V – PROMOTION

23. Petition for promotion.
24. Promotion by selection.

PART VI – PAY, ALLOWANCES AND OTHER PAYMENTS

25. Rates of pay.
26. Increments.
27. Risk allowance.
28. Responsibility allowance.
29. Proficiency allowance.
30. Detective allowance.
31. Telephone allowance.
32. Travelling allowance.
33. Technical allowance.
34. Special allowance.
35. Plain clothes allowance.
36. Canine unit allowance.
37. Instructors allowance.
38. Displacement allowance.
39. Ferry allowance.
40. Refreshment allowance
41. Transfer allowance.
42. Subsistence allowance.
43. Payment for special duties.
44. Funeral expenses.

PART VII – UNIFORMS AND EQUIPMENT

45. Uniforms.
46. Descriptions.
47. Distinguishing badges.
48. Clothing and equipment for gazetted police officers.
49. Equipment for inspectors.
50. Equipment for subordinated police officers, constables and special constables.
51. Inspection.
52. Issue of new equipment.
53. Government Property.

Revision Date: 31 Dec 2009

- 54. Wearing of other uniforms.
- 55. Variation of dress.

PART VIII – LEAVE

- 56. Vacation leave
- 57. Leave form.
- 58. Resumption of duty.
- 59. Weekly rest day leave.
- 60. Liberty leave.
- 61. Plain clothes to be worn on leave.
- 62. Leave to be refused.

PART IX – SICK LEAVE

- 63. Occasional sick leave entitlement.
- 64. Certified sick leave.
- 65. Notification of illness.
- 66. Sick leave register.
- 67. Medical history reports
- 68. Sick leave without sanction.
- 69. Hospitalization of a police officer.
- 70. Police officer taking occasional sick leave day immediately before rest day.
- 71. Police officer's conduct whilst on sick leave.
- 72. Malingering.
- 73. Designation of Police Medical Officer
- 74. Medical attention overseas.
- 75. Pay whilst on sick leave

PART X – PASSAGE

- 76. Leave passage.
- 77. Passage and relocation expenses on termination of service.
- 78. Passage and relocation expenses for widow or widower and dependents of a deceased police officer.

PART XI – DISCIPLINE

- 79. Offences and discipline.
- 80. Offences created by the Act.
- 81. Disciplinary offences created by the Regulations.
- 82. Hearing and determination of disciplinary offences created by Regulations.
- 83. Open arrest.
- 84. Close arrest.

85. Suspension from duty.

PART XII – GOVERNANCE AND CONDUCT

86. Performance of duties.
87. Absence.
88. Giving of loans amongst police officers.
89. Appearance.
90. Complaints against a police officer by another police officer.
91. Shift system.
92. Other employment.
93. Annual physical fitness and medical examinations.

**PART XIII – PRISONERS AND PERSONS DETAINED
IN POLICE CUSTODY**

94. Opening of police cells.
95. Prisoners and persons detained in police custody to be visited regularly.
96. Handcuffs.
97. Armed escorts.

PART XIV – POLICE SPORTS CLUB

98. Membership of Police Sports Club.
99. President of Police Sports Club.
100. Subscription.
101. Management of Police Sports Club.
102. Rules of Police Sports Club.

PART XV – GENERAL

SCHEDULES

- | | |
|-------------|---|
| Schedule 1 | Police Districts and Sub-Districts |
| Schedule 2 | Application form |
| Schedule 3 | Regulations for Qualifying Examinations |
| Schedule 4 | Rates of allowances |
| Schedule 5 | Uniform and Occasion on which it is to be worn |
| Schedule 6 | Badges of rank |
| Schedule 7 | Clothing and Equipment for Gazetted Police Officers |
| Schedule 8 | Uniforms and Equipment to be supplied on Loan at Public Expense to Inspectors |
| Schedule 9 | Arms, Uniform and Equipment of Subordinate Police Officers, Constables and Special Constables |
| Schedule 10 | Disciplinary Offences created by the Regulations |

POLICE REGULATIONS

PART I – PRELIMINARY

1. Citation.

These Regulations may be cited as the Police Regulations, 2008.

2. Interpretation.

In these Regulations

“Act” means the Police Act, Cap. 19.07;

“Force Standing Orders” means a standing order for the Police Force issued in writing by the Chief of Police and applicable to the Police Force as a whole;

“Station Officer” means the officer in charge of a police station;

“Station Standing Order” means a standing order for a particular station in the Division issued by the police officer in charge of the Division with the approval of the Chief of Police”.

PART II – ORGANISATION OF DIVISIONS

3. Districts and sub-districts.

For the purposes of administration, the Saint Christopher and the Nevis divisions created pursuant to section 3(4) of the Act shall be divided into districts and sub-districts as is set out in Schedule 1.

4. District boundaries.

The boundaries in the districts and sub districts created pursuant to regulation 3 shall be regulated by Orders issued to the Police Force by the Chief of Police with the approval of the Minister and published in the Official *Gazette*.

5. Number of police officers attached to a Division.

The number of the Gazetted Police Officers, Inspectors, subordinate police officers, constables, and special constables to be attached to each Division shall be regulated by Orders issued to the Police Force by the Chief of Police.

6. Number of police officers attached to a branch or section.

The number of the Gazetted Police Officers, Inspectors, subordinate police officers, constables, and special constables to be attached to each branch or section shall be regulated by the Chief of Police in Orders issued to the Police Force.

*PART III – PERSONAL RECORDS OF POLICE OFFICERS***7. Application Form.**

Each applicant to join the Police Force shall complete the application form set out in Schedule 2.

8. Maintainance of personal records.

The Police Force Personnel Officer shall maintain a personal record of each police officer.

9. Contents of personal records.

The personal records maintained by the Police Force Personnel Officer pursuant to regulation 8 shall contain the following information

- (a) the name of the police officer;
- (b) a personal description of the police officer;
- (c) the Force number given to the police officer on enlistment or appointment;
- (d) the fingerprints of the police officer (taken at the public expense);
- (e) a photograph of the police officer (taken at the public expense);
- (f) any previous name or alias of the police officer;
- (g) the maiden name of the police officer, in the case of a married female police officer;
- (h) the place and date of birth of the police officer;
- (i) the marital status of the police officer;
- (j) the number of children of the police officer, (if any);
- (k) the record of service of the police officer in any branch of the Defence Force, the Police Force or the Civil Service (if any);
- (l) a record of the service of the police officer in any other Police Force or as a special constable (if any);
- (m) a record as to whether the police officer has passed or failed to pass any qualifying examinations at which he or she was a candidate;
- (n) a record of any training courses which the police officer has attended;
- (o) a record of the police officer's service in the Police Force including the particulars of any
 - (i) promotion;

Revision Date: 31 Dec 2009

- (ii) change in pay;
 - (iii) posting;
 - (iv) transfer;
 - (v) injuries sustained;
 - (vi) period of illness;
 - (vii) periods of leave of absence;
 - (viii) commendations received;
 - (ix) rewards;
 - (x) disciplinary measures imposed;
 - (xi) any cautions imposed; and
- (p) the date on which the police officer ceases to be a member of the Police Force and the reason, cause or manner thereof.

10. Inspection of personal records.

(1) A police officer may make a request to the Police Force Personnel Officer to inspect his or her personal record and shall be permitted to inspect the personal record in the presence of the Police Force Personnel Officer or his or her permitted representative.

(2) A police officer shall have the right to respond to, clarify or challenge any unfavourable thing that is placed in his or her personal record.

(3) The personal record of a police officer shall remain the property of the Police Force.

11. Expungement from personal record.

(1) The Chief of Police shall cause the Police Force Personnel Officer to expunge from the personal record of a police officer a disciplinary fine of not more than one hundred dollars or a confinement to barracks for a period not exceeding fourteen days where

- (a) three years have elapsed since the date on which the fine or confinement was imposed;
- (b) the police officer has requested that the fine or confinement to be expunged; and
- (c) no other disciplinary measure has been imposed on the police officer during those three years other than a caution.

(2) Where a fine or a confinement record is expunged from the personal record of a police officer pursuant to sub-regulation (1), the Police Force Personnel Officer shall destroy all the information relating to that fine or confinement and a new part of the record may be made out so as not to disclose that the expunged punishment had been imposed.

12. Transfer of personal record.

Where a police officer transfers to a police force in any other country the Chief of Police may, upon the written request of the Chief of Police of that other country and with

the prior written approval of the police officer, order the transfer of a copy of the personal record of that police officer to the police force of that other country.

13. Certificate to be given to a police officer ceasing to be a member of the police force.

(1) Where a police officer ceases to be a member of the Police Force, the Chief of Police shall give him or her, a certificate with the following information:

- (a) the last rank held by the police officer in the Police Force;
- (b) the period which the police officer served in the Police Force and in any other police force in any other country;
- (c) the particulars of the personal description of the police officer; and
- (d) the circumstances in which the police officer left the force that is to say whether due to
 - (i) retirement on completion of service;
 - (ii) retirement in consequence of injury sustained on duty;
 - (iii) retirement on account of ill health;
 - (iv) discharge before completion of the period of probation;
 - (v) compulsory retirement;
 - (vi) resignation; or
 - (vii) dismissal.

(2) The Chief of Police shall append to the certificate given pursuant to sub-regulation (1), any favourable recommendation which he or she deems justified.

14. Personal record of police officer ceasing to be a member of the police force.

(1) Where a police officer ceases to be a member of the Police Force, otherwise than by transfer to a police force in another country, the Chief of Police shall keep his or her personal record as part of the archives of the Police Force.

(2) The archives of the Police Force maintained pursuant to sub-regulation (1) may be maintained in an electronic form.

15. Register of fingerprints of police officers.

(1) The Police Force Personnel Officer shall maintain a register of the finger prints of each police officer, which fingerprints shall be taken in accordance with such directions as the Chief of Police may prescribe.

(2) The register of fingerprints of police officers taken pursuant to sub-regulation (1) shall be kept separate from any other register or record of fingerprints of the police officer taken otherwise than pursuant to sub-regulation (1).

