

Assented to in Her Majesty's name this 8th day of November 1967.

C. HASKARD,
Governor.

LS

No. 9



1967

Colony of the Falkland Islands.

IN THE SIXTEENTH YEAR OF THE REIGN OF
Her Majesty Queen Elizabeth II.

SIR COSMO HASKARD, K.C.M.G., M.B.E.
Governor.

An Ordinance

To make further and better provision
for the organisation, discipline, powers and
duties of the Falkland Islands Police Force,
and matters incidental thereto and con-
nected therewith.

Title.

(1st December 1967)

Date of commencement.

ENACTED by the Legislature of the Colony of the Falkland
Islands, as follows —

Enacting clause.

1. This Ordinance may be cited as the Police Ordinance, 1967.

Short title.

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

Interpretation.

“court” means a court of competent jurisdiction;

“Officer in Charge” means the person appointed by the Governor
under section 6 of this Ordinance to be in charge of the Police
Force;

“police officer” means any member of the Force;

“police reserve” means the Falkland Islands Police Reserve;

“standing orders” means all orders issued by the Officer in
Charge under this Ordinance for the instruction and guidance
of the members of the Force;

“subordinate officer” means any police officer below the rank
of sergeant;

“the Force” means the Police Force established under this
Ordinance and designated the Falkland Islands Police Force.

10. Every member of the Force shall have such rights, powers, authorities, privileges and immunities, and shall be liable to such duties and responsibilities as are conferred or imposed upon police officers or constables by any law which is now or may hereafter be in force in the Colony.

Rights and liabilities of members of the Force.

11. (1) Where the defence to any suit instituted against a police officer is that the act complained of was done in obedience to a warrant purporting to be issued by the Judge, a justice of the peace or any officer of any court, the court shall, upon production of the warrant containing the signature of any such person, notwithstanding any defect in such warrant, accept such warrant as prima facie evidence of the due making thereof, and upon proof that the act complained of was done in obedience to such warrant, enter judgment in favour of the police officer.

Non-liability for act done under warrant.

(2) No proof of the signature of such person shall be required unless the court has reason to doubt the genuineness thereof; and if it shall be proved that such signature is not genuine, judgment shall nevertheless be given for the police officer if it is proved that at the time when the act complained of was committed, he believed on reasonable grounds that such signature was genuine.

12. No salary or allowance paid to any member of the Force shall be liable to be attached, sequestered or levied upon for or in respect of any debt or claim for any money borrowed by him or any goods supplied to him or to any person on his behalf while he is a member of the Force.

Salary of police officer not to be attached.

13. It shall be the duty of all members of the Force —

General duties of the Force.

- (a) to preserve the peace and prevent and detect crime and other infractions of the law;
- (b) to apprehend and bring before a court persons found committing any offence rendering them liable to arrest without warrant, or whom they may reasonably suspect of having committed any such offence, or who may be charged with having committed any such offence;
- (c) to summon before a court and to prosecute persons reasonably suspected of having committed offences, where an order to that effect is made by the Colonial Secretary or the Officer in Charge, either generally or in any particular case or class of cases;
- (d) to serve and execute at any time all process which they may be directed by any competent authority to serve or execute;
- (e) to keep order in and within the precincts and in the vicinity of all courts during all sittings of such courts;
- (f) to collect and communicate to his superior officers intelligence affecting the public peace or public security;
- (g) to take all steps necessary to prevent the commission of offences and public nuisances;
- (h) to obey all lawful orders of his superior officers;
- (i) to perform the duties of prison officer or warder under the provisions of the Prison Ordinance, 1966; and
- (j) generally, to do and perform all the duties appertaining to the office of a police officer.

14. (1) A member of the Force shall perform such duties as the Officer in Charge or his superiors in the Force may direct.

Officer in Charge to direct duties.

(2) Any member of the Force, if so directed by the Officer in Charge, shall undertake such duties outside the Colony as may be

necessary for the due performance of the duties imposed on the Force by section 13 of this Ordinance.

Administrative Officer.

