

TRINIDAD AND TOBAGO.

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No. 5—1938.

I ASSENT,

[L.S.]

A. W. SEYMOUR,
Acting Governor.
7th April, 1938.

7th April, 1938.

AN ORDINANCE relating to the Trinidad and Tobago
Police Force.

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 Police ^{Short title}
Ordinance, 1938.

2. In this Ordinance—

- “ Cadet ” means any person appointed on probation ^{Interpreta-}
to undergo a course of training for appointment ^{tion.}
as a commissioned officer ;
- “ Commissioned Officer ” includes the Commissioner
of Police, the Deputy Commissioner of Police,
the Adjutant, the Pay and Quarter-Master, any
Superintendent of Police and any Assistant
Superintendent of Police ;
- “ Constable ” or “ Police Constable ” means a member
of the Force who is not an officer or non-
commissioned officer ;
- “ District ” means a portion of a Police Division ;
- “ Division ” means a Police Division of the Colony
as defined in the regulations ;
- “ Force ” means the Police Force established under
this Ordinance ;

- “ Non-Commissioned Officer ” includes every warrant officer, sergeant major, staff sergeant, staff clerk, sergeant instructor, station sergeant, sergeant, corporal, lance corporal and acting lance corporal ;
- “ Officer ” or “ Police Officer ” includes commissioned officers and cadets ;
- “ Regulations ” means the regulations relating to the Force made under the authority of this Ordinance, and of the Constabulary Ordinance Cap. 88, and for the time being in force ;
- “ Vessel ” includes any ship or boat or any other description of vessel used in navigation, whether propelled by oars, sail, steam, or internal combustion or by any other method.

PART I.

CONSTITUTION OF THE FORCE.

Establishment and objects of the Force.

3. There shall be established in and for the Colony a Police 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.

4. The Force shall consist of a Commissioner, a Deputy Commissioner, an Adjutant, a Pay and Quarter-Master, and such number of Superintendents and Assistant Superintendents, cadets, warrant officers, 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. The Adjutant and the Pay and Quarter-master shall be Superintendents.

Officers.

Appointment and duties of Commissioner. &c.

3. His Majesty may appoint some fit and proper person to be Commissioner of Police 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 appoint some fit and proper person to be Deputy Commissioner of Police, who shall act as principal assistant to the Commissioner in the performance of his duties in respect of the Force, and shall have power, during the absence or incapacity of the Commissioner, or when so authorized by him, to do or suffer any act or thing which may by law be done or suffered by the Commissioner.

Appointment and duties of Deputy Commissioner &c.

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

Appointment and duties of Adjutant.

8. The Governor may appoint fit and proper persons to be officers of the Force, who shall be stationed in such division, district, or part of the Colony as the Commissioner may direct, and who shall perform such duties of the Commissioner 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 Police Officers.

9. The Governor may 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 Commissioner, and of every cadet of the Force, shall be such as may from time to time be determined by the Commissioner with the sanction of the Governor.

Duties of officers generally.

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

Commissioned officers not below superintendent to be Justices.

(2) 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.

*Warrant Officers, Non-Commissioned Officers
and Constables.*

Appointment
of warrant
officers.

13. Subject to the provisions of this Ordinance and of the regulations, the Commissioner may appoint or enlist fit and proper persons to be warrant officers of the Force, and may determine the duties to be performed by such warrant officers. Warrant officers shall rank in the Force junior to commissioned officers and cadets, but senior to non-commissioned officers.

General
powers of
warrant
officers.

14. Where, in any enactment, powers are conferred upon non-commissioned officers, such powers may lawfully be exercised by warrant officers, and the term "non-commissioned officer" shall be deemed to include a "warrant officer".

Appointment
of non-com-
missioned
officers and
constables.

15. Subject to the provisions of this Ordinance and of the regulations, the Commissioner may 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.

16. 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.

Oath.

17. 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 officers before the Governor, and by non-commissioned officers, and constables before the Commissioner.

Status of Member of the Force.

18. 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.

19. 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 Common Law or by virtue of any law which now is or may hereafter be in force in the Colony.

Duties of the Force.