Revision Date: 31 Dec 2009

16. Force regulation number.

(1) Each subordinate police officer and each constable shall, upon enlistment, be assigned a Force Regulation Number which the subordinate police officer or the constable shall retain for the duration of his or her service in the Police Force.

(2) The Force Regulation Numbers given pursuant to sub-regulation (1) shall commence with the number 1 and when the number 999 is reached, the series shall be recommenced.

(3) Where a police officer who is issued a Force Regulation Number pursuant to sub-regulation (1) ceases to be a member of the Police Force, his or her Force Regulation Number shall not be issued to another police officer except in the course of the next succeeding series.

17. Special constables.

Each special constable shall be issued a number commencing from 1 based on the date he or she was enlisted in the Police Force and the letters "SC" placed before the number.

PART IV – QUALIFYING EXAMINATIONS

18. Qualifying examinations.

(1) There shall be an elementary qualifying examination and an advanced qualifying examination in each of the subjects specified in Schedule 3.

(2) A member of the Police Force shall be entitled to sit the elementary qualifying examination at any time after he or she has completed four (4) years service.

(3) Notwithstanding sub-regulation (1) and (2), a member of the Force who has not completed four (4) years service may be permitted by the Chief of Police to sit any of the qualifying examinations if he or she is satisfied that the police officer possesses any special qualification for the purpose of the particular duties on which he or she would be employed if he or she were to be promoted.

(4) A police officer may be exempted by the Board from taking the elementary qualifying examinations where the Board is satisfied that the police officer's qualifications and experience justify the exemption.

(5) Notwithstanding sub-regulation (4)

- (a) a police officer who has obtained a pass in English language at "O" or "A" Level shall be exempt from taking the elementary qualifying examination and the advanced qualifying examination in English;
- (b) a police officer who has obtained a degree in law which makes him or her eligible to practice law in Saint Christopher and Nevis shall be exempt from taking the elementary qualifying examination and the advanced qualifying examination in Criminal Law, Evidence and Procedure.

(6) A police officer who has passed the advanced qualifying examination in any subject shall be deemed to have passed the elementary or qualifying examination in that subject where he or she has been exempted from taking the elementary or qualifying examination.

(7) The qualifying examinations shall be conducted in accordance with the rules contained in Schedule 3.

19. Results of examinations.

(1) The Police Force Personnel Officer shall give to each police officer who has taken an examination a slip showing the results of all the examinations which that he or she sat for.

(2) The Police Force Personnel Officer shall publish in the [**Force Orders**] the names of the candidates who have passed an examination.

(3) The Police Force Personnel Officer shall maintain a nominal list of all the police officers who have passed any examination.

20. Unsuccessful examinations.

An unsuccessful result at any examination shall not disqualify a police officer from taking the same or another examination at another time.

21. Police officer not promoted after passing examination.

A police officer who has passed any qualifying examination and who is not promoted shall not be required to re-take any examination which he or she has passed.

22. Effect of qualifying examination.

The fact that a police officer has passed a qualifying examination shall not entitle him to promotion, or to promotion before another member of the Police Force who has passed the qualifying examination at a later date.

PART V – PROMOTION

23. Petition for promotion.

(1) A police officer shall not make a petition for a promotion.

(2) An application which is made by a police officer in response to an advertisement for any position in the Police Force shall not be regarded as a petition for a promotion.

24. Promotion by selection.

(1) Subject to sub-regulations (2), (3) and (4), a police officer may be selected for promotion to any rank up to and including that of inspector upon passing the appropriate examination and satisfying the requirements for merit and efficiency which shall be demonstrated by the conduct and commitment of the police officer.

Revision Date: 31 Dec 2009

(2) A police officer may not be selected for promotion to the rank of corporal unless he or she

- (a) has obtained a pass in the elementary qualifying examination referred to in paragraph 2 of Schedule 3;
- (b) has completed at least 4 years of service in the Police Force; and
- (c) for the two years immediately prior to his or her promotion to the rank of corporal has not had any disciplinary penalty imposed other than a reprimand or caution.

(3) A police officer may not be selected for promotion to the rank of sergeant unless he or she

- (a) has obtained a pass in the elementary qualifying examination referred to in paragraph 2 of Schedule 3;
- (b) has completed one year's service in the rank of Corporal; and
- (c) for the two years immediately prior to his or her promotion, has not had any disciplinary penalty imposed on him or her other than a reprimand or caution.

(4) A police officer may not be selected for promotion to the rank of inspector unless he or she

- (a) has obtained a pass in the advanced qualifying examination referred to in paragraph 2 of Schedule 3;
- (b) for the two years immediately prior to his or her promotion to the rank of inspector, served in the rank of sergeant and while serving in that rank did not have any disciplinary penalty imposed on him or her other than a reprimand; and
- (c) spent at least one year performing ordinary outside police duty as a sergeant.

For the purposes of sub-regulation (2) (c), "outside police duty" includes indoor duty arising from a police officer's outdoor duty.

PART VI – PAY, ALLOWANCES AND OTHER PAYMENTS

25. Rates of pay.

The rate of pay of a police officer shall be the rate that is approved, from time to time, by the National Assembly.

26. Increments.

(1) Where an inspector, a subordinate police officer, a constable or a special constable is on an increment scale of pay, the Police Force Personnel Officer, shall one month before the annual increment becomes due, submit a certificate to that effect to the Chief of Police with a recommendation as to whether the increment should be granted or declined based on the police officer's performance evaluation.

(2) The Chief of Police shall consider the certificate submitted to him or her pursuant to sub-regulation (1) and decide whether or not to approve the increment.

(3) Where the Chief of Police approves the increment, he or she shall so endorse and sign the certificate which shall constitute authority for the payment of the increment and return it to the Police Force Personnel Officer who shall make a duplicate copy of the certificate; and

- (a) attach the original copy to the next pay voucher of the inspector, subordinate police officer, constable or special constable who has been granted the increment; and
- (b) insert the duplicate copy in the personal record of the inspector, subordinate police officer, constable or special constable concerned.

(4) Where the Chief of Police does not approve the increment or approves it but suspends, defers or stops the increment for whatever reason, he or she shall ensure that the inspector, subordinate police officer, constable or special constable is informed that the increment has not been approved or has been approved but is suspended, deferred or stopped for a period.

27. Risk allowance.

Every police officer shall be paid a risk allowance at the rate set out in Schedule 4.

28. Responsibility allowance.

(1) An inspector, subordinate police officer, constable or special constable who is required to perform the duties of a higher rank for a period of one month or longer while also performing the duties of his or her rank shall be eligible to receive a responsibility allowance as is set out in Schedule 4.

(2) A police officer referred to sub-regulation (1) shall at the end of the period of responsibility, revert to the duties of his or her rank.

29. Proficiency allowance.

A subordinate police officer, constable or special constable who has:

- (a) passed the intermediate or advanced qualifying examination for promotion but has not been promoted in the two years since passing the examination;
- (b) has not had any caution, sanction or disciplinary penalty imposed on him or her in the preceding two years;

shall, upon the approval of the Chief of Police be eligible to receive a proficiency allowance as is specified in Schedule 4.

30. Detective allowance.

An inspector, subordinate police officer, constable or special constable who is designated by the Chief of Police as a detective and is assigned to the Criminal Investigations Department to perform duties of investigating and detecting crimes shall be

Revision Date: 31 Dec 2009

eligible to receive a detective allowance at the rate prescribed in Schedule 4 immediately upon such assignment.

31. TELEPHONE ALLOWANCE.

A *Gazetted* police officer or any other police officer who is so approved by the Minister and who has a telephone registered in his or her name and who uses that telephone in the exigencies of his or her duty shall be eligible to receive a telephone allowance at the rate prescribed in Schedule 4.

32. Travelling allowance.

A gazetted police officer who has a vehicle registered in his or her name and who uses that vehicle in the exigencies of his or her duty shall be eligible to receive a travelling allowance at the rate prescribed in Schedule 4.

33. Technical allowance. A police officer who has a qualification in a technical vocation and who performs duties in that technical area shall be eligible to receive a technical allowance at the rate specified in Schedule 4.

34. Special allowance.

A police officer who is assigned to perform personal protection security duties to the Prime Minister shall be eligible to receive a special allowance at a rate to be prescribed by the Minister.

35. Plain clothes allowance.

An inspector, subordinate police officer, constable or special constable who is assigned to the Criminal Investigation Department, the Drug Squad, the Canine Unit, the Task or such other unit as may be designated by the Chief of Police shall be eligible to receive a plain clothes allowance at the rate prescribed in Schedule.

36. Canine unit allowance.

A police officer who is assigned duties in the canine unit shall be eligible to receive a canine unit allowance at the rate specified in Schedule 4.

37. Instructors allowance.

A police officer who is assigned duties as an instructor shall be eligible to receive an instructors allowance at the rate specified in Schedule 4.

38. Displacement allowance.

A police officer in Saint Christopher who is transferred to Nevis or vice versa shall be eligible to receive a displacement allowance at the rate specified in Schedule 4.

39. Ferry allowance.

A police officer who resides in Saint Christopher and works in Nevis or vice versa shall be eligible to receive a ferry allowance at the rate specified in Schedule 4.

40. Refreshment allowance.

A subordinate police officer, constable or special constable who is required to perform duties away from his or her permanent station, where the duty precludes his or her return to the permanent station within a period of not less than six consecutive hours, shall be eligible to receive a refreshment allowance at the rate set out in Schedule 4.

41. Transfer allowance.

(1) A police officer who is transferred from one station to another shall be eligible to receive a transfer allowance at the rate prescribed in Schedule 4, in accordance with the following provisions:

- (a) a police officer who is transferred from a station in either Saint Christopher or Nevis to a station on the other island shall be eligible to receive a one time transfer allowance at the rate prescribed in Schedule 4;
- (b) a subordinate police officer, constable or special constable who is transferred from one station to another in either Saint Christopher or Nevis shall be eligible to receive a one time transfer allowance at the rate prescribed in Schedule 4.

(2) A police officer shall not be paid a transfer allowance where he or she is transferred from one station to another within the same Police District.

(3) An inspector, subordinate police officer, constable or special constable who is temporarily transferred and who continues to reside at his or her place of residence shall not be paid a transfer allowance.

