

TRINIDAD AND TOBAGO.

Constabulary.

No. 16.—1905.

19th June.

THE CONSTABULARY ORDINANCE, 1905.

use " of 1908.
" 16 " 1907
" 26 " 1905
" 23 " 1908
" 49 " 1908
" 14 " 1905

[L.S.]

H. M. JACKSON,

GOVERNOR.

27th June, 1905.

BE it enacted by the Governor of Trinidad and Tobago with the advice and consent of the Legislative Council thereof as follows:—

1. This Ordinance may be cited as "The Constabulary Ordinance 1905." Short title.

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

"Governor in Council" means the Governor acting by and with the advice of the Executive Council:

"The Force" means the Constabulary Force established under this Ordinance:

"The Inspector-General" means the Inspector-General of Constabulary appointed under this Ordinance:

"Commissioned Officer" includes the Inspector-General, Deputy Inspector-General, Adjutant and any Inspector or Sub-Inspector:

"Cadet" means any person appointed to undergo a course of training for the appointment of a Commissioned Officer:

"Officer" includes Commissioned Officers ^{W^o} and Cadets:

Warrant Officer

“Non-Commissioned Officer” includes Sergeants Major, Staff Sergeants, Staff Clerks, Sergeant Instructors, Sergeants Superintendent, Sergeants, Corporals, Lance Corporals and acting Lance Corporals :

vide s. 2 of 16/08

“Constable” means a member of the Constabulary Force who is not an Officer or Non-Commissioned Officer :

“The Regulations” means the Regulations relating to the Force made under this Ordinance and for the time being in force :

“Division” means a Constabulary Division of the Colony as defined in the Regulations :

“District” means a portion of a Constabulary Division as defined in the Regulations :

“Vessel” includes any ship or boat or any other description of vessel used in navigation, whether propelled by oars sails or steam or by any other method.

CONSTITUTION OF THE FORCE.

Establishment and objects of the Force.

3. There shall be established in and for this Colony a Constabulary Force, which shall be an armed force and shall be employed for the prevention and detection of crime, the repression of internal disturbance, and the defence of the Colony against external aggression ; and it shall be lawful for the Governor to issue arms and ammunition to the Force, and for any member thereof to carry and use the same for lawful purposes.

Composition of Force.

vide s. 3 of 16/08

4. The Force shall consist of an Inspector-General, a Deputy Inspector-General, an Adjutant and Musketry Instructor and such number of Inspectors and Sub-Inspectors, Cadets, Non-Commissioned Officers and Constables respectively as the Governor may from time to time direct, not exceeding such number as the Legislative Council may by resolution determine.

OFFICERS.

Appointment and duties of Inspector-General, etc.

5. His Majesty may from time to time appoint some fit and proper person to be Inspector-General of Constabulary who, subject to the general order and direction of the Governor, shall have the command and superintendence of the Force, and he shall be responsible to the Governor for the

efficient administration and government of the Force and for the proper expenditure of all public moneys appropriated for the service thereof.

6. The Governor may from time to time appoint some fit and proper person to be Deputy Inspector-General of Constabulary, who shall act as principal assistant to the Inspector-General in the performance of his duties in respect of the Force, and shall have power, during the absence or incapacity of the Inspector-General, or when so authorised by him, to do or suffer any act or thing which may by law be done or suffered by the Inspector-General.

Appointment and duties of Deputy Inspector-General, etc.

7. The Governor may from time to time appoint some fit and proper person to be Adjutant and Musketry Instructor, who shall subject to the orders of the Inspector-General, have charge of the drill and military training and instruction generally of the Force, and shall be responsible to him for the efficient condition of the Force in these respects.

Appointment and duties of Adjutant and Musketry Instructor.

8. The Governor may from time to time appoint fit and proper persons to be officers of Constabulary, who shall be stationed in such division, district or part of the Colony as the Inspector-General with the approval of the Governor may direct, and who shall perform such duties of the Inspector-General as may be legally delegated to them and all such duties which devolve upon them under the orders and regulations of the Force.

Appointment and duties of Inspectors of Police.

9. The Governor may from time to time appoint fit and proper persons to be cadets of the Force, who shall rank in the Force as officers, but junior to commissioned officers and senior to non-commissioned officers.

Appointment of cadets.

10. Subject to the provisions of this Ordinance and of the Regulations, the Governor may assign quarters to any commissioned officer or cadet of the Force, and may require him to reside in such quarters.

Quarters of officers.

11. Subject to the provisions of this Ordinance and of the Regulations, the duties of every commissioned officer of the Force, other than the Inspector-General, and of every cadet of the Force shall be such as may from time to time be determined by the Inspector-General with the sanction of the Governor.

Duties of officers generally.

Commissioned
officers not
below Inspec-
tor to be
Justices.

12. Every officer of the Force, not being below the rank of Inspector, shall *ex officio* be a Justice of the Peace in and for the whole Colony and shall take the oath as such Justice.

As such Justice every such officer shall at all times act ministerially for the purposes of the preservation of the peace, the prevention of crime, and the detection and committal of offenders, and for carrying out the other objects of this Ordinance, but he shall not in any way act judicially as a Justice, either in any Court or in any other manner, except when specially appointed by the Governor so to act.

vide s. 4 of 16/08

Non-Commissioned Officers and Constables.

Appointment
of non-com-
missioned
officers and
constables.

