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R. B. COLLIER

CHAPTER 11. No. 1.

POLICE.

Ordinance.
No. 14-1950.

**AN ORDINANCE RELATING TO THE TRINIDAD AND
TOBAGO POLICE FORCE.**

Commence-
ment.

[13th April, 1950.]

Short title.

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

Interpre-
tation.

2. In this Ordinance—

“Assistant Superintendent on probation” means any person appointed on probation to undergo a course of training for permanent appointment as a Superintendent or Assistant Superintendent of Police;

“constable” means a police officer below the rank of lance corporal;

“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 in and for the Colony and in respect of which provision was made under the Police Ordinance;

“Gazetted Police Officer” means the Commissioner, the Deputy Commissioner, the Assistant Commissioner, the Pay and Quartermaster, or any Superintendent, Assistant Superintendent, or Assistant Superintendent on probation;

“Inspector” includes Chief Inspector and Sub-Inspector;

“Medical Board” means a board of medical officers appointed by the Director of Medical Services, whenever necessary for the purposes of this Ordinance;

“ Officer in charge of Police ” means a Superintendent or Assistant Superintendent appointed by the Commissioner of Police to be in charge of the police stationed in any place;

“ police officer ” means any member of the Force;

“ regulations ” means the regulations relating to the Force made under the authority of this Ordinance, and of the Police Ordinance Ch. 11. No. 1—1940, and of the Constabulary Ordinance, Cap. 88 of the 1925 Revised Laws, and for the time being in force;

“ sergeant ” includes sergeant major;

“ subordinate police officer ” means a police officer of the rank of sergeant major, sergeant, corporal or lance corporal and includes acting lance corporal.

PART I.

CONSTITUTION OF THE FORCE.

3. (1) The Force shall continue to be maintained under the provisions of this Ordinance and shall be designated as the Trinidad and Tobago Police Force.

Designation and objects of the Force.

(2) The Force shall be an armed force and shall be primarily employed for the prevention and detection of crime and the repression of internal disturbance; 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.

4. (1) The provisions of subsections (3), (4) and (5) of this section shall have effect only by virtue of a proclamation made, in the event of war or other emergency, by the Governor, directing that the said provisions shall come into operation; and when such a proclamation is made the said provisions shall come into operation on such date as may be specified in the proclamation, shall continue in operation until a further proclamation directing that they shall cease to have effect is made by the Governor, and shall then cease to have effect except as respects things previously done or omitted to be done.

Employment of the Force as a Military Force.

(2) Any such proclamation may relate to only one or two of the said subsections:

Provided that neither subsection (4) nor subsection (5) of this section shall at any time be in operation unless subsection (3) is in operation.

(3) The Force, or any part thereof specified in any proclamation as aforesaid, shall be a military force liable to be employed on military duties in the defence of the Colony, and members of the Force to whom the proclamation applies shall hold, in addition to their police ranks under this Ordinance, such military ranks as may be determined by regulations made by the Governor in Council.

The Governor in Council may make regulations for the administration and discipline of the Force or part thereof serving as a military force, and generally for giving effect to the provisions of this section and for those purposes may by such regulations modify or amend the provisions of this Ordinance (other than this section). Subject to the provisions of such regulations, members of the Force to whom the proclamation applies shall continue to be subject to the provisions of this Ordinance except so far as those provisions conflict, or are inconsistent, with any provisions of the Army Act for the time being applicable by virtue of the next following subsection.

(4) The provisions of the Army Act (44 and 45 Vict. c. 58) and all Acts amending that Act with respect to discipline shall apply to a military force constituted under this section with the following modifications—

(a) references to "His Majesty" or "Secretary of State" shall be construed as references to the Governor;

(b) no sentence of a court martial upon the trial of a member of the force shall be carried into execution unless confirmed by the Governor.

(5) Any person who shall volunteer for military service with the Force under this section may be enrolled as a member of the Force for that purpose with such military rank as may be determined by regulations made by the Governor in Council and, save as may be otherwise prescribed by regulations under this section, shall not have any of the rights, powers or duties, or be subject

to any of the liabilities, of a member of the Force for any other purpose.

(6) Where provision has been made by proclamation under this section relating to only one or two subsections, like provision relating to the remaining subsection, or to one or both of the remaining subsections, as the case may be, may be made by further proclamation; and any proclamation under this section may, as respects its applicability or inapplicability to any part of the Force, from time to time be varied by further proclamation.

5. The Force shall consist of a Commissioner, a Deputy Commissioner, an Assistant Commissioner, a Pay and Quartermaster and such number of Superintendents and Assistant Superintendents, Assistant Superintendents on probation, Inspectors, subordinate police 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: Provided that members of the Force at the commencement of this Ordinance shall continue to be members of the Force and shall be subject to the provisions of this Ordinance.

Composition
of Force.

6. 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.

Appointment
and duties of
Commis-
sioner.

7. 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 authorised 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 Com-
missioner.

8. The Governor may appoint some fit and proper person to be Assistant Commissioner of Police, who shall perform such duties of the Commissioner as may be delegated to

Appointment
and duties of
Assistant
Commis-
sioner.

him and all such duties which devolve upon him under the orders and regulations of the Force.

Appointment
and duties of
Pay and
Quarter-
master.

9. The Governor may appoint some fit and proper person to be the Pay and Quartermaster, whose rank in the Force shall be equal to that of Superintendent, and who shall assist the Commissioner in all matters concerning the payment, feeding, clothing and equipment of the members of the Force, in the supervision of all barracks and other buildings in charge of the Force and the keeping of all funds.