20. It shall be the duty of all members of the Force—
- (i) To preserve the peace and prevent and detect crime and other infraction of the law ;
 - (ii) To apprehend and bring before Justices 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 ;

- (iii) To summon before Justices 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 Commissioner;
- (iv) To serve and execute at any time (including Sundays) all process which they may be directed by competent authority to serve or execute ;
- (v) To keep order in and within the precincts and in the vicinity of all Courts of competent jurisdiction during all sittings of such Courts ;
- (vi) To repress internal disturbances ;
- (vii) To defend the Colony against external aggression ; and
- (viii) Generally, to do and perform all the duties appertaining to the office of a constable.

Power to
arrest
without a
warrant.

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

- (i) any person committing any offence punishable either upon indictment or upon summary conviction before any Magistrate ;
- (ii) 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 ;

(iii) any idle or disorderly person whom such member of the Force shall find disturbing the public peace and any person 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 any person whom he shall find between the hours of eight o'clock in the evening and six o'clock in the morning lying or loitering in any highway, yard or other place, and not giving a satisfactory account of himself.

(2) It shall be lawful for any member of the Force, and for all persons whom he shall call to his assistance, to arrest without warrant any person who within view of any such member of the Force shall offend in any manner against any Ordinance and whose name and residence shall be unknown to such member and cannot be ascertained by him.

Power to arrest for offence committed within view.

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

Power to arrest without having warrant in possession.

22.—(1) It shall be lawful for any non-commissioned officer authorized by the Commissioner or for any commissioned officer to take and record for the purposes of identification the measurements, photographs and finger print impressions of all persons who may from time to time be in lawful custody:

Power to take finger prints, &c.

Provided that if such measurements, photographs and finger print impressions are taken of a person who has not previously been convicted of any criminal offence, and such person is discharged or acquitted by a Court, all records relating to such measurements, photographs and finger print impressions shall be forthwith destroyed or handed over to such person.

(2) Any person who shall refuse to submit to the taking and recording of his measurements, photographs or finger print impressions shall be taken before a Magistrate who, on being satisfied that such person is in lawful custody,

shall make such order as he thinks fit authorizing a police officer or non-commissioned officer to take the measurements, photographs and finger print impressions of such person.

Engaging in
trade or
business.

23. 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.

PART II.

GENERAL ADMINISTRATION.

Regulations.

Making of
regulations.

24. The Governor in Executive Council may make regulations relating to all or any of the following matters, that is to say :—

- (i) The duties to be performed by members of the Force, and their guidance in the discharge of such duties ;
- (ii) The training and discipline of the Force ;
- (iii) The promotion of officers, non-commissioned officers and constables ;
- (iv) The description and issue of arms, ammunition, accoutrements, uniforms, and necessaries to be supplied to the Force ;
- (v) The management and good government of the Police depôt, barracks, stations, hospitals, and of cells and lock-up rooms, and of persons confined therein ;
- (vi) The messing of non-commissioned officers and constables ;
- (vii) The taking of measurements, photographs and finger print impressions of persons in lawful custody ;
- (viii) Generally, for the good order and government of the Force.

Stations and Dépôt.

25. The Governor may 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, &c.,
to be provided.

26. There shall be established a Police 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 the regulations, the Commissioner 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.

Dépôt.

Passing of
members of
the Force
through the
dépôt.

27. The members of the Force shall be distributed amongst the several stations and dépôt in such numbers respectively as the Commissioner may from time to time direct.

Distribution
of the Force.

28.—(1) 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.

Provision of
hospital
accommoda-
tion and
treatment.

(2) 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 pay for the period during which he is so incapacitated.

Incapacity
due to
misconduct.

Enlistment.

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

Qualifications
of persons
enrolling in
the Force.

(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 Force;

- (b) is not of the required height and chest measurement, according to a standard to be from time to time fixed by the Commissioner, 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 ;
- (d) does not produce satisfactory proof of good character ; and
- (e) does not satisfy the Commissioner that he has attained a reasonable standard of primary education.

Period of enlistment.

(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 Commissioner, be deemed to be re-enlisted for another period of one year, and so on from time to time :

Permission to re-enlist may be withheld.

