



Tonga

POLICE ACT

1988 Revised Edition



POLICE ACT

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POLICE ACT

Acts No. 12 of 1968, 11 of 1969, 46 of 1988

AN ACT TO MAKE BETTER PROVISIONS FOR THE ORGANIZATION, DISCIPLINE, POWERS AND DUTIES OF THE POLICE FORCE AND FOR MATTERS INCIDENTAL THERETO

Commencement [20th December, 1968]

PART I - PRELIMINARY

1 Short title.

This Act may be cited as the Police Act.

2 Parts.

This Act is divided into Parts as follows: —

Part I — Preliminary (sections 1-3).

Part II — Constitution and Administration (sections 4-10)

Part III — Appointment, Enlistment, Service and Discharge (sections 11 -18).

Part IV — Powers and Duties of Police Officers (sections 19-38).

Part V — Discipline (sections 39-57).

Part VI — Police Reward Fund (section 58).

Part VII — General offences (sections 59-64).

Part VIII.— Special Constabulary (sections 65-72).

Part IX. — Miscellaneous (sections 73-74).

3 Definitions.

In this Act, unless the contrary intention appears —

“**inspectorate officer**” means and includes any police officer below the rank of Superintendent of Police and appointed to inspectorate rank;

“**Minister**” means the Minister of Police;

“**Minister of Police**” means the person appointed to that office or who lawfully performs the duties of that office;

“**police constable**” means any police officer appointed to that rank and includes a recruit;

“**Police officer**” means any member of the Force;

“**senior police officer**” means any police officer appointed to the rank of inspectorate or above;

“**special police officer**” means any member of the Special Constabulary established under the provisions of this Act;

“**subordinate police officer**” means and includes any police officer below the rank of an inspectorate officer and appointed to a rank above that of police constable;

“**Superintendent of Police**” means the police officer appointed to that rank or any other police officer appointed or deputed to act in such office;

“**Superior**” or “**superior officer**” when used in relation to any act done or thing suffered by a police officer means a police officer senior in rank to the police officer doing the act or suffering the thing;

“**the Force**” means the Tonga Police Force;

“**traffic**” includes animals in the charge or under the control of any person, pedestrians and vehicles in or on any public thoroughfare and whether in motion or not;

“**tribunal**” means a person or persons empowered under the provisions of this Act to try offences.

PART II - INSTITUTION AND ADMINISTRATION

4 Establishment of Force.

There shall continue to be established in the Kingdom a Police Force known as the Tonga Police Force.

5 Constitution of the Force.

The Force shall be formally enrolled and shall consist of such ranks as may be provided for annually in the Estimates of Revenue and Expenditure of the Kingdom or by notice in the Gazette.

6 Functions of the force.

The Force shall be employed in and throughout the Kingdom for the maintenance of law and order, the preservation of the peace, the protection of life and property, the prevention and detection of crime and the enforcement of all laws and regulations with which it is directly charged, and the serving and execution of such process as they are required by law to serve and execute.

7 Carrying of arms

All members of the Force shall with the approval of the Prime Minister carry arms for the performance of their duties.

8 Power of the Minister of Police.

- (1) The Minister of Police shall have command, superintendence and direction of the Force subject to the provisions of this Act and may, with the approval of Cabinet —
 - (a) make appointments, promotions and reductions in rank in respect of all police officers;
 - (b) make orders for the general government of police officers in relation to their enlistment, discharge, training, arms, clothing, equipment and other appointments or services; and
 - (c) make orders for the distribution, inspection and generally for the maintenance of efficiency and discipline in the Force or the prevention of neglect.
- (2) Any act or thing which may be done, ordered or performed by the Minister of Police may, subject to any orders and directions by the

Minister, be done, ordered or performed by the Superintendent of Police, or, if specifically delegated, by any other officer of inspectorate rank and above.

9 Administration of the Force.

The administration of the Force shall be vested in the Minister of Police who may depute the Superintendent of Police to exercise this responsibility on his behalf.

10 Minister responsible to Cabinet.

The Minister of Police shall —

- (a) be responsible to Cabinet for the proper carrying into effect of the requirements of this Act; and
- (b) be responsible to Cabinet for the efficiency of the Force.

PART III - APPOINTMENT, ENLISTMENT, SERVICE AND DISCHARGE

11 Enlistment.

Every police officer shall be enlisted to serve in the Force by the Minister of Police with the approval of Cabinet and his service shall commence from the date of such enlistment.

12 Duration of service.

Every police officer shall, in the first instance, be engaged to serve for a period of 5 years and subsequently for further periods of 5 years, each re-engagement being at the option of the Minister of Police and subject to retirement or discharge or any other provision of this Act.

13 Declaration on enrolment.

Every police officer shall, on joining the Force, make before a magistrate a declaration on oath or affirmation in the form prescribed.