Appointment
and duties of
Superinten-
dents and
Assistant
Superinten-
dents.

10. (1) The Governor may appoint fit and proper persons to be Superintendents and Assistant Superintendents of the Force, who shall be stationed in such divisions or districts 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
of Assistant
Superinten-
dents on
probation.

(2) The Governor may appoint fit and proper persons to be Assistant Superintendents on probation, whose rank in the Force shall be junior to the rank of Assistant Superintendent but senior to the rank of Inspector.

Duties of
Assistant
Commis-
sioner, Super-
intendents,
Assistant
Superinten-
dents and
Assistant
Superinten-
dents on
probation
generally.

(3) Subject to the provisions of this Ordinance and of the regulations, the duties of the Assistant Commissioner, and of every Superintendent or Assistant Superintendent of the Force, and of every Assistant Superintendent on probation, shall be such as may from time to time be determined by the Commissioner with the sanction of the Governor.

Appointment
and duties of
Inspectors.

11. Subject to the provisions of this Ordinance and of the regulations the Commissioner may appoint or promote suitable persons to be Inspectors of the Force who shall perform such duties as devolve upon them under the orders and regulations of the Force and such other duties as may be determined by the Commissioner.

Police officers
not below
rank of Sub-
Inspector to
be Justices.

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

(2) As such Justice every such police 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.

13. Subject to the provisions of this Ordinance and of the regulations, the Commissioner may appoint or enlist fit and proper persons to be subordinate police officers and constables of the Force, and may determine the duties to be performed by such subordinate police officers and constables.

Appointment of subordinate police officers and constables.

Pay and Allowances.

14. Every police officer 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.

Pay and allowances.

Oath.

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

Oath of office.

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 Commissioner and Deputy Commissioner before the Governor, and by every other police officer before the Commissioner.

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.

Every police officer to be a constable.

17. Every police officer, other than the Pay and Quartermaster, 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.

General power of police officers.

18. Where, in any enactment, powers are conferred upon police officers of a certain rank, such powers may lawfully be exercised by police officers of any higher rank.

Duties of the Force.

General duties of the Force.

19. It shall be the duty of all police officers—

(a) to preserve the peace and prevent and detect crime and other infraction of the law;

(b) 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;

(c) to summon before Justices and to prosecute persons reasonably suspected of having committed offences in the following cases—

(i) in all cases of offences punishable on indictment where the alleged offence is of a serious nature, and it is, in the opinion of a gazetted police officer, desirable in the public interest that the prosecution should be undertaken by the Force; and

(ii) 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;

(d) to serve and execute at any time (including Sundays) all process which they may be directed by competent authority to serve or execute;

(e) to keep order in and within the precincts and in

the vicinity of all courts of competent jurisdiction during all sittings of such courts;

(f) to repress internal disturbances;

(g) to defend the Colony against external aggression when called out for such purpose under the authority of section 4 of this Ordinance; and

(h) generally, to do and perform all the duties appertaining to the office of a constable.

20. (1) It shall be lawful for any police officer to arrest without a warrant—

Power to
arrest
without a
warrant.

(a) any person whom he suspects upon reasonable grounds of having committed a felony;

(b) any person who shall be charged by any other person with committing an aggravated assault in any case in which such police officer 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) any person who commits a breach of the peace in his presence;

(d) any person who obstructs a police officer while in the execution of his duty, or who has escaped or attempts to escape from lawful custody;

(e) any person in whose possession anything is found which may reasonably be suspected to be stolen property or who may reasonably be suspected of having committed an offence with reference to such thing;

(f) any person whom he finds lying or loitering in any highway, yard or other place between the hours of eight o'clock in the evening and five o'clock in the morning and not giving a satisfactory account of himself;

(g) any person whom he finds in any highway, yard or other place between the hours of eight o'clock in the evening and five o'clock in the morning and whom he suspects upon reasonable grounds of having committed or being about to commit a felony;

(h) any person found between the hours of eight o'clock in the evening and five o'clock in the morning having in his possession without lawful excuse any implement of housebreaking;

(i) any person for whom he has reasonable cause to believe a warrant of arrest has been issued.

Power to arrest for offence committed within view.

(2) Without prejudice to the powers conferred upon a police officer by the last preceding subsection, it shall be lawful for any police officer, and for all persons whom he shall call to his assistance, to arrest without warrant any person who within view of any such police officer shall offend in any manner against any law and whose name and residence shall be unknown to such police officer and cannot be ascertained by him.

Power to arrest without having warrant in possession.

(3) Any warrant lawfully issued by a Magistrate or Justice for apprehending any person charged with any offence may be executed by any police officer 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 take measurements, photos and finger prints.

21. (1) It shall be lawful for any gazetted police officer or for any police officer of or below the rank of Inspector who is authorised by the Commissioner, 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: 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 authorising a police officer to take the measurements, photographs and finger print impressions of such person.

22. No police officer 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.

PART II.

GENERAL ADMINISTRATION.

Regulations.

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

Making of regulations.

(a) the duties to be performed by police officers and their guidance in the discharge of such duties;

(b) the training and discipline of the Force;

(c) promotion to the various ranks in the Force;

(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 the Police depot, barracks, stations, hospitals, and of cells and lock-up rooms, and of persons confined therein;

(f) the messing of subordinate police officers and constables;

(g) the taking of measurements, photographs and finger print impressions of persons in lawful custody;

(h) generally, for the good order and government of the Force.

Stations and Depot.

