



MONTSERRAT

CHAPTER 10.01

POLICE ACT Subsidiary and Related Legislation

Revised Edition
showing the law as at 1 January 2002

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Revised Edition of the Laws Act.

This edition contains a consolidation of the following laws—

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CHAPTER 10.01

POLICE ACT

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CHAPTER 10.01

POLICE ACT

*(Act 12 of 1951, 5 of 1953, 13 of 1955, S.R.O. 15/1956,
Acts 25 of 1958, 3 of 1960, 2 of 1961, 7 of 1966, 1 of 1967,
9 of 1968, 24 of 1975, 26 of 1982, 12 of 1983, 4 of 1985,
2 of 1996, 6 of 2000 and 9 of 2000)*

Commencement

[1 January 1952]

Short title

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

Interpretation

2. In this Act—

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

“**Force**” means the Royal Montserrat Police Force;

“**Gazetted police officer**” means the Commissioner of Police, the Deputy Commissioner of Police, Superintendents of Police and Inspectors of Police;

“**Medical Board**” means a board of medical officers appointed by the Governor;

“**Public Service Commission**” means the Public Service Commission appointed under the Public Service Commission Act;

“**subordinate police officer**” means Sergeant or any Corporal;

“**the revised terms of service**” means the new terms of service for police officers consequent upon the dissolution of the Antigua, Montserrat and British Virgin Islands Police Force.

(Substituted by Act 1 of 1967 and amended by Act 2 of 1996)

PART I

CONSTITUTION, APPOINTMENTS AND ENLISTMENTS

Establishment and objects of Force

3. (1) The Force shall be maintained under the provisions of this Act with headquarters in Montserrat.

(2) The Force 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.

(Amended by Act 1 of 1967)

Employment of Force to repel external aggression and liability to actual service

4. (1) The Force shall also be employed for the defence of Montserrat against external aggression.

(2) Whenever the Defence Forces of Montserrat have been called out for actual service by any proclamation of the Governor, made in that behalf under the powers contained in any Defence Force Act or the Constitution, the Force shall be held to be similarly called out for actual service by the said proclamation.

(3) Whenever the Force shall be called out for actual service pursuant to subsection (2), the provisions of this Act dealing with withdrawal from the Force shall *ipso facto* be suspended during the continuance of such actual service.

(4) The period of such actual service shall terminate in like manner as the period of actual service of such Defence Forces.

(5) The Governor in Council may, during the continuance of actual service conditions, make any regulations in that behalf, or may suspend for the like period the provisions of any section of this Act.

Accoutrements and uniform of the Force

5. The members of the Force shall wear such uniform as the Governor directs and such uniform together with arms and accoutrements shall be supplied to each member of the Force at the public expense.

Composition of the Force

6. (1) The force shall consist of the Commissioner of Police, the Deputy Commissioner of Police, two Superintendents of Police, and such number of Inspectors and subordinate Police Officers as the Legislative Council may from time to time approve.

(2) Notwithstanding subsection (1) the Commissioner of Police may with the approval of the Governor engage officers to the rank of subordinate police officers on contract for a period of five years on such terms and conditions as may be approved by the Governor.

(3) At the end of the five years of satisfactory service an officer engaged under subsection (2) shall exercise the option—

(a) to leave the force; or

(b) to join the permanent and pensionable service as a police officer from the date he completed five years of his engagement.

(3) All officers who have completed five years of satisfactory service shall be eligible to draw their commuted gratuity at such rate as may be specified in their terms of engagement.

(4) An officer who exercises the option to join the permanent and pensionable post but draws his commuted gratuity shall be appointed to the permanent and pensionable post from the day following the day he completed five years of contract service and shall not be eligible to reckon the period of his service on contract for the purpose of his pension and an officer who does not draw his commuted gratuity shall be deemed to have joined the permanent and pensionable service on the date he was engaged on contract.

(Substituted by Act 2 of 1996)

Antigua, Montserrat and British Virgin Islands Police Force personnel

7. (1) Every person who on the 27th day of February, 1967, is a member of the "B" division of the Antigua, Montserrat and British Virgin Islands Police Force shall be deemed to have been duly appointed as a member of the Force and to have been duly sworn as such.

(2) Without prejudice to the operation of subsection (1) and subject to the provisions of subsection (3) of this section the following provisions shall have effect—

(a) any person who having been born in Montserrat is immediately before the 27th day of February, 1967, a member of the Antigua, Montserrat and British Virgin Islands Police Force serving in either Antigua or in the British Virgin Islands may at his option be transferred to the Force;

(b) any person who not having been born in any of the areas or divisions policed by the Antigua, Montserrat and British Virgin Islands Police Force was immediately before the 27th day of February, 1967, a member of the Antigua, Montserrat and British Virgin Islands Police Force serving in either Antigua or in the British Virgin Islands may at his option be transferred to the Force.

(3) The options referred to in subsection (2) of this section shall be exercisable not later than the day immediately preceding the expiration of three months after the 27th day of February, 1967, or if the revised terms of service for the Force have not been announced within that time then within one month after the date on which the last announcement of such terms of service is made.

(4) The date of the exercise of the options referred to in subsection (2) of this section shall be deemed to be the date of the receipt of a police officer's written notification addressed to the Commissioner of Police.

(Inserted by Act 1 of 1967)

Transfers to the Royal Antigua and the Royal British Virgin Islands Police Force

8. (1) Without prejudice to the operation of section 7 and subject to the provisions of subsection (2) of this section the following provisions shall have effect—

- (a) any member of the Force who having been born in Antigua was immediately before the 27th day of February, 1967, a member of the Antigua, Montserrat and British Virgin Islands Police Force serving in Montserrat may, if it is so provided by any law in force in Antigua, at his option be transferred to the Royal Antigua Police Force;
- (b) any member of the Force who having been born in the British Virgin Islands was immediately before the 27th day of February, 1967, a member of the Antigua, Montserrat and British Virgin Islands Police Force serving in Montserrat may, if it is so provided by any law in force in the British Virgin Islands, at his option be transferred to the Royal British Virgin Islands Police Force;
- (c) any member of the Force who not having been born in any of the areas or divisions policed by the Antigua, Montserrat and British Virgin Islands Police Force was immediately before the 27th day of February, 1967, a member of the Antigua, Montserrat and British Virgin Islands Police Force may, if it is so provided by any law in force in Antigua or in the British Virgin Islands as the case may be, at his option be transferred to either the Royal Antigua Police Force or to the Royal British Virgin Islands Police Force.