14 Enquiries prior to enlistment.

- (1) Every police officer shall, on joining the Force and before making the declaration required by section 13 of this Act, answer truly any question which may be put to him as to his previous history or as to whether he has, at any time, been convicted of any offence.
- (2) Any person who wilfully makes a false statement in reply to any question put to him under the provisions of sub-section (1) shall be guilty of an offence and shall be liable to a fine not exceeding \$20 or to imprisonment for a period not exceeding one month or to both such fine and imprisonment.

15 Police officers not to resign without permission.

No police officer shall be at liberty to resign or withdraw from the Force, other than by retirement under the provisions of this Act, without the consent of Cabinet. Any person who shall quit the Force without such consent shall be liable on conviction before a magistrate to a fine not exceeding \$40 or to imprisonment for a period not exceeding 3 months or to both such fine and imprisonment.

16 Prolongation of service in an emergency.

Any police officer whose period of service expires during a state of war, insurrection, hostilities or state of emergency may be retained and his service prolonged for such further period not exceeding 6 months after the cessation of such state of war, insurrection, hostilities or state of emergency, as Cabinet may direct.

17 Discharge.

- (1) Any police officer may with the approval of Cabinet be discharged by the Minister of Police at any time —
 - (a) if he is pronounced by a Government medical officer to be mentally or physically unfit for further service;
 - (b) on reduction of establishment;
 - (c) if the Minister considers that he is unlikely to become or has ceased to be an efficient police officer so that it is desirable in the public interest that he should be discharged from the Force; or
 - (d) for misconduct.
- (2) Every police officer discharged under the provisions of the last preceding sub-section, other than those dismissed for misconduct, shall be given one

month's notice of intention to discharge him from the Force or, at the option of the Minister of Police, one month's pay in lieu of such notice.

18 Arms and equipment.

Every police officer shall be armed and equipped at public expense in accordance with scales laid down by the Minister. Any such person, on ceasing to be a police officer, shall deliver up to the Force all such arms, ammunition, equipment, uniform and clothing which have been supplied to him and are the property of Government, in default of which he shall be liable on conviction before a magistrate to a fine not exceeding \$100 or to imprisonment for a period not exceeding 3 months or to both such fine and imprisonment:

Provided that, at the discretion of the Minister of Police, such police officer may, instead of delivering up such article or articles, make payment therefore in such amount as may be determined by the Minister.

PART IV - POWERS AND DUTIES OF POLICE OFFICERS

19 Police officers not to engage in other employment or political Activities.

- (1) No police officer shall —
 - (a) engage in any employment or office whatsoever other than in accordance with his duties under the provisions of the Act; or
 - (b) take any active part in any political organisation or electoral campaign or engage in any other activity which is likely to interfere with the impartial discharge of his duties under the provisions of the Act.
- (2) Any police officer who contravenes this section shall be liable to be dismissed from the Force by the Minister of Police or to such other punishment as may, by this Act, be imposed:

Provided that, in the event of dismissal, the dismissal shall be first confirmed by Cabinet.

20 General powers and duties of police officers.

Every police officer shall —

- (a) exercise such powers and perform such duties as are by law conferred or imposed upon a police officer and shall obey all lawful

- directions in respect of the execution of his office which he may, from time to time receive;
- (b) be deemed to be on duty at all times and may be posted to any part of the Kingdom;
 - (c) execute promptly all orders, process and warrants lawfully issued to him by any competent authority;
 - (d) collect and communicate intelligence affecting the public peace;
 - (e) prevent the commission of offences and public nuisances;
 - (f) detect offenders and bring them to justice;
 - (g) apprehend all persons whom he is legally authorised to apprehend and for whose apprehension sufficient grounds exist.

21 Powers of arrest without warrant.

Any police officer and any person whom he lawfully calls to his assistance may arrest without warrant —

- (a) any person whom he suspects on reasonable grounds of having committed a crime;
- (b) any person who commits any crime or breach of the peace in his presence;
- (c) any person whom he suspects on reasonable grounds of being about to commit a crime or breach of the peace;
- (d) any person who obstructs him or any other police officer 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 suspects upon reasonable grounds of having quitted the Force without consent of the Minister of Police in writing;
- (g) any person having in his possession without lawful excuse, the burden of proving which excuse shall lie upon such person, any implement of housebreaking;
- (h) any person for whom he has reasonable cause to believe a warrant of arrest has been issued;
- (i) any person who may be lawfully arrested without warrant in accordance with the Laws of Tonga;

- (j) any person who in the presence of a police officer has committed or is accused of committing an offence for which an arrest without warrant may not be made and who refuses on demand of such police officer to give his name and residence or gives a name and residence which such officer believes to be false: (Amended by Act 11 of 1969.)

Provided that he shall be released from custody whenever his correct name and residence have been ascertained.