24. 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 police officers as may be necessary. Subject to the provisions of the regulations the Commissioner may assign any quarters provided for the use of the Force to any police officer and may require him to reside in such quarters.

Barracks to be provided.

Depot.

25. There shall be established a Police depot in such place as may be assigned by the Governor for the purpose of training police officers 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 police officer to be attached for such period or periods, and to undergo such drill, training, and instruction generally, as he may think fit.

Passing of police officers through the depot.

Distribution of the Force.

26. Police officers shall be distributed amongst the several stations and depot in such numbers respectively as the Commissioner may from time to time direct.

Provision of hospital accommodation and treatment.

27. (1) The Governor may provide hospital accommodation for police officers, at such places as he may think fit, and may cause medicine, food, attendance and other necessaries to be supplied to sick police officers in hospital, and may order such deductions from the daily pay of sick police officers when in hospital according to their rank as he may think fit: Provided that no such deduction shall be made from the pay of any police officer while under treatment on account of any injury received by him in the performance of his duty.

Incapacity due to misconduct.

(2) If any police officer 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.

PART III.

CONDITIONS OF SERVICE OF POLICE OFFICERS ENLISTED BY THE COMMISSIONER.

Qualifications of persons enrolling in the Force.

28. With respect to the original enlistment of Inspectors, subordinate police officers and constables, the following provisions shall have effect:—

(1) No person shall be enlisted who—

(a) is less than eighteen or more than thirty-five years of age, unless he has served previously at least two years in a Police Force;

(b) does not satisfactorily pass a medical examination

as to his bodily fitness, to be held by a Surgeon to the Force;

(c) does not produce satisfactory proof of good character;

(d) has not attained the standard of education from time to time fixed by the Commissioner, with the approval of the Governor; and

(e) 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.

(2) Subject to the provisions hereinafter contained, enlistment shall be for a period of three years, but at the end of that period the Inspector, subordinate police officer or constable, as the case may be, 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:

Period of enlistment.

Provided that it shall be lawful for the Commissioner to withhold such permission from any such police officer 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 police officer 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.

Permission to re-enlist may be withheld.

29. During the first two years after his enlistment, every Inspector, subordinate police 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.

Rules relating to withdrawal from the Force.

30. (1) No Inspector, subordinate police 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.

(2) No Inspector, subordinate police 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 the Commissioner, Deputy Commissioner, Assistant Commissioner or a 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 an Inspector, subordinate police 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 Inspector, subordinate police 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 police officer to withdraw himself from the Force at any time.

Reduction, suspension and dismissal of Inspectors, subordinate police officers and constables.

31. (1) Subject to the regulations, the Commissioner may, for inefficiency, reduce any subordinate police officer to a lower grade.

(2) Any Inspector, subordinate police officer or constable who is charged with an offence punishable under section 36 or 37 of this Ordinance or punishable on summary conviction or indictment may be interdicted by the Commissioner from the exercise of his duties as a member of the Force until the charge has been finally disposed of, but shall nevertheless remain subject to the discipline of the Force: Provided that an Inspector shall not be interdicted without the prior approval of the Governor.

(3) Any Inspector, subordinate police officer or constable who has been interdicted under the provisions

of the last preceding subsection shall, during the period of interdiction, receive half the pay of his grade together with the other emoluments to which he may be entitled, unless regulations made under this Ordinance prescribe that only a portion of such other emoluments shall be payable during a period of interdiction. If the proceedings do not result in any conviction or punishment against any such member of the Force, he shall be entitled to receive the full amount of his pay and other emoluments (if any) which he would have received if he had not been interdicted. If any conviction or punishment is recorded or awarded, such member of the Force shall not be entitled to any part of his pay or other emoluments (if any) stopped under this subsection unless the Governor (in the case of an Inspector) or the Commissioner (in the case of a subordinate police officer or constable) otherwise direct.

(4) The Governor may at any time dismiss from the Force or dispense with the services of any Inspector, subordinate police officer or constable whom he may consider unfit for further service in the Force.

32. (1) Every subordinate police officer or constable who absents himself from roll call and from duty for the space of forty-eight hours without lawful excuse, and every police officer enlisted by the Commissioner who—

illegally
withdrawing
from Force.

(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 the 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,

shall be deemed to have illegally withdrawn himself from the Force and liable, on summary conviction, to be

imprisoned for twelve months, or to a fine of 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 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.

Warrant to
arrest person
illegally
withdrawing
from Force.

33. Any Magistrate, on a complaint being made to him on oath by any police officer above the rank of Inspector that any member of the Force has illegally withdrawn himself from the Force in breach of the last preceding section and that there is reasonable cause to suspect that such member of the Force is concealed in his own premises or on the premises of any other person, or is on board any vessel within the limits of the Colony, shall grant to such police officer a warrant to search, with proper assistants, the premises or vessel in which such member of the Force 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.

34. Every person who—

(a) knowingly aids or assists any police officer illegally to withdraw himself from the Force, or

(b) knowingly conceals any police officer who has illegally withdrawn himself from the Force, or

(c) knowing that any police officer has illegally withdrawn himself from the Force, aids him to quit the Colony,

shall be guilty of an offence and liable, on summary conviction, to a fine of forty-eight dollars, or to be imprisoned for one month.

PART IV.

DISCIPLINE.

Punishment
of serious
offences.

35. (1) Any police officer 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 a police officer above the rank of Inspector or to a Justice,

shall be guilty of an offence punishable on indictment, and liable to imprisonment for three years.