15. In any area or place where there is no police officer appointed to be in charge of the police stationed therein, the Administrative Officer in charge of that area or place shall, subject to the orders and directions of the Governor, exercise local control over such police in respect of their duties, discipline and well being.

Provided that nothing in this Ordinance shall be deemed to make such Administrative Officer a police officer, but nevertheless any such Administrative Officer shall, subject to any express limitations which may be imposed on him by the Governor, have all powers conferred by law upon police officers.

Police officers to be always on duty.

16. For the purposes of this Ordinance and any law, which is now or may hereafter be in force in the Colony, police officers shall be deemed to be always on duty when required to act as such.

Engaging in trade or business.

17. No member of the Force shall, while he holds such appointment, engage in any private business or trade without the prior consent in writing of the Colonial Secretary.

PART III

MEMBERSHIP OF ASSOCIATIONS, ETC.

Definition of "prohibited association".

18. For the purposes of this Part "prohibited association" means —

- (a) any league or association or body of persons, whether registered or not, which has for its objects or one of its objects, the promotion of feelings of ill-will and hostility between different classes of the community;
- (b) any association, society, club or body of persons, any of the objects of which may be subversive of good discipline on the part of a member of the Force, and which the Governor shall declare to be a prohibited association.

Penalty for offences in connection with prohibited associations.

19. (1) It shall not be lawful for —

- (a) any member of the Force to be or become a member of any prohibited association; or
- (b) any prohibited association to permit any member of the Force to receive any benefit, financial or otherwise, from the association or for any such association to receive money from a member of the Force.

(2) If there shall be any contravention of the provisions of this section, the member of the Force, the association, and every officer of the association who is knowingly a party to such contravention shall be guilty of an offence and liable on summary conviction to a fine not exceeding £25.

Prohibition against membership of trade unions.

20. (1) Except as regards membership of the Civil Servants Association, it shall not be lawful for a member of the Force to become a member of any trade union, or of any association having for its objects, or one of its objects, the controlling or influencing of the pay, pensions, or conditions of service of the Force and any member of the Force who contravenes this provision shall be disqualified from continuing to be a member of the Force; and if any member of the Force continues to act as such after becoming so disqualified, he shall forfeit all pension or gratuity rights and be disqualified from being thereafter employed in the Force.

(2) If any question arises whether any body is a trade union or an association to which this section applies, the question shall be determined by the Registrar of Trade Unions, whose decision shall be final.

PART IV

GENERAL ADMINISTRATION

21. (1) The Officer in Charge may from time to time issue standing orders, consistent with this Ordinance, for any of the following purposes, that is to say—

Standing orders.

- (a) duties to be performed by members of the Force;
- (b) the description and issue of uniforms, equipment and any other article necessary for the use of the Force;
- (c) the training of the Force;
- (d) the management and good government of all police buildings, accommodation, stores and furniture;
- (e) the posting of all members of the Force and the duties to be performed by them;
- (f) the welfare of members of the Force;
- (g) such other matters as may be necessary for preventing abuse or neglect of duty, for rendering the Force more efficient in the discharge of its duties and for carrying out the objects of this Ordinance.

(2) Every such standing order—

- (a) shall be subject to the approval of the Governor; and
- (b) shall be brought to the notice of every member of the Force, but need not be published in the Gazette.

22. No member of the Force shall be at liberty to resign from the Force until after the expiration of three months at least from the time when he gives to the Officer in Charge notice in writing of his intention to do so:

Resignation from the Force.

Provided that the Governor may in special circumstances allow a member of the Force to resign from the Force at any time between the giving of such notice and the expiration of the said period of three months.

23. Any member of the Force who leaves the Force at any time without the permission of the Governor, or without giving to the Officer in Charge a valid notice of his intention to resign from the Force, or before the expiration of any valid notice, shall be deemed to have illegally resigned from the Force, and shall be guilty of an offence and liable on summary conviction to a fine not exceeding £100 or to imprisonment not exceeding two months.

Penalty for illegal resignation.