(2) The options referred to in subsection (1) of this section shall be exercisable not later than the day immediately preceding the expiration of three months after the 27th day of February, 1967, or if the revised terms of service for the Force have not been announced within that time then within one month after the date on which the last announcement of such terms of service is made.

(3) The date of the exercise of the options referred to in subsection (1) of this section shall be deemed to be the date of the receipt of a police officer's written notification addressed to the Commissioner of Police.

(Inserted by Act 1 of 1967)

Continuity of service

9. Any person who—

- (a) is a member of the Force by virtue of subsection (1) of section 7;
- (b) has been transferred to the Force under subsection (2) of section 7;
- (c) not being a person to whom subsection (1) or subsection (2) of section 7 is applicable has been transferred to the Force from the Royal British Virgin Islands Police Force, shall be deemed to be employed under the provisions of this Act without any break in his service as a police officer for the residue of what would have been his term of appointment in the Antigua, Montserrat and British Virgin Islands Police Force, or, as the case may be, what was his term of appointment in the Royal Antigua Police Force or in the Royal British Virgin Islands Police Force, unless before the expiration of the said term such employment shall be lawfully terminated.

(Inserted by Act 1 of 1967)

Guarantee of rank, pay and conditions of service

9A. All members of the Antigua, Montserrat and British Virgin Islands Police Force who are transferred to the Force under subsection (2) of section 7 shall hold in the Force the same ranks respectively as they held immediately before the date of transfer in the Force from which they are transferred and shall enjoy pay and conditions of service not less favourable than those enjoyed by them as members of the Antigua, Montserrat and British Virgin Islands Police Force.

(Inserted by Act 1 of 1967)

Command

10. (1) There shall be a Commissioner of Police who shall have the command and superintendence of the force and shall be responsible to the Governor for the efficient administration and government of the force and for the proper expenditure of all public monies appropriated for the service thereof.

(2) The Deputy Commissioner of Police shall act for the Commissioner of Police in the performance of his duties in respect of the force during any period when the office of Commissioner of Police is

vacant or the Commissioner of Police is absent from Montserrat or is for any other reason unable to perform the functions of his office.

(Substituted by Act 2 of 1996)

Appointments

11. (1) The Superintendent shall be appointed by the Governor acting in his discretion.

(2) Every appointment to the Force of the rank of Assistant Superintendent or Inspector shall be made by the Governor after consultation with the Public Service Commission, and every appointment below the rank of Inspector shall be made by the Commissioner of Police.

(Amended by Act 1 of 1967)

Period of probation on appointment of police officer above the rank of subordinate police officer

12. Every police officer above the rank of a subordinate police officer shall be on probation during the first two years after his appointment or for such longer period, not exceeding six months, as the Governor may in his discretion approve; and if during such period, or any extension thereof, he is found not to be fitted physically or mentally, to perform the duties of his office, or to be not likely to become an efficient or well conducted police officer, his services may be dispensed with, in the case of the Superintendent, by the Governor; in the case of an Assistant Superintendent or an Inspector by the Governor after Consultation with the Public Service Commission and, in the case of an Inspector, by the Governor. At the end of the period of probation, or any extension thereof, if the services of such police officer have not been dispensed with, he shall be confirmed in his appointment.

(Amended by Acts 1 of 1967 and 2 of 1996)

Qualifications for appointment to Force

13. No person shall be appointed to the Force as a subordinate police officer or constable, unless—

- (a) he has attained the age of nineteen years but has not reached the age of 35 years:

Provided that in any special case the Superintendent may with the approval of the Governor appoint a person who has already attained the age of 35 years;

- (b) he is of the required height and chest measurement according to the standard from time to time fixed by the Superintendent;
- (c) he passes a medical examination as to his bodily fitness, to be held by such medical officer as may be appointed for the purpose by the Governor;
- (d) he produces satisfactory proof of good character;

- (e) he satisfies the Superintendent he has attained a reasonable standard of education.

Terms of appointment

14. Every subordinate police officer and constable shall be on probation during the first three years of his service in the Force:

Provided that the Superintendent may in his discretion—

- (a) reduce the period of probation to a period of not less than one year if such police officer has served for a period of not less than two years in the Force on a previous occasion; or
- (b) dispense with the period of probation if, with the written consent of the Chief Officer of Police of another police force in the British West Indies, such person has been transferred from that police force after having completed the required period of probation in such police force; or
- (c) extend the period of probation for a further period not exceeding six months.

Dismissal during probation

15. During the period of probation or any extension thereof the services of any subordinate police officer or constable may be dispensed with at any time if the Superintendent considers that he is not fitted, physically or mentally, to perform the duties of his office or that he is not likely to become an efficient and well-conducted police officer; at the end of the period of probation or any extension thereof if his services have not been dispensed with he shall be confirmed in his appointment.

Withdrawal from the Force

16. (1) No subordinate police officer or constable shall during the period of his probation or any extension thereof be at liberty to withdraw himself from the Force unless he obtains the permission of the Superintendent to do so.

(2) No police officer whose appointment to the Force has been confirmed, shall be at liberty to withdraw himself from the Force until the expiration of at least one calendar month from the time when he gives notice in writing of his intention to do so, in the case of a *Gazetted* Police Officer or Inspector to the Governor and, in the case of a police officer below the rank of Inspector to the Superintendent.