(2) Any police officer 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, or

(d) wilfully permits the escape of a prisoner, or

(e) uses unnecessary violence to or ill-uses any prisoner, or

(f) pawns, sells, makes away with or wilfully spoils or damages his arms, accoutrements, clothing or any public property,

shall be guilty of an offence and liable, on summary conviction to a fine of two hundred and forty dollars, or to be imprisoned for six months.

36. (1) Every Inspector, subordinate police officer or constable who commits any of the following offences, that is to say—

Punishment
of less serious
offence.

(a) wilful insubordination,

(b) wilful disobedience of lawful orders,

(c) malingering,

(d) wilfully or negligently permitting the escape of any prisoner,

(e) using unnecessary violence to or ill-using any prisoner,

(f) pawning, selling, losing by neglect, making away with or wilfully spoiling or damaging his arms, accoutrements, clothing, or any public property,

(g) 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—

- (i) dismissal;
- (ii) reduction to a lower rank or lower rate of pay;
- (iii) fine not exceeding ten dollars:

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

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 for six months, or a fine of 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:

Provided further that the Commissioner may, in his discretion, depute any police officer above the rank of Inspector to enquire into any charge under this section, and the offender shall, on conviction before such police officer, be liable to punishment in the same manner as if he had been convicted before a police officer other than the Commissioner of an offence under the next succeeding section.

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.

Other
offences.

37. (1) Every Inspector, subordinate police officer or constable charged with any of the following offences, that is to say—

- (i) refusing or neglecting to serve or execute any warrant or process lawfully directed to be by him served or executed,

- (ii) drunkenness,
- (iii) absence from duty without leave,
- (iv) sleeping on duty,
- (v) wilfully disobeying any regulation or order of the Force,
- (vi) 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 be liable—

(a) on conviction before the Commissioner, 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;

punishment drill not exceeding fourteen days;

reduction to a lower rank or lower rate of pay;

a fine not exceeding ten dollars;

reprimand or severe reprimand; or

(b) on conviction before any other gazetted police officer to one or more of the following punishments—

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

punishment drill not exceeding fourteen days;

fine not exceeding five dollars;

reprimand or severe reprimand;

Provided that no sentence of dismissal shall be carried out without the confirmation thereof by the Governor: Provided further that no police officer of or above the rank of sergeant shall be convicted except before the Commissioner and no such police officer shall be liable to confinement to barrack cells or barracks or to punishment drill.

(2) In addition to such other punishment as may be awarded, absence without leave shall entail forfeiture of pay for the period of absence, and in the computation of such period 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.

(4) Any fine imposed under this section shall be levied by stoppages from the offender's pay.

Procedure
before Com-
missioner.

38. In recording a conviction under section 36 or 37 of this Ordinance, the Commissioner may act on evidence recorded by any gazetted police officer: Provided that in any such case—

(a) the police officer against whom the charge is preferred shall be given the opportunity of appearing before the Commissioner and of addressing the Commissioner in his defence; and

(b) the Commissioner may, of his own motion or at the request of such police officer, call or permit to be called any further evidence, or may call or permit to be called for further examination any witnesses who gave evidence before the police officer who enquired into the charge.

Right of
appeal.

39. (1) Any police officer who is dissatisfied with the decision of his superior officer in any matter may, within seven days after the decision has been communicated to him and subject to the provisions of any regulations governing the same, appeal to the Commissioner, who may make such order as the circumstances may require; and any police officer who is dissatisfied with the decision of the Commissioner may, subject to the provisions of the next succeeding subsection, within seven days after the decision has been communicated to him, appeal to the Governor, whose decision shall be final. Every such appeal whether to the Commissioner or to the Governor shall be deemed to have been made on delivery of the same by the appellant to his superior officer; and every appeal to the Governor shall be delivered by such superior officer to the Commissioner who shall forward it to the Governor.

(2) The Commissioner may, without any appeal, vary any punishment imposed by the Deputy Commissioner, the Assistant Commissioner, or any Superintendent or Assistant Superintendent on any police officer.

Clothing and Equipment.

40. Unless he is specially authorised to do so by the regulations, no police officer 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.

41. (1) Every police officer who is dismissed from the Force, or resigns his office, or otherwise leaves the Force, shall forthwith deliver over to the person authorised by the regulations or appointed 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 authorised to keep or use for his private benefit.

Delivery up of articles supplied on leaving the Force.

(2) Every person who contravenes this section shall be liable, on summary conviction, to a fine of forty-eight dollars, or to imprisonment for 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 V.

PROHIBITED ASSOCIATIONS.

42. For the purposes of this Part of this Ordinance a "prohibited association" means—

Definitions.

(a) any Trade Union as defined by the Trade Unions Ordinance, whether the Union is registered or incorporated or not;

(b) 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;

(c) 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 Force, and which the Commissioner shall, with the approval of the Governor, declare to be a prohibited association.

Police officers
not to join
prohibited
associations.

43. (1) It shall not be lawful for any police officer to be or to become a member of any prohibited association.

(2) If any police officer becomes a member of a prohibited association, such police officer, the association, and every officer of the association who is knowingly a party to the admission or enrolment of such police officer shall be liable, on summary conviction, for each offence to a fine of one hundred and twenty dollars.

Prohibition
of police
officer
receiving
benefits from
prohibited
associations.

44. (1) It shall not be lawful for any prohibited association to permit any police officer to receive any benefit, financial or otherwise, from the association or for any such association to receive any money from a police officer.

(2) If there shall be any contravention of the provisions of this section, the police officer, the association, and every officer of the association who is knowingly a party to such contravention, shall be liable, on summary conviction, for each offence to a fine of one hundred and twenty dollars.