24. It shall be sufficient in any charge or complaint for an offence under section 23 to state that the person proceeded against, being then a member of the Force, did illegally leave the Force, and the onus of proving that his leaving the Force was with the permission of the Governor and that a valid notice was given shall be on the person proceeded against.

Proving resignation with permission.

25. Any magistrate or justice of the peace, on a complaint being made to him on oath by any police officer that any member of the Force has illegally left the Force and that there is reasonable cause to suspect that such member of the Force is concealed in his own premises or on the premises of any other person, or is on board of any vessel within the limits of the Colony, shall grant to such police officer a warrant to search, with proper assistance, the premises or vessel in which such member of the Force is suspected of being concealed and, if found, to arrest him in order that he may be dealt with according to law.

Warrant to arrest police officer illegally leaving the Force.

26. Whenever any member of the Force ceases to belong to the Force he shall deliver over his uniforms and any other equipment which may have been supplied to him at such time and place and to

Return of equipment and clothing.

such person as shall be directed by the Officer in Charge. If he fails to produce, or to account satisfactorily for the absence of, such clothing or equipment he shall be guilty of an offence and liable on summary conviction to pay the value of the same, or in default of payment, to imprisonment not exceeding one month. If such failure to produce or to account satisfactorily be in the opinion of the court wilful, the defaulter shall be guilty of an offence and liable on summary conviction to a fine not exceeding £20.

Prolongation of service in case of war or emergency.

27. Any police officer whose period of service expires during a state of war or state of emergency may be retained in the Force and his service prolonged for such further period as the Governor may direct, but not for more than six months after the ending of such state or time.

PART V — DISCIPLINE

Method of dealing with offences by police officers.

28. (1) (a) Any offence committed by a member of the Force with respect to which criminal proceedings are not instituted in a court of competent jurisdiction shall be dealt with and punished in accordance with the provisions of this Ordinance and any regulations made by the Governor under the powers conferred on him by this Ordinance, and subject to the provisions of section 32 in accordance with Colonial Regulations and the Government General Orders;

(b) Any police officer convicted of a criminal offence by any court of competent jurisdiction may be reduced in rank or dismissed provided that the person so dealt with may within seven days of the notification to him of such reduction or dismissal, as the case may be, appeal to the Governor whose decision on the matter shall be final.

(2) In this Part "offence" means —

- (a) any offence against any other law;
- (b) any offence against, contravention of or failure to comply with this Ordinance;
- (c) any offence against, contravention of or failure to comply with standing orders.

Police officers guilty of offences.

29. (1) Any police officer who shall be guilty of any offence against discipline shall be liable on conviction in such manner and before such person as may be prescribed by Regulations to any of the punishments prescribed in section 30.

(2) Offences against discipline shall be those prescribed by Regulations made under section 38 of this Ordinance.

(3) A police officer shall not be dealt with under this Ordinance where the offence alleged against him is one cognisable under the general law:

Provided that any of the punishments specified in paragraphs (a) to (d) of section 30 shall be subject to the approval of the Governor.

Punishment.

30. When a charge or complaint is made against a subordinate officer for a disciplinary offence under the Regulations, the Officer in Charge may hear and determine the charge or complaint and where he is satisfied that the charge has been proved may recommend the imposition on the offender of any of the following punishments —

- (a) Dismissal;
- (b) Determination of services;
- (c) Reduction in rank;
- (d) Reduction in rate of pay;

- (e) Fine not exceeding £10;
- (f) Extra duty;
- (g) Reprimand;
- (h) Caution;

31. (1) The Officer in Charge shall have power under the preceding section to summon and examine witnesses on oath or affirmation and to require production of all documents relevant to such inquiry and to adjourn any hearing from time to time. In every case the proceedings shall be recorded in writing.

Powers of officers holding inquiry.

(2) Any person summoned as a witness under subsection (1) of this section who fails to attend at the time and place stated in the summons or at the adjournment or refuses to answer any question that is lawfully put to him shall be liable on conviction to a fine not exceeding £5 or to imprisonment for a period not exceeding one month; provided that no such witness shall be obliged to answer any question which may tend to incriminate him or render him liable to any forfeiture or penalty.