Provided that it shall be lawful for the Commissioner to withhold such permission from any such officer or constable who has not completed twenty years' service ; and in the event of its being the Commissioner's intention to withhold such permission, he shall give notice thereof to the officer or constable three months before the expiration of the period for which he is serving ; and no such notice shall be given by the Commissioner without the sanction of the Governor having been previously obtained :

Pension or gratuity if re-enlistment refused.

Provided also, that if a non-commissioned officer or constable who has served in the Force for more than five years and less than ten years shall not at the end of any period of enlistment or re-enlistment obtain the permission of the Commissioner to re-enlist as herein provided, he may be granted a gratuity of half a month's pay for each completed year of service.

30. During the first twelve 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 Commissioner; 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: Provided that the Commissioner may confirm his enlistment at any time before the end of the period aforesaid. 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.

31.—(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 Commissioner to do so.

Rules relating
to with-
drawal 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 Superintendent, 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 officer or constable shall be entitled to his pay to the end of the then current month.

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

Reduction
suspension
and dismissal
of non-
commissioned
officer or
constable.

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

(2) Any such 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 Commissioner 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 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 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 as he thinks just and proper, having regard to all the circumstances but in no case exceeding in amount that for which such officer or constable would be eligible if he were disabled by infirmity of mind or body as provided by sections 46 and 48 of this Ordinance.

Illegally
withdrawing
from Force.

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

- (a) while serving on probation in the Force, withdraws himself from the Force without the permission of the Commissioner ; or

- (b) withdraws himself from the Force without the permission of the Commissioner 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 Commissioner 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 be guilty of an offence, and, on summary conviction before a Magistrate, shall be liable to be imprisoned, with or without hard labour, for any term not exceeding twelve months, or to a fine not exceeding two hundred and forty dollars.

(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 Commissioner, or that a valid notice was given shall be on the person proceeded against.

34. Any 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

Warrant to
arrest person
illegally
withdrawing
from Force.

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.

Aiding in
illegal with-
drawal from
the Force.

35. Every person who—

- (a) knowingly aids or assists any non-commissioned officer or constable illegally to withdraw himself from the Force ; or
- (b) knowingly conceals any such officer or constable who has illegally withdrawn himself from the Force ; or
- (c) knowing that any such officer or constable has illegally withdrawn himself from the Force, aids him to quit the Colony,

shall be guilty of an offence, and, on summary conviction before a Magistrate, shall be liable to a penalty not exceeding forty-eight dollars, or to be imprisoned, with or without hard labour, for any term not exceeding one month.

Discipline.

Punishment
of serious
offence.

36.—(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 Police or to a Justice,

shall be guilty of an offence punishable on indictment, and, on conviction thereof, shall be liable to imprisonment with or without hard labour for any term not exceeding three years.

(2) Any member of the Force who—

- (a) being present at any assemblage tending to riot, does not use his utmost endeavours to suppress the same ; or
- (b) assaults a Justice or any superior officer ; or

- (c) draws or lifts, or offers to draw or lift, any weapon or offers any violence against any such Justice or superior officer,

shall be guilty of an offence, and, on summary conviction before a Magistrate, shall be liable to a penalty not exceeding two hundred and forty dollars, or to be imprisoned, with or without hard labour, for any 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.

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

- Insubordination ;
 - Wilful disobedience of lawful orders ;
 - Malingering ;
 - Wilfully or negligently permitting the escape of any prisoner ;
 - 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, clothing, or any public property ;
 - Ill-treating any animal used in the public service,
- shall, on conviction thereof before the Commissioner, be liable to any one or more of the following punishments, namely :—

- Imprisonment, with or without hard labour, for any term not exceeding six months ;
- Dismissal ;
- Reduction to a lower rank or lower rate of pay ;
- Fine not exceeding ten dollars :

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

Punishment
of less serious
offence.

Provided also, that any case under this section in which the Commissioner is the complainant shall be heard before a Magistrate, who, on conviction of the offender, shall have power to impose :—

Imprisonment, with or without hard labour, for any term not exceeding six months, or a fine not exceeding ten dollars ;

and the Commissioner shall have power to impose in addition to any sentence passed by such Magistrate—

Dismissal ; or

Reduction to a lower rank or lower rate of pay.