Constitution
of Police
Association.

45. (1) For the purpose of enabling Inspectors, subordinate police officers and constables of the Force to consider and bring to the notice of the Commissioner and the Governor matters affecting their general welfare and efficiency, there shall be established an organisation to be called the Police Association which shall act through Branch Boards and a Central Committee as provided by rules made under this Ordinance.

(2) No representation shall be made by the Police Association in relation to any question of discipline, promotion, transfer, leave or any other matter affecting individuals.

(3) The Police Association shall be entirely independent of and unassociated with any body outside the Force.

Police
Association
Rules.

46. The Governor in Council may make rules for the constitution and governance of the Police Association and as to any matter appertaining to the Association: Provided that until varied or revoked by any such rules, the rules contained in the Schedule to this Ordinance shall be in force.

47. If any person causes, or attempts to cause, or does any act calculated to cause disaffection amongst the members of the Force, or induces, or attempts to induce, or does any act calculated to induce any police officer to withhold his services or to commit breaches of discipline he shall be guilty of a misdemeanour, and shall be liable on conviction on indictment to imprisonment for two years or on summary conviction to imprisonment for three months or to a fine of one hundred and twenty dollars, or to both such imprisonment and fine, and in either case, if an Inspector, subordinate police officer or constable of the Force, shall forfeit all superannuation rights and be disqualified for being a police officer: Provided that, where the person convicted of any such offence was a police officer and was not sentenced to imprisonment without the option of a fine, the Commissioner may, if he thinks fit, pay to him the whole or any part of the rateable deductions which may have been made from his pay in respect of superannuation contributions.

Penalty on persons causing disaffection, etc.

PART VI.

PENSIONS AND GRATUITIES.

48. As a contribution towards the special superannuation allowances to members of the Force herein provided, there shall be deducted from the pay of every Inspector, subordinate police 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.

49. (1) The Governor may order any Inspector, subordinate police officer or constable, who may be disabled by infirmity of mind or body, to be retired, and such Inspector, subordinate police officer or constable, if he has completed ten years of faithful service, may thereupon be granted such monthly pension as the Governor may direct, not exceeding one-four hundred and eightieth of a month's salary for each completed month of service:

Pensions to Inspectors, subordinate police officers, and constables in cases of disability.

Provided that it shall not be lawful to grant any such

pension unless the Governor is satisfied by the certificate of a medical board that the Inspector, subordinate police officer or constable is incapable from infirmity of mind or body of performing the duties of his office and that such infirmity is likely to be permanent.

If unable to re-enlist after 10 years service.

(2) If an Inspector, subordinate police officer or constable who has served in the Force for ten years or more shall not at the end of any period of re-enlistment obtain the permission of the Commissioner to re-enlist as provided by subsection (2) of section 28 of this Ordinance or shall be dismissed or shall have his services dispensed with in accordance with subsection (4) of section 31 of this Ordinance, such Inspector, subordinate police officer or constable, if not otherwise eligible for pension, may be granted such monthly pension, not exceeding one-nine hundred and sixtieth of a month's pay for each completed month of service, as the Governor may direct.

On attaining age of 50 after 20 years service.

(3) Subject as herein contained, any Inspector, subordinate police 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 monthly pension not exceeding one-four hundred and eightieth of a month's pay for each completed month of service.

Police officers transferred to other public service.

(4) Where a period of service as an Inspector, subordinate police officer or constable is or has been immediately followed by service in a pensionable office in other public service as defined for the purposes of the Pensions Ordinance, such Inspector, subordinate police officer or constable shall, notwithstanding anything contained in the last preceding subsection, be entitled to a monthly pension under this Ordinance not exceeding one four hundred and eightieth of a month's pay for each completed month of service if he has served in the Force for not less than ten years; and if he ultimately retires from such other public service at an age less than fifty years at which he is permitted by the Law or regulations of that service to retire with a pension, the pension which may be granted to him under this Ordinance shall be payable from the date of such retirement, notwithstanding that he shall not be fifty years of age.

(5) An Inspector, subordinate police officer or constable may at his option to be exercised not later than one month after his retirement in the case of a pension awarded under subsection (1) or (2) of this section and not later than one year next before the date of his retirement in the case of a pension awarded under subsection (3) of this section, or of his retirement from other public service in the case of a pension awarded under subsection (4) 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:

Reduced pension and gratuity.

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 he has exercised the option, his decision shall be irrevocable so far as concerns any pension ultimately to be granted to him under this subsection;

(c) that the Governor in Council may, in cases where it appears equitable to do so, extend the period within which the option must be exercised under the foregoing provisions of this subsection.

(6) Nothing herein contained shall be construed to entitle any Inspector, subordinate police officer or constable absolutely to any pension, or to prevent his being dismissed without pension; and if any such Inspector, subordinate police officer or constable to whom a pension has been granted under this Ordinance is sentenced to a term of imprisonment by any competent court in the Colony or elsewhere for any crime or offence, or 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 heard and determined, then in every such case it shall be lawful for the Secretary of State, or (if the pensioner is resident in the Colony) for the Governor, to direct that such pension shall forthwith cease: Provided always that the pension shall be restored with retrospective effect in the case of a person who, after conviction, at any time receives a pardon: Provided further that where a pension ceases for the reason aforesaid, it shall be lawful for the Secretary of State or for the Governor,

Pension may be forfeited.

as the case may be, to cause all or any part of the moneys to which the pensioner would have been entitled by way of pension to be paid to or applied for the benefit of any wife, child or children of the pensioner, or, after the expiration of his sentence, also for the benefit of the pensioner himself in such proportions and manner as the Secretary of State or the Governor, as the case may be, thinks proper, and such moneys shall be paid or applied accordingly.