22 Procedure in cases of arrest without warrant.

- (1) A police officer making an arrest without warrant shall, without unnecessary delay and subject to any provisions under any Act as to bail or recognizance, take or send the person arrested before a magistrate there to be charged or before a police officer of the rank of sergeant or above or before the police officer in charge of the police station.
- (2) If it is not practicable to bring the person arrested before a magistrate having jurisdiction within 24 hours after he has been so taken into custody, the police officer of the rank of sergeant or above or the police officer in charge of the police station shall inquire into the case and shall, unless the offence is murder or treason or is punishable with imprisonment of 3 years or more or because of the circumstances surrounding the offence the police officer is of the opinion that the person arrested should not be released as hereinafter provided in this subsection, release the person arrested on his entering into a recognizance, with or without sureties, for a reasonable amount to appear before a magistrate's court at a time and place to be named in the recognizance, but where a person is kept in custody he shall be brought before a magistrate's court as soon as practicable:

Provided that such police officer concerned may release a person arrested on suspicion of having committed any offence when, after due enquiry, he is of the opinion that insufficient evidence is disclosed on which to proceed with the charge:

And provided further that, other than a person accused of murder or treason, such officer concerned may release at his discretion any person accused of an offence punishable with imprisonment of 3 years or more depending upon the seriousness of the case, upon such person entering into a recognizance, with or without sureties, to appear before a magistrate at a time and place to be named in the recognizance.

23 Forfeiture of recognizance.

If a person bound by section 22 does not appear at the time and place mentioned in the recognizance the magistrate shall declare the condition of the recognizance forfeited and shall forthwith make out a warrant for the arrest of the person so bound. The sum forfeited may be recovered in the same manner as forfeited recognizances entered into before a magistrate.

24 Preventive Action of the Police.

- (1) Every police officer may interpose for the purpose of preventing and shall, to the best of his ability, prevent the commission of any offence.
- (2) It shall be the duty of every subordinate police officer and police constable who receives information of a design to commit any crime, to communicate such information to the police officer to whom he is subordinate or to any other police officer whose duty it is to prevent or take cognizance of the commission of any such offence.
- (3) A police officer knowing of a design to commit any crime may arrest, without orders from a magistrate and without a warrant, the person so designing if it appears to such police officer that the commission of the offence cannot otherwise be prevented.
- (4) A police officer may of his own authority interpose to prevent any injury attempted to be committed in his view to any public property, movable or immovable, or the removal of or injury to any public landmark or buoy or other mark used for navigation.

25 Search without warrant.

If a police officer is satisfied that there are reasonable grounds for believing that any property in respect of which an offence has been or is being committed is in any house, building, tent, vessel, vehicle or aircraft he may, if he has reasonable grounds for believing that by acting under the provisions of section 51 of the Magistrates' Courts Act the ends of justice will be defeated, enter and search without a warrant such house, building, tent, vessel, vehicle or aircraft.

26 Search of persons.

- (1) Whenever a police officer may lawfully conduct a search in any house, building, tent, vessel, vehicle or aircraft he may also search any person found therein who is suspected.
- (2) No female may be searched except by another female with strict regard to decency.

27 Search of place entered by person sought to be arrested.

- (1) If any police officer having authority to arrest or execute a warrant of arrest has reason to believe that the person to be arrested has entered into or is within any place, the person residing in or being in charge of such place shall, on demand of the police officer acting aforesaid, allow him free ingress thereto and afford all reasonable facilities for a search therein.
- (2) If ingress to such place cannot be obtained under sub-section (1), it shall be lawful for such police officer to enter such place and search therein and, in order to effect an entrance, to break open any door or window of such place whether of the person to be arrested or of any other person, or otherwise effect entry into such place if after notification of his authority and purpose and demand of admittance he cannot otherwise obtain admittance.

28 Power to break out of house for purpose of liberation.

Any police officer or other person authorised to make an arrest may break out of any house or place in order to liberate himself or any other person who, having lawfully entered for the purpose of making an arrest, is detained therein.

29 Search of persons arrested.

Whenever a person is arrested by a police officer, such police officer may search such person and place in safe custody all articles, other than necessary wearing apparel, found upon him:

Provided that whenever the person arrested can be legally released on recognizance or admitted to bail and recognizance is entered into or bail is furnished, such person shall not be searched unless there is reasonable grounds for believing that he has about his person any —

- (a) stolen property;
- (b) instruments of violence;
- (c) tools connected with the kind of offence which he is alleged to have committed; or
- (d) other articles which may furnish evidence against him in regard to the offence which he is alleged to have committed.

30 Powers of police officers to detain and search in certain cases.

Any police officer who has reason to suspect that any article stolen or unlawfully obtained, or any article in respect of which a criminal offence or an offence against the customs laws has been, is being or is about to be committed, is being

conveyed, concealed or carried on or by any person in a public place or is concealed or contained in any vehicle or package in a public place, may without warrant or other written authority detain and search such person, vehicle or package and may take possession of and detain any such article:

Provided that this section shall not extend to the case of postal matter in transit by post except where such postal matter has been or is suspected of having been dishonestly appropriated during such transit.