13. Subject to the provisions of this Ordinance and of the Regulations, the Inspector-General may from time to time appoint or enlist fit and proper persons to be non-commissioned officers or constables of the Force, and may determine the duties to be performed respectively by such non-commissioned officers and constables.

Pay and Allowances.

Pay and
allowances.

14. Every officer, non-commissioned officer and constable shall receive such pay and allowances as may be assigned to him from time to time by the Governor with the consent of the Legislative Council.

s. 6 of 10/08.

Oath.

Oath of office.

15. Every officer, non-commissioned officer and constable shall on his appointment take and subscribe the oath following, that is to say:—

I, _____ do swear that I will well and truly serve our Sovereign Lord the King, in the office of _____ without favour or affection, malice or ill will, and that I will cause His Majesty's peace to be kept and preserved; and that I will prevent, to the utmost of my power, all offences against the same; and that while I shall continue to hold the said office I will, to the best of my skill and knowledge, discharge all the duties thereof faithfully, according to Law.—So help me God.

Such oath shall be taken by the officers before the Governor, and by the non-commissioned officers and constables before the Inspector-General.

STATUS AND DUTIES.

Status of Member of the Force.

16. Every person for the time being serving in the Force shall be deemed a member of the Force, and shall have and enjoy all the rights, powers, authorities, privileges and immunities conferred on a member of the Force by any enactment which is now in force or may hereafter be passed.

Status of member of the Force.

17. Every member of the Force shall, so long as he continues to be such member, be a constable in and for the whole Colony, and shall have all such rights, powers, authorities, privileges and immunities, and be liable to all such duties and responsibilities, as any constable duly appointed now has or is subject or liable to, or may hereafter have or be subject or liable to, either by the Common Law of England or by virtue of any law which now is or may hereafter be in force in this Colony.

Every member of the Force to be a constable.

Duties of the Force.

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

General duties of the Force.

- (1.) To preserve the peace and prevent and detect crime and other infraction of the law;
- (2.) To apprehend and bring before Justices of the Peace 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.
- (3.) To summon before Justices of the Peace and to prosecute persons reasonably suspected of having committed offences in the following cases:—
 - (a.) In all cases of offences punishable on indictment where the alleged offence is of a serious nature, and it is, in the opinion of an officer of the Force, desirable in the public interest that the prosecution should be undertaken by the Force; and
 - (b.) In all cases of offences, whether punishable on summary conviction or on indictment, where an order to that effect is made by the Governor, the Attorney-General, or the Inspector-General.

- (4.) To serve and execute all process which they may be directed by competent authority to serve or execute;
- (5.) To keep order in and within the precincts of the Supreme Court during all sittings of such Court;
- (6.) To repress internal disturbances;
- (7.) To defend the Colony against external aggression; and
- (8.) Generally to do and perform all the duties appertaining to the office of a constable.

Power to
arrest without
a warrant.

19. It shall be lawful for any member of the Force to arrest without a warrant:

- (a.) Any person committing any offence punishable either upon indictment or upon Summary Conviction before any Stipendiary Justice of the Peace.
- (b.) Any person who shall be charged by any other person with committing an aggravated assault in any case in which such member of the Force shall have good reason to believe that such assault has been committed although not within his view, 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.) All loose, idle and disorderly persons whom such member of the Force shall find disturbing the public peace or whom he shall have good cause to suspect of having committed or being about to commit any felony, misdemeanour or breach of the peace, and all persons whom they shall find between the hours of eight in the evening or six in the morning lying or loitering in any highway yard or other place and not giving a satisfactory account of themselves.

Idem.

20. It shall be lawful for any Officer, non-commissioned officer or constable of the Force and for all persons whom they or any of them shall call to their assistance to arrest without warrant any person who within view of any such Officer, non-commissioned officer or constable shall offend in any manner against any Ordinance and whose name and

residence shall be unknown to such Officers or constables as aforesaid and cannot be ascertained by them.

21. No member of the Force shall, while he holds such appointment, engage in any private business or trade, without the consent of the Governor, signified in writing under the hand of the Colonial Secretary.

Engaging in
trade or
business.

GENERAL ADMINISTRATION.

Regulations, etc.

22. The Governor-in-Council may from time to time make alter and revoke regulations relating to all or any of the following matters, that is to say:—

Making of
regulations.

- (a.) The duties to be performed by members of the Force and their guidance in the discharge of such duties ;
- (b.) The training and discipline of the Force ;
- (c.) The promotion of officers, non-commissioned officers and constables ;
- (d.) The description and issue of arms, ammunition, accoutrements, uniforms and necessaries to be supplied to the Force ;
- (e.) The management and good government of constabulary barracks stations and hospitals and of cells and lock-up rooms and of persons confined therein ;
- (f.) The messing of non-commissioned officers and constables of the Force ;
- (g.) Generally for the good order and government of the Force.

Stations and Dépôt.

23. The Governor may from time to time assign for the use of the Force, such barracks or other buildings as may respectively be provided or available for that purpose, and may make such further provision for the accommodation of the members of the Force as may be necessary.

Barracks, etc.,
to be provided.

24. There shall be established a Constabulary dépôt in such place as may be assigned by the Governor for the purpose of training the officers, non-commissioned officers and constables, and of maintaining the whole Force always in an effective state of drill and discipline, to which subject to

Establishment
of Police
dépôt.