(7) The provisions of subsections (1), (2) and (3) of this section shall be deemed to have been in operation on and from the 8th of June, 1944.

Payments
out of
pensions.

50. (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.

(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.

51. (1) When the Governor shall have ordered any Inspector, subordinate police officer or constable to be retired in accordance with the provisions of subsection (1) of section 49 of this Ordinance and is satisfied of the matters, and in the manner, mentioned in the proviso to the said subsection but such Inspector, subordinate police officer or constable has not served in the Force for ten years, such Inspector, subordinate police officer or constable may be

granted by way of gratuity such sum not exceeding one-twelfth of a month's pay for each completed month of service as the Governor may direct.

(2) Any Inspector, subordinate police officer or constable who has served in the Force for more than five years and less than ten years and who—

(a) does not at the end of any period of enlistment or re-enlistment obtain the permission of the Commissioner to re-enlist as provided by subsection (2) of section 28 of this Ordinance, or

(b) is dismissed or has his services dispensed with under subsection (4) of section 31 of this Ordinance, may be granted by way of gratuity such sum not exceeding one-twenty-fourth of a month's pay for each completed month of service as the Governor may direct.

52. When the Governor is satisfied that an Inspector, subordinate police officer or constable has been permanently injured—

Special allowance for injuries.

(a) in the actual discharge of his duty, and

(b) without his own default, and

(c) by some injury specifically attributable to the nature of his duty,

and his retirement is thereby necessitated or accelerated, such Inspector, subordinate police officer or constable may be granted in respect of such injury, in addition to any pension or gratuity granted to him under this Ordinance, an allowance in proportion to his injury of such monthly amount as the Governor may direct, not exceeding the following:—

When his capacity to contribute to his support is—

slightly impaired ... 40/480ths of a month's pay;

impaired ... 80/480ths of a month's pay;

materially impaired 120/480ths of a month's pay;

totally destroyed ... 160/480ths of a month's pay;

Provided that an Inspector, subordinate police officer or constable who is permanently injured while travelling by air in pursuance of official instructions shall be deemed to have been injured in the circumstances detailed in paragraphs (a) and (c) of this section; and in any such case,

provided the provisions of paragraph (b) of this section are also satisfied the rates of allowances shall be 60/480ths, 120/480ths, 180/480ths and 240/480ths of a month's pay respectively instead of the rates of allowance hereinbefore in this section prescribed:

Provided further that—

(i) no such allowance together with any pension granted under this Ordinance shall exceed 400/480ths of a month's pay as at the date of injury and for the purposes of this proviso any exercise of the option conferred by subsection (5) of section 49 of this Ordinance shall be ignored in calculating any such pension;

(ii) the allowance shall be less than the above-mentioned maximum by such amount as the Governor shall think reasonable in the following cases, namely—

(a) where the injured police officer has continued to serve for not less than one year after the injury in respect of which he retires;

(b) where the injured police officer is forty-five years or upwards at the date of the injury; or

(c) where the injury is not the sole cause of the retirement;

(iii) before granting an allowance under this section the Governor shall obtain the report of a medical board (so far as may be possible) on the matters relevant to his decision, and shall be guided by such report;

(iv) when the police officer so injured has not qualified for any pension under this Ordinance but is entitled to a gratuity under section 51 of this Ordinance, he may be granted, in lieu of such gratuity, a further allowance of such monthly sum (not exceeding one-twelfth of so many 480ths of a month's salary as is equal to the number of months he has actually served) as the Governor may direct.

Pension to widow and children of Inspector, subordinate police officer or constable killed in execution of duty.

53. (1) If any Inspector, subordinate police 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 Inspector, subordinate police officer or constable while under the age of sixteen years.

(2) An Inspector, subordinate police officer, or constable who dies as a result of injuries received while travelling by air in pursuance of official instructions shall be deemed to have been killed in the execution of his duty.

(3) If an Inspector, subordinate police officer or constable, 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 subsection "dependants" has the same meaning as in the Workmen's Compensation Ordinance.

Gratuity when Inspector, subordinate, police officer or constable dies in the service of the Force.

PART VII.

MISCELLANEOUS PROVISIONS.

54. There shall be provided and kept at the public 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.

Boats.

55. It shall be lawful for any police officer 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 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

Powers of police officers in command of police boats.

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 police officer 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.

56. 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 police officer for acting on warrant.

57. When any action shall be brought against any police officer 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.

Inspectors, subordinate police officers and constables not to be sued.

58. No action shall be brought in any court against any Inspector, subordinate police 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 Inspector, subordinate police officer or constable is a member of the Force.

Assault, etc., on police officer.

59. Every person who assaults, obstructs, or resists any police officer in the execution of his duty, or aids or

incites any other person so to assault, obstruct, or resist any police officer or any person aiding or assisting such police officer in the execution of his duty, shall be liable, on summary conviction, to a fine of two hundred and forty dollars, or to imprisonment for six months.

60. If any person is called upon to aid and assist a police officer 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 liable, on summary conviction, to a fine of one hundred and twenty dollars, or to imprisonment for three months.

Refusing to aid police officer assaulted.

61. If any question arises as to the right of any police officer, to hold a certain rank in the Force or to exercise the office appertaining to such rank, common reputation shall be deemed sufficient evidence of such right.

Evidence of right of police officer.