Loss of
property.

(2) In all cases of destruction, damage, or loss of arms, accoutrements, clothing, 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.

Forfeiture
of pay.

(3) Imprisonment awarded under this section shall entail forfeiture of pay for the period of such imprisonment ; and any fine imposed under this section shall be levied by stoppages from the offender's pay.

No appeal.

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

Other
offences.

38.—(1) 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 ;

Wilfully 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,

shall, on conviction before the Commissioner 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 ten dollars :

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

(2) 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. ^{Forfeiture of pay.}

(3) Confinement to barrack cells awarded under this section shall entail forfeiture of pay for the period of confinement ; and any fine imposed under this section shall be levied by stoppages from the offender's pay.

39.—(1) 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 Commissioner, who may make such order as the circumstances may require ; and any member of the Force who is dissatisfied with the decision of the Commissioner 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 Commissioner who shall forward it to the Governor. ^{Right of appeal.}

(2) The Commissioner may, without any appeal, reduce any punishment imposed by any officer on any member of the Force.

Clothing and Equipment.

40. 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 Commissioner. ^{Public property not to be used privately.}

Delivery up
of articles
supplied on
leaving the
Force.

41.—(1) 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 Commissioner 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.

(2) Every person who contravenes this section shall be guilty of an offence, and, on summary conviction thereof before a Magistrate, shall be liable to a penalty not exceeding forty-eight dollars, or to imprisonment, with or without hard labour, for any term not exceeding three months; and it shall be lawful for any Justice 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.

PART III.

PROHIBITED ASSOCIATIONS.

Definitions.

42. For the purposes of this part of this Ordinance a " Prohibited Association " means—

- (a) Any Friendly Society which is by the Friendly Societies Ordinance required to be registered, whether the Society is actually registered or not;
- (b) Any Trade Union as defined by the Trade Unions Ordinance, 1932, whether the Union is registered or incorporated or not;
- (c) 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 or races;
- (d) Any other Association, Society or Club, any of the objects of which may be subversive of good discipline on the part of a member of the Police Force, and which the Commissioner shall with the approval of the Governor, declare to be a prohibited association.

43.—(1) It shall not be lawful for any member of the Force to be or to become a member of any Prohibited Association. Members of Force not to join prohibited associations.

(2) If any member of the Force becomes a member of a Prohibited Association, that member, the Association, and every officer of the Association who is knowingly a party to the admission or enrolment of that member, shall be guilty of an offence, and, on summary conviction before a Magistrate, shall be liable for each offence to a penalty not exceeding one hundred and twenty dollars.

44.—(1) It shall not be lawful for any Prohibited Association to permit any member of the Force to receive any benefit, financial or otherwise, from the Association or for any such Association to receive any money from a member of the Force. Prohibition of member of Force receiving benefits from prohibited associations.

(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, on summary conviction before a Magistrate, shall be liable for each offence to a penalty not exceeding one hundred and twenty dollars.

PART IV.

PENSIONS.

45. 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 and a quarter per centum; and all sums so deducted shall be paid into the Treasury by the Commissioner on or before the eighth day of every month. Contribution to superannuation allowances.

46.—(1) 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 officer or constable, if he has completed ten years of faithful service, may thereupon be granted such yearly pension as the Governor may direct, not exceeding one-fortieth of his pay for each completed year of service: Pensions to non-commissioned officers, and constables. In cases of disability.

Provided 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, he may, whether eligible for pension or not, be granted such yearly pension as the Governor may direct, not exceeding three-fourths of his pay :

Provided further that it shall not be lawful to grant any such pension except upon the certificate of the Commissioner and of a Medical Board, that the 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.

If unable to re-enlist after 10 years service.

(2) If any non-commissioned officer or constable who has served in the Force for ten years, shall not at the end of any period of re-enlistment obtain the permission of the Commissioner to re-enlist as provided by section 29 (2) of this Ordinance, such non-commissioned officer or constable, if not otherwise eligible for pension, may be granted such yearly pension as the Governor may direct, not exceeding one-eightieth of his pay for each completed year of service.