32. Any person who is dissatisfied with the decision of the Officer in Charge may appeal to the Governor in accordance with the Regulations relating to appeal made under this Ordinance.

Right of appeal to Governor.

33. Any police officer shall in respect of any matter not provided for in this Ordinance be subject to the provisions of Colonial Regulations and Government General Orders from time to time in force as may be applicable.

Application of Colonial Regulations and General Orders.

PART VI DISPOSAL OF PROPERTY

34. Where any property has come into the possession of the police in connection with any criminal charge or under section 103 of the Larceny Act, 1861, the Court of Summary Jurisdiction may, on the application either by a member of the Force or by a claimant of the property, make an order for the delivery of the property to the person appearing to the court to be the owner thereof, or, if the owner cannot be ascertained, make such order with respect to the property as the court may think fit.

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

35. (1) Subject to the provisions of any other Ordinance it shall be the duty of every police officer to take charge of all unclaimed property and to furnish an inventory or description thereof to the Court of Summary Jurisdiction.

Unclaimed property.

(2) The Court of Summary Jurisdiction shall cause a notice to be posted in a conspicuous place at the Court of Summary Jurisdiction and at the Police Station specifying such property and calling upon any person who may have a claim thereto to appear and establish his claim within six months from the date of such notice.

(3) The Court of Summary Jurisdiction may also make such order as to such property as it may deem fit, including an order for detention, sale by auction or private treaty for the benefit of any person who may claim property or for the destruction of such property.

(4) The right to take legal proceedings for the recovery of such property or the proceeds of such sale shall cease if no person shall within six months from the date of the notice aforesaid establish his claim to such property or proceeds thereof.

(5) At the expiration of six months from the date of such notice the property or the proceeds of sale of such property shall, after deduction of any expenses incurred in connection therewith, be paid or returned to the finder of such property, provided he claims the same from the Police Station not later than nine months from the date of such notice.

(6) If at the expiration of three months from the date of expiry of such notice no claim has been made by the finder, the police shall refer the matter to the Court of Summary Jurisdiction who shall be at liberty to order any property other than money to be destroyed or sold by auction or private treaty. The proceeds therefrom and any unclaimed money shall forthwith be paid into the Treasury after deduction of any expense incurred.

Disposal of valueless unclaimed goods or chattels.

36. If goods and chattels of the nature specified in sections 34 and 35 are of no appreciable value or of value so small in the opinion of the Officer in Charge as to render impracticable the sale of such property, the Officer in Charge may order such property to be destroyed or otherwise disposed of as he thinks fit.

Disposal of perishable articles and livestock.

37. Where the property is a perishable article or livestock and the custody of the article or of the livestock involves unreasonable expense or inconvenience, it may be sold at any time but the proceeds of sale shall not be disposed of until they have remained in the possession of the police for a year unless it is proved to the satisfaction of the Officer in Charge that any person laying claim to such article or livestock is in fact the owner of such article or livestock in which case the Officer in Charge may pay the proceeds to the person whose ownership has been so established.

PART VII — MISCELLANEOUS

Regulations.

38. The Governor in Council may make Regulations relating to all or any of the following matters, that is to say—

- (a) the discipline and punishment of members of the Force;
- (b) the conduct of disciplinary proceedings;
- (c) appeals from the decision of the officer holding the inquiry into an offence against discipline;
- (d) the appointment of police officers and the promotion and reduction in rank of police officers;
- (e) the treatment of persons detained or confined in any police building;
- (f) the taking of measurements, photographs, and fingerprint impressions of persons in lawful custody;
- (g) prescribing anything which by this Ordinance is to be or may be prescribed; and
- (h) generally for the good order and government of the Force.

Application of Ordinance to persons already in the Force.

39. All police officers who at the date of commencement of this Ordinance are serving in the Force shall be deemed to have been appointed under and subject to the provisions of this Ordinance.