(Amended by Act 1 of 1967)

Oath

17. (1) Every person, on first appointment or on being engaged on contract or appointed to any rank for any period or for any specific purpose to the Force, shall take the following oath before entering on his duties—

“I, A.B., do swear that I will well and truly serve Our Sovereign Lady the Queen as a member of the Royal Montserrat Police Force. Without favour or affection, malice or ill-will; and that I will cause Her Majesty’s peace to be preserved, and will prevent to the utmost of my power, offences against the same; and that, during any time that I do or may hereafter hold any appointment in the Police Force I will to the best of my knowledge and skill discharge all the duties thereof faithfully according to law. So help me God!”.

(2) Such oath shall be administered by a Justice of the Peace or by a Magistrate.

(Amended by Acts 1 of 1967 and 2 of 1996)

Status of member of the Force

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

Every police officer to be a constable

19. Every police officer 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 at Common Law or by virtue of any law which now is or may hereafter be in force in Montserrat.

General power of police officers

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

Gazetted Police Officer and Inspector to be Justice of the Peace

21. Every *Gazetted* Police Officer and Inspector stationed in Montserrat shall be *ex officio* a Justice of the Peace for Montserrat and as such 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, but he shall not in any way act judicially except as expressly provided by this Act.

PART II

POWERS AND DUTIES

Power to arrest without a warrant

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

- (a) any person whom he suspects upon reasonable ground of having committed a felony;
- (b) any person who is charged by any other person with committing an aggravated assault in any case in which such police officer has 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 that may reasonably be suspected to be stolen property is found 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.

(2) Without prejudice to the generality of the powers conferred upon a police officer by subsection (1), 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 such police officer offends in any manner against any law and whose name and residence are unknown to such police officer and cannot be ascertained by him.

(3) Any warrant lawfully issued by a Magistrate 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.

General duties of the Force

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

- (a) to preserve the peace and prevent and detect crimes and other infractions of the law;
- (b) to apprehend and bring before a Magistrate 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 apprehend smugglers or others found in the commission of offences against the revenue laws, and to seize all goods liable to seizure for any breach of the revenue laws, and otherwise to aid in the detection of such offences and to give such assistance as may be necessary to the officers of the revenue in all departments;
- (d) to stop, search, and detain any vessel, boat, motor vehicle, cart or carriage in or on which there shall be reason to suspect that anything stolen or unlawfully obtained or any smuggled goods may be found, and also any person who may be reasonably suspected of having or conveying in any manner anything stolen or unlawfully obtained or any smuggled goods;
- (e) to summon before a Magistrate and to prosecute persons found committing any offence, or whom they may reasonably suspect of having committed any offence or who may be charged with having committed any offence;
- (f) to serve and execute at any time (including Sundays) all process which they may be directed by any court of criminal jurisdiction or by any Magistrate or Coroner, or by any Justice of the Peace in any criminal matter, to serve or execute;
- (g) to keep order in and within the precincts and in the vicinity of all courts of competent jurisdiction during all sittings of such court;
- (h) to repress internal disturbance;

- (i) to defend Montserrat against external aggression when called out for such purpose under the authority of section 4; and
- (j) generally, to do and perform all the duties appertaining to the office of a constable.

Police station to be lock-up

24. 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.

Persons in custody without warrant

25. (1) When any person is in the custody of any police officer without the warrant of a Magistrate it shall be lawful for such police officer, subject to the provisions of section 26 to take bail by recognizance for the appearance of such person before the Magistrate at a time and place to be specified.

(2) If such person for whose appearance bail has been taken in accordance with the provisions of subsection (1) does not appear at the time and place specified in the recognizance, and the Magistrate does not think fit to enlarge the recognizance, or, having enlarged the recognizance such person fails to appear at the time then appointed, it shall be lawful for the Magistrate to cause a record of the recognizance to be drawn up and to deal with such recognizance in accordance with the provisions of the Magistrate's Court Act.

Persons apprehended after eight in the evening

26. (1) When any person is apprehended without warrant after the hour of eight o'clock in the evening and before the hour of five o'clock in the morning, such person shall be taken to a police station, and it shall be lawful for the police officer in charge to take bail by recognizance, with security, for the appearance of such person before the Magistrate on a day to be mentioned in such recognizance to be dealt with according to law.

(2) Any person apprehended in the manner mentioned in subsection (1) who refuses or is unable to give security for his appearance as required by the said subsection (1) shall, as soon as may be practicable after his apprehension, be brought before a Magistrate to be dealt with according to law.

No bail to be granted in cases of capital felony

27. Nothing contained in section 25 or 26 shall authorize any police officer to take bail for any person charged with an offence punishable by life imprisonment. *(Amended by Act 12 of 1983 and 9 of 2000)*

When bail refused

28. It shall be the duty of every police officer where he declines or refuses to take bail by recognizance from any person in his custody as provided in sections 25 and 26 and such person so requires, as soon as may be practicable after being so required, to take or cause to be taken such person before some Magistrate conveniently near for the purpose of having such person dealt with by such Magistrate according to law.

Power to take measurements, photographs and finger prints

29. (1) It shall be lawful for any *Gazetted* Police Officer or for any police officer of or below the rank of Inspector who is authorized by the Superintendent, to take and record for the purposes of identification the measurements, photograph and finger print impressions of any person when he suspects that that person, from the nature or character of the offence with which he is charged (being a felony or misdemeanour) has been previously convicted or has been engaged in crime or that his measurements and photograph and finger print impressions (or any of them) are required in the interests of justice.

(2) If any person charged as aforesaid refuses to submit to the taking of his measurements or photograph or finger print impressions, he may be taken before a Magistrate and if the Magistrate is satisfied that the suspicion of the *Gazetted* or other police officer is reasonably grounded on any of the considerations specified in subsection (1), he may make such order with respect to the taking of the measurements, photograph and finger print impressions (or any of them) of such person as he shall think fit for the purpose of which the use of reasonable force may be permitted.

(3) Where any measurements, photograph and finger print impressions (or any of them) 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, photograph and finger print impressions shall be forthwith destroyed in the presence of a *Gazetted* Police Officer.