(4) A transfer allowance shall not be paid where a transfer is made at the request of the inspector, subordinate police officer, constable or special constable concerned.

42. Subsistence allowance.

(1) A police officer, in accordance with this Regulation shall be eligible to receive a subsistence allowance whenever:

- (a) he or she is absent on duty including for training or study from Saint Christopher and Nevis; and
- (b) the absence necessarily involves an overnight absence from the permanent duty station.

(2) Whenever the Chief of Police, the Deputy Chief of Police, an Assistant Commissioner of Police or Superintendent of Police is absent from duty pursuant to sub-regulation (1) and is in an OECS member state he or she shall be refunded or paid the actual expenses for hotel or boarding house for room and boarding and shall be eligible to receive a subsistence allowance at a rate set out in Schedule 4.

(3) Whenever an inspector, subordinate police officer, constable or special constable is absent on duty pursuant to sub-regulation (1) and is in an OECS member state and is not accommodated in a barracks in that OECS country, he or she shall be refunded or paid the actual expenses for hotel or boarding house for room and boarding and shall be eligible to receive a subsistence allowance at a rate set out in Schedule 4.

Revision Date: 31 Dec 2009

(4) Whenever the Chief of Police, the Deputy Chief of Police, an Assistant Commissioner of Police or Superintendent of Police is absent on duty pursuant to sub-regulation (1) and is in Barbados he or she shall be refunded or paid the actual expenses for hotel or boarding house for room and boarding and shall be eligible to receive a subsistence allowance at a rate set out in Schedule 4.

(5) Whenever an inspector subordinate police officer, constable or special constable is absent on duty pursuant to sub-regulation (1) and is in Barbados and is not accommodated in a barracks in Barbados, he or she shall be refunded or paid the actual expenses for hotel or boarding house for room and boarding and shall be eligible to receive a subsistence allowance at a rate set out in Schedule 4.

(6) Whenever the Chief of Police, the Deputy Chief of Police, an Assistant Commissioner of Police or Superintendent of Police is absent on duty pursuant to sub-regulation (1) and is in any other country other than an OECS member state or Barbados, he or she shall be refunded or paid the actual expenses for hotel or boarding house for room and boarding and shall be eligible to receive a subsistence allowance at a rate set out in Schedule 4.

(7) Whenever an inspector is absent on duty pursuant to sub-regulation (1) and is in any other country other than an OECS member state or Barbados and is not accommodated in a barracks in that other country, he or she shall be refunded or paid the actual expenses for hotel or boarding house for room and boarding and shall be eligible to receive a subsistence allowance at a rate set out in Schedule 4.

(8) Whenever a subordinate police officer, constable or special constable is absent on duty pursuant to sub-regulation (1) and is in any other country other than an OECS member state or Barbados and is not accommodated in a barracks in that other country, he or she shall be refunded or paid the actual expenses for hotel or boarding house for room and boarding and shall be eligible to receive a subsistence allowance at a rate set out in Schedule 4.

(9) Where an inspector, subordinate police officer, constable or special constable is absent on duty from his or her permanent station for a period which exceeds twenty one nights, the rate of subsistence allowance to be paid shall be reduced by one third of the subsistence allowance determined by the Chief of Police

(10) An inspector, subordinate police officer, constable or special constable who is temporarily transferred from a station in Saint Christopher to a station in Nevis or vice versa shall be eligible to receive a subsistence allowance at a rate which shall be determined by the Chief of Police

(11) A police officer shall be deemed to be absent on duty overnight from his or her permanent station if he or she is absent for a continuous period of at least eight hours commencing after 6 pm and is unable to return to the permanent station by midnight of the same day.

43. Payment for special duties.

(1) A subordinate police officer, constable or special constable who is required to perform special duties at a private function including but not limited to a dance, a race meeting, a games meeting on a ship or any non governmental related or involved function

or event, shall receive a payment at a rate to be approved by the Minister on the recommendation of the Chief of Police.

(2) The monies to be paid pursuant to sub-regulation (1) shall be paid by the Police Force Finance Officer to the subordinate police officer, constable or special constable concerned.

(3) Any special duties to be performed pursuant to sub-regulation (1) shall be assigned by the Chief of Police or by any person designated by him or her only to a subordinate police officer, constable or special constable who is

- (a) off duty;
- (b) on rest day; or
- (c) on vacation leave; and

shall not be performed by a subordinate police officer, constable or special constable who is

- (a) reserved in barracks; or
- (b) performing regular duties.

(4) The provisions of these Regulations shall not apply to any duties performed by a subordinate police officer, constable or special constable at or in relation to

- (a) any national or international sporting or other event that is organized or held under the auspices of a local organizing body, whether in the island of Saint Christopher or the island of Nevis;
- (b) any other event held by or under the auspices of the Government of Saint Christopher and Nevis, the Nevis Island Administration, a foreign government or any other entity held with the approval of the Government of Saint Christopher and Nevis or the Nevis Island Administration.

44. Funeral expenses.

(1) The expenses for the funeral of any police officer who dies whilst in the Police Force shall be paid by the Government.

(2) Where any police officer dies, the Chief of Police, the Police Force Personnel Officer and the Police Force Finance Officer shall meet with his or her next of kin to discuss and make the funeral arrangements

PART VII – UNIFORMS AND EQUIPMENT

45. Uniforms.

(1) The uniform and the occasion when each is to be worn by a police officer when he or she is on duty is as prescribed in Schedule 5:

(2) A police officer shall, when on duty, wear the uniform, specified in Schedule 5 except that the Chief of Police may authorize, in writing, a police officer not to wear the specified uniform or to wear plain clothes.

Revision Date: 31 Dec 2009

(3) A police officer authorised pursuant to sub-regulation (2) shall properly identify himself or herself as a police officer when carrying out his or her duties.

46. Descriptions.

The articles of uniform prescribed in Schedule 5 shall conform to the approved and prescribed patterns.

47. Distinguishing badges.

A police officer shall, when on duty, wear the distinguishing marks and badges specified in Schedule 6.

48. Clothing and equipment for *Gazetted* Police Officers.

A *Gazetted* Police Officer shall, on his or her first appointment, be provided with the clothing specified in Schedule 7.

49. Equipment for inspectors.

An inspector, shall on his or her first appointment, be supplied with the clothing and equipment specified in Schedule 8.

50. Equipment for subordinated police officers, constables and special constables.

(1) A subordinate police officer, constable or special constable shall be supplied with the uniform, equipment and arms specified in Schedule 9.

(2) Each subordinate police officer, constable or special constable shall be supplied with a box made in the approved pattern and marked with his name and regulation number in white letters measuring one and a half inches long.

(3) A subordinate police officer, constable or special constable shall keep any article, uniform, equipment or arms issued to him or her constantly clean and serviceable and shall promptly report to a superior officer, any loss or damage to the article, uniform, equipment or arms.

51. Inspection.

An inspection shall be conducted annually in such manner as may be prescribed by the Chief of Police, of the uniform, equipment and arms, issued to each subordinate police officer, constable or special constable.

52. Issue of new equipment.

(1) A police officer shall not be issued new equipment where equipment which is serviceable is available.

(2) An issue of new or replacement equipment shall not be made unless the replacement is essential.

53. Government property.

(1) The uniform, equipment and arms issued to a police officer by the Police Force at the public expense shall remain the property of the Government.

(2) The police officer to whom the uniform, equipment and arms are issued shall be responsible for their proper care and shall return them to

- (a) the storekeeper or any police officer designated by the Chief of Police upon termination of employment; or
- (b) when otherwise ordered to do so by a superior police officer.

(3) A police officer shall be liable to pay for any damage to or loss of the uniform, equipment and arms issued to him or her, by way of deduction from his or her pay or otherwise.

(4) A police officer shall not be liable to pay for any loss or damage to any uniform, equipment and arms pursuant to sub-regulation (3) where he or she is able to prove that the loss or damage was not due to his or her own act, default or negligence.

54. Wearing of other uniforms.

The Minister may, after consultation with the Chief of Police, authorize, by Orders issued to the Police Force and published in the Official Gazette, any unit which is formed in the Police Force for any specific task or purposes to wear a uniform other than those prescribed in Schedule 5.

55. Variation of dress.

Notwithstanding the provisions of this Part, the dress and uniforms specified in Schedule 5 for particular occasions need not be strictly complied with and may be dispensed with when any article of the dress or uniform is not available.

*PART VIII – LEAVE***56. Vacation leave.**

(1) A station sergeant or a sergeant shall have 25 calendar days (excluding public holidays) for annual vacation leave days in each year except that the leave shall only be granted where the exigencies of the Police Force so permit.

(2) A corporal, constable or special constable shall have 21 calendar days (excluding public holidays) for annual vacation leave in each year except that the vacation leave shall only be granted where the exigencies of the Police Force so permit.

(3) A station sergeant, sergeant, corporal, constable or special constable shall not be granted any compensation where

- (a) it is not possible to grant the vacation leave to which he or she is eligible pursuant to this regulation; or
- (b) he or she is recalled from vacation leave to resume duties before the expiration of the vacation leave granted.

Revision Date: 31 Dec 2009

(4) Vacation leave shall only be granted in respect of resident service on duty except that any sick leave not exceeding three months granted in any year or any absence on vacation leave not exceeding thirty days shall be regarded as resident service on duty.

(5) For the purposes of this regulation, “resident service on duty” means duty performed in Saint Christopher and Nevis.

(6) Vacation leave may be accumulated except that the accumulated vacation leave shall not exceed the vacation leave which the police officer is entitled to for two consecutive years.

(7) Any vacation leave which has been accumulated by any police officer before the coming into operation of these Regulations shall be carried forward and added onto any vacation leave taken thereafter except that this shall be within the limit of the maximum previously applied.

(8) A station sergeant, sergeant, corporal, constable or special constable who has been recalled from vacation leave to resume duties before the expiration of the vacation leave granted or who cannot be granted the full amount of vacation leave for which he or she is eligible shall be permitted to carry forward the balance of the vacation leave which was granted subject to the limits set out in this regulation.