Passing of members of the Force through the depôt.

the Regulations the Inspector-General may direct any member of the Force to be attached for such period or periods and to undergo such drill training and instruction generally as he may think fit.

Distribution of the Force.

25. The members of the Force shall be distributed amongst the several stations and depôt in such numbers respectively as the Inspector-General may, with the approval of the Governor, from time to time direct.

Provision of hospital accommodation and treatment.

26. The Governor may provide hospital accommodation for the members of the Force, at such places as he may think fit, and may cause medicine, food, attendance, and other necessaries to be supplied to sick members in hospital, and may order such deductions from the daily pay of sick members whether in hospital or not according to their rank as he may think fit. Provided that no such deduction shall be made from the pay of any member while under treatment on account of any injury received by him in the performance of his duty.

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

Enlistment of Non-Commissioned Officers and Constables.

Qualifications of person enrolling in the Force.

27. With respect to the original enlistment of persons not being constables as non-commissioned officers or constables the following provisions shall have effect, that is to say,—

(1.) No person shall be enlisted who—

- (a.) Is less than eighteen or more than thirty-five years of age, unless he has previously served at least two years in a Police or Constabulary Force;
- (b.) Is not of the required height and chest measurement, according to a standard to be from time to time fixed by the Inspector-General, with the approval of the Governor;
- (c.) Does not satisfactorily pass a medical examination as to his bodily fitness, to be held by a Surgeon to the Force; and

(d.) Does not produce satisfactory proof of good character and of his being able to read and write and read writing: Provided that the Inspector-General may, for special reasons, dispense with this last-mentioned qualification in any particular case.

(2.) Subject to the provisions hereinafter contained, enlistment shall be for a period of three years, but at the end of that period the non-commissioned officer or constable if efficient, of good character, and qualified as herein stated for further service, may on permission of the Inspector-General, be deemed to be re-enlisted for another period of one year, and so on from time to time until he has completed 20 years service: Provided that should it be the intention of the Inspector-General at any time to withhold such permission he shall give notice of such intention to the non-commissioned officer or constable three months before the expiration of the period for which he is serving. Provided also that no such notice shall be given by the Inspector-General without the sanction of the Governor having been previously obtained.

*Repealed by S. 2.
26 of 1905*

28. During the first six months after his enlistment, every non-commissioned officer and constable shall be deemed to be on probation, and if during that period he is found wanting in any such qualities as are likely to render him a useful member of the Force, his services may forthwith be dispensed with by the Inspector-General; at the end of the period aforesaid, if his services have not been dispensed with his enlistment shall be deemed to have been duly confirmed. The provisions of this section shall apply to every person who having left the Force may subsequently be re-enlisted therein.

Period of probation after enlistment.

Withdrawal from the Force.

29.—(1.) No non-commissioned officer or constable admitted to serve in the Force on probation shall be at liberty to withdraw himself from the Force until the expiration of the period of probation, unless he obtains the permission of the Inspector-General to do so.

Rules relating to withdrawal from the Force.

(2.) No non-commissioned officer or constable who has enlisted to serve in the Force shall be at liberty to withdraw himself from the Force until after the expiration of the term for which he has enlisted or re-enlisted, and until the expiration of three months at least from the time when he gives, to an officer of the Force of or above the rank of Inspector, notice in writing of his intention to do so. No notice shall be deemed a valid notice which does not expire at the expiration of the term for which the person giving the notice has enlisted or re-enlisted: Provided that the Governor may compel a non-commissioned officer or constable to withdraw from the Force at any time between the giving of such notice and the expiration of the said period of three months, and in that case such non-commissioned officer or constable shall be entitled to be paid his salary to the end of the then current month.

(3.) The Inspector-General may grant permission to any member of the Force to withdraw himself from the Force at any time.

Reduction,
suspension,
and dismissal
of non-com-
missioned
officer or
constable.

30.—(1.) Subject to the Regulations and to the sanction of the Governor, the Inspector-General may, for misconduct or inefficiency, revoke the appointment of any non-commissioned officer of the Force or may reduce him to a lower grade, and may for a like reason suspend any non-commissioned officer or constable from the Force.

(2.) Any non-commissioned officer or constable against whom any complaint or information of the commission of an offence punishable on summary conviction or of an indictable offence has been laid, may, until and pending his trial,—

(a.) be at the discretion of the Governor suspended from his pay and duty, or

(b.) if admitted to bail and not so suspended, be employed on such duty as the Inspector-General may think fit at such rate of pay as the Governor may approve:

Provided always that if such complaint or information is dismissed or such non-commissioned officer or constable is acquitted, the Governor may if he thinks fit direct the whole or any part of the pay stopped under this sub-section to be paid to such non-commissioned officer or constable.

(3.) The Governor may at any time dismiss from the Force or dispense with the services of any non-commissioned officer or constable whom he may consider unfit for further service in the Force.

Provided that it shall be lawful for the Governor to grant to every non-commissioned officer or constable so dismissed or whose services have been so dispensed with, such pension or gratuity not exceeding that which by reason of his service he might otherwise receive under the provisions of this Ordinance or such part thereof as the Governor may think fit.