On attaining age of 50 after 20 years service.

(3) Subject as herein contained, any non-commissioned officer or constable not disabled as aforesaid who has served in the Force for not less than twenty years and has attained the age of fifty years may be granted a pension not exceeding one-fortieth of his pay for each completed year of service.

Gratuity and part pension.

(4) A non-commissioned officer or constable may, at his option, exercisable not later than one year next before the date of his retirement in either of the circumstances mentioned in the preceding sub-sections of this section be paid in lieu of the pension for which he is eligible, a pension at the rate of three-fourths of such pension together with a gratuity equal to ten times the amount of the reduction so made in the pension.

Provided always :—

(a) That the date of the exercise of the option shall be deemed to be the date of the receipt of his written notification addressed to the Commissioner :

- (b) That, if a non-commissioned officer or constable has exercised the option, his decision shall be irrevocable so far as concerns any pension ultimately to be granted to him under this sub-section.

(5) 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 Executive 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 having reason to know that a charge of having committed any indictable or summary offence has been laid against him and before such charge has been investigated or heard and determined, may by the Governor in Executive Council be declared forfeited. Pension may be forfeited.

47.—(1) Where an order of maintenance shall have been made against any person to whom a pension has been granted under this Ordinance, it shall be lawful for the Governor, on its being proved to him that there is no reasonable probability of such order being satisfied, from time to time to deduct from the moneys payable to such person by way of pension such sum or sums as the Governor may deem expedient and to apply the same to satisfy wholly or in part the said order. Payments out of pensions.

(2) Where any person to whom a pension has been granted under this Ordinance has left the Colony and has deserted and left his wife or child within the Colony without sufficient means of support, the Governor, on being satisfied that such wife or child is, by reason of such person's absence from the Colony, unable, and would but for such absence be able, to obtain an order of maintenance, may from time to time deduct from the moneys payable to such person by way of pension such sum or sums as the Governor may deem expedient and apply the same for the maintenance and support of such wife or child.

Gratuities.

48. The Governor, upon the recommendation of the Commissioner 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 officer or constable shall receive upon his retirement such sum by way of a gratuity as to the Governor may seem proper, but not exceeding one month's pay for each completed year of service.

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

49.—(1) 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 officer or constable while under the age of fourteen years.

Gratuity when non-commissioned officer or constable dies in the service of the Force.

(2) If a non-commissioned officer or constable, who has served in the Force for not less than five years, dies while in the service of the Force, it shall be lawful for the Governor to grant to his widow or to his children or to any of his dependants a gratuity of an amount not exceeding one year's salary.

In this sub-section "dependants" has the same meaning as in the Workmen's Compensation Ordinance, 1926.

Police Reserve.

Pensioners to be on Reserve and may be called out.

50. Every pensioner from the Force resident in the Colony shall, until he attain the age of fifty-five years, become a member of the Police Reserve, and shall be liable to be called out for service with the Police 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 Commissioner.

Rank, pay, &c., of Reservist.

51. 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.

52. The pension of any such pensioner who, not being ^{Forfeiture of pension.} exempted in writing by the Commissioner, 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 Executive Council.

PART V.

MISCELLANEOUS PROVISIONS.

53. There shall be provided and kept at the public ^{Boats.} expense for Police purposes a boat or boats with necessary oars, tackle and appendages, motors, engines and accessories in this Ordinance referred to as a Police boat or Police boats. Such boat or boats shall be stationed in such places and shall be under the charge of such persons as the Commissioner may from time to time appoint.

54. It shall be lawful for any commissioned officer, ^{Powers of officers of Police boats.} non-commissioned officer, or constable in command of any Police 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 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 to be dealt with according to law. And it shall be lawful for any such officer or constable to pursue and detain any person in the act of conveying any such property or article away from any such vessel, whether he has landed or not, together with any property or article so conveyed away or found in his possession.

Execution of
warrants.

55. When any warrant or order of any Justice 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.

Action against
member of
Force for
acting on
warrant.