(9) A subordinate police officer, constable or special constable who is applying for vacation leave pursuant to this regulation, shall, in his or her application for the vacation leave provide a physical address and a contact telephone number or an electronic mail address where he or she can be contacted during the vacation leave.

57. Leave Form.

(1) A subordinate police officer, constable or special constable who has been granted vacation leave pursuant to Regulation 48 shall be issued a Leave Form for the vacation leave which he or she is granted.

(2) A subordinate police officer, constable or special constable who is issued a Leave Form pursuant to sub-regulation (1) shall produce the Leave Form whenever he or she is called upon to do so by a member of the Police Force who is in a rank which is higher than his or her own.

(3) Upon his or her resumption of duty a subordinate police officer, constable or special constable shall hand in the Leave Form to the Officer, Inspector or Subordinate Officer in Charge of the Division for record.

58. Resumption of duty.

(1) Unless the Leave Form states otherwise, a subordinate police officer, constable or special constable shall resume duty after a vacation leave at 8 o'clock in the morning of the day immediately following the last day of the vacation leave.

(2) A subordinate police officer, constable or special constable who is late in resuming his or her duties without reasonable excuse shall be liable to disciplinary action.

59. Weekly rest day leave.

A subordinate police officer, constable or special constable shall be eligible to receive two days of weekly rest days free from duty for every seven days that he or she works.

60. Liberty leave.

(1) The senior police officer on duty may, upon request, grant liberty leave for a period of not more than seven hours to any well conducted subordinate police officer, constable or special constable who is not required to serve as a reserve in barracks or to serve any other duty within the period requested.

(2) A subordinate police officer, constable or special constable who is granted liberty leave pursuant to sub-regulation (1) shall, before leaving his or her station inform the officer on duty of his or her whereabouts and where he or she can be found if required during the liberty leave.

61. Plain clothes to be worn on leave.

Except where permission is granted in writing by the Chief of Police, a subordinate police officer, constable or special constable shall wear his or her civilian plain clothes during any leave granted pursuant to this Part.

62. Leave to be refused.

Leave granted pursuant to this Part shall not be granted to any subordinate police officer, constable or special constable

- (a) who is under a disciplinary penalty which includes confinement;
- (b) who is charged with a disciplinary proceeding which has commenced but has not been finally disposed; or
- (c) whose services as a prosecutor or a witness is required in any case pending before any court except where he or she will be able to return from the leave in time to attend to the matter.

PART IX – SICK LEAVE

63. Occasional sick leave entitlement.

(1) A police officer shall be entitled to not more than seven occasional sick leave days in a calendar year, of which not more than two days can be taken at any one time, without the production of a medical certificate.

64. Certified sick leave.

(1) Where on account of any illness or injury a police officer requires more than two days of sick leave at any one time, he or she shall submit a medical certificate from a medical practitioner to the Chief of Police which shall state that he or she is unfit for duty and the period for which he or she is likely to be so incapacitated.

Revision Date: 31 Dec 2009

(2) The Chief of Police may, in his or her judgment, grant certified sick leave to any subordinate police officer, constable or special constable for a period of up to one month upon the production of a medical certificate pursuant to sub-regulation (1).

(3) Where the certified sick leave granted pursuant to sub-regulation (2) has expired and the police officer is still unfit for duty, he or she shall obtain from a medical practitioner, and submit to the Chief of Police, another medical certificate which shall state that he or she is still unfit for duty and the period for which he or she is likely to be further incapacitated.

(4) The Chief of Police may grant a further period of certified sick leave to any subordinate police officer, constable or special constable upon the production of a medical certificate pursuant to sub-regulation (3).

(5) The Chief of Police may require any subordinate police officer, constable or special constable who is on certified sick leave for a continuous period of up to three months or an accumulated period of up to three months within a twelve months period to be calculated upon the date of commencement of the first certified sick leave, to present himself or herself to the Medical Board for an examination pursuant to section 26 of the Act.

(6) Where, pursuant to sub-regulation (2) the Medical Board certifies that there is a reasonable prospect of recovery for the police officer, the Chief of Police may grant the subordinate police officer, constable or special constable a further period of certified sick leave for a period to include the certified sick leave already granted, which shall not exceed the maximum period of certified sick leave of six months which may be granted in any one year within any twelve months period, such period to be calculated from the date of commencement of the first certified sick leave.

65. Notification of illness.

(1) Any police officer who, by reason of illness, is unable to report for duty and wishes to take occasional sick leave shall immediately inform or cause to be informed, his or her immediate supervisor or, in the absence of the immediate supervisor, the senior police officer in charge of the nearest Police Station of the fact and of the nature of his or her illness.

(2) A police officer who is on duty and who falls ill or who wishes to seek medical attention from a medical practitioner shall immediately inform his or her supervisor.

(3) Where a police officer fails to comply with the provisions of sub-regulation (1) or (2), he or she may be subject to disciplinary action under these Regulations.

66. Sick leave register.

(1) Each police station shall have a sick leave register in which will be recorded the details of any certified or occasional sick leave taken by any police officer assigned to that police station.

(2) The Station Officer shall be responsible for maintaining the sick leave register and shall ensure that it is kept up to date.

(3) The Station Officer shall ensure that an entry of fitness for duty is made in the sick leave register when a police officer resumes duty after any period of certified or occasional sick leave

(4) The Station Officer shall ensure that a report of any period of certified or occasional sick leave recorded for any police officer in the sick leave register for each month is sent to the Police Force Personnel Officer by the 5th day of the following month after the month in which the police officer took the certified or occasional sick leave.

(5) The Police Force Personnel Officer shall place any report submitted to him or her pursuant to sub-regulation (4) in the police officer's personal record.

(6) Any report placed in a police officer's personal record pursuant to sub-regulation (5) shall be considered by his or her immediate supervisors when considering or recommending an increment or where a performance appraisal is being done as to the police officer's suitability for promotion or otherwise.

67. Medical history reports.

(1) The Police Force Personnel Officer shall provide to each police officer a medical history sheet which shall be kept in the police officer's personal file by the Police Force Personnel Officer and which shall be collected by the police officer each time he or she consults a medical practitioner and returned to the Police Force Personnel Officer after the consultation.

(2) The police officer shall take the medical history sheet to a medical practitioner each time he or she seeks medical attention and shall request a medical practitioner whom he or she consults to record the nature of the illness and the amount of sick leave to be granted on the medical history sheet.

68. Certified sick leave without sanction.

(1) A police officer shall be entitled to twenty-one (21) certified sick leave days in any calendar year without sanction.

(2) Except where the sick leave has been granted as a result of injuries received in the execution of duty, where certified sick leave is granted to a police officer in excess of twenty-one (21) days in any one (1) year, the excess shall be deducted from his or her ordinary annual vacation leave entitlement.

(3) A police officer to whom sub-regulation (1) applies may apply to the Police Chief for a waiver of this regulation where he or she believes that his or her circumstances warrant a waiver.

69. Hospitalization of a police officer.

(1) Where a police officer is admitted to a hospital he or she shall inform the senior police officer in charge of his or her Station or Department of the admittance, within a reasonable time but in any case not later than six hours after admittance to a hospital.

(2) The senior police officer in charge of a Station or Department, shall on being informed of the admittance to or discharge from a hospital of any member of the Police Force, ensure that an entry is made in the Daily Diary and shall immediately inform the

Revision Date: 31 Dec 2009

Divisional Officer and the Police Force Personnel Officer who shall inform the Chief of Police.

(3) The Police Force Personnel Officer shall ensure that any hospitalization of any police officer is published in the monthly Force Orders.

70. Police officer taking occasional sick leave day immediately before rest day.

(1) Where a police officer requests and proceeds on an occasional sick leave day immediately before or after his or her rest day he or she may be required to work during his or her time off to set off the period of occasional sick leave or a day's pay or part thereof may be deducted from his salary.

(2) Where a police officer takes an occasional sick leave day and then proceeds on a rest day the days after the sick leave day he or she shall be required to advise his or her Station Officer as to the level of his or her fitness before going on rest day and where he or she is fit for duty, then he or she must report fit before proceeding on rest day.

71. Police officer's conduct whilst on sick leave.

(1) A police officer who is on uncertified or certified sick leave shall ensure that his or her appearance in public is kept to a minimum, and shall not be such as to frustrate a speedy recovery.

(2) The police officer shall ensure that his or her illness is not aggravated by reason of his or her own action, and where an illness or sickness is aggravated as a result of the police officer's neglect, willful act or omission, that police officer may be responsible for any additional medical expenses incurred as result if his or her actions.

(3) Where it is suspected that a police officer

- (a) has brought sickness upon himself or herself by his or her own default or vicious habits; or
- (b) while on the certified or occasional sick leave acted in a manner likely to retard his or her recovery and return to duty,

the senior police officer in charge of the police station to which the police officer is attached shall promptly make a report to the officer in charge of the division who shall on send the report to the Chief of Police.

(4) The Chief of Police shall upon receipt of the report, decide whether the police officer should be examined by a police medical officer to be designated by the Chief of Police with the approval of the Minister and the Minister of Health.

(5) A police medical officer who is attending to any police officer pursuant to sub-regulation (4) shall record his or her opinion on the medical form.

72. Malingering.

(1) Any public appearance by a police officer who is on uncertified or certified sick leave, which indicates that the police officer is malingering that is say feigning or exaggerating any sickness or illness with a view to evading duty shall be investigated and

shall result in disciplinary action against the police officer where the malingering is confirmed.

(2) Where it is suspected that a police officer is malingering or has improperly reported himself or herself sick, the senior police officer in charge of the police station to which the police officer is attached shall promptly make a report to divisional officer who shall on send the report to the Chief of Police.

(3) The Chief of Police shall upon receipt of the report, decide whether the police officer should be examined by a designated police medical officer and where the designated police medical officer is not available, any other medical officer to be designated by the Chief of Police.

(4) A medical practitioner who is attending to any police officer pursuant to sub-regulation (3) he or she shall record his or her opinion on the medical form.

73. Designation of police medical officer.

(1) The Minister shall designate a police medical officer for each division who shall be responsible for the medical care of the police officers in such division at the expense of the Government.