31.—(1.) Every non-commissioned officer or constable who—

- Punishment of non-commissioned officer or constable for illegally withdrawing from the Force.
- (a.) While serving on probation in the Force, withdraws himself from the Force without the permission of the Inspector-General; or
 - (b.) Withdraws himself from the Force without the permission of the Inspector-General during the term for which he has enlisted to serve in the Force; or
 - (c.) Withdraws himself at any time from the Force without permission of the Inspector-General or without giving a valid notice of his intention to withdraw himself from the Force; or
 - (d.) Withdraws himself from the Force before the expiration of three months from the time when he has given a valid notice as aforesaid of his intention to withdraw himself from the Force; or
 - (e.) Absents himself from roll call and from duty for the space of forty-eight hours without lawful excuse,

shall be deemed to have illegally withdrawn himself from the Force, and shall be guilty of an offence, and on conviction before the Inspector-General, shall be liable to be imprisoned, with or without hard labour, for any term not exceeding three months or to forfeit a sum not exceeding twenty pounds, and in default of immediate payment to be imprisoned with or without hard labour for any term not exceeding three months.

(2.) It shall be sufficient, in any charge or complaint for an offence under this section, to state that the person proceeded against, being then a non-commissioned officer or constable serving in the Force, did illegally withdraw himself from the Force, and the onus of proving that any withdrawal was with the permission of the Inspector-General, or that a valid notice was given, shall be on the person proceeded against.

Warrant to apprehend non-commissioned officer or constable illegally withdrawing himself from the Force.

32. Any Stipendiary Magistrate, on a complaint being made to him on oath by any officer of the Force that any non-commissioned officer or constable has illegally withdrawn himself from the Force and that there is reasonable cause to suspect that such non-commissioned officer or constable 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 officer a warrant to search, with proper assistants, the premises or vessel in which such non-commissioned officer or constable is supposed to be concealed, and, if found, to arrest him in order that he may be dealt with according to law.

Punishment of person aiding in illegal withdrawal from the Force.

33. Every person who—

- (1.) Knowingly aids or assists any non-commissioned officer or constable illegally to withdraw himself from the Force; or
- (2.) Knowingly conceals any non-commissioned officer or constable who has illegally withdrawn himself from the Force; or
- (3.) Knowing that any non-commissioned officer or constable has illegally withdrawn himself from the Force, aids him to quit the Colony,

shall be guilty of an offence, and shall on conviction thereof before a Stipendiary Justice of the Peace be liable to a penalty not exceeding ten pounds, or to be imprisoned with or without hard labour for any term not exceeding one month.

Discipline.

Punishment of serious offence by any member of the Force.

34.—(1.) Any member of the Force who—

- (a.) Begins, raises, abets, countenances or excites mutiny or causes or joins in any sedition amongst the members of the Force; or

- (b.) Coming to the knowledge of any actual or intended mutiny, rebellion or insurrection, does not without delay give information thereof to an officer of Constabulary or to a Justice of the Peace

shall be guilty of an offence punishable on indictment before the Supreme Court, and on conviction thereof shall be liable to imprisonment with hard labour for any period not exceeding three years.

(2.) Any member of the Force who—

- (i.) Being present at any assemblage tending to riot, does not use his utmost endeavours to suppress the same; or
- (ii.) Assaults a Justice of the Peace or any superior officer under whom he is for the time being placed; or
- (iii.) Draws or lifts or offers to draw or lift any weapon or offers any violence against any such Justice of the Peace or officer

shall be guilty of an offence, and on summary conviction before a Stipendiary Justice of the Peace shall be liable to a penalty not exceeding fifty pounds or to be imprisoned with or without hard labour for a term not exceeding six months.

(3.) A non-commissioned officer on being convicted of any of the said offences shall *ipso facto* cease to be a non-commissioned officer. *vide s. 7 of 16 of 1908*

35. Every non-commissioned officer or constable who commits any of the following offences, that is to say:—

Insubordination;

Wilful disobedience of lawful orders;

Malingering;

Permitting the escape of any prisoner; *(unlawfully & wilfully - vide s. 6 of 16 of 1908)*

Using unnecessary violence to or ill using any prisoner;

Pawning, selling, losing by neglect, making away with or wilfully spoiling or damaging his arms, accoutrements or clothing or any public property;

Punishment of less serious offence by non-commissioned officer or constable.

Ill-treating any animal used in the public service; shall on conviction thereof before the Inspector-General be liable to any one or more of the following punishments, namely:—

Imprisonment with or without hard labour not exceeding six months;

Dismissal;

Reduction to a lower rank or lower rate of pay;

Fine not exceeding two pounds (to be levied by stoppages from the offender's pay);

Provided that no sentence of imprisonment or of dismissal shall be carried out without the confirmation thereof in writing by the Governor.

And provided also that any case under this section in which the Inspector-General is the complainant shall be heard before a Stipendiary Justice of the Peace, who on conviction of the offender shall have power to impose:—

Imprisonment with or without hard labour for a period not exceeding six months, or fine not exceeding two pounds to be levied by stoppages from the offender's pay;

and the Inspector-General shall have power to impose in addition to any sentence passed by such Stipendiary Justice of the Peace:

Dismissal; or

Reduction to a lower rank or lower rate of pay.

In all cases of destruction damage or loss of arms, clothing accoutrements or other public property, in addition to such other punishment as may be awarded the offender shall be under the liability of making good the cost of repairing or replacing the article destroyed damaged or lost.

There shall be no appeal to the Supreme Court against a conviction under this section.

Other offences.