Repeal of Cap. 51.

40. The Police Ordinance is hereby repealed.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council, and is found by me to be a true and correctly printed copy of the said Bill.

H. L. BOUND,
Clerk of the Legislative Council.

Ref. 0836/III.

The Police Ordinance, 1967.

REGULATIONS

(under section 38 of the Ordinance)

No. 7 of 1967.

C. HASKARD,
Governor.

1. These Regulations may be cited as the Police Regulations, 1967. Citation.

PART I

RECRUITMENT AND PROBATION

2. The following standard is required for enrolment of recruits for the Police Force — Physical standard for recruits.

- (a) Age: A minimum of eighteen years.
- (b) Of good physique.
- (c) Eyesight: Normal or fully corrected with spectacles.
- (d) Ears: No undue deafness.
- (e) Feet and legs: Sufficiently developed to cope with long periods of standing.

3. A recruit may, before entry into the Force, be required to pass a written educational examination, to be set and marked by the Superintendent of Education or such other person as the Colonial Secretary may approve. Examination before entry into Force.

4. A police officer will be on probation for two years after appointment as such, during which period his services may be dispensed with at any time if the Officer in Charge considers that he is not likely to become efficient and well conducted. If his services are so dispensed with, he will receive one month's notice. Probationary period.

PART II — DISCIPLINE

5. Any member of the Force commits an offence against discipline if he commits one or more of the offences set out below (hereinafter in these Regulations referred to as the disciplinary code) — Disciplinary code.

(1) Discreditable conduct, that is to say, if he acts in a disorderly manner or any manner prejudicial to discipline or reasonably likely to bring discredit on the reputation of the Force.

(2) Insubordinate or oppressive conduct, that is to say, if he —

- (a) is insubordinate by word, act or demeanour; or
- (b) is guilty of oppressive or tyrannical conduct towards an inferior in rank; or
- (c) uses obscene, abusive or insulting language to any other member of the Force; or
- (d) wilfully or negligently makes any false complaint or statement against any member of the Force; or
- (e) assaults any other member of the Force; or
- (f) improperly withholds any report or allegation against any member of the Force.

(3) Disobedience to orders, that is to say, if he disobeys or without good and sufficient cause omits or neglects to carry out any lawful order, written or otherwise, or any provision of any Standing Order or Routine Order, or contravenes any of the following requirements —

- (a) a police officer shall at all times abstain from activity which is likely to interfere with the impartial discharge of his duties or which is likely to give rise to the impression amongst members of the public that it may so interfere,

and in particular a police officer shall not take any active part in politics;

- (b) the place at which a police officer resides shall be subject to the approval of the Officer in Charge;
- (c) a police officer shall not wilfully refuse or neglect to discharge any lawful debt.

(4) Neglect of duty, that is to say, if he —

- (a) neglects or without good and sufficient cause omits promptly and diligently to attend to or carry out anything which is his duty as a police officer; or
- (b) idles or gossips while on duty; or
- (c) fails to work his beat in accordance with orders, or leaves his beat or other place of duty to which he has been ordered without due permission or sufficient cause; or
- (d) by carelessness or neglect permits a prisoner to escape; or
- (e) 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
- (f) fails to report any matter which it is his duty to report; or
- (g) 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
- (h) omits to make any necessary entry in any official document or book; or
- (i) neglects, or without good or sufficient cause omits to carry out, any instructions of a government medical officer, or while absent from duty on account of sickness, is guilty of any act or conduct calculated to retard his return to duty.

(5) Falsehood or prevarication, that is to say, if he —

- (a) knowingly makes or signs any false statement in any official document or book; or
- (b) wilfully or negligently makes any false, misleading or inaccurate statement; or
- (c) without good and sufficient cause destroys or mutilates any official document or record, or alters or erases any entry therein.