(2) The designated police medical officer shall provide medical services at the expense of the Police Force which shall include:

- (a) medical examination of police recruits;
- (b) annual physical fitness and medical examinations for police officers; and
- (c) medical assessments of police officers for purposes of referral to the Medical Board pursuant to section 26 of the Act.

74. Medical attention overseas.

(1) Any police officer who wishes to travel overseas for medical treatment shall apply to the Chief of Police for permission to do so, through the Divisional Officer.

(2) The police officer shall attach to an application made pursuant to sub-regulation (1) a certificate of referral from a medical practitioner.

(3) The Chief of Police shall examine each application made pursuant to sub-regulation (1) and may also refer the application to a police medical officer whose report shall inform his decisions and may grant the police officer the permission to travel overseas for medical attention.

(4) Where a police officer proceeds overseas for medical attention without permission from the Chief of Police, his or her leave of absence shall be treated as annual vacation leave and disciplinary action may be taken against that police officer.

(5) The cost of medical attention overseas and any other ancillary expenses shall be borne by the Government medical insurance scheme and the police force.

Revision Date: 31 Dec 2009

75. Pay whilst on sick leave.

The pay of a police officer whilst on sick leave shall be governed by the provisions of the Social Security Act, Cap. 22.10.

PART X – PASSAGE

76. Leave passage.

(1) A Gazetted Police Officer shall be entitled to be granted leave passage or for proportionate leave, a passage grant on the same terms as are applicable to a public officer who is appointed as such pursuant to the Constitution of Saint Christopher and Nevis, and who is employed in the band K33 and higher, subject to the availability of funds.

(2) Any period of service which has been acquired by a Gazetted Police Officer prior to the coming into operation of these Regulations, shall, be taken into account towards the calculation of the period of service prescribed for receiving a leave passage, except that the period of service should not have been broken by vacation leave in excess of thirty days.

77. Passage and relocation expenses on termination of service.

(1) A police officer who has retired from the Police Force shall, if he or she requests, be provided with

- (a) passage for himself or herself, and a maximum of four additional passages for his or her spouse and minor children; and
- (b) the reasonable cost of transporting his or her personal and household effects (hereinafter called “relocation expenses”)

to the country where he or she was recruited from.

(2) Where the police officer elects to go another country other than the country where he or she was recruited from, he or she shall

- (a) receive the passage and relocation expenses set out in sub-regulation (1) up to the amount it would have cost to send him to the country where he or she was recruited from; or
- (b) the actual amount where the cost of the passage and relocation expenses is less than the amount it would have cost to send him to the country where he or she was recruited from.

(3) A police officer who has retired from the Police Force shall not be provided any passage or relocation expenses pursuant to sub-regulation (1) where a period of six months has elapsed from the date of his or her retirement.

(4) A police officer who has been dismissed from the Police Force shall not receive any passage or relocation expenses.

78. Passage and relocation expenses for a widow or a widower and any dependents of a deceased police officer.

(1) The widow or widower and dependent children of a police officer who has died whilst in the Police Force shall be provided with passage to

- (a) the place of recruitment of the police officer; or
- (b) to any alternative country chosen by the widow or widower in the Caribbean Region.

(2) The Government shall meet the reasonable relocation cost of transporting the widow or widower's personal and household effects to any place in the Caribbean Region.

(3) Where the widow or widower elects to go to another country other than the country where the police officer was recruited from, he or she shall:

- (a) receive the passage and relocation expenses set out in sub-regulation (1) up to the amount it would have cost to send him to the country where the police officer was recruited from; or
- (b) the actual amount where the cost of the passage and relocation expenses is less than the amount it would have cost to send him to the country where the police officer was recruited from.

(4) A widow or widower of a police officer shall not be provided any passage or relocation expenses pursuant to sub-regulation (1) where a period of six months has elapsed from the date of the death of the police officer.

PART XI – DISCIPLINE

79. Offences and discipline.

For the purposes of these Regulations, there are two types of offences namely:

- (a) offences created pursuant to the Act; and
- (b) disciplinary offences created pursuant to these Regulations.

80. Offences created by the Act.

The offences specified in sections 68 and 69 of the Act are offences created by the Act and relate to:

- (a) mutinous or seditious conduct by a police officer; or
- (b) causing disaffection in the Police Force.

(2) The method of the trial of the offences created by the Act and the penalty which may be imposed are as prescribed in the Act.

81. Disciplinary offences created by the regulations.

(1) The disciplinary offences created by these Regulation are set out in the Police Service Commission Regulations, and in particular the Third Schedule of those Regulations.

Revision Date: 31 Dec 2009

(2) The offences referred to in sub-regulation (1) are contained in Schedule 10.

82. Hearing and determination of disciplinary offences created by Regulations.

A charge or complaint in respect of any of the offences created by these Regulations shall be heard and determined in accordance with section 64 of the Act.

83. Open arrest.

(1) A subordinate police officer, constable or special constable who is placed under open arrest shall

- (a) not be allowed to leave the barracks except on duty or with the special permission of the Chief of Police; and
- (b) be deprived of all privileges and leave benefits until his or her case has been disposed of.

(2) A subordinate police officer, constable or special constable who is placed under open arrest shall attend all parades and perform his or her duties as required.

84. Close arrest.

(1) A subordinate police officer, constable or special constable who is placed under close arrest shall be confined in the lock up of the station at which he or she may be at the time and shall immediately give up his or her whistle, baton, arms and ammunition to the arresting officer.

(2) A close arrest shall only be ordered

- (a) if confinement is necessary for the safe custody of the police officer concerned;
- (b) for the maintenance of discipline; or
- (c) if whilst on open arrest the police officer concerned has committed acts of continued violence or misconduct.

(3) The charge or complaint against a subordinate police officer, constable or special constable who is placed under close arrest shall be investigated without any unnecessary delay.

(4) A subordinate police officer, constable or special constable who is placed under close arrest shall not be detained for longer than 48 hours unless the Chief of Police or, in his absence the Deputy Chief of Police or Assistant Commissioner of Police directs otherwise.

(5) Where the charge or complaint against a subordinate police officer, constable or special constable who is placed under close arrest cannot be investigated, as set out in sub-regulation (3), then, at the expiration of 48 hours, the police officer concerned shall return to the performance of his duties pending trial unless in the opinion of the Chief of Police, such a course of action would be injurious to proper discipline in which case, the police officer shall be confined to barracks, until the case is dealt with and in any case within 72 hours.

85. Suspension from duty.

A subordinate police officer, constable or special constable against whom

- (a) a complaint for an offence liable to be tried in any court is made; or
- (b) a charge is made for any disciplinary offence created by these Regulations,

may be suspended from duty pending the determination of the matter in accordance with section 66(1), 66(2), 66(3) and 66(4) of the Act.

PART XII – GOVERNANCE AND CONDUCT

86. Performance of duties.

A subordinate police officer who is in charge of a station or a section shall

- (a) perform his or her duties as lawfully directed by any superior officer; and
- (b) ensure that any orders or regulations for governance and good conduct which are issued by the Police Force are known by all the police officers who are under his or her command and are strictly obeyed.

87. Absence.

A subordinate police officer who is in charge of a station or a section shall not absent himself or herself from that station or section without the permission of the Chief of Police, the Deputy Chief of Police or the Assistant Commissioner of Police or the Divisional Officer except in a case of urgent necessity.

88. Giving of loans amongst police officers.

(1) A police officer shall not borrow any money from any police officer who is below his or her rank.

(2) A police officer shall not lend any money to any police officer who is in a superior rank.

89. Appearance.

(1) A police officer must be clean and smartly turned out at all times.

(2) A police officer who is on duty must be

- (a) alert;
- (b) smart in his or her movements; and
- (c) respectful in his or her bearing.

(3) A male police officer must

- (a) maintain short hair on the head;
- (b) keep the hair on the chin and under the lip shaved; and

Revision Date: 31 Dec 2009

(c) shall not wear whiskers.

(4) The shaving of the hair on the upper lip by a police officer is optional.

(5) A police officer shall not wear jewellery of a standard which contravenes the Force Standing Orders, whenever he or she is dressed in uniform.

(6) A female police officer shall not wear her hair in such a way that the head dress cannot be worn.

90. Complaints against a police officer by another police officer.

(1) A police officer who wishes to lodge a complaint against another police officer shall do so in writing to his immediate superior officer.

(2) Where a police officer wishes to make a complaint against his immediate superior officer, he or she shall do so in writing to the Chief of Police and shall send a copy of the complaint to the immediate superior officer.

(3) A police officer to whom a complaint is lodged by another police officer shall cause inquiries to be made into the complaint and if he or she is satisfied as to the merits of the complaint shall

- (a) take such steps as he or she considers necessary to give full redress to the matter where this is within his or her power; or
- (b) refer the matter to a higher authority.

(4) A police officer who wishes to lodge a complaint against the Chief of Police, the Deputy Chief of Police or an Assistant Commissioner of Police shall do so with the Police Service Commission which shall proceed to investigate the complaint.

91. Shift system.

The shift and duty assignments for the Police Force and for each unit shall be determined by the Chief of Police after consultation with the Deputy Chief of Police, the Assistant Police Commissioner, the Divisional Officer in Charge of the Division, the Police Force Personnel Officer, the Police Welfare Association, and any other person he or she may deem appropriate.

92. Other employment.

(1) A police officer shall not engage in any employment other than his police employment, whether paid or not paid, without the prior written approval of the Chief of Police.

(2) A police officer wishing to engage in other employment shall apply in writing to the Chief of Police for permission to do so.

(3) A police officer wishing to apply for a renewal for any approval to engage in other employment shall do so in writing to the Chief of Police setting out the information in sub-regulation (4) at least three months prior to the expiration of the approval previously given.

(4) An application made pursuant to sub-regulation (2) or (3) shall contain the following information:

- (a) a written offer of employment from the prospective employer;
- (b) the nature of the prospective other employment;
- (c) the days on which the other employment will be worked;
- (d) the number of hours to be worked for the other employment.

(5) The Chief of Police shall consider each application for a police officer to engage in other employment and in particular shall consider the following:

- (a) any potential or actual conflict with the applicant's duties as a police officer;
- (b) the likelihood of fatigue and stress from the other employment which is likely to interfere with the applicant's duties as a police officer; and
- (c) whether the other employment will involve the carrying of arms;

and shall either approve or disapprove the application.