36. Every non-commissioned officer or constable charged with any of the following offences, that is to say:—

Refusing or neglecting to serve or execute any warrant or process lawfully directed to be by him served or executed;

Drunkenness;

Absence from duty without leave;

Sleeping on his beat ;

^{in fact} / Disobeying any regulation or order of the Force ;

Any act, conduct, disorder or neglect to the prejudice of good order or discipline or in violation of duty in his office or any other misconduct as a member of the Force ;

vid. S. 6. of 26/05

shall on conviction before the Inspector-General or other officer deputed by him be liable to one or more of the following punishments:—

Dismissal ;

Confinement to barrack cells for any number of days not exceeding seven ;

Confinement to barracks for any number of days not exceeding twenty-eight ;

Reduction to a lower rank or lower rate of pay ;

Fine not exceeding two pounds ;

provided that no sentence of dismissal shall be carried out without the confirmation thereof in writing by the Governor.

In addition to such other punishment as may be awarded, absence without leave shall entail forfeiture of pay for the period of absence, in the computation of which any part of a day shall count as a whole day.

Imprisonment or confinement to barrack cells awarded under this or the preceding section or by order of a Court shall likewise entail forfeiture of pay for the period of imprisonment or confinement.

Clothing and Equipment.

37. Unless he is especially authorized to do so by the Regulations, no member of the Force shall be entitled to keep or use for his private benefit any article whatever which has been supplied to him at the public expense, but he shall hold every such article at the order and disposal of the Governor.

Public property not to be used privately.

38. Every member of the Force who is dismissed therefrom, or resigns his office, or otherwise leaves the Force shall forthwith deliver over to the person appointed by the Regulations or by the Inspector-General for that purpose every article whatsoever which has been supplied to him at the public expense and which he has not been expressly authorized to keep or use for his private benefit.

Delivery up of articles supplied on leaving the Force.

Every person who contravenes this section shall be guilty of an offence, and shall on conviction thereof before a Stipendiary Justice of the Peace be liable to a penalty not exceeding ten pounds or to imprisonment, with or without hard labour, for any term not exceeding three months; and it shall be lawful for any Justice of the Peace to issue his warrant to search for and seize all such articles which are not so delivered over, wherever the same may be found, and to arrest the person in whose possession the same may be found.

Right of
appeal.

39. Any member of the Force who is dissatisfied with the decision of his superior officer in any matter may, subject to any Regulations on the subject, appeal to the Inspector-General, who may make such order as the circumstances may require; and any member of the Force who is dissatisfied with the decision of the Inspector-General may within three days after the decision has been communicated to him appeal to the Governor, whose decision shall be final.

Such appeal shall be delivered to the Inspector-General who shall forward it to the Governor.

The Inspector-General may without any appeal, reduce any punishment imposed by any officer on any member of the Force.

Pensions and Gratuities.

Contribution
to allowances.

40. As a contribution towards the special superannuation allowances to members of the Force herein provided, there shall be deducted from the pay of every non-commissioned officer and constable a sum after such yearly rate as the Governor from time to time directs, not being a greater rate than one pound five shillings in a hundred pounds; and all sums so deducted shall be paid into the Colonial Treasury by the Inspector-General on or before the eighth day of every month.

Pensions.

41. The Governor may order any non-commissioned officer or constable who may be disabled by infirmity of mind or body, to be superannuated, and such non-commissioned officer or constable if he has completed ten years of faithful service shall thereupon be entitled to receive such yearly pension as the Governor may direct, not exceeding one-fortieth of his salary for each completed year of service: Provided that if he be under fifty years of age, it shall not

In Sect. 41/2
see 23/1912
§ 2

be lawful to grant any such pension unless upon the certificate of the Inspector-General and of a Surgeon to the Police Force that the non-commissioned officer or constable to be pensioned is incapable, from infirmity of mind or body, contracted while in the service, to discharge the duties of his office: Provided also, that if any non-commissioned officer or constable be disabled from serving by reason of any wound or injury received in the execution of his duty, it shall be lawful to grant him a pension not exceeding three-fourths of his pay.

Nothing herein contained shall be construed to entitle any non-commissioned officer or constable absolutely to any pension, or to prevent his being dismissed without pension; and the pension of any pensioner who shall be convicted on an indictment for felony or misdemeanour shall cease and determine unless the Governor-in-Council otherwise decides; and the pension of any pensioner who is convicted of an offence punishable on summary conviction or who quits the Colony after ^{the expiration of one year from the date} a charge of having committed any such offence or any indictable offence has been laid against him and before such charge has been investigated or heard and determined, may by the Governor-in-Council be declared forfeited.

vide s. 6. 7 26/05

42. The Governor, upon the recommendation of the Inspector-General and upon the certificate of a Surgeon to the Force that any non-commissioned officer or constable who has not served in the Force for ten years is incapable from infirmity of mind or body, contracted while in the service, of discharging the duties of his office, may order that such non-commissioned officer or constable shall receive upon his retirement such sum by way of a gratuity as to the Governor may seem proper, not exceeding one month's pay for each completed year of service.

Gratuities.

43. If any non-commissioned officer or constable is killed in the execution of his duty, and leaves a widow, his widow shall be entitled to receive annually during her widowhood, a pension according to such scale as the Governor may from time to time fix, and in the case of her re-marriage or death, a like sum may be paid for the support of any legitimate child or children of such non-commissioned officer or constable while under the age of fourteen years,

Pension to widow and children of non-commissioned officer or constable killed in execution of duty.