62. (1) Every person who knowingly harbours or entertains or, either directly or indirectly, sells or gives any intoxicating liquor to any Inspector, subordinate police officer or constable or permits any Inspector, subordinate police 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 Inspector, subordinate police officer or constable to commit a breach of his duty as such or to omit any part of such duty, shall be liable, on summary conviction, to a fine of twenty-four dollars, or to imprisonment for one month.

Harbouring Inspector, subordinate police 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 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 police
officer.

63. Every person not being a police officer who puts on or assumes, either in whole or in part, the dress, name, designation, or description of any police officer, or any dress, name, or designation, resembling and intended to resemble the dress, name, or designation of any police officer, or in any way pretends to be a police officer, 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 liable, on summary conviction, to a fine of ninety-six dollars, or to imprisonment for three months.

Obtaining
admission
into Force
by fraud.

64. (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 a police officer above the rank of Inspector, shall be liable, on summary conviction, to imprisonment for three months.

(2) Any police officer may arrest without warrant any person whom he reasonably believes to be guilty of an offence against this section.

Complaint
against
police officer.

65. Where any charge or complaint is made against any police officer for any misconduct or breach of this Ordinance or of the regulations, any of the following police officers, namely, the Commissioner, the Deputy Commissioner, the Assistant Commissioner, or any Superintendent or Assistant Superintendent of Police is hereby authorised to enquire into the matter of the same upon oath and 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 Ordinance 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 the Deputy Commissioner or the Assistant Commissioner, the enquiry under this section shall be held by the Commissioner, and in any case of a charge or complaint against a Superintendent or Assistant Superintendent or Assistant Superintendent on probation, the enquiry under this section shall be held by a police officer of superior rank.

66. 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.

67. Where any police officer lays an information or makes a complaint against any person, any police officer not below the rank of subordinate police officer 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 police officer who laid the information or made the complaint would have had.

Right to prosecute police cases.

68. Every person who has in his possession any article whatsoever which has been supplied at the public expense to any police officer, and which such police officer 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 police officer, and, on summary conviction, shall be liable to a fine of forty-eight dollars, or to imprisonment for three months.

Improper possession of article supplied to Force.

69. (1) When any police officer dies, his next of kin, executor, or other representative, or the person in whose house he dies, being possessed of any articles which have been supplied to such police officer for the execution of his

Delivery up of articles supplied to deceased police officer.

office; shall be bound, after due notice by any gazetted police officer, 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 police officer for the execution of his office at the time of his death, and which such police officer has not been expressly authorised to keep for his private benefit.

(2) Every person who contravenes this section shall be liable, on summary conviction, to a fine of twenty-four dollars, or to imprisonment for 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.

70. (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 police officer 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 authorised 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 sales hereby authorised shall, after deduction of expenses, be paid forthwith into the Treasury and deposited to the credit of the Police Reward Fund:

Provided that property found by any person other than a police officer 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 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 Accountant General and credited to the Police Reward Fund. On the expiration of three months such proceeds after deduction of the 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.

71. Where, under any Ordinance by which on conviction any share of the penalty imposed is given to the informer, an information is laid by a police officer, 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 the

Rewards to
Force.

Colony; but the Governor may at any time grant by way of reward to any Inspector, subordinate police 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.

Reward
Fund.

72. 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—

(a) such gratuities and rewards as the Governor may from time to time award or direct to be paid to Inspectors, subordinate police officers and constables;

(b) such compassionate gratuities to the widows and orphans, being legitimate, of Inspectors, subordinate police officers and constables as, in exceptional circumstances, the Governor may allow;

(c) such compassionate gratuities to persons dependent on deceased Inspectors, subordinate police officers and constables, other than widows and legitimate orphans as, in exceptional circumstances, the Governor may allow;

(d) such rewards as, under section 73, a Judge of the Supreme Court may allow to Inspectors, subordinate police officers and constables;

(e) such special compensation for injuries received by Inspectors, subordinate police officers and constables in the execution of their duty as the Governor may from time to time award;

(f) such sums as may from time to time become payable to finders of property sold under section 70.

Granting
of special
reward for
apprehension
of criminal
and bringing
him to
justice.

73. 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 Inspector, subordinate police 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 one hundred dollars, to such Inspector, subordinate police officer or constable; and such reward shall be paid on the certificate of the Judge.

74. (1) All fines or penalties inflicted upon any Inspector, subordinate police 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 police officer and the value of any goods given as a bribe to any such police officer, shall be paid to the credit of the Reward Fund.

75. The Commissioner shall keep an account of all moneys paid into and disbursed from the Reward Fund, and shall submit to the Director of Audit 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.

76. (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 authorised 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 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.

Police
Station to
be lock-up.

77. 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.

Compulsory Retirement.

Age of
compulsory
retirement.

78. Every Inspector, subordinate police officer and constable shall be required to retire from the Force on his attaining the age of fifty-five years: Provided that any such Inspector, subordinate police officer or constable may, with the approval of the Commissioner, continue in the Force until he attains the age of sixty years.

(Section 46).

SCHEDULE.**PART I.****POLICE ASSOCIATION.**

Constitution
of Police
Association.

1. The Association shall consist of all members for the time being of the Force below the rank of Assistant Superintendent on probation, and the Association shall act through Branch Boards and a Central Committee as is hereinafter provided.

Branches of
Association.

2. (a) Subject to the provisions of paragraph (b) of this rule, the members of the Force below the rank of Assistant Superintendent on probation stationed in any division shall form a Branch of the Association.