31 Power to take photographs etc.

- (1) Any police officer may cause to be taken, for use and record in the registry of the Force, photographs, descriptions, measurements, fingerprints, palmprints and footprints of any person in lawful custody for any offence punishable by imprisonment whether such person has been convicted of such offence or not.
- (2) On the acquittal of any person whose photographs, descriptions, measurements, fingerprints, palmprints or footprints have been taken under the provisions of this section, such photographs, descriptions, measurements, fingerprints, palmprints and footprints shall be destroyed.
- (3) Any person in lawful custody for any offence who refuses to submit to the taking of any of the methods of identification authorised to be taken under the provisions of subsection (1) shall be guilty of an offence and liable to a fine not exceeding \$40 or to imprisonment for a period not exceeding 3 months or to both such fine and imprisonment and, after conviction, reasonable force may be used to take such methods of identification.

32 Non-liability for act done under authority of warrant.

- (1) Where the defence to any suit instituted against a police officer is that the act complained of was done in obedience to a warrant purporting to be issued by a magistrate, the court shall, upon production of the warrant containing the signature of the Magistrate and upon proof that the act complained of was done in obedience to such warrant, enter judgment in favour of such police officer.
- (2) No proof of signature of such Magistrate shall be required unless the Court has reason to doubt the genuineness thereof, and where it shall be proved that such signature is not genuine, judgment shall nevertheless be given in favour of such police officer if it is proved that, at the time when the act complained of was committed, he believed on reasonable ground that such signature was genuine.

33 Power to inspect licences or permits.

- (1) It shall be lawful for any police officer to stop and detain any person whom he sees doing any act for which a licence or permit is required under the provisions of any law for the time being in force and require such person to produce his licence or permit.
- (2) Any person who fails to produce such licence or permit when called upon to do so by a police officer may be arrested without a warrant unless he gives his name and address and otherwise satisfies the police officer that he will duly answer any summons or proceedings which may be taken against him.

34 Powers to erect barriers etc.

- (1) It shall be lawful for any police officer of the rank of sergeant and above or any police officer in charge of a Police Station, if he considers it necessary for the maintenance and preservation of law and order, the prevention or detection of crime or for the apprehension of offenders, to erect or place barriers in or across any road or street or in any other public place in such manner as he may think fit.
- (2) Any police officer may take all such reasonable steps as he considers necessary to prevent any such person or vehicle from passing any barrier erected or placed under the provisions of subsection (1), and any such person or the driver of any such vehicle who fails to comply with any reasonable signal made by a police officer under the provisions of this subsection shall be guilty of an offence and liable to a fine not exceeding \$100 or to imprisonment for a period not exceeding 6 months or to both such fine and imprisonment.
- (3) No police officer shall be liable for any loss, damage or injury occasioned to any vehicle or any person as a result of any steps taken by such police officer under the authority of this section.

35 Duty of Police to keep order on public roads.

- (1) It shall be the duty of every police officer —
 - (a) to regulate and control traffic;
 - (b) to divert all or any particular kind of traffic when it is in the public interest to do so;
 - (c) to keep order on public roads, streets, thoroughfares and landing places and at other places of public resort or places to which the public have access whether or not a charge is made; and

- (d) to prevent obstructions on the occasions of assemblies and processions on the public roads and streets or other public places and in any case when any road, street, thoroughfare, landing place or other public place may be thronged or may be liable to be obstructed.
- (2) Every person who opposes or disobeys lawful orders given by any police officer in the performance of his duty under any of the provisions of this section shall be guilty of an offence and liable to a fine not exceeding \$40 or to imprisonment for a period not exceeding 3 months or to both such fine and imprisonment.
- (3) Any person who opposes or disobeys any lawful order given by a police officer in the performance of his duty under any of the provisions of this section may be arrested without a warrant unless he gives his name and address and otherwise satisfies a police officer that he will duly answer any summons or other proceedings which may be taken against him.

36 Disposal of unclaimed property.

- (1) It shall be the duty of every police officer to take charge of all unclaimed property and deliver the same to a police station there to be taken into safe custody by the officer in charge.
- (2) If such unclaimed property remains unclaimed for a period of 3 months it may be sold or otherwise disposed of or destroyed in such manner as the Minister of Police may direct and the proceeds of such sale shall be paid into the Police Reward Fund.
- (3) If any person establishes a claim to such property within 3 months it shall be returned to such person.
- (4) If such unclaimed property is of a perishable nature it may be sold forthwith and the proceeds shall be paid into the Police Reward Fund. If, subsequently, a person shall establish his claim to such property to the satisfaction of the Minister such sum as may have been credited to the Police Reward Fund shall be refunded to the claimant.

37 Power of police officer to enter and break open premises in cases of fire.

Any police officer may enter and if necessary break into any building being or reasonably supposed to be on fire or any building or land adjoining or near thereto, without the consent of the owner or occupier thereof and may do all such acts and things as he may deem necessary for extinguishing the fire in any building or property therein from fire. (*Amended by Act 46 of 1988.*)

38 Power to make complaint etc.

It shall be lawful for any police officer to make a complaint or charge against any person before a magistrate and to apply for a summons, warrant, search warrant or other such legal process as may by law issue against any person or property.