(6) Where the Chief of Police disapproves the application he shall do so in writing stating his or her reasons and the decision of the Chief of Police shall be final.

(7) Notwithstanding the provisions of this regulation, a police officer shall not apply for and shall not be granted permission to engage in any of the following activities whether or not for pay or other consideration

- (a) work of any kind related to the adult entertainment industry;
- (b) bill collector, process server or bailiff;
- (c) activities which would result in the disclosure of confidential police methods, operations, techniques or information;
- (d) insurance adjuster or investigator;
- (e) work of any kind related to a licensed public premises or other business the primary purpose of which is to serve, sell, buy, deliver alcoholic beverages;
- (f) gaming, slot machine parlours or arcades;
- (g) motor vehicle collision investigators or assessor;
- (h) private investigator;
- (i) private security guard;
- (j) driving public vehicle transportation; and
- (k) any other work which in the opinion of the Chief of Police will result in a conflict of interests.

(8) Where the Chief of Police, approves any application made pursuant to sub-regulation (2) or (3), the approval shall be in writing and specific to that police officer and that particular other employment and shall be for a period not exceeding one year and may be renewed on application based solely on the determination of the Chief of Police.

Revision Date: 31 Dec 2009

(9) A police officer who, at the time of the coming into operation of these Regulations, is already engaged in other employment shall be deemed not authorised to do such other employment.

(10) A police officer to whom sub-regulation (9) applies shall, within 21 days of the coming into operation of these Regulations make an application to the Chief of Police pursuant to sub-regulation (2) setting out the information required in sub-regulation (3) and shall be subject to disciplinary action where he or she fails to make the application.

93. Annual physical fitness and medical examination.

(1) Each police officer shall undergo an annual physical fitness and an annual medical examination under the supervision of a police medical officer at the cost of the Police Force.

(2) A police officer who fails to meet the required level of fitness for his or her sex and age group shall be required to enter into a specified fitness programme to regain the required level of physical fitness.

(3) Where a police officer fails to meet the required level of fitness for his or her age group and sex and in the opinion of the Chief of Police, the level of unfitness is such as makes the police officer incapacitated or unable to satisfactorily perform his or her police duties, the Chief of Police may refer him or her to the Medical Board pursuant to section 26 of the Act.

PART XIII – PRISONERS AND PERSONS DETAINED IN POLICE CUSTODY

94. Opening of police cells.

(1) A police officer shall not, by himself or herself acting alone, open a cell in which a prisoner or person detained in police custody is confined.

(2) Except in the case of an emergency, a cell in which a female prisoner or person detained in police custody is confined shall not be opened except by or in the presence of a female police officer or a female member of the public where there is no female police officer on duty.

95. Prisoners and persons detained in police custody to be visited regularly.

(1) The police officer in charge of the charge room shall ensure that each prisoner or other person detained in police custody in a police cell is visited at least once every hour.

(2) The police officer in charge of the charge room shall ensure that a constant watch is maintained on any prisoner or other person detained in police custody suspected to be under the influence of alcohol or drugs until he or she becomes sober and that medical attention is sought where it is deemed necessary.

(3) The police officer in charge of the charge room shall ensure that any prisoner or other person detained in police custody suspected to be a lunatic or mentally ill is visited every hour or more frequently as the situation warrants and that medical attention is sought where it is deemed necessary.

(4) Each visit made of a prisoner or other person detained in police custody suspected to be a lunatic or mentally ill shall be recorded in the prisoner's record and in the lunatic or mentally ill record of that prisoner or person.

96. Handcuffs.

A police officer who is performing escort duties shall be provided with handcuffs which may be used in an emergency or whenever the police officer deems necessary

97. Armed escorts.

A police officer performing escort duties and conveying prisoners may be armed where the circumstance so warrant.

In this Part, "prisoner" means a person who has been arrested but has not yet been committed to prison after conviction.

PART XIV – POLICE SPORTS CLUB

98. Membership of Police Sports Club.

Each member of the Police Force shall be a member of the Police Sports Club.

99. President of Police Sports Club.

The president of the Police Sports Club shall be a gazetted police officer.

100. Subscription.

Each member of the Police Sports Club shall pay a monthly subscription which shall be fixed by the Chief of Police on the recommendation of the Central Committee of the Police Sports Club.

101. Management of Police Sports Club.

The Police Sports Club shall be managed by a Central Committee which shall be elected annually by the members and approved by the Chief of Police.

102. Rules of Police Sports Club.

(1) The rules for the general management of the Police Sports Club shall be made at a General Meeting.

(2) The rules made pursuant to sub-regulation (1) shall be subject to the approval of the Chief of Police and shall be binding on all members.

Revision Date: 31 Dec 2009

SCHEDULES

Schedule 1

(Regulation 3)

Districts and Sub Districts

1. The Saint Christopher Division "A" consisting of the following Districts and Sub Districts:
 - (a) Basseterre District which includes the sub districts of Stapleton, St. Johnston Village, and Frigate Bay Police Station with the Chief Police Station at Basseterre;
 - (b) Cayon District;
2. The Saint Christopher Division "B" consisting of the following Districts and Sub Districts:
 - (a) Dieppe Bay District which includes the sub-districts of Tabernacle and St. Paul's with the Chief Police Station at Dieppe Bay; and
 - (b) Sandy Point District which includes the sub-district of Old Road with the Chief Police Station at Sandy Point.
3. The Nevis Division "C" consisting of the following Districts and Sub Districts:
 - (a) Charlestown District which includes the sub-district of Cotton Ground with the Chief Police Station at Charlestown;
 - (b) New Castle District; and
 - (c) Gingerland District.

Schedule 2

(Regulation 7)

**Application Form
EMPLOYMENT APPLICATION FORM****Name**.....
.....

(Surname)

(Forenames)

Place of Birth**Date of Birth (Please enclose birth certificate)****Work Telephone Number**.....**Home Telephone Number**.....**Current Home Address:****Most recent examinations**

Examinations results				
NO	SUBJECT	GRADE	YEAR	EXAMINATION BOARD

Kindly enclose certified copies of all relevant Certificate/Diploma**Give a summary, with dates of schools attended**

No.	Dates From	Dates To	Schools Attended
1			
2			

Any previous conviction

Yes.....No.....

Enclose testimonials from tow persons**Name**.....**Position**.....

Revision Date: 31 Dec 2009

Name.....Position.....

Signature.....Date.....

Schedule 3

(Regulation 18)

Regulations for Qualifying Examinations

Regulations for conducting Qualifying Examinations

1. The object of qualifying examinations is to test the education and professional knowledge of the members of the Force who are candidates.
2. The qualifying examinations shall be conducted by means of written papers upon the following subjects:-
 - (a) Educational subjects, including
 - (i) English, including spelling, punctuation, comprehension and composition.
 - (ii) General Knowledge and Intelligence including the Geography of St. Christopher and Nevis;
 - (iii) Principles of management;
 - (b) Police duties, including
 - (i) Criminal law
 - (ii) Evidence and Procedure
 - (iii) Structure of local and central government;
 - (iv) General police duties, regulations, policies and Force Standing Orders.
3. An Examination Board designated the Saint Christopher and Nevis Police Examination Board and hereinafter referred to as “the Board” shall be established to conduct the examinations.
4. (1) The Board shall consist of
 - (a) a member nominated by the Chief of Police who shall not be below the rank of Superintendent;
 - (b) a one inspector nominated by the Police Welfare Association;
 - (c) a representative of the Saint Christopher and Nevis Education Department; and
 - (d) the Police Force Personnel Officer, *ex officio*, who shall be the Chairman of the Board.(2) A member of the Board shall hold office for a period not exceeding 3 years unless he resigns or his appointment is revoked in accordance with subparagraph (5), (6) or (7).

-
- (3) All members of the Board are eligible for re-appointment at the end of their tenure.(4)
 - (4) Three members of the Board present at any meeting shall form a quorum.
 - (5) A member of the Board other than the Chairman may at any time resign his orders as a member by instrument in writing addressed to the Chief of Police and transmitted through the Chairman and the resignation of that member of the Board shall take effect from the date of the receipt of the instrument of resignation by the Chief of Police.
 - (6) The Chairman may at any time, by instrument in writing addressed to the Chief of Police, resign his office as Chairman of the Board.
 - (7) The Chief of Police may by instrument in writing revoke the appointment of any member of the Board if he is satisfied that the person
 - (a) has, without reasonable excuse, failed to attend 3 consecutive meetings of the Board;
 - (b) is physically or mentally incapacitated to such an extent as to impair his ability to perform his duties, or is otherwise unable or unfit to perform his duties; or
 - (c) has improperly discharged his functions.
- 5 .(1) The qualifying examinations shall be held annually in August on such date and at such centres as the Board may appoint except that where for any reason the examinations cannot be held in August the Board shall appoint an alternate date as soon as possible thereafter.
- (2) The Board may, in any year, for special reasons and with the approval of the Police Service Commission, direct that the qualifying examinations or any part thereof be held on a day subsequent to the day originally appointed for such examination.
6. The Board shall arrange for the preparation of examination papers in the subjects specified in paragraph 2 of this Schedule.
 7. The Chief of Police shall nominate a panel of three persons who shall form the marking panel for the examinations.
 8. At a time to be specified by the Board, each candidate desirous of presenting himself or herself for examination shall submit an application to the Police Force Personnel Office.
 9. A candidate whose application has not been received within the time specified shall not be accepted for the examination.
 10. The qualifying examinations shall be conducted under rules to be made by the Board, by a person who is not a member of the Police Force and who is approved by the Board.
 11. The examination scripts of the candidates shall be sent by the Supervisor of the Examinations to the Police Force Personnel Officer who shall forward the

Revision Date: 31 Dec 2009

- examination scripts to the making panel nominated by the Chief of Police pursuant to paragraph.
12. The examination scripts shall be returned after being marked to the Board as soon as possible through the Police Force Personnel Officer.
 13. The Board shall determine the pass mark in each subject, and shall thereafter communicate the results of the qualifying examinations to the Chief of Police in the case of each candidate whether he or she has passed or failed, and giving any other information which Chief of Police may call for.
 14. There shall be a supplementary examination in each of the subjects specified in paragraph 2 of this Schedule, for which any candidate who has achieved a grade less than three points to the passing grade will, upon referral by the Interview Board, be eligible to sit.
 15.
 - (1) The supplementary examination shall be held annually on such date between March and May of each year and at such centres as the Board may appoint except that where for any reason the examinations cannot be held between March and May, the Board shall appoint an alternate date as soon as possible thereafter.
 - (2) The Board may, in any year, for special reasons and with the approval of the Police Service Commission, direct that the supplementary examinations or any part thereof be held on a day subsequent to the day originally appointed for such examination.
 16. The provisions of paragraphs 6 to 13 shall apply to the supplementary examinations.