(b) The Marine Branch at Port-of-Spain, the Criminal Investigation Department, the Depot, and the Fire Brigade shall each be deemed to constitute a division for the purpose of these Rules.

(c) The Inspectorate shall form a Branch of the Association, but this shall not disqualify members of the Inspectorate from serving as members of the Branch Boards of the division to which they are posted, if duly elected thereto.

Branch
Boards.

3. (a) In each division there shall be constituted a Branch Board for all members of the Force below the rank of Assistant Superintendent on probation stationed in the division.

(b) There shall be constituted a Branch Board for the Inspectorate.

Composition
of Branch
Boards in
General.

4. The Branch Board of any division shall consist of seven members, namely—one member of the Inspectorate, one Sergeant Major or Station Sergeant or Sergeant, one Corporal, one Lance-Corporal, and three Constables.

5. The Inspectorate Branch Board shall consist of seven members who shall be elected by all members of the Inspectorate.

Inspectorate
Branch
Board.

6. (a) Every member of the Inspectorate shall have the right to vote at the election of the Branch Board for members of the Inspectorate.

Right to
vote.

(b) Every Sergeant-Major, Station Sergeant, and Sergeant in a division shall have the right to vote for the representative of their rank at the election of their Divisional Branch Board.

(c) Every Corporal in a division shall have the right to vote for the representative of his rank at the election of his Divisional Branch Board.

(d) Every Lance-Corporal in a division shall have the right to vote for the representative of his rank at the election of his Divisional Branch Board.

(e) Every Constable in a division shall have the right to vote for the representative of his rank at the election of his Divisional Branch Board.

7. The elections shall take place annually in the month of February and the annual meeting of all Boards shall be held not later than the 15th of March.

Elections.

8. The members of each Branch Board shall at the annual meeting elect from amongst their number two delegates to the Central Committee.

Delegates to
Central
Committee.

9. A Branch Board in addition to submitting any representations to the Superintendent in charge of the division in which the Board is constituted may submit it to the Commissioner of Police.

Representa-
tion.

10. (a) The Central Committee may submit representations in writing to the Commissioner of Police, and to the Governor through the Colonial Secretary, and shall consider and report upon any matters referred to them by the Commissioner of Police or by the Governor through the Colonial Secretary.

Representa-
tion by
Central
Committee.

(b) A draft of any regulations proposed to be made affecting pay, allowances, pensions, clothes, expenses and conditions of service, efficiency or the general welfare of the Force shall be submitted to the Central Committee for consideration and comments and a reasonable period allowed for deliberation thereon.

11. All elections shall be by secret ballot and the provisions for securing secrecy and freedom from interference in voting as set out in Part II of this Schedule shall apply in respect of all elections under this Schedule.

Elections to
be by ballot.

12. At any election under these Rules each elector may give one vote and no more for each of any number of candidates not exceeding the number to be elected.

Elector to
give only one
vote to any
candidate.

13. Subject to the provisions of these Rules, each Branch Board may make regulations as to the mode of election of the members of the Board and of the delegates to the Central Committee returned by the Board and as to the filling of casual vacancies occurring amongst such members and delegates: Provided that, in the case of the first elections, regulations as to the elections shall, subject as aforesaid, be made by the Governor in Council.

Branch
Boards to
make regu-
lations for
elections.

Officers. 14. Each Branch Board and the Central Committee shall choose its Chairman and its Secretary from among its own members.

Chairman to have casting vote. 15. The Chairman at any meeting of a Branch Board or the Central Committee at which he is present shall have a second or casting vote.

Power of Branch Boards and Central Committee to regulate own procedure. 16. Subject to the provisions of these Rules, every Branch Board or the Central Committee may regulate its own procedure, including the appointment of committees or sub-committees: Provided that the first meeting of the several Boards and of the Committee shall be convened in such manner, and the procedure to be followed thereat shall be such, as the Commissioner of Police may direct.

Meetings. 17. (a) Branch Boards may hold four quarterly meetings, including the annual meeting, each lasting not more than one day, but additional meetings for any special purpose may be held with the consent of the Divisional Superintendent.

(b) The Central Committee may hold meetings twice in each year, each lasting not more than two days, but additional meetings for special purposes may be held with the consent of the Commissioner of Police.

Facilities for meetings. 18. Except where, in special circumstances, a member of the Force is required for duty for which no substitute is available, leave shall be given for attendance at all such meetings-duly held and every such attendance shall, as regards allowances and expenses, be deemed to be an occasion of police duty.

PART II.

Provisions for ensuring secrecy. 19. Every person in attendance at the polling station or other place of voting shall maintain and aid in maintaining the secrecy of the voting in such station or place and shall not communicate, except for some purpose authorised by Law, before the poll is closed, to any person any information as to the name or other means of identification of any elector who has or has not applied for a ballot paper or voted at that station or place, and no such person and no person whatsoever shall interfere with or attempt to interfere with a voter when marking his vote, or otherwise attempt to obtain in the polling station or other place of voting information as to the candidate for whom any voter in such station or place is about to vote or has voted, or communicate at any time to any person any information obtained in a polling station or other place of voting as to the candidate for whom any voter in such station or place is about to vote or has voted.

Every person in attendance at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting and shall not communicate any information obtained at such counting as to the candidate for whom any vote is given in any particular ballot paper. No person shall directly or indirectly induce any voter to display his ballot paper after he shall have marked the same so as to make known to any person the name of the candidate for or against whom he has so marked his vote.

Every person who acts in contravention of the provisions of this rule shall be liable on summary conviction to imprisonment for six months or to a fine of four hundred and eighty dollars.