(Amended by Act 1 of 1967)

Right of police officer to prosecute

30. Where any police officer lays an information or complaint against any person before a Magistrate or any person alleged to have committed an offence is apprehended and brought before a Magistrate who is trying or enquiring into the matter of the information, complaint or charge any other police officer shall have the same privileges as to addressing the Magistrate and examining the witnesses adduced in the matter as the police officer in whose name the information, complaint or charge is laid or made would have had.

PART III

OFFENCES AND DISCIPLINE

Mutinous or seditious conduct

31. (1) Any police officer who—

- (a) begins, raises, abets, countenances, or excites mutiny; or
- (b) causes or joins in any sedition or disturbance whatsoever,

shall be guilty of an offence punishable on indictment, and liable to imprisonment not exceeding three years.

(2) Any police officer who—

- (a) being present at any assemblage tending to riot does not use his utmost endeavour to suppress the tendency; or
- (b) strikes his superior officer or offers any violence against him,

shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding \$240 or to imprisonment for a term not exceeding six months.

Penalty for causing disaffection, etc.

32. If any person (including any member of the Force)—

- (a) causes, or attempts to cause, or does any act calculated to cause disaffection amongst the members of the Force; or
- (b) induces, or attempts to induce, or does any act calculated to induce any member of the Force to withhold his services or to commit breaches of discipline; or
- (c) aids, or incites any other person (including any member of the Force) to assault or resist any member of the Force in the execution of his duty;

he shall be liable, on summary conviction, to a fine not exceeding \$150 or to imprisonment for a term not exceeding six months or, on conviction on indictment, to imprisonment for a term not exceeding two years.

Dismissal and reduction

33. (1) The Governor may order the dismissal from the Force or reduction in rank of any Inspector who is convicted of a criminal offence or any breach of any disciplinary regulations made under this Act.

(2) The Superintendent may order the dismissal from the Force or reduction in rank of any subordinate police officer or constable who is convicted of a criminal offence or any breach of any disciplinary regulations made under this Act.

(3) Dismissal or reduction in rank under subsection (1) or subsection (2) may be ordered in addition to any punishment which may be imposed on conviction as aforesaid whether, in the case of a dismissal, a recommendation to that effect has or has not been made and without calling on the offender to show cause why he should not be dismissed.

Hearing and determination of charge or complaint

34. (1) When a charge or complaint is made against any subordinate police officer or constable for breach of any disciplinary regulations made under this Act, any *Gazetted* Police Officer, or any Magistrate on the written request of the Superintendent, may hear and determine the charge or complaint and save in the cases otherwise provided for under subsection (2) may impose any one of the following sentences, coupled, in the case of the Superintendent (if he thinks fit) with dismissal from the Force and, in the case of a *Gazetted* Police Officer other than the Superintendent (if he thinks fit) or, in the case of a Magistrate (if he thinks fit) with a recommendation for dismissal from the Force, that is to say—

- (a) caution or reprimand;
- (b) suspension, deferment or stoppage of increment;
- (c) fine not exceeding \$25;
- (d) reduction in rank;
- (e) forfeiture of good conduct pay or badges, or of any benefit arising from service;
- (f) in the case of constables only confinement to barracks for any period not exceeding 28 days, and such confinement shall involve the performance of ordinary duty and parades as well as fatigue duties.

(2) Where any such charge or complaint is made against a subordinate police officer holding the rank of sergeant or above and such charge or complaint is heard and determined by a *Gazetted* Police Officer other than the Superintendent, the *Gazetted* Police Officer shall not impose any sentence but shall—

- (a) where such subordinate police officer pleads guilty to the charge or complaint, send the record of the proceedings to the Superintendent who may, after giving the officer an opportunity of being heard, impose any of the sentences provided in paragraphs (a), (b), (c), (d) and (e) of subsection (1), coupled (if he thinks fit) with dismissal from the Force;
- (b) where such subordinate police officer pleads not guilty and is found guilty of the charge or complaint, send the record of the proceedings to the Superintendent who shall deal with the same in the manner provided in subsection (3).

(3) Where a subordinate police officer of or above the rank of sergeant is found guilty of a charge or complaint which is heard by a *Gazetted* Police Officer other than the Superintendent and the record of the proceedings has been sent to the Superintendent as required by paragraph (ii) of subsection (2), the Superintendent may, after giving the officer an opportunity of being heard, exercise any or all of the following powers, that is to say—

- (a) return the proceedings for the taking of further evidence;
- (b) whether further evidence is taken or not, quash the proceedings and rehear the charge or complaint himself *de novo* or order the charge or complaint to be reheard *de novo* by a *Gazetted* Police Officer other than the *Gazetted* Police Officer who heard the same in the first instance;
- (c) reverse or vary the finding;
- (d) impose any sentence which he might have imposed under subsection (1) if he had heard the charge or complaint himself.

(4) Where any such charge or complaint is made against any Inspector such charge or complaint shall be heard and determined by the Superintendent, or by a Magistrate on the written request of the Superintendent and the Superintendent or the Magistrate may impose any of the sentences provided in paragraphs (a), (b), (c), (d) and (e) of subsection (1).

(5) The Magistrate or *Gazetted* Police Officer shall have the same powers in respect of securing and compelling the attendance of witnesses and their examination upon oath and otherwise as are conferred upon a Magistrate under the Magistrate's Court Act.

(6) Every person who, on the hearing of any such charge or complaint, gives false evidence on oath shall be deemed guilty of perjury.

Appeals

35. (1) Where—

- (a) an Inspector, subordinate police officer or constable is dissatisfied with a decision given—
 - (i) by the Superintendent or by a Magistrate under subsection (1) or subsection (4) of section 34; or
 - (ii) by the Superintendent in exercise of the powers conferred on him by subsection (2) or subsection (3) of section 34;

he may within seven days after such decision has been communicated to him appeal therefrom to the Governor;

(b) a subordinate police officer below the rank of sergeant, or any constable is dissatisfied with the decision of a *Gazetted* Police Officer other than the Superintendent, he may within seven days after the *Gazetted* Police Officer's decision has been communicated to him appeal to the Superintendent and if he is dissatisfied with the Superintendent's decision he may appeal therefrom to the Governor within seven days after the Superintendent's decision has been communicated to him.