Schedule 4

(Regulations 27, 28, 29, 30, 31, 32, 33,
34, 35, 36, 37, 38, 39, 40, 41, 42)

Rates of Allowances

1. Canine unit allowance.....\$150.00 per month
2. Detective allowance.....\$100.00 per month
3. Displacement allowance
 - 3.1 For an officer in charge of a station or a
division from Saint Christopher to Nevis and *vice versa*\$250.00 per month
 - 3.2 For all other officers from Saint Christopher to Nevis
and *vice versa*.....\$250.00 per month
4. Ferry allowance from Saint Christopher to Nevis and *vice
versa*.....\$80.00 per month
5. Instructors allowance..... \$150.00 per month

Revision Date: 31 Dec 2009

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6. Plainclothes allowance.....\$100.00 per month
7. Proficiency allowance.....
- (a) For a holder of a pass in the elementary qualifying examination.....\$40.00 per month
- (b) For a holder of a pass in the advanced qualifying examination.....\$80.00 per month
8. Plain clothes allowance.....\$100.00 per month
9. Refreshment allowance to be paid after 6 hours away from a police officer's permanent duty station.....\$20.00 per day
10. Responsibility allowance.....\$150.00 per month
11. Risk allowance
- 11.1 Chief of Police..... \$829.00 per month
- 11.2 Deputy Chief of Police..... \$748.00 per month
- 11.3 Assistant Commissioner of Police..... \$711.00 per month
- 11.4 Superintendent..... \$650.00 per month
- 11.5 Inspectors..... \$522.00 per month
- 11.6 Station sergeants..... \$439.00 per month
- 11.7 Sergeants..... \$405.00 per month
- 11.8 Corporals..... \$357.00 per month
- 11.9 Constables..... \$296.00 per month
- 11.10 Special Constables..... \$228.00 per month
12. Subsistence allowance
- 12.1 Chief of Police, Deputy Chief of Police, Assistant Commissioner of Police, Superintendent of Police or Head of Special Branch in an OECS member state.....XCD\$50.00 per night for the first 21 days and \$33.00 per night thereafter.
- 12.2 Inspector, subordinate police officer, constable or special constable in an OECS member state.....XCD\$50.00 per night for the first 21 days and \$26.67 thereafter.
- 12.3 Chief of Police, Deputy Chief of Police, Assistant Commissioner of Police Superintendent of Police or Head of Special Branch in BarbadosBDS\$50.00 for the first 21 days and BDS \$33.00 thereafter

Revision Date: 31 Dec 2009

- 12.4 Inspector, subordinate police officer, constable or special constable in Barbados BDS\$40.00 per night for the first 21 days and \$26.67 thereafter.
- 12.5 Chief of Police, Deputy Chief of Police, Assistant Commissioner of Police, Superintendent of Police or Head of Special Branch in any other country other than an OECS member state or Barbados..... USD\$50.00 per night for the first 21 days and \$33.00 per night thereafter.
- 12.6 Inspector, in any other country other than an OECS members state or Barbados USDS\$40.00 per night for the first 21 days and \$26.67 thereafter.
- 12.7 Subordinate police officer, constable or special constable in any other country other than an OECS members state or Barbados USDS\$ 20.00 per night for the first 21 days and . US\$10.00 thereafter.
13. Technical allowance
- 13.1 Constable..... \$250.00 per month
- 13.2 Special constables..... \$250.00 per month
14. Telephone allowance
- 14.1 Chief of Police..... \$25.00 per month
- 14.2 Deputy Chief of Police..... \$25.00 per month
- 14.3 Assistant Commissioner of Police..... \$25.00 per month
- 14.4 Superintendent of Police or Head..... \$25.00 per month
- 14.5 Inspector..... \$25.00 per month
15. Transfer allowance
- 15.1 Transfer allowance from Saint Christopher to Nevis and vice versa..... \$150.00 at the time of transfer
- 15.2 Transfer allowance within Saint Christopher or within Nevis..... \$100.00 at the time of transfer
16. Travelling allowance
- 16.1 Chief of Police..... \$400.00 per month
- 16.2 Deputy Chief of Police..... \$400.00 per month
- 16.3 Assistant Commissioner of Police..... \$400.00 per month
- 16.4 Superintendent of Police or Head..... \$400.00 per month
- 16.5 Inspector..... \$350.00 per month

Schedule 5

(Regulation 45)

Uniform and Occasion on which it is to be Worn**GAZETTED POLICE OFFICERS****Uniform****Occasion****No. 1 – Full Dress**

Blue overalls with buff stripe

Wellington Boots

Spurs

Shoulder belt and pouch

Sword belts and slings

Sword with steel scab band

Silver Sword Knot

White helmet with Spine badge and

Chain or blue forage cap by order

Full Size medals

Blue and white hackle

White strings Gloves

*Guard of Honour**Ceremonial Parades**Church Parades or other**occasions when Specially**Ordered***No. 2-Service Dress**

Khaki Tunic

Blue Lanyard

Khaki Trousers

White shirt and collar

Navy Blue Tie

Black Sam Brown equipment

Socks

Black Sam Brown or cloth belt

(as ordered)

Blue Forage Caps

Blue Socks

Medal Ribbons

*Drill Parades, other duties as ordered***No. 3- Working Dress**

Khaki Bush Tunic

Khaki Lanyard

Blue Cap

Ordering Duties

Revision Date: 31 Dec 2009

Black Sam Brown or cloth belt

Black shoes

Medal Ribbons

No. 4– Blue Dress

Blue Tunic

On duty at night or in wet

Blue Trousers

weather as ordered

Black Shoes

Helmet or cap as ordered

Black Sam Brown (or cloth)

Black Socks

Medal Ribbons

Brown leather gloves

No. 5– Mess Dress

White Mess Jacket

Official ceremony functions

Blue Overalls with Stiff Stripes

eg. Government House,

Miniature medals

Dances and Entertainment

(as ordered)

Naval and Military Guests Nights

INSPECTORS

No. 1 – Full Dress – as for Officers but minus Spurs overalls with black mohair band.

No. 2 – Service Dress

No. 3 – Working Dress

As for Officers

No. 4 – Blue Dress

Except Overalls

No. 5 – Mess Dress

**SUBORDINATE POLICE OFFICERS, CONSTABLES AND SPECIAL
CONSTABLES**

Men

Uniform

White Tunic

Blue Trousers

Black Boots

Waist Belt (white or black as ordered)

Women

Uniform

Generally White-Tunic of Honour

Blue Shirt Ceremonial

Black Shoes Parades

Blue Stockings and other

S arms	Waist belt occasions
Helmet spike and chain- blue cap	Blue Cap when medals
White whole cap cover	specially whole gloves ordered
Medals	
White string gloves	

No. 2 Working Dress**Men****Women**

Items to be worn as ordered

Grey

White Tunic	Short	White Blouse
Blue Trousers	Crelts	Blue socks ordinary duty
White caps cover as (as ordered)	Short Sleeves	Black shoes to be work
Blue Cap	Blue forges	Blue cap ordered
Waist Belt	Cap	Waist Belt
Baton		Medal Ribbons
Medal Ribbons		Trousers (blue)
Grey Shirt with short sleeves		
Blue Trousers		
Blue Shorts		
Blue Putties		

No. 3 – Drill Order

Men	Women	Drill
Grey Shirt	Grey Shirt	Parades
Blue Trousers	Blue Skirt	
Black Boots	Blue Socks	
White helmet or cap as ordered	Black Shoes	
	Blue Cap	
	Trousers (blue)	

No. 4 Blue Dress

Men	Women	On duty
Blue Tunic	Blue Tunic	at night
Blue Trousers	Blue Skirt	or helmet
Black Boots	Black Shoes	weather
White helmet or cap (as ordered)	Blue Socks	(as ordered)

 Revision Date: 31 Dec 2009

Waist Belt	Blue cap
Baton	Waist belt
*Shoes-rubber soled canvas	Shoes-rubber
optional – when ordered	Solid canvas

** Used to be worn by Police Officers on Beat Duty between 2200–0600hrs. These were personal items and not issued by the stores.*

No. 5 Cycling Dress

Men and women riding bicycles shall wear blue shorts, a helmet and a blue or white polo shirt with the word “Police” across the back with the Force Crest and Name of the Officer and Force Number at the Front.

Schedule 6

(Regulation 47)

Badges of rank

(a) GAZETTED POLICE OFFICERS

Chief of Police	one crown above crowned Batons surrounded by Laurel Leaves
Deputy Chief of Police	Two stars above crowned Batons Surrounded by Laurel leaves
Assistant Commissioner of Police	One star above crowned Batons surrounded by Laurel leaves
Senior Superintendent of Police	One star and one crown
Superintendent of Police	One crown
Assistant Superintendent of Police	Three stars

(b) SUBORDINATE POLICE OFFICERS

For Station Sergeants	Cloth crown above three chevrons
For Sergeants	Three chevrons
For Corporals	Two chevrons

Badges to be worn on both sleeves above the elbow.

