

ELIZABETH II



Territories of South Georgia
and the South Sandwich Islands

COLIN ROBERTS C.V.O.,
Commissioner.

Police Ordinance 2017

(No: 2 of 2017)

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POLICE ORDINANCE 2017

(No: 2 of 2017)

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(commencement: on publication)

AN ORDINANCE

To make provision for policing in the Territories of South Georgia and the South Sandwich Islands.

ENACTED by the Commissioner for South Georgia and the South Sandwich Islands as follows:

PART 1
PRELIMINARY

1. Title

This Ordinance may be cited as the Police Ordinance 2017.

2. Commencement

This Ordinance comes into force when it is published in the *Gazette*.

3. Interpretation

In this Ordinance —

“police officer” means a police officer appointed under Part 3, including (except where the context otherwise implies) the Chief of Police, a reserve police officer and a temporary police officer;

“Territory” means the territories of South Georgia and the South Sandwich Islands as defined in the South Georgia and South Sandwich Islands Order 1985 as amended from time to time.

PART 2 POLICING OBJECTIVES

4. The policing objectives

For the purpose of this Ordinance the policing objectives are —

- (a) to uphold the law fairly and firmly;
- (b) to prevent crime;
- (c) to pursue and bring to justice those who break the law;
- (d) to keep the Queen’s peace;
- (e) to protect, help and reassure persons present in the Territory;
- (f) to act, and be seen to act, with integrity, common sense and sound judgment.

PART 3 OFFICERS

5. Chief of Police

- (1) The Commissioner shall appoint an individual as Chief of Police for the Territory.
- (2) An appointment shall be made on such terms and conditions as the Commissioner thinks appropriate.
- (3) The Commissioner may appoint an individual only if satisfied that he or she has appropriate knowledge and experience of exercising policing functions.
- (4) The Chief of Police may be a person who is serving in another policing appointment outside the Territory.
- (5) As soon as reasonably practicable after making an appointment the Commissioner shall publish a notice in the *Gazette* announcing the appointment.
- (6) The Commissioner may terminate the appointment of the Chief of Police.

6. Police officers

- (1) The Commissioner may appoint individuals as police officers for the Territory.
- (2) An appointment shall be made on such terms and conditions as the Commissioner thinks appropriate.

(3) The Commissioner may appoint individuals only if satisfied that they have appropriate knowledge and experience of exercising policing functions.

(4) A police officer may be a person who is serving in another policing appointment outside the Territory.

(5) The Commissioner may terminate the appointment of a police officer.

7. Reserve police officers

(1) The Commissioner may appoint individuals as reserve police officers for the Territory.

(2) An appointment shall be made on such terms and conditions as the Commissioner thinks appropriate.

(3) The Commissioner may appoint individuals only if satisfied that they have appropriate knowledge and experience.

(4) A reserve police officer may be a person who is serving in another appointment inside or outside the Territory.

(5) The Commissioner may terminate the appointment of a reserve police officer.

8. Temporary police officers

(1) The Commissioner may seek assistance from —

(a) the Royal Falkland Islands Police;

(b) a police force in the United Kingdom;

(c) a military police force of the United Kingdom.

(2) For the purposes of assistance in accordance with subsection (1), the Commissioner may appoint an individual as a temporary police officer for the Territory.

(3) A temporary appointment shall be made on such terms and conditions as the Commissioner thinks appropriate.

(4) A temporary appointment may be made in respect of a person who is serving in another appointment.

(5) A temporary police officer shall have the same powers as a police officer appointed under section 6 (subject to specific terms and conditions of appointment).

PART 4 FUNCTIONS

9. Chief of Police

(1) The Chief of Police shall —

- (a) be responsible for the management of police officers;
- (b) deploy the available resources with a view to pursuit of the policing objectives;
- (c) advise the Commissioner on the resource and other requirements for the policing of the Territory;
- (d) make a written report to the Commissioner, as soon as reasonably practicable after the end of each year, about the exercise of policing functions in the Territory in that year.

(2) The Chief of Police may —

- (a) give directions to police officers (including reserve and temporary officers);
- (b) suspend, or otherwise discipline, police officers.

(3) In this section “police officers” means police officers appointed under Part 2, including reserve and temporary officers.

(4) The Chief of Police may make arrangements with any public authority (of the Territory or elsewhere) with law enforcement functions, to provide assistance in respect of the policing of the Territory.

10. Police officers

Police officers must take all reasonable steps (in accordance with the terms and conditions of their appointment) to pursue the policing objectives.

11. Powers

(1) Police officers when exercising authority within the Territory under this Ordinance, have all the powers and authority as vested in a police officer of the Royal Falkland Islands Police with the necessary changes to reflect the differences in the territories.

(2) The powers of police officers may include the power to arrest or detain a person pending removal and during removal, from the Territory, to another jurisdiction outside the Territory.

(3) The Commissioner must give his or her permission before the power under subsection (2) is exercised.

12. Police stations

(1) The Commissioner shall designate places to be used as police stations —

- (a) for the purposes of detaining arrested persons, and
- (b) for any other policing purposes specified in the designation.

(2) A designation must be published in the *Gazette*.

13. Property

(1) This section applies where property comes into the possession of police officers in connection with the exercise of their functions.