(2) An appeal under subsection (1), shall be sent or delivered to the *Gazetted* Police Officer or the Magistrate against whose decision the appeal is made and he shall forward it to the Superintendent or to the Governor, as the case may be.

(3) Where any appeal is made the notes of evidence in the case, together with any statement which may be made by the offender in his defence, shall be forwarded to the Superintendent or to the Governor, as the case may be.

(4) The Governor after considering the appeal and the notes of evidence and statements and other documents submitted to him by virtue of subsection (3) shall after consultation with the Public Service Commission either—

- (a) allow the appeal; or
- (b) dismiss the appeal; or
- (c) vary the punishment by substituting some other punishment which the *Gazetted* Police Officer or the Magistrate might have awarded.

(5) Every appeal under this section shall be in writing and the decision of the Superintendent (if there is no further appeal) or the Governor shall be final.

(Amended by Act 10 of 1967)

Reduction of punishment where no appeal

36. The Superintendent may, without any appeal, reduce any punishment imposed by a *Gazetted* Police Officer on any subordinate police officer below the rank of sergeant or on any constable.

Arrest of offending member of Force

37. Any Inspector, subordinate police officer or constable who—

- (a) commits any offence punishable on summary conviction or on indictment may be arrested and dealt with according to law; or
- (b) commits a breach of any disciplinary regulations made under this Act, may, subject to the provisions of subsection (1) of

section 34 be placed under open or close arrest in accordance with such regulations on the order, as the case may be, of a *Gazetted* Police Officer, Inspector or a subordinate police officer not of inferior rank to the police officer who is to be arrested.

Payment during suspension, etc.

38. (1) An Inspector, subordinate police officer or constable against whom any complaint or information for an offence punishable on summary conviction or on indictment is laid, or against whom a charge is made for breach of any disciplinary regulation made under this Act, may, pending, and until the final determination of such complaint, information or charge—

- (a) be suspended from duty and placed on half-pay by the Superintendent; or
- (b) if admitted to bail and not so suspended, be employed on full-time duty, in which case he shall receive full pay, or if employed on part-time duty he shall receive a rate of pay (not being less than half-pay) as the Superintendent thinks fit.

(2) If an Inspector or a subordinate police officer or constable is acquitted on any complaint or information, or obtains a decision in his favour on any charge, he shall be entitled to receive all pay which has been withheld from him; if he is convicted on such complaint or information or does not obtain a decision in his favour on such charge and is subsequently dismissed, he shall not be entitled to receive any pay so withheld.

(3) In the application of subsection (1), an Inspector, subordinate police officer or constable shall not be deprived of any part of the house and lodging allowance or the use of any free quarters to which he may be entitled.

PART IV

PAY, ALLOWANCES AND OTHER FINANCIAL PROVISIONS

Pay and allowances

39. Every police officer shall receive such pay and allowances as may, with the sanction of a Secretary of State, from time to time, be provided by the Legislative Council.

Payment of extra expenses

40. It shall be lawful for the Governor to direct, and the Accountant General shall, on the warrant of the Governor make payment of any extraordinary expenses which appear to have been necessarily incurred in detecting and apprehending offenders and executing the powers and duties given or imposed under this Act, such expenses being first certified by the Superintendent.

(Amended by Act 10 of 1967)

Reward Fund

41. (1) All fines and penalties imposed upon any Inspector, subordinate police officer or constable or any other person under the authority of this Act or under the rules and regulations made under this Act, and all penalties and proportions of penalties and damages, awarded to any Inspector, subordinate police officer or constable on any summary conviction as the prosecutor of any information or otherwise shall be received by the Commissioner of Police and shall be paid or transmitted to an officer appointed by the Governor for that purpose who shall keep the same on deposit in a separate account to be called the "Police Reward Fund".

(2) The moneys of such Fund shall be appropriated for the payments of such rewards, or gratuitous bounties or pensions, or other purposes as the Governor may, from time to time, award and direct.

(3) Where in any Act in force in Montserrat it is enacted that any part or share of any seizure or forfeiture, or proceeds thereof, is or may be awarded to any person as prosecutor, informer, or otherwise, and any such part or share is awarded to any Inspector, subordinate police officer or constable, such Inspector, subordinate police officer or constable shall have for his own personal use and benefit the part or share so awarded to him.

(Amended by Act 1 of 1967)

Investment of Reward Fund

42. It shall be lawful for the Superintendent to direct the investment of any moneys belonging to the Police Reward Fund, or any portion thereof, in any loan or public security under any Act or in any bank and the principal and interest of every such investment may be applied in like manner and for like purposes as the Police Reward Fund is by this Act in that behalf made applicable.

PART V

PENSIONS AND GRATUITIES

Definition of pay

43. For the purpose of this Part, the word “**pay**” in relation to a subordinate police officer or constable includes his salary and all allowances including the estimated value of free quarters but shall not include transport and entertainment allowance:

Providing that the amount to be allowed for house and lodging allowance shall not exceed one-sixth of the pay of such inspector, subordinate police officer or constable.

(Substituted by Act 2 of 1996 and amended by Act 6 of 2000)

Pensions to be charged on revenues of Montserrat

44. There shall be charged on and paid out of the general revenues of Montserrat as hereinafter provided all such sums of money as may from time to time be granted by way of pension, gratuity, or other allowance in accordance with the provisions of this Part to persons who have been in the Force.