Schedule 7

(Regulation 48)

Clothing and Equipment for Gazetted Police Officers

- 1 Service Revolver Pistol
- 1 Holster
- 1 Sword (Infantry Pattern)
- 1 Steel Scabbard for Sword
- 1 Black Leather Scabbard for Sword

- 1 Cross Belt
- 1 Sword with Sling
- 1 Sword with Knot, Silver
- 1 Black Sam Brown equipment
- 1 Blue Lanyard and Whistle

New equipment will not be issued when returned serviceable articles are available Buttons
badges of rank and jacket tapels required

- 1 Blue Serge Tunic
- 1 Blue Patrol Jacket
- 1 Pan Blue Serge Overalls
- 3 White Tunics
- 2 Whole Mess Jackets
- 1 Blue Cummerband
- 1 Waterproof coat
- 2 Khaki Drill Jackets
- 4 Pairs Khaki Drill Trousers
- 4 Khaki Bush Tunic and Cloth belt
- 1 Whole helmet spike and chain
- 1 Blue Cloth cap
- 1 Pair Wellington boots (Parade) with spur boxes
- 1 Pair Wellington boots (Mess)
- 1 Pair Spurs for Parade Wellingtons
- 1 Pair Spurs for Mess Wellington

Schedule 8

(Regulation 49)

Uniforms and Equipment to be supplied on Loan at Public Expense to Inspectors

Articles	Issue	Remarks on periods of issue a and wear
<u>1 Arms</u>		
Service Revolver–Pistol	1	During Service
Holster	1	" "
Sword – Infantry Pattern	1	" "
Scabbard (Steel)	1	" "

Revision Date: 31 Dec 2009

Scabbard (black leather)	1	" "
<u>2 Equipment</u>		
Cross Belt	1	Every Ten Years
Sword with belt and sling	1	" " "
Sword Knot (Silver)	1	" " "
Black Sam Brown equipment	1	" " ""
Whistle and Chain	1	" " "
<u>3 Head Dress</u>		
Helmet (White Officers Pattern)	1	Every Five Years
Caps (Blue Officers Pattern)	1	" " "
<u>4 Clothing</u>		
Jacket (blue serge, fine)	1	Every Three years
Blue Lanyard	1	" " ""
Trousers	2	" " "
Jackets (White)	3	As required
Mess Jackets (White)	1	" "
Cap (blue)	1	Every Five years
Jackets (Khaki drill)	1	As required
Trousers		" "
Bush Tunics		" "
<u>5 Shoes</u>		
Black Balmoral	1	Pair annually

Schedule 9

(Regulation 50)

Arms, Uniform and Equipment of Subordinate Police Officers, Constables and Special Constables

(a) Arms		
Rifle, S.L.E. with sling	1	During Service
Bayonet and Scabbard	1	" "
(b) Equipment		
Waist Belt	1	Every Ten Years
Frong	1	" " "
Bon	1	" " "
Whistle and Chain	1	" " "
(c) Head Dress		
Helmet (White)1		As required, Average serviceable wear five

Revision Date: 31 Dec 2009

	years	
Cap(Blue)		
Cap Covers Waterproof	Average period of wear four years	
(d) Clothing	4	As required
Jackets white	1	" "
Jackets (blue serge)	3	" "
Trousers(blue serge)	3	" "
Shirt (Blue Serge)	1	" "
Caps (Blue)		" "
(Average period of wear eight years).		" "
Boots (Black)		" "
(not more than 2 pairs annually)		" "
Rank Chevions		" "
(average period of wear three years)	3	
Shirts grey light weight		
Blouse (white)	4	" "
Stockings (blue)	3	Pairs annually
Socks (blue/women)	6	Pairs as required

Schedule 10

(Regulation 81)

Disciplinary Offences created by the Regulations

1. Discreditable conduct, that is to say; if an inspector, subordinate police officer or constable acts in a disorderly manner or in any manner prejudicial to discipline or likely to bring discredit on the reputation of the Force;
2. Insubordinate or oppressive conduct, that is to say, if an inspector, subordinate police officer or constable
 - (i) is insubordinate by word, act or demeanor; or
 - (ii) is guilty of oppressive or tyrannical conduct towards an inferior in rank; or
 - (iii) uses obscene, abusive or insulting language to any other member of the Force; or
 - (iv) willfully or negligently makes any false complaint or statement against any member of the Force; or

Revision Date: 31 Dec 2009

- (v) assaults any other member of the Police Force; or
 - (vi) withholds any complaint or report against any member of the Force.
3. Disobedience to orders, that is to say, if an inspector, subordinate police officer or constable disobeys or, without good or sufficient cause, omits to carry out any lawful order, written or otherwise;
4. Neglect of duty, that is to say, if an inspector, subordinate police officer or constable
- (i) unlawfully absents himself from his station without the permission of a superior officer;
 - (ii) neglects, or without good or sufficient cause omits promptly and diligently to attend to or carry out anything which is his duty as a police officer; or
 - (iii) idles or gossips while on duty; or
 - (iv) fails to work his beat in accordance with orders, or leaves his beat, traffic point, or other duty to which he has been ordered without due permission or sufficient cause; or
 - (v) by carelessness or neglect permits a prisoner to escape; or
 - (vi) fails, when knowing where any offender is to be found, to report the same or to make due exertions for making him amenable to justice; or
 - (vii) fails to report any matter which it is his duty to report; or
 - (viii) sleeps on his post or beat; or
 - (ix) fails to report anything which he knows concerning a criminal charge, or fails to disclose any evidence which he, or any person within his knowledge, can give for or against any prisoner or defendant to a criminal charge; or
 - (x) omits to make any necessary entry in any official document or book; or
 - (xi) neglects, or without good or sufficient cause omits, to carry out the instructions of a government medical officer following a medical examination or, while absent from duty on account of sickness, is guilty of any act or conduct calculated to retard his return to duty;
5. Making false statements or falsifying and mutilating books and documents, that is to say, if an inspector, subordinate police officer constable
- (i) wilfully and knowingly makes any false statement; or
 - (ii) knowingly makes or is privy or party to the making of any false entry, or with intent to mislead makes any alteration or erasure in any book of complaint, station diary, record, book or other document kept in the normal course of official duty; or
 - (iii) wilfully mutilates or destroys any book of complaint, station diary, record, book, return or other document kept in the normal course of duty,
6. Breach of confidence, that is to say, if any inspector, subordinate police officer or constable

- (i) divulges any matter which it is his duty to keep secret; or
 - (ii) gives notice, directly or indirectly, to any person against whom any warrant or summons has been or is about to be issued, except in the lawful execution of such warrant or service of such summons; or
 - (iii) without proper authority communicates to the public press, or to any unauthorized person, any matter connected with the Police Force, or
 - (iv) without proper authority shows to any person outside the Police Force any book or printed document the property; of the police authorities; or
 - (v) makes any anonymous communication to the Chief of Police or any other superior officer;
7. Corrupt practice, that is to say, if an inspector, subordinate police officer or constable
- (i) receives any bribe; or
 - (ii) fails to account for or to make a prompt and true return of any money or property seized or received by him in his official capacity; or
 - (iii) without the knowledge and permission of the Chief of Police accepts directly or indirectly any gratuity, present or reward in respect of anything done in the discharge of the duties of his office; or
 - (iv) places himself under pecuniary obligation to any person who holds a licence concerning the granting or renewal of which the police may have to report or give evidence; or
 - (v) improperly uses his character and position as a member of the Force for his private advantage;
8. Unlawful or unnecessary exercise of authority, that is to say, if an Inspector, subordinate police officer or constable
- (i) without good or sufficient cause makes any unlawful or unnecessary arrest; or
 - (ii) uses any unnecessary violence to any prisoner or other person with whom he may be brought into contact in the execution of his duty;
9. Malingering, that is to say, if an Inspector, subordinate police officer or constable feigns or exaggerates any sickness or injury with a view of evading duty;
10. Absence without leave or being late for duty, that is to say, if an Inspector, subordinate police officer or constable, without reasonable excuse is absent without leave from or is late for, parade, court, or any other duty;
11. Uncleanliness, that is to say, if an Inspector, subordinate police officer or constable, while on duty or while off duty in uniform in a public place is improperly dressed or is dirty or untidy in his person, clothing or equipment;
12. Damage to clothing or other articles supplied, that is to say, if an inspector, subordinate police officer or constable

Revision Date: 31 Dec 2009

- (i) wilfully or by carelessness causes any waste, loss or damage to any arms, article of clothing or equipment, uniform, or to any book, document or other property supplied to him, or used by him, or entrusted to his care, or entrusted to the care of any other member of the Force; or
 - (ii) fails to report any loss or damage as above however caused;
- 13. Drinking on duty or soliciting drink, that is to say, if an inspector, subordinate police officer or constable
 - (i) without the consent of a superior officer, drinks, or receives from any other person, any intoxicating liquor while he is on duty; or
 - (ii) demands, or endeavours to persuade any other person to give him, any intoxicating liquor while he is on duty; or
 - (iii) while on or off duty is unfit for duty through drink;
- 14. Entering licensed premises where liquor is stored or distributed while on duty, that is to say, if an inspector, subordinate police officer or constable enters any premises licensed under the liquor licensing laws, or any other premises where liquors are stored or distributed, when his presence there is not required in the execution of his duty;
- 15. Incurring debt without any reasonable prospect or intention of paying the same, or having incurred any debt, making no reasonable effort to pay the same;
- 16. Gambling or betting in barracks;
- 17. Breaking arrest or breaking out of barracks;
- 18. Appropriating to his own use, losing by neglect or making away with arms, ammunition, article of clothing or equipment, uniform or other articles supplied to him, or to any other police officer, or any Government property committed to his charge;
- 19. Breach of these Regulations, any Force Standing Order, or Station Standing Order;
- 20. Conviction for a criminal offence, that is to say, if an Inspector, subordinate police officer or constable had been found guilty by a court of law of a criminal offence;
- 21. Being an accessory to a disciplinary offence, that is to say, if an Inspector, subordinate police officer or constable connives at or is knowingly an accessory to any offence against discipline.
- 22. Engaging in employment other than police duties without the prior written permission of the Chief of Police.

FIFTH SCHEDULE

Police (Criminal Records) Order

1. Citation.

This Order may be cited as the Police (Criminal Records) Order.

2. Criminal records.

Where a person applies to the Police Force for a certificate as evidence of his criminal record status the person shall, upon submission of the application, pay a fee of \$10.00.