(2) The property must be returned to the person from whom it came unless —

- (a) a court has ordered its forfeiture;
- (b) the owner cannot be identified or located after reasonable attempts.

(3) The Chief of Police shall make arrangements for —

- (a) the public sale of property that has remained in the possession of police officers for a period of 3 months or more and cannot be returned under subsection (2);
- (b) the payment of the proceeds of sale to the owner of the property on a claim made within a period of 3 months beginning with the date of the sale;
- (c) the appropriation for policing purposes of proceeds that are not successfully claimed during that period.

(4) Arrangements under subsection (3) may make exceptions for —

- (a) property that a court has ordered to be destroyed;
- (b) perishable property.

PART 5 CONDUCT OF POLICE OFFICERS

14. Code of Conduct

Police officers must comply with the Code of Conduct set out in the Schedule to this Ordinance in the execution of their functions.

15. Terms and conditions

The terms and conditions of appointment of police officers may provide for them to be subject to disciplinary and other provisions in accordance with an appointment which is being combined with their appointment under this Ordinance.

16. Complaints

(1) The Chief of Police shall maintain a system for the making and investigation of complaints against police officers in the exercise of their functions.

(2) The Commissioner shall investigate any complaint made against the Chief of Police.

17. Indemnity

No action by way of civil proceedings shall lie against police officers in respect of anything done in the course of their functions.

PART 6 OFFENCES

18. Assault

It is an offence to assault a police officer in the exercise of his or her duties.

19. Obstruction

It is an offence to obstruct a police officer in the exercise of the officer's functions.

20. Impersonation

It is an offence to impersonate a police officer with intent to deceive.

21. Penalties

A person who is guilty of an offence under this Part is liable on conviction to —

- (a) a fine not exceeding £5,000,
- (b) imprisonment for a period not exceeding 6 months, or
- (c) both.

PART 7 REPEAL

22. Repeal

The Police Ordinance 1967 (No. 9 of 1967) is repealed.

SCHEDULE

Section 14

CODE OF CONDUCT

1 Honesty and integrity

It is of paramount importance that the public has faith in the honesty and integrity of police officers. Officers should therefore be open and truthful in their dealings; avoid being improperly beholden to any person or institution; and discharge their duties with integrity.

2 Fairness and impartiality

Police officers have a particular responsibility to act with fairness and impartiality in all their dealings with the public and their colleagues.

3 Politeness and tolerance

Officers should treat members of the public and colleagues with courtesy and respect, avoiding abusive or deriding attitudes or behaviour. In particular, officers must avoid: favouritism of an individual or group; all forms of harassment, victimisation or unreasonable discrimination; and overbearing conduct to a colleague, particularly to one junior in rank or service.

4 Use of force and abuse of authority

Officers must never knowingly use more force than is reasonable, nor should they abuse their authority.

5 Performance of duties

Officers should be conscientious and diligent in the performance of their duties. Officers should attend work promptly when rostered for duty. If absent through sickness or injury, they should avoid activities likely to retard their return to duty.

6 Lawful orders

The Territory Police is a disciplined body. Unless there is good and sufficient cause to do otherwise, officers must obey all lawful orders and abide by the provisions of the Police Ordinance. Officers should support their colleagues in the execution of their lawful duties, and oppose any improper behaviour, reporting it where appropriate.

7 Confidentiality

Information which comes into the possession of the police should be treated as confidential. It should not be used for personal benefit and nor should it be divulged to other parties except in the proper course of police duty. Similarly, officers should respect, as confidential, information about police policy and operations unless authorised to disclose it in the course of their duties.

8 Criminal offences

Officers must report any proceedings for a criminal offence taken against them. Conviction of a criminal offence may of itself result in further action being taken.

9 Property

Officers must exercise reasonable care to prevent loss or damage to property (excluding their own personal property but including police property).

10 Sobriety

Whilst on duty officers must be sober. Officers should not consume alcohol when on duty unless specifically authorised to do so or it becomes necessary for the proper discharge of police duty.

11 Appearance

Unless on duties which dictate otherwise, officers should always be well turned out, clean and tidy whilst on duty in uniform or in plain clothes.

12 General conduct

Whether on or off duty, police officers should not behave in a way which is likely to bring discredit upon the police service.

Notes:

(a) The primary duties of those who hold the office of police officer are the protection of life and property, the preservation of the Queen's peace, and the prevention and detection of criminal offences. To fulfil these duties they are granted extraordinary powers; the public and the Territory Police therefore have the right to expect the highest standards of conduct from them.

(b) This Code sets out the principles which guide police officers' conduct. It does not seek to restrict officers' discretion: rather it aims to define the parameters of conduct within which that discretion should be exercised. However, it is important to note that any breach of the principles in this Code may result in action being taken by the organisation, which, in serious cases, could involve dismissal.

(c) This Code applies to the conduct of police officers in all ranks whilst on duty, or whilst off duty if the conduct is serious enough to indicate that an officer is not fit to be a police officer. It will be applied in a reasonable and objective manner. Due regard will be paid to the degree of negligence or deliberate fault and to the nature and circumstances of an officer's conduct. Where off duty conduct is in question, this will be measured against the generally accepted standards of the day.

Enacted 27th February 2017

C. Roberts C.V.O.,
Commissioner.