Grant of pensions

45. The Governor may, subject to the provisions of this Part, grant on his retirement to every Inspector, subordinate police officer and constable who has served in the Force for ten years or upwards, or who has served partly in the Force and partly in the Antigua, Montserrat and British Virgin Islands Police Force (hereinafter in this Part referred to as the joint Force) for a total period of ten years or upwards—

- (a) in respect of his service in the Force a pension at the rate of one six hundredth of his pay for each complete month of such service; and
- (b) in respect of his service in the joint Force a pension at the rate of fifteen-sixtieths of his pay with an addition of one-sixtieth in respect of each complete year of such service in excess of ten:

Provided that—

- (i) no pension granted by virtue of this section shall exceed two-thirds of the average pay of such Inspector, subordinate police officer or constable during the three years immediately preceding his retirement; and
- (ii) any Inspector, subordinate police officer or constable who has served both in the Force and in the joint Force may be granted a pension as if his whole service had

been in the joint Force, if before retirement he signifies his option in writing to that effect to the Commissioner of Police.

(Substituted by Act 9 of 1968)

Pay to be taken for computation of pensions, etc.

46. For the purposes of computing the amount of an Inspector's, subordinate police officer's or constable's pension or gratuity—

- (a) in the case of an Inspector, subordinate police officer or constable who has held the same rank for a period of three years immediately preceding the date of his retirement, the full annual pay enjoyed by him at that date in respect of that rank shall be taken;
- (b) in the case of an Inspector, subordinate police officer or constable who at any time during such period of three years has been transferred from one rank to another but whose pay has not been changed by reason of such transfer or transfers, the full annual pay enjoyed by him at the date of retirement in respect of the rank then held by him shall be taken;
- (c) in other cases one-third of the aggregate pay enjoyed by the Inspector, subordinate police officer or constable in respect of his service during the three years of his service immediately preceding the date of his retirement shall be taken:

Provided that—

- (i) if such one-third is less than the highest annual pay enjoyed by him at the date of any transfer within such period of three years then the highest annual pay shall be taken; and
- (ii) if such one-third is less than the annual pay which would have been enjoyed by him at the date of his retirement, if he had continued to hold any rank from which he has been transferred at any time during such period of three years and had received all increments which, in the opinion of the Governor, would have been granted to him, the annual pay which would have been so enjoyed shall be taken;
- (iii) for the purposes of calculating pay for the computation of pensions under this paragraph, an Inspector, subordinate police officer or constable shall be deemed to have been on duty on full pay throughout the said three years:

Provided further that if such one-third is less than the pay which would have been enjoyed by him at the date of his retirement, if he had continued to hold any rank from

which he has been transferred at any time during such period of three years, and had received all increments which, in the opinion of the Governor, would have been granted to him, the annual pay which would have been enjoyed shall be taken.

Increase in pension in cases of retirement on findings of a Medical Board after more than ten but less than twenty years' service

47. (1) Every Inspector, subordinate police officer or constable who has been in the service of the Force for more than ten but less than twenty years, and who retires from the Force on the findings of a Medical Board as provided in subsection (1) of section 48 may be granted a pension as if his service in the Force had been twenty years.

(2) Every Inspector, subordinate police officer or constable who has been partly in the Force and partly in the joint Force for a total period of more than ten but less than twenty years, and who retires from the Force on the findings of a Medical Board as provided in subsection (1) of section 48 may be granted in lieu of the pension provided for under subsection (1) of this section a pension—

- (a) in respect of his actual service in the joint Force; and
- (b) in respect of his service in the Force, as if such a service had been for such period as added to his service in the joint Force would produce a total of twenty years:

Provided that an Inspector, subordinate police officer or constable to whom this subsection applies may be granted a pension as if he had served in the joint Force for twenty years and had not served in the Force, if within three months after retirement or such longer period as the Commissioner of Police may permit he signifies his option in writing to that effect to the Commissioner of Police.

(Amended by Act 9 of 1968)

Circumstances in which pension may be granted

48. (1) Subject to the provisions of subsection (2) or (3) no pension shall be granted to any constable or subordinate police officer who has not attained the age of 50 years, unless the Governor is satisfied by the findings of a Medical Board that such subordinate police officer or constable is incapacitated by some infirmity of mind or body for further service in the Force and that such infirmity is likely to be permanent.

(2) Where the services of a subordinate police officer or a constable in the Force are terminated as provided in subsection (2) of section 67, and a pension, gratuity or other allowance cannot otherwise be granted to him under the provisions of this Part, the Governor may, if he thinks fit, grant such pension, gratuity or other allowance as he thinks just and proper, not exceeding in amount that for which such subordinate police officer or

constable would be eligible if he had retired from the Force on the findings of a Medical Board as provided in subsection (1).

(3) Any police officer to whom this section applies may retire voluntarily before the age of 50 years if such officer has completed twenty years pensionable service in the force.

(4) Subject to subsection (5) a police officer retiring voluntarily shall be eligible to draw his commuted gratuity at the time of his retirement but shall not be eligible to draw pension until he attains 50 years of age whereupon it shall be computed as if it were then being paid but in the case of a pension will attract any pension increase awarded after the officer's voluntary retirement.

(5) Commuted gratuity shall be paid at the time of retirement only to an officer who has given notice of retirement on or before the first day of November in the year preceding the year in which his retirement is to take effect. In respect of others it shall be paid within six months of retirement.

(6) A police officer to whom this section applies who takes voluntary retirement before the age of 50 years and who subsequently becomes mentally or bodily infirm before attaining the age of 50 years may be granted a pension or gratuity from the date of his becoming mentally or bodily infirm, notwithstanding his not having attained the age of 50 years.

(Substituted by Act 2 of 1996)

Gratuity where length of service does not qualify for pension

49. The Governor may grant on his retirement to every Inspector, subordinate police officer or constable who has not completed ten years service in the Force or, where his service has been partly in the Force and partly in the joint Force, who has not completed a total of ten years service in the Force and the joint Force, a gratuity not exceeding five times the annual amount of the pension which, if there had been no qualifying period, might have been granted to him under section 45.