Constabulary Reserve.

Pensioners to be on Reserve and may be called out.

44. Every pensioner from the force resident in the Colony shall until he attain the age of fifty-five years become a member of the Constabulary Reserve, and shall be liable to be called out for service with the Constabulary Force on Proclamation by the Governor, and shall continue so to serve until such Proclamation be revoked— unless such pensioner by reason of physical infirmity be specially exempted in writing by the Inspector-General.

Rank, pay, etc., of reservist.

45. Every such pensioner when so called out for service with the Force shall serve in the same rank as that which he held in the Force when retired, and shall receive the same pay and enjoy all the powers, privileges and immunities of a member of the Force and shall obey all regulations and orders as if he were a member of the Force.

Forfeiture of pension.

46. The pension of any such pensioner who, not being exempted in writing by the Inspector-General, shall fail to come up for service or to obey all regulations and orders when so called out, may be declared forfeited by the Governor-in-Council.

MISCELLANEOUS PROVISIONS.

Boats.

47. There shall be provided and kept at the public expense for constabulary purposes a boat or boats with necessary oars, tackle and appendages, in this Ordinance referred to as a constabulary boat or constabulary boats. Such boat or boats shall be stationed in such places and shall be under the charge of such person as the Inspector-General may from time to time appoint.

Powers of officers of Constabulary boats.

48. It shall be lawful for any commissioned or non-commissioned officer or constable in command of any Constabulary boat to enter with one or more of the men employed in such boat on board any vessel in any bay, roadstead or river, and to remain on board any such vessel such reasonable time as he deems expedient, and if he has reasonable ground to suspect that there is on board of any such vessel any property stolen or unlawfully obtained or any article prohibited to be imported or exported it shall be lawful for him to search with any assistance any and every part of such vessel, and after demand and refusal of the keys to break open any receptacle, and upon discovery of any property

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which he may reasonably suspect to have been stolen or unlawfully obtained or any article prohibited to be imported or exported, to take such property, article or articles and the person in whose possession the same are found before any Justice of the Peace to be dealt with according to law. And it shall be lawful for any such officer, non-commissioned officer or constable to pursue and detain any person in the act of conveying any such property, article or articles away from any such vessel, whether he has landed or not, together with any property, article or articles so conveyed away or found in his possession.

49. When any warrant or order of any Justice of the Peace is delivered to any constable, such constable shall if the time will permit, deliver the same to the Officer under whose immediate command he is, and such Officer shall direct one or more of the constables under his orders and such assistant or assistants as he thinks proper to execute such warrant or order, and every such warrant or order may be executed by any constable. Execution of warrants.

50. When any action shall be brought against any member of the Force, for any act done in obedience to the warrant of any Magistrate or Justice of the Peace, the party against whom such action shall be brought shall not be responsible for any irregularity in the issuing of such warrant, or for any want of jurisdiction in the Magistrate or Justice issuing the same, but may plead the general issue and give such warrant in evidence; and, on proving that the signature thereto is the hand-writing of the person whose name shall appear subscribed thereto, and that the act or acts complained of was or were done in obedience to such warrant, the court shall give judgment for the defendant in such action, who shall recover full costs of suit. Action against member of Force for acting on warrant.

51. All actions or other proceedings for anything done by any member of the Force under this Ordinance shall be commenced within four months after the matter complained of was done and not later, and notice in writing of such action or other proceeding and the cause thereof shall be given to the defendant one month at least before the commencement of such action or proceedings. Limitation of actions.

*repealed by
19/1912*

In every such action the defendant may plead the general issue and give this Ordinance and the special matter in evidence at the trial. No plaintiff shall recover in any such action if tender of sufficient amends was made before such action was commenced, or if a sufficient sum of money by way of compensation is paid into Court after such action is commenced together with costs incurred up to the time of such payment into Court.

If a verdict passes for the defendant or the plaintiff becomes nonsuit or discontinues the action after issue joined or if upon demurrer or otherwise judgment is given against the plaintiff, the defendant shall be entitled to full costs as between solicitor and client.

Non-commissioned officers and constables not to be sued for debt.

52. No action shall be brought in any court against any non-commissioned officer or constable in respect of any money borrowed by him or of any goods taken by or supplied to him or any member of his family on his behalf.

Assault, etc., on member of the Force.

53. Every person who assaults, obstructs or resists any member of the Force in the execution of his duty, or aids or incites any other person so to assault, obstruct or resist any member of the Force or any person aiding or assisting such member of the Force in the execution of his duty, shall be guilty of an offence, and on conviction thereof before a Stipendiary Justice of the Peace shall be liable to a penalty not exceeding Twenty-five pounds or to imprisonment, with or without hard labour, for any term not exceeding six months.

Refusing to aid member of the Force assaulted.

54. If any person is called upon to aid and assist a member of the Force who is while in the execution of his duty assaulted or resisted or in danger of being assaulted or resisted, and such person refuses or neglects to aid and assist accordingly, he shall on conviction before a Stipendiary Justice of the Peace be liable to a penalty not exceeding Twenty Pounds, or to imprisonment with or without hard labour for any term not exceeding three months.

Evidence of right of constable.

55. If any question arises as to the right of any officer, non-commissioned officer or constable to hold or exercise such office, common reputation shall be deemed sufficient evidence of such right.