PART V - DISCIPLINE**39 Interdiction of police officers of inspectorate rank and above.**

An officer of the inspectorate rank or above may be interdicted from duty by Cabinet but shall not by reason of such interdiction cease to be a police officer;

Provided that the powers, privileges and benefits vested in him as a police officer shall be in abeyance during the period of such interdiction but he shall remain subject to the same responsibilities, discipline and penalties and to the same authority as if he had not been interdicted.

40 Interdiction of police officers below inspectorate rank.

(1) The Minister of Police may, subject to confirmation by Cabinet, interdict from duty any police officer below inspectorate rank pending trial for any offence whether under the provisions of this Act or before a court and pending determination of any appeal.

(2) A police officer interdicted from duty under the provisions of this section shall not by reason of such interdiction cease to be a police officer:

Provided that the powers, privileges and benefits vested in him as a police officer shall, during his interdiction, be in abeyance but he shall remain subject to the same responsibilities, discipline and penalties and to the same authority as if he had not been interdicted.

41 Salary of police officer interdicted.

A police officer interdicted from duty under the provisions of sections 39 and 40 of this Act shall not, save as is hereinafter provided, be entitled to receive any pay in respect of the period of such interdiction:

Provided that- —

(a) he shall be allowed to receive such portion of his pay as Cabinet may direct; and

- (b) if the proceedings against such officer do not result in the dismissal of the police officer, he shall be entitled to the full amount of the emoluments which he would have received if he had not been interdicted.

42 Offences by police officer

- (1) Any police officer who —
 - (a) begins, excites, causes or joins in any mutiny or sedition amongst the Force, or does not use his utmost endeavours to suppress such mutiny or sedition, or conspires with any other person to cause any mutiny or sedition, or being cognizant of any mutiny or sedition, does not without delay give information thereof to any police officer senior in rank to himself;
 - (b) persuades, procures or assists any police officer to quit the Force without the consent in writing of the Minister of Police, or being cognizant of any such quitting or intended quitting, does not without delay give information thereof to an officer senior in rank to himself;
 - (c) knowing that any police officer has quitted the Force without the consent in writing of the Minister of Police or intends so to quit, does not without delay give information to a police officer senior in rank to himself;
 - (d) strikes, threatens or offers violence to a police officer senior in rank to himself such police officer being in execution of his duty;
 - (e) being present at any assemblage tending to riot, does not use his utmost endeavours to suppress such assemblage;

shall be guilty of an offence and shall be liable on conviction before a court having jurisdiction to a fine not exceeding \$200 or to imprisonment for a period not exceeding 5 years or to both such fine and imprisonment. (*Amended by Act 46 of 1988.*)

- (2) No police officer shall be found guilty of the offence of quitting the Force unless the court is satisfied that there was an intention on the part of the police officer not to return to the Force.

43 Offences against discipline.

Any police officer who commits any offence against discipline as may be prescribed under the provisions of this Act or regulations made thereunder shall be liable to punishment in accordance with the provisions of this Act:

Provided that —

- (a) nothing in this connection shall be constructed to exempt any such officer from being proceeded against for any offence by any other process of law;
- (b) save as is expressly provided under the provisions of this Act no such officer shall be punished twice for the same offence.
(Amended by Act 11 of 1969.)

44 Power of arrest.

- (1) Any police officer may arrest without warrant any police officer not being an officer of his own rank or of higher rank who is accused of any offence under the provisions of this Act.
- (2) A police officer effecting an arrest under the provisions of this section shall forthwith bring the person arrested before a senior police officer or, in the absence of such an officer, before the most senior officer readily accessible who shall cause the case to be heard by a tribunal or court of criminal jurisdiction as the case may be.

45 Trial of Offences against discipline.

For the purpose of the trial of offences against discipline under the provisions of this Act, subject to section 52 of this Act, there shall be the following tribunals —

- A. A tribunal, appointed by the Prime Minister and including a magistrate and 2 other persons of good repute, which shall have the power to try any person subject to this Act and impose any punishment which may be awarded under this Act.
- B. The Minister of Police, who shall have the power to impose any one or more of the following punishments —
 - (a) In the case of an inspectorate officer —
 - (i) dismissal subject to confirmation by Cabinet;
 - (ii) any other punishment which may be awarded under the provisions of this Act;
 - (b) In the case of any subordinate police officer or police constable —
 - (i) dismissal;
 - (ii) any other punishment which may be awarded under the provisions of this Act.
- C. The Superintendent of Police who shall, subject to direction by the Minister of Police, have the power to impose any one or more of the

following punishments which may be awarded under the provisions of this Act:

- (a) In the case of an inspectorate officer —
 - (i) severe reprimand;
 - (ii) reprimand;
 - (iii) admonishment;
 - (b) In the case of any subordinate police officer or police constable —
 - (i) reduction in rank or class subject to confirmation by the Minister of Police;
 - (ii) fine not exceeding 7 days' basic salary;
 - (iii) confinement to barracks for any period not exceeding 7 days with or without extra duties;
 - (iv) several reprimand;
 - (v) reprimand;
 - (vi) admonishment.
- D. Any inspectorate officer who shall, subject to direction by the Minister of Police, have power to impose on any subordinate police officer or police constable any of the following punishments which may be awarded under the provisions of this Act —
- (i) reprimand;
 - (ii) admonishment.