(Substituted by Act 9 of 1968)

Retirement on account of injuries or disease contracted in discharge of duty

50. (1) This section shall apply to an Inspector, subordinate police officer or constable who while in the service of the Force or of the joint force either—

- (a) is permanently injured in the actual discharge of his duty by some injury specifically attributable to the nature of his duty which is not wholly or mainly due to, or seriously aggravated by, his own serious and culpable negligence or misconduct; or
- (b) contracts a disease to which he is specifically exposed by the nature of his duty, not being a disease wholly or mainly due

to, or seriously aggravated by, his own serious and culpable negligence or misconduct.

(2) In this section, unless the contrary intention appears, references to an Inspector, subordinate police officer or constable being injured and to the date on which an injury is sustained shall respectively be construed as including references to such Inspector, subordinate police officer or constable contracting such a disease as is mentioned in subsection (1) and to the date of which such disease is contracted.

(3) Where an Inspector, subordinate police officer or constable to whom this section applies is holding a pensionable office in which he is confirmed—

(a) he may, if his retirement is necessitated or materially accelerated by his injury and he has been in the service of the Force for less than ten years, or, where his service has been partly in the Force and partly in the joint Force, in the service of the Force and the joint Force for a total period of less than ten years, be granted, in lieu of any gratuity under section 49, a pension under section 45 as if the words “for ten years and upwards” and the words “for a total period of ten years or upwards” were omitted from the said section 45;

(b) he may be granted on retirement an additional pension at the annual rate of the proportion of his actual pay at the date of his injury appropriate to his case as shown in the following table—when his capacity to contribute to his support is—

- (i) slightly impaired, five-sixtieths of a month’s pay;
- (ii) impaired, ten-sixtieths of a month’s pay;
- (iii) materially impaired, fifteen-sixtieths of a month’s pay;
- (iv) totally destroyed, twenty-sixtieths of a month’s pay;

Provided that the amount of the additional pension may be reduced to such an extent as the Governor shall think reasonable where the injury is not the cause or the sole cause of retirement.

(4) If, for the purpose of assessing the amount of any additional pension or pension to be granted under paragraph (b) of subsection (3) any Inspector, subordinate police officer or constable to whom this section applies, the degree of permanent impairment of his capacity to contribute to his support is in doubt, he may be granted a provisional award to have effect until such time as the degree of permanent impairment can be determined.

(5) If an Inspector, subordinate police officer or constable proceeding by a route approved by the Governor to or from Montserrat, at the commencement or termination of his service in Montserrat, or of a period of leave therefrom is permanently injured as the result of damage to the vessel, aircraft or vehicle, and the Governor is satisfied that such damage or act is attributable to circumstances arising out of any war in

which Her Majesty may be engaged, such Inspector, subordinate police officer or constable shall be deemed for the purposes of this section to have been injured in the circumstances described in subsection (1).

(6) An Inspector, subordinate police officer or constable who is permanently injured while travelling by air in pursuance of official instructions, and whose injury is not wholly or mainly due to, or seriously aggravated by, his own serious and culpable negligence or misconduct, shall be deemed for the purposes of this section to have been injured in the circumstances described in subsection (1):

Provided that in such a case the rates of pension prescribed in subsection (3) shall be seven and a half sixtieths, fifteen sixtieths, twenty-two and a half sixtieths and thirty sixtieths respectively.

(7) Paragraph (b) of subsection (3) shall not apply in the case of an Inspector, subordinate police officer or constable selected for appointment in the service of the Force on or after the coming into force of this Act who, in consequence of his injury, is entitled to compensation under the Workmen's Compensation Act or any Act amending or replacing that Act.

(8) (a) Where the Governor is satisfied that damages have been or will be recovered by an Inspector, subordinate police officer or constable in respect of an injury for which an additional pension or pension may be granted under paragraph (b) of subsection (3), the Governor may take the damages into account against such additional pension or pension in such manner and to such extent as he may think fit and may withhold or reduce the additional pension or pension accordingly;

(b) For the purpose of this subsection an Inspector, subordinate police officer or constable shall be deemed to recover damages whether they are paid in pursuance of a judgment or order of the Court or by way of settlement or compromise of his claim and whether or not proceedings are instituted to enforce that claim.

(Amended by Act 9 of 1968)

Right to take reduced pension and gratuity

51. (1) Every Inspector, subordinate police officer or constable who becomes eligible for pension under the provisions of this Part, may at his option exercisable as in this section provided be paid on his retirement a reduced pension and gratuity in lieu of the pension provided for by this Part.

(2) The option referred to in subsection (1) shall be exercisable not later than the day immediately preceding the date of retirement of such Inspector, subordinate police officer or constable:

Provided that the Governor may, if it appears to him in all the circumstances equitable so to do, allow such Inspector, subordinate police

officer or constable to exercise the option at any time between the date of retirement and the date of award of pension under this Part.

(3) If an Inspector, subordinate police officer or constable has exercised the option his decision shall be irrevocable after the date of his retirement.

(4) If an Inspector, subordinate police officer or constable who has not exercised the option dies after the date of retirement but before a pension has been awarded under this Part, it shall be lawful for the Governor to grant a gratuity and a reduced pension as provided in subsection (1) as if the Inspector, subordinate police officer or constable had exercised the option before his death.

(5) The date of the exercise of the option by an Inspector, subordinate police officer or constable shall be deemed to be the date of the receipt of his written notification addressed to the Superintendent.

(6) The election exercised by any Inspector, subordinate police officer or constable to take on retirement a gratuity and reduced pension under the Police Pension Act 1929 in lieu of the pension provided for by that Act is hereby revoked, and such Inspector, subordinate police officer or constable may in lieu of such election, exercise the option referred to in subsection (1) and the provisions of this section shall apply to him accordingly.

(7) In the case of an officer who is granted a pension by virtue of the provisions of section 48(3), any reference in this section to the date of retirement of an officer shall be construed as a reference to the date on which such officer attains the age of 50 or 55 years (as the case may be).