*pleaded by
4/9/1912*

56 —(1.) Every person who knowingly harbours or entertains, or, either directly or indirectly, sells or gives any intoxicating liquor to, any non-commissioned officer or constable, or permits any non-commissioned officer or constable to abide or remain in his house (except in case of extreme urgency) when on duty, and any person who by threats or by offer of money gift spirituous liquors or any other thing induces or endeavours to induce any non-commissioned officer or constable to commit a breach of his duty as constable or to omit any part of such duty, shall be guilty of an offence and shall on conviction thereof before a Stipendiary Justice of the Peace be liable for every such offence to a penalty not exceeding Five Pounds or to be imprisoned with or without hard labour for any period not exceeding one month.

Harbouring
non-commissioned officer
or constable.

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

(3.) On the trial of any information or complaint in respect 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, but the onus of disproving it shall lie upon the defendant.

57. Every person not being a constable who puts on or assumes, either in whole or in part, the dress, name, designation or description of any member of the Force, or any dress, name or designation resembling and intended to resemble the dress, name or designation of any member of the Force, or in any way pretends to be a member of the Force, for the purpose of obtaining admission into any house or other place, or of doing any act which such person would not by law be entitled to do of his own authority,

Personation of
member of the
Force.

shall be guilty of an offence, and, shall on conviction thereof before a Stipendiary Justice of the Peace be liable to a penalty not exceeding Twenty Pounds or to imprisonment, with or without hard labour, for any term not exceeding three months.

Obtaining
admission into
Police Force
by fraud.

58. Any person who knowingly uses or attempts to pass off any forged or false certificate, character, letter or other document for the purpose of obtaining admission into the Force, or who on applying for enlistment shall make any false answer to any question which shall be put to him by an officer, shall be guilty of an offence and shall on conviction before a Stipendiary Justice of the Peace be liable to be imprisoned with or without hard labour for any term not exceeding three months.

Any constable may arrest without warrant any person whom he reasonably believes to be guilty of an offence against this section.

Complaint
against
member of
the Force.

59. Where any charge or complaint is made against any member of the Force for any misconduct or breach of this Ordinance or of the Regulations, any officer of the Force is hereby authorized to inquire into the matter of the same upon oath; and such officer shall have the same powers in respect to securing and compelling the attendance of witnesses and their examination and otherwise as are conferred upon a Stipendiary Magistrate under any Ordinances for the time being in force regulating procedure before Stipendiary Magistrates in the exercise of their summary jurisdiction: Provided that in any case of a charge or complaint against an officer, the inquiry under this section shall be held by an officer of equal or superior rank.

Right of officer
or non-com-
missioned
officer to
prosecute
police cases.

60. Where any member of the Force lays an information or makes a complaint against any person, any officer or non-commissioned officer of the Force may appear before the Stipendiary Magistrate or Justice of the Peace who is trying or inquiring into the matter of the said information or complaint, and shall have the same privileges as to addressing the said Magistrate or Justice, and as to examining the witnesses adduced in the said matter, as the member of the Force who laid the information or made the complaint would have had.

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61. Every person who, on any inquiry or trial held upon oath under this Ordinance, gives false evidence or takes a false oath shall be guilty of perjury, and shall be liable to be indicted, and if convicted, to be punished according to law.

Perjury on inquiry or trial.

62. All articles coming into the possession of any member of the Force and remaining unclaimed for three months may be publicly sold at auction after having been duly advertised for fourteen days, and the proceeds of all such sales shall be paid to the Receiver-General for and on behalf of the Colony.

Sale of unclaimed articles in hands of the Force.

63. Every person who has in his possession any article whatsoever which has been supplied at the public expense to any member of the Force, and which such member has not been expressly authorized to keep or use for his private benefit, and who does not satisfactorily account for his possession thereof, shall be guilty of an offence and may be arrested, without warrant, by any constable, and shall on conviction thereof before a Stipendiary Justice of the Peace, be liable to a penalty not exceeding ten pounds or to imprisonment, with or without hard labour, for any term not exceeding three months.

Improper possession of articles supplied to member of the Force.

64. When any member of the Force dies, his heir, executor or other representative, or the person in whose house he dies, being possessed of any articles which have been supplied to such member for the execution of his office, shall be bound within fourteen days of such death, to deliver up to the person appointed for that purpose, all articles whatsoever which may have been supplied at the public expense to or been in the possession of such member for the execution of his office at the time of his death, and which such member has not been expressly authorized to keep for his private benefit.

Delivery up of articles supplied to deceased member of the Force.

Every person who contravenes this section shall be guilty of an offence and shall on conviction thereof before a Stipendiary Justice of the Peace be liable to a penalty not exceeding five pounds or to imprisonment, with or without hard labour, for any term not exceeding three months; and it shall be lawful for any Justice of the Peace to issue his warrant to search

for and seize all such articles which are not so delivered over, wherever the same may be found, and to arrest the person in whose possession they may be found.

Procedure. 65. All proceedings under this Ordinance instituted before a Justice of the Peace shall be under "The Summary Conviction Offences (Procedure) Ordinance, No. 1."