46 Police officer to be present at trial.

No police officer shall be convicted of any offence against discipline unless the charge has been read and evidence heard in his presence and he has been given sufficient opportunity to make his defence thereto.

47 Minister may confirm punishment.

The Minister may order that any punishment imposed by a tribunal other than himself or which was appointed by the Prime Minister shall not be carried into effect unless confirmed by him.

48 Review by the Minister.

- (1) The Minister shall have power to review summarily proceedings heard by any tribunal under the provisions of this Act other than proceedings heard by himself or any tribunal appointed by the Prime Minister.

Upon review the Minister, if he thinks that such proceedings ought to be revised, shall have power —

- (a) to quash the finding;
 - (b) to alter the finding and find the accused guilty of another offence;
 - (c) with or without reduction to alter the nature of the punishment; or
 - (d) to remit the proceedings to the tribunal which heard them or to another tribunal for re-hearing.
- (3) The Minister shall not exercise his powers under this section where any appeal has been lodged.

49 Appeals.

- (1) Every police officer upon whom a tribunal has imposed any punishment and the proceeding of which may, under the provisions of this Act, be reviewed by the Minister, shall have the right to appeal to the Minister for such review.
- (2) A police officer upon whom a tribunal has imposed any punishment and the proceedings of which may, under the provisions of this Act, be reviewed by the Minister but the review has been refused or unreasonably delayed, may appeal to the Prime Minister against conviction or punishment or both.
- (3) Notwithstanding anything which may appear to the contrary in this Act, any police officer upon whom a tribunal has imposed any punishment which includes —
 - (a) dismissal: or
 - (b) reduction in rank,may appeal to the Prime Minister against conviction or punishment or both.
- (4) Any police officer on whom a punishment is imposed and who is entitled to appeal to the Prime Minister may, within 21 days of conviction, lodge an appeal with the Prime Minister and shall set out the grounds for appeal thereon, but the Prime Minister may extend the time for lodging the appeal.

50 Power of Prime Minister on appeals.

- (1) Upon consideration of appeal the Prime Minister may —
 - (a) if he considers that there are insufficient grounds for interfering, dismiss the appeal;

- (b) on an appeal against conviction, direct —
 - (i) that the finding and sentence be quashed and that the appellant be acquitted or re-tried by a tribunal specified by the Prime Minister;
 - (ii) that the finding be altered, maintaining the sentence, or that, with or without altering the finding, the sentence be increased or reduced; or
 - (iii) that, with or without increase or reduction and with or without alteration in the finding, the nature of the sentence be altered;
 - (c) on an appeal against punishment, direct that the punishment —
 - (i) remain unaltered;
 - (ii) be increased, reduced or varied.
- (2) All appeals shall be heard summarily unless the Prime Minister sees fit to direct that the appellant should be heard either in person or by advocate or by friend who shall be an officer in the public service, as the appellant may desire, and no punishment shall be increased or varied to the prejudice of the appellant unless he has had the opportunity to be heard as aforesaid.

51 Powers of officer making enquiry.

- (1) Every tribunal shall have the power to summon and examine witnesses on oath or affirmation and to require the production of all documents relevant to an appeal or trial and to adjourn any hearing from time to time.
- (2) Any person summoned as a witness under subsection (1) who fails to attend at the time and place mentioned in the summons, or on adjournment, or refuses to answer any question that is lawfully put to him, shall be guilty of an offence and shall be liable on conviction before a magistrate to a fine not exceeding \$10 or to imprisonment for one month:

Provided that no such witness shall be obliged to answer any question which may tend to incriminate him or render him liable to any forfeiture or penalty.

52 Procedure in grave offences.

- (1) In any case where it appears to the officer inquiring into an alleged offence against discipline that the offence would not, by reason of its gravity or by reason of previous offences or for any other reason, be adequately punished by any of the punishments which he is empowered to impose by section 45 of this Act, such officer shall complete the taking of

all evidence and without recording his finding, transmit the proceedings to the Minister of Police.

- (2) The Minister shall —
- (a) pronounce sentence;
 - (b) direct the officer who inquired into the case to pronounce sentence; or
 - (c) order a retrial by another tribunal:

Provided that if the Minister considers that he should exercise his powers of review under section 48 of this Act, he may do so and further that before imposing punishment he may give the accused an opportunity of making representations to him either orally or in writing.

53 Dismissal and reduction in rank of police officers convicted in court.

The Minister of Police may with the approval of Cabinet dismiss from the Force or reduce in rank any police officer who has been convicted by any court in respect of any offence punishable by imprisonment, whether against the provisions of this Act or any other law in force, unless such officer has successfully appealed from such conviction.