56. 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, 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 handwriting 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.

Non-com-
missioned
officers and
constables
not to be
sued.

57. No action shall be brought in any Court against any non-commissioned officer, or constable in respect of any money borrowed by him or any goods taken by or supplied to him or to any person on his behalf while such officer or constable is a member of the Force.

Assault, &c.,
on member
of the Force.

58. 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 summary conviction thereof before a Magistrate, shall be liable to a penalty not exceeding two hundred and forty dollars, or to imprisonment, with or without hard labour, for any term not exceeding six months.

Refusing to
aid member
of the Force
assaulted.

59. 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 be guilty of an offence, and, on summary conviction thereof before a Magistrate, shall be liable to a penalty not exceeding one hundred and twenty dollars or to imprisonment, with or without hard labour, for any term not exceeding three months.

60. 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. Evidence of right of constable.

61.—(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 such 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, on summary conviction thereof before a Magistrate, shall be liable to a penalty not exceeding twenty-four dollars, or to be imprisoned, with or without hard labour, for any term 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 licence 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 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.

Personation
of member of
the Force.

62. Every person not being a member of the Force 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, shall be guilty of an offence, and, on summary conviction thereof before a Magistrate, shall be liable to a penalty not exceeding ninety-six dollars, or to imprisonment, with or without hard labour, for any term not exceeding three months.

Obtaining
admission
into Force
by fraud.

63.—(1) 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, on summary conviction thereof before a Magistrate, shall be liable to imprisonment, with or without hard labour, for any term not exceeding three months.

(2) 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.

64. 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 enquire 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 Magistrate under any Ordinances for the time being in force regulating procedure before Magistrates in the exercise of their summary jurisdiction: Provided that in any case of a charge or complaint against an officer, the enquiry under this section shall be held by an officer of equal or superior rank.

65. Every person who, on any enquiry 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 enquiry or trial.

66. 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 Magistrate or Justice who is trying or enquiring 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.

Right of officer to prosecute police cases.

67. 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 authorised 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, on summary conviction thereof before a Magistrate, shall be liable to a penalty not exceeding Forty-eight dollars or to imprisonment, with or without hard labour, for any term not exceeding three months.

Improper possession of article supplied to Force.

68.—(1) 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 by the Commissioner for that purpose, all articles whatsoever which may have been supplied at the public expense to or which may have 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 authorised to keep for his private benefit.

Delivery up of articles supplied to deceased member.

(2) Every person who contravenes this section shall be guilty of an offence, and, on summary conviction thereof before a Magistrate, shall be liable to a penalty not exceeding twenty-four dollars, or to imprisonment, with or without hard labour, for any term not exceeding three months; and it shall be lawful for any Justice 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.

Unclaimed
articles.

Cap. 268.

69.—(1) Where any property has come into the possession of the Force in connection with any criminal charge or under section 29 of the Pawnbrokers Ordinance, a court of summary jurisdiction may, on 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 to the Court may seem meet.

(2) An order under this section shall not affect the right of any person to take within six months from the date of the order legal proceedings against any person in possession of property delivered by virtue of the order for the recovery of the property, but on the expiration of those six months the right shall cease.

(3) All property which has come into the possession of the Force under the circumstances mentioned in subsection (1) of this section and all property which has otherwise come into the possession of the Force in respect of which the owner has not been ascertained and no order of a competent court has been made with respect thereto shall be dealt with as follows:—

- (a) When such property is a perishable article, or its custody involves unreasonable expense or inconvenience, the same may be sold as soon as convenient after it has come into the possession of the Force.
- (b) When such property consists of money, the same shall be dealt with in all respects as is hereinafter provided with regard to the proceeds of sales hereby authorized after it has remained in the possession of the Force for three months.

(c) In the case of any other property the same may be publicly sold at auction as soon as may be after it has remained in the possession of the Force for three months and has been advertised for fourteen days.

(4) The proceeds of all sales hereby authorised shall, after deducting expenses, forthwith be paid to the Treasurer and deposited to the credit of the Police Reward Fund :

Provided that property found by any person not being a member of the Force and not being otherwise provided for by any law and which has not been claimed by the real owner may be delivered to the finder on his claiming the same, but such delivery to the finder shall not be made until the property has remained in the possession of the Force for a period of three months.