(6) Breach of confidence, that is to say, if he —

- (a) divulges any matter which is his duty to keep secret; or
- (b) 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
- (c) without proper authority communicates to any person, who is not a member of the Force, any matter connected with the Force; or
- (d) without proper authority shows to any person outside the Force any book or written or printed document the property of the government; or
- (e) makes any anonymous communication to the Governor, any public officer, the Officer in Charge or to any superior officer; or
- (f) canvasses any member of the Legislative Council or any public officer with regard to any matter concerning the Force; or
- (g) signs or circulates any petition or statement with regard to any matter concerning the Force except through the proper channel of correspondence to the Officer in Charge; or

(h) calls or attends any unauthorised meeting to discuss any matter concerning the Force.

(7) Corrupt practice, that is to say, if he —

- (a) receives any bribe; or
- (b) fails to account for or to make a prompt and true return of any money or property received by him in his official capacity; or
- (c) directly or indirectly solicits or receives any gratuity, present, subscription or testimonial, without the consent of the Officer in Charge; or
- (d) places himself under pecuniary obligation to any publican or any person who holds a licence concerning the granting or renewal of which the police may have to report or give advice; or
- (e) improperly uses his character and position as a member of the Force for his private advantage; or
- (f) in his capacity as a member of the Force, writes, signs or gives without the sanction of the Officer in Charge any testimonial or character or other recommendation with the object of obtaining employment for any person or of supporting an application for the grant of a licence of any kind; or
- (g) without the sanction of the Officer in Charge supports an application for the grant of a licence of any kind.

(8) Unlawful or unnecessary exercise of authority, that is to say, if he —

- (a) without good and sufficient cause makes any unlawful or unnecessary arrest; or
- (b) uses any unnecessary violence to any prisoner or other person with whom he may be brought into contact in the execution of his duty; or
- (c) is uncivil to any member of the public.

(9) Malingering, that is to say, if he feigns or exaggerates any sickness or injury with a view to avoiding duty.

(10) Absence without leave or being late for duty, that is to say, if he 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 he, 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 accoutrements.

(12) Damage to clothing or other articles supplied, that is to say, if he —

- (a) wilfully or by carelessness causes any waste, loss or damage to any article of clothing or accoutrement, or to any book, document or other government property served out to him or used by him or entrusted to his care; or
- (b) fails to report any loss or damage as in the preceding paragraph however caused.

(13) Drunkenness on duty or soliciting drink, that is to say, if he —

- (a) without the consent of his superior officer, drinks or receives from any person any intoxicating liquor while on duty; or
- (b) demands or endeavours to persuade any other person to give him or to purchase or to obtain from him, any intoxicating liquor while he is on duty.

(14) Entering licensed premises, that is to say, if without permission he enters —

- (a) while on duty any premises where intoxicating liquor is served, sold, stored or distributed when his presence there is not required in the execution of his duty; or
- (b) any such premises in uniform while off duty.

(15) Lending, borrowing or accepting presents, that is to say, if he lends money to any superior in rank or borrows or accepts any present from any inferior in rank.

(16) Conviction for a criminal offence, that is to say, if he has been found guilty by a court of law of any criminal offence.

(17) Being an accessory to a disciplinary offence, that is to say, if he connives at or is knowingly an accessory to any offence against discipline.

PART III — DEFAULTERS

Misconduct report.

6. For any offence against the disciplinary code a police officer will, if considered necessary, be placed on the defaulter's report.

Entries on record.

7. Every punishment will be entered on the defaulter's record sheet.

Defaulter to be served with a copy or report.

8. A defaulter shall, when going off duty or if off duty, as soon as practicable, be supplied with a written copy of the report preferred against him, which must disclose an offence against the disciplinary code with such details of time and place as will leave him under no misapprehension as to the offence for which he is reported.

Defaulter to be afforded access to reports.

9. The defaulter will be afforded access to all reports and statements relevant to the report against him, as soon as they are prepared. If he so desires, he will be permitted to take copies in his own time. Each folio of a report or statement of which a copy is taken must be marked by him "Copy Taken" and initialled by him to show that he has seen it.

Questions to be answered on report form.