Reward fund. 66. There shall be established in the manner hereinafter mentioned a fund to be called the Constabulary Reward Fund (hereinafter referred to as the "Reward Fund") and such fund shall be kept by the Inspector-General and administered in the manner directed by this Ordinance, and shall be appropriated to the payment of—

- (1.) Such gratuities and rewards as the Governor may from time to time award or direct to be paid to non-commissioned officers and constables;
- (2.) Such compassionate gratuities to the widows and orphans, being legitimate, of non-commissioned officers and constables as in exceptional circumstances the Governor may allow;
- (3.) Such compassionate gratuities to persons dependent on deceased non-commissioned officers and constables, other than widows and legitimate orphans, as in exceptional circumstances the Governor may allow;
- (4.) Such rewards as under Section 67 hereof a Judge of the Supreme Court may allow to non-commissioned officers and constables;
- (5.) Such special compensation for injuries received by non-commissioned officers and constables in the execution of their duty as the Governor may from time to time award.

Granting of special reward for apprehension of criminal, etc.

67. If, on the trial of any case in the Supreme Court in its criminal jurisdiction, the Judge before whom the case is tried is of opinion that any non-commissioned officer or constable has distinguished himself in apprehending or detecting and bringing to justice the perpetrator or abettor of any crime, the Judge shall have authority to grant a reward, not exceeding Five Pounds, to such non-commissioned officer or constable, and such reward shall be paid on the certificate of the Judge.

68. All fines or penalties inflicted upon any non-commissioned officer or constable under this Ordinance or under the Regulations shall be retained from his salary by the deduction of not more than half the amount which may be due to him on any day of payment until the whole be paid, and shall be paid to the credit of the Reward Fund.

Fines and
bribes to be
payable to the
Fund.

Any bribe or gift of money coming into the possession of any member of the Force and the value of any goods given as a bribe to any such member shall be paid to the credit of the Reward Fund.

69. The Inspector-General shall keep an account of all moneys paid into and disbursed from the Reward Fund and shall submit to the Auditor-General at the end of each month a statement showing all receipts and disbursements, and shall state thereon the reasons and authority for each disbursement and shall deposit all moneys received for the credit of the Reward Fund as soon as practicable in the Government Savings Bank to a special account.

Account to be
kept.

Moneys to be
banked.

When the sum standing to the credit of the Reward Fund shall exceed five hundred pounds, the Governor shall decide to what purpose the surplus shall be put.

70. Notwithstanding the provisions of any Ordinance to the contrary, it shall be lawful for the keepers for the time being of the Police Canteens in the towns of Port-of-Spain and San Fernando respectively, and for the keeper of any other Police Canteen authorized by the Governor, to sell wine, ale, beer and spirits by retail in any such Canteen to and for the use of the members of the Police Force of the Colony, to be consumed in the said Canteens, without having previously obtained a license for that purpose.

Canteens.

It shall be lawful for the Governor in Executive Council from time to time to make, alter or rescind rules in regard to the hours during which Police Canteens shall be kept open on each day for the sale of wine, ale, beer and spirits, and for the proper management and control of the Canteens.

71. Every officer non-commissioned officer and constable in the Police Force at the time of the passing of this

Existing mem-
bers of Force.

Ordinance shall from and after the commencement thereof be deemed to agree to serve in the Force as such officer non-commissioned officer or constable subject to the provisions of this Ordinance, unless within three months after the commencement of this Ordinance he gives to the Inspector-General notice in writing of his desire to retire from the Force, in which case he shall be entitled to retire: Provided that the service before the commencement of this Ordinance of any officer or non-commissioned officer or constable shall for the purpose of giving a claim to superannuation allowance be counted as service under this Ordinance.

Oath.

72. No oath under this Ordinance need be taken by any member of the Force holding office at the time of the commencement of this Ordinance except in respect of any new office to which he may be appointed after the commencement of this Ordinance.

Police Station
to be lock-up.

73. Every Police Station shall be deemed to be a lock-up house for the temporary confinement of persons charged with offences, in which such persons may be received and detained according to law.

In all such Police Stations there shall be provided some secure place of confinement.

Application of
Section 2.

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74. Section 2 of this Ordinance shall be deemed to apply to Sections 37 to 47 (inclusive) of the Police Ordinance (No. 198).

Repeal.

75. The enactments mentioned in the Schedule hereto are hereby repealed to the extent specified in the third column of such schedule.

Saving clause.

Provided that the repeals by this section enacted shall not affect the validity or invalidity of anything done or suffered or any right accrued or liability penalty or forfeiture incurred before or any proceeding pending or uncompleted at the commencement of this Ordinance.

76. Where in any Ordinance heretofore passed a reference is made to any enactment hereby repealed, such reference shall be deemed to be to this Ordinance. References to repealed enactments.

Passed in Council this Nineteenth day of June in the year of Our Lord one thousand nine hundred and five.

ALFRED TAITT,
Acting Clerk of the Council.

THE SCHEDULE.

ENACTMENTS REPEALED.

No. OF ORDINANCE.	TITLE OR SHORT TITLE.	EXTENT OF REPEAL.
5	The Summary Conviction (Offences) Ordinance Section 63.
131	The Local Forces Ordinance	.. Sections 6 and 7.
196	The Police Ordinance The whole, except Sections 37 to 47 inclusive.
297	The Marshal's Ordinance Section 5.
177	The Liquor Licenses Ordinance	... In Section 67 the words "or Police" in line 1, and the words "or the Inspector-General of Police" in lines 2 and 3.
1	Summary Conviction Offences (Procedure) Ordinance	Section 96.