(5) In the event of such property being of a nature which necessitates an immediate sale, the proceeds of the sale shall be deposited with the Treasurer and credited to the Police Reward Fund. On the expiration of three months such proceeds after deducting expenses of sale, may be delivered to the finder on his claiming the same, provided that the proceeds have not been claimed by the real owner.

(6) In all cases in which property deposited with the Force, or the proceeds thereof, is delivered to the finder, such finder may be required to execute a bond of indemnity to the Force in respect of such delivery.

Rewards.

70. Where, under any Ordinance by which on conviction any share of the penalty imposed is given to the informer, an information is laid by the Commissioner or any officer, non-commissioned officer or constable, and a penalty is imposed, the share of such penalty given by the Ordinance to the informer shall not be paid to such informer but shall be paid by the Magistrate or Justice or other person receiving the same into the Treasury for the use of His Majesty ; but the Governor may at any time grant by way of reward to any non-commissioned officer or constable whom, in respect of special services in reference to any such conviction, he considers worthy of reward any sum not exceeding the share of the penalty paid into the Treasury.

Rewards to
Force.

Reward
Fund.

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

- (i) such gratuities and rewards as the Governor may from time to time award or direct to be paid to non-commissioned officers and constables ;
- (ii) such compassionate gratuities to the widows and orphans, being legitimate, of non-commissioned officers and constables as, in exceptional circumstances, the Governor may allow ;
- (iii) 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 ;
- (iv) such rewards as, under section 72 of this Ordinance, a Judge of the Supreme Court may allow to non-commissioned officers and constables ;
- (v) 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 ;
- (vi) such sums as may from time to time become payable to finders of property sold under section 69 of this Ordinance.

Granting
of special
reward for
apprehension
of criminal,
&c.

72. 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 twenty-four dollars, to such officer or constable ; and such reward shall be paid on the certificate of the Judge.

73.—(1) All fines or penalties inflicted upon any non-commissioned officer or constable under this Ordinance or under the regulations shall be retained from his pay 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.

(2) 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.

74. The Commissioner shall keep an account of all moneys paid into and disbursed from the Reward Fund, and shall submit to the Auditor 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 Post Office Savings Bank to a special account. When the sum standing to the credit of the Reward Fund shall exceed two thousand four hundred dollars the Governor shall decide to what purpose the surplus shall be put.

Account to
be kept.

Moneys to
be banked.

Canteens.

75.—(1) 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 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 Force, without having previously obtained a licence for that purpose.

Sale of liquor
in Canteens.

(2) It shall be lawful for the Governor in Executive Council to make rules in regard to the hours during which such 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.

Rules.

Places of Confinement.

76. 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 Stations there shall be provided some secure place of confinement.

Police
Station to
be lock-up.

Repeal.

Repeal.

77.—(1) The following Ordinances are hereby repealed :

Cap. 88.

The Constabulary Ordinance, Cap. 88.

Ord. 28 of
1936.The Constabulary (Amendment No. 2) Ordinance,
1936.

(2) The Constabulary Force established and maintained under the provisions of the repealed Ordinances shall continue to be maintained under the provisions of this Ordinance and be designated as the Trinidad and Tobago Police Force.

(3) Wherever in any law in force in the Colony relating or referring to the Constabulary Force, or the Supplemental Constabulary, the words or expressions set out in the first column of the following Table are used, there shall be substituted therefor the corresponding words or expressions set out in the second column of the said Table, namely :—

TABLE.

<i>Existing words or expressions.</i>	<i>Substituted words or expressions.</i>
Constabulary Force or Constabulary.	Police Force or Police.
Inspector-General.	Commissioner of Police.
Inspector of Constabulary.	Superintendent of Police.
Sub-Inspector of Constabulary.	Assistant Superintendent of Police.
Sergeant Superintendent.	Station Sergeant.

Passed in Council this first day of April, in the year of Our Lord one thousand nine hundred and thirty-eight.

W. E. GOCKING,
Clerk of the Council.