10. (1) The defaulter will be invited to state in writing on a report form whether he admits or denies the charge. He will also be invited to state thereon the names and address of any witnesses to relevant facts whose attendance at the hearing of the case he wishes to secure.

(2) He may be present when the statements of his witnesses are being taken.

Trifling irregularities.

11. Police officers are not necessarily to be reported for trifling irregularities which can often be dealt with by immediate verbal reprimand, brief particulars of which should at the time be recorded in the official pocket book of the officer by whom the reprimand is administered. Repeated acts of negligence, although in themselves trifling, must be brought to notice.

Trial of defaulters.

12. Offences against the disciplinary code will be tried by the Officer in Charge.

Other member of Force may assist defaulter.

13. (1) At the trial of an offence against the disciplinary code, the defaulter may be assisted by another member of the Force.

(2) The member of the Force assisting the defaulter or the defaulter may address the Officer in Charge trying the case and examine or cross-examine the witnesses.

(3) The defaulter will be permitted to give evidence on his own behalf.

Absence of defaulter.

14. If a defaulter absconds or refuses or neglects without good and sufficient cause to attend the hearing of the charge at the time and place appointed or is serving a sentence of imprisonment the case may be decided in his absence.

15. When a police officer is reported for rendering himself unfit for duty through drink, whether on or off duty, or for drinking on duty, he shall have the right to require that a medical practitioner shall be called to examine him.

Drunkenness — attendance of doctor.

16. The Officer in Charge, when trying a case against a defaulter, shall record the substance of the evidence in writing.

Recording of evidence.

PART IV

APPEALS AND CONFIRMATION OF PUNISHMENT

17. (1) A police officer who is not satisfied with a decision reached on the trial of any offence against the disciplinary code may, subject to the provisions of this Part, appeal to the Governor, who may vary the decision or allow or reject the appeal.

Conditions to be complied with.

(2) Appeals may only be made on the condition that the officer shall have made his whole defence and called all his available witnesses at the original hearing.

(3) Notice of intention to appeal must be given in writing within forty-eight hours of the award of the punishment, stating whether the appeal is against the finding or the punishment or both.

18. On appeal, the appellant shall, within the prescribed time, give notice of appeal by serving on the Officer in Charge a notice in writing of his intention to appeal and of the general grounds of such appeal.

Notice of appeal.

19. A police officer, if found guilty of an offence by the Officer in Charge, may appeal to the Governor only if he has been sentenced to dismissal, termination of service, reduction in rank or reduction in rate of pay.

Limits of appeal.

20. When a member of the Force appeals to the Governor the Officer in Charge shall forward all records, statements and other papers relevant to the hearing to the Colonial Secretary for onward transmission to the Governor.

Appeals to Governor.

21. Any punishment specified in paragraphs (a) to (d) of section 30 of the Ordinance awarded by the Officer in Charge shall be subject to the approval of the Governor.

Confirmation of punishment.

PART V

COMPLAINTS AGAINST POLICE

22. All complaints against members of the Force shall be investigated without delay

Complaints.

23. (1) When a complaint is lodged against a member of the Force it shall be the duty of the officer receiving it to record it in writing.

Complaints to be recorded in writing.

(2) The officer against whom the complaint is made, will, whenever practicable, be permitted to be present while any statements are being taken from the complainant.

24. In all cases of complaint against a police officer, the Officer in Charge shall enquire into the allegation

Investigating complaints.

25. When the enquiry has been completed the Officer in Charge shall inform the complainant of the result of such enquiry.

Complainant to be informed.

Made by the Governor in Council on the 20th day of October, 1967.

H. L. BOUND,

Clerk of the Executive Council.

Ref. 0836/III.

The Police Ordinance, 1967
REGULATIONS

No. 8 of 1967.

C. HASKARD,
Governor.

Citation. 1. These Regulations may be cited as the Police Reserve Regulations, 1967.

Interpretation. 2. In these regulations, unless the context otherwise requires, "police reservist" means any member of the Police Reserve.