54 Fines to be recovered by stoppage of pay.

- (1) All fines imposed on a police officer by a tribunal under the provisions of this Act shall be recovered by stoppage of such officer's pay.
- (2) Such stoppage shall be in full or by instalment at the discretion of the officer imposing the fine but shall in no case exceed one quarter of the offender's monthly pay.
- (3) Where more than one stoppage is in force, the total amount stopped shall not exceed one quarter of the offender's pay and enforcement of a later fine shall be delayed until earlier amounts are discharged.

55 Loss or damage to Government property.

If any police officer pawns, sells, loses by neglect, makes away with or wilfully or by neglect damages any arms, ammunition equipment, clothing or other articles supplied to him at public expense or any government property committed to his charge, he may, in addition to or in lieu of any other punishment, be ordered to make good the amount of such loss or damage and such amount may be recoverable by stoppage from the officer's pay.

56 Pay not to accrue during absence without leave etc.

No pay shall accrue to any police officer in respect of any period exceeding 24 hours during which he is absent from duty without leave or is undergoing any sentence of imprisonment:

Provided that the Minister of Police may in his discretion authorise the payment of such proportion of pay, not being more than half, as he may think fit in the circumstances of the case.

57 Confinement of offenders.

Every police officer arrested for any offence under the provisions of this Act may be confined to his quarters or in any building set apart as a guard room or police officer's cell.

PART VI - POLICE REWARD FUND

58 Establishment of Police Reward Fund.

- (1) All fines imposed under the provisions of this Act for any offence against discipline shall be paid into the Treasury to be placed to the credit of a fund to be called the "Police Reward Fund."
- (2) No payment may be made from the Police Reward Fund except upon the authority of the Minister.
- (3) The Minister may, in his discretion sanction payments from the Police Reward Fund for any of the following purposes:
 - (a) assistance to the wives and families of deceased police officers or to any officer discharged from the Force as medically unfit and where the Minister is satisfied that the recipient is genuinely in distress;
 - (b) contributions towards prizes to be given at athletic meetings or similar events organised by or for the benefit of the Force;
 - (c) payments to officers, other than senior officers, as rewards for meritorious acts of service in the execution of duty;
 - (d) expenditure for the benefit and advancement of recreation, sport and other branches of activity organised within the Force;
 - (e) any other purpose which the Minister considers to be for the general welfare of police officers.

PART VII - GENERAL OFFENCES

59 Unlawful possession of articles supplied to police.

Any person not being a police officer or special constable who is found in possession of any article whatsoever which has been supplied to any police officer or special constable for the execution of his duty and who fails to account satisfactorily for the possession thereof, or who, without due authority purchases or receives any such article from any police officer or special constable or who aids or abets any police officer or special constable to sell or dispose of any such article shall be guilty of an offence and liable to a fine not exceeding \$40 or imprisonment for a period not exceeding 3 months or to both such fine and imprisonment.

60 Duty to assist police.

It shall be lawful for any police officer to call upon any person to assist him if, whilst acting in the execution of his duty, he is assaulted or resisted or in danger of being assaulted or resisted, and any person so called upon to assist a police officer who without reasonable excuse refuses or neglects to render assistance to the best of his ability, shall be guilty of an offence and liable to a fine not exceeding \$10 or imprisonment for a period not exceeding one month or to both such fine and imprisonment.

61 Police officers not to join certain associations.

- (1) It shall be unlawful for a police officer to become or to be a member of a trade union as defined in the Trade Unions Act or of any association having for its objects, or one of its objects to control or influence the pay or conditions of service of the Force.
- (2) Any police officer contravening any of the provisions of subsection (1) shall be guilty of an offence and liable to a fine not exceeding \$100.
- (3) For the purpose of enabling police officers to bring to the notice of Government any matter affecting their welfare and efficiency, other than questions of discipline or promotion, the Prime Minister may, if he thinks fit, by order establish and provide for the regulation of one or more police associations and nothing in the provisions of subsections (1) or (2) shall be deemed to prohibit a police officer from joining or being a member of an association so established.

62 Penalty: persons causing disaffection etc.

Any person who causes or attempts to cause or does any act calculated to cause disaffection amongst police officers or special constables or induces or attempts to induce or does any act calculated to induce any police officer or special constable to withhold his services or to commit any breach of discipline shall be guilty of an offence and liable to imprisonment for a period not exceeding 2 years.

63 Penalty for disorderly conduct in a police station etc.

Any person who, in any police station, police office or cell, or in any part of a police compound to which the public have access, is guilty of riotous, indecent, disorderly, or insulting behaviour shall be guilty of an offence and liable to a fine not exceeding \$20 or to imprisonment for a period not exceeding 3 months.

64 Pay or allowances of police officers not liable to attachment.

No pay or other allowance of a police officer shall be liable to be attached, sequestered or levied upon, for or in respect of any debt or goods supplied to him or to any person on his behalf, except under existing Government Advances policy.

PART VIII - SPECIAL CONSTABULARY

65 Establishment.

- (1) Whenever it shall appear necessary to His Majesty in Council it shall be lawful, by publication in the Gazette, to authorise the Minister of Police to appoint such number of persons as special police officers and in such ranks as His Majesty in Council may deem expedient.
- (2) Such persons appointed under subsection (1) shall be known as special police officers.