PART I — APPOINTMENT

Eligibility for appointment. 3. The Officer in Charge may, with the approval of the Governor, appoint as a police reservist any person —

- (a) who is not less than eighteen nor more than sixty years of age;
- (b) who is of good character;
- (c) who is of good health and physique; and
- (d) who is likely to become an efficient and well-conducted police reservist.

Application for appointment. 4. Any person wishing to be appointed as a police reservist shall apply to the Officer in Charge and shall supply such information as the Officer in Charge may require to enable him to decide whether or not the applicant should be so appointed.

Duration of appointment. 5. The appointment of a police reservist shall, unless otherwise specified by the Officer in Charge at the time of appointment, be without limitation as to period, subject to the provisions of regulations 8 and 9 and Part IV.

Declaration on appointment. 6. A police reservist shall on his appointment make and sign the declaration required to be made under section 8 of the Ordinance save that for the reference to police officer there shall be substituted reference to reserve police officer.

PART II

DETERMINATION OF SERVICE

7. A police reservist shall retire from his office as such on reaching the age of sixty-five years:

Provided that in any case, the Officer in Charge may permit a police reservist to continue to serve until such age not exceeding sixty-five as he may determine.

8. A police reservist may resign his office at any time upon giving to the Officer in Charge not less than one month's notice in writing:

Provided that the Officer in Charge may in any case allow a police reservist to withdraw from the Reserve at any time between the giving of the notice and the expiration of the said period of one month.

Determination by Officer in Charge. 9. The Officer in Charge may, at his discretion, determine the service of any police reservist by giving him not less than one month's notice in writing.

PART III

DUTIES, PRIVILEGES AND IMMUNITIES

Application of Part II of Ordinance. 10. Part II of the Ordinance shall apply to a police reservist as it applies to a member of the Force.

11. A police reservist shall, subject to the provisions of these Regulations, be subject to and governed by the provisions of any Standing Orders issued under the Ordinance in the same manner as a member of the Force, save in so far as such Standing Orders shall be expressed as not to be applicable to a police reservist.

Standing Orders and section 24 of the Ordinance.

PART IV

RANK AND CONDITIONS OF SERVICE

12. The Police Reserve shall consist of such numbers of the following ranks as the Governor may direct, in order of seniority as shown —

Ranks in Reserve.

Sergeants
Constables.

13. Any rank in the Police Reserve other than that of constable may be filled by a member of the Force, appointed to that rank in the Force and seconded for duty with the Police Reserve. Any member of the Force so seconded shall for all purposes be deemed to be still a member of the Force.

Secondment of police officers.

14. Police reservists shall receive such pay and allowances as may be assigned to them by the Governor in Council.

Pay and allowances.

15. The Pensions Ordinance and the Pensions Regulations shall not apply to a police reservist or (subject to regulation 16) to any service as a police reservist.

Service in Police Reserve not pensionable.

16. If a police reservist becomes a member of the Force, having been appointed thereto under the Ordinance, without any break in service, then one-half of his continuous service in the Police Reserve after the age of twenty years shall be deemed to have been service as a police officer for the purposes of the Pensions Ordinance and Pensions Regulations and to have been continuous with the period of his service as a police officer.

When service as police reservist may be pensionable service.

PART V

CONTROL AND DISCIPLINE OF POLICE RESERVE

17. Without prejudice to the powers conferred upon the Officer in Charge by regulation 9, and subject to the provisions of these Regulations —

Application of Police Ordinance and Police Regulations.

- (a) Part V of the Ordinance shall apply to a police reservist as it applies to a member of the Force;
- (b) Parts II, III, IV and V of the Police Regulations, shall apply to a police reservist as they apply to a member of the Force.

18. The Officer in Charge shall have command, superintendence and direction of the Police Reserve and shall be responsible for the efficient administration of the Police Reserve and for the proper expenditure of all public moneys appropriated for the service thereof.

Officer in Charge to command reserve.

Made by the Governor in Council on the 20th day of October, 1967.

H. L. BOUND,
Clerk of the Executive Council.

Ref. 0836/III.