66 Appointment.

- (1) Subject to the provisions of this Act and to directions issued by the Prime Minister the Minister may —
 - (a) appoint such persons as he sees fit to be special police officers;
 - (b) make such appointments, promotions and reductions in rank in respect of all special police officers as he may see fit; and

- (c) make orders for the general government of special police officers in relation to their appointment, training, arms, clothing, equipment and other appointment, classification and particular services as well as their distribution and inspection and such other orders as he may deem expedient for preventing neglect and for promoting efficiency and discipline on the part of special police officers in the discharge of their duties.
- (2) On appointment every special police officer shall make before a magistrate a declaration or oath or affirmation in the form prescribed.

67 Employment of special police officers.

Special police officers may be employed with the Force on whatever duties the Minister may deem fit and may be paid from public funds at such rate as may be provided for in the Estimates of Revenue or Expenditure of the Kingdom or by notice in the Gazette.

68 Powers privileges and protection of special police officers.

- (1) Every special police officer while on duty shall have the same powers, privileges, including the carrying of arms, and protection and shall be liable to perform the same duties as a police officer.
- (2) Every special police officer shall be subordinate to the same authorities as a police officer and to special police officers of superior rank to himself.

69 Offences against discipline.

Any special police officer who commits any offence against discipline as may be prescribed under the provisions of this Act shall be liable to suffer punishment in accordance with the next succeeding section:

Provided that —

- (a) nothing in this connection shall be construed to exempt any special police officer from being proceeded against for any offence by any other process of law;
- (b) save as is expressly provided under the provisions of this Act, no special police officer shall be punished twice for the same offence.

70 Trial for offences against discipline.

For the purpose of the trial of offences against discipline by special police officers the Minister or any police officer duly authorised by him shall have power to impose any of the following punishments —

- (a) severe reprimand;
- (b) reprimand;
- (c) reduction in rank;
- (d) dismissal;

Provided that any punishment or reduction in rank or dismissal imposed on any special police officer shall not take effect until confirmed by the Prime Minister who may confirm, vary or quash the punishment so imposed.

71 Minister to provide necessary equipment.

It shall be lawful for the Minister to provide at public expense for the use of special police officers such arms, ammunition, equipment, clothing and appointments as are necessary for the proper carrying out of the duties of their office.

72 Termination of appointment

- (1) The Minister may terminate the appointment of any special police officer whose services are no longer required, by giving him one month's notice, and shall forthwith transmit notice thereof in writing in the form prescribed to the special police officer concerned.
- (2) Every special police officer who, within one week after receipt of a notice terminating his appointment under the provisions of the last preceding subsection, fails to deliver up to such person at such time and place as may be stated in such notice as aforesaid, his notice of appointment and all arms, ammunition, equipment, clothing and appointments whatsoever which have been supplied to him under the provisions of this Act shall be guilty of an offence and liable to a fine not exceeding \$40 or to imprisonment for a period not exceeding 3 months or to both such fine and imprisonment:

Provided that, at the discretion of the Minister, any such special police officer may, instead of delivering up any of such articles, make payment therefore in such amount as may be determined by the Minister.

- (3) A special police officer may resign his appointment at any time on giving one month's notice in writing:

Provided that in time of war, emergency or civil commotion or during any other period when the Minister considers it necessary to use the whole or any part of the Special Constabulary for the preservation of the public peace, a special police officer may not resign without the permission of the Minister in writing.

PART IX - MISCELLANEOUS

73 Regulations.

The Prime Minister may with the approval of Cabinet make regulations prescribing all matters which are required or permitted to be prescribed, or which by this Act are necessary or convenient to be prescribed, for carrying out or giving effect to this Act, and, without limiting the generality of the foregoing, prescribing matters providing for and in relation to —

- (a) the numerical establishment of the Force and the pay, allowances, conditions of service, duties and conduct of police officers and special police officers;
- (b) the description and issue of arms, ammunition, equipment, clothing and other equipment to be supplied to police officers and special police officers;
- (c) offences against discipline punishable under the provisions of this Act;
- (d) rules of procedure for the trial of offences against discipline, the review of proceedings by tribunals, and for appeals;
- (e) the control, administration and application of the Police Reward Fund; and
- (f) the effective administration of this Act and for the good order and government of the Force and the Special Constabulary.

74 Repeal and savings.

- (1) The Police Act (hereinafter referred to as the repealed Act) is hereby repealed.
- (2) Notwithstanding anything contained in the last preceding subsection, every rule,¹ regulation, proclamation, order, direction, notice or other instrument or document, or any appointment or enlistment, made, issued or given under the authority of the repealed Act, except in so far as the same may be inconsistent with the provisions of this Act, shall be deemed to have been made, issued or given under the provisions of this Act and shall remain in full force and effect until such time as they shall have expired or have been revoked, replaced or cancelled under the provisions of this Act.

¹ The Police Rules, 1958 have been omitted from this edition. See the Index to the Laws at the commencement of Volume 1 for a full reference to those rules.