(Inserted by Act 26 of 1982)

Definition of reduced pension and gratuity

52. Reduced pension shall be a pension equal to three-fourths of the amount of pension which would be payable under this Part including any allowance granted under section 50 and a gratuity shall be the amount which one-fourth of the pension payable under this Part, including such allowance when multiplied by twelve-and-one-half shall represent.

Gratuity where Inspector, subordinate police officer or constable dies in the service of the Force or after retirement

53. (1) (a) Subject to the provisions of section 54 where an Inspector, subordinate police officer or constable who is not on probation or agreement dies while in the service of the Force, it shall be lawful for the Governor to grant to his legal personal representative a gratuity of an amount not exceeding either his annual pay, or his commuted pension gratuity, if any, whichever is the greater.

(b) For the purposes of this subsection—

- (i) “**annual pay**” means the pay which would be taken for the purpose of computing any pension or gratuity granted to an Inspector, subordinate police officer or constable if he had retired from the Force at the date of his death on the findings of a Medical Board as provided in subsection (1) of section 48;
- (ii) “**commuted pension gratuity**” means the gratuity, if any, which might have been granted to an Inspector, subordinate police officer or constable under section 48 if his service had been wholly in Montserrat and if he had retired from the Force at the date of his death on the findings of a Medical Board as provided in subsection (1) of section 48 and had elected to receive a reduced pension and gratuity.

(2) Where any such Inspector, subordinate police officer or constable to whom a gratuity or other allowance has been granted under this Part dies after retirement from the Force, and the sums paid or payable to him at his death on account of any pension, gratuity or other allowance in respect of his service in the Force are less than the amount of the annual pay enjoyed by him at the date of his retirement, it shall be lawful for the Governor to grant to his legal personal representative a gratuity equal to the deficiency.

Gratuity where death due to injuries received or disease contracted in the discharge of duty

54. Where an Inspector, subordinate police officer or constable dies—

- (a) in the actual discharge of his duty by some injury specifically attributable to the nature of his duty which is not wholly or mainly due to, or seriously aggravated by, his own serious and culpable negligence or misconduct; or
- (b) as a result of contracting a disease to which he is specifically exposed by the nature of his duty, not being a disease wholly or mainly due to, or seriously aggravated by, his own serious and culpable negligence or misconduct, while in the service of the Force (whether such injury was received or such disease contracted while in the service of the Force or of the joint Force) and such death occurs within seven years of the date of the injury or contracting the disease, it shall be lawful for the Governor in his discretion to grant to the legal personal representative of such Inspector, subordinate police officer or constable either a gratuity of an amount to be at the discretion of the Governor but not exceeding two years' pay of such Inspector, subordinate police officer or constable, or a gratuity under the provisions of section 53, whichever is the greater.

(Amended by Act 9 of 1968)

Pension to dependants where Inspector, subordinate police officer or constable dies as a result of injuries received or disease contracted in the discharge of his duties

55. (1) Where an Inspector, subordinate police officer or constable dies—

- (a) in the actual discharge of his duty by some injury specifically attributable to the nature of his duty which is not wholly or mainly due to, or seriously aggravated by, his own serious and culpable negligence or misconduct; or
- (b) as a result of contracting a disease to which he is specifically exposed by the nature of his duty, not being a disease wholly or mainly due to, or seriously aggravated by, his own serious and culpable negligence or misconduct,

while in the service of the Force (whether such injury was received or such disease contracted while in the service of the Force or of the joint Force) and such death occurs within seven years of the date of the injury or contracting the disease, it shall be lawful for the Governor to grant, in addition to the grant, if any, made to his legal personal representative under section 53 or section 54—

- (i) if such Inspector, subordinate police officer or constable leaves a widow, a pension to her while unmarried at a rate not exceeding ten-sixtieths of his pay at the date of the injury or \$96 a year, whichever is the greater;
- (ii) if such Inspector, subordinate police officer or constable leaves a widow to whom a pension is granted under the preceding paragraph and a child or children, a pension in respect of each child, until such child attains the age of nineteen years, of an amount not exceeding one-eighth of the pension prescribed under the preceding paragraph;
- (iii) if such Inspector, subordinate police officer or constable leaves a child or children but does not leave a widow or no pension is granted to the widow, a pension in respect of each child until such child attains the age of nineteen years, of double the amount prescribed by the preceding paragraph;
- (iv) if such Inspector, subordinate police officer or constable leaves a child or children and a widow to whom a pension is granted under paragraph (i) of this subsection and the widow subsequently dies, a pension in respect of each child as from the date of the death of the widow until such child attains the age of nineteen years, of double the amount prescribed in paragraph (ii);
- (v) if such Inspector, subordinate police officer or constable does not leave a widow, or if no pension is granted to his

widow and if his mother were wholly or mainly dependent on him for her support, a pension to the mother while without adequate means of support, of an amount not exceeding the pension which might have been granted to his widow;

- (vi) if such Inspector, subordinate police officer or constable does not leave a widow or mother, or if no pension is granted to his widow or mother, and if his father were wholly or mainly dependent on him for his support, a pension to the father while without adequate means of support, of an amount not exceeding the pension which might have been granted to his widow;
- (vii) if such Inspector, subordinate police officer or constable does not leave a child or children who may be eligible for a pension under the provisions of this section, and if any brother or sister were wholly or mainly dependent on him for support, a pension to any such brother or sister until he or she attains the age of nineteen years while without adequate means of support, of an amount not exceeding the pension which might have been granted under paragraphs (ii) and (iii) of this subsection:

Provided that—

- (a) if in the opinion of the Governor there are compassionate grounds for so doing, he may grant to any child of such Inspector, subordinate police officer or constable being a child who at the date of the death of such Inspector, subordinate police officer or constable was wholly or mainly dependent on him for support and who had attained the age of nineteen years, a pension for such period as the Governor may determine, of an amount not exceeding the pension which may be granted under paragraph (ii) of this subsection;
- (b) where an Inspector, subordinate police officer or constable leaves a child who was incapacitated at the time of such Inspector's, subordinate police officer's or constable's death (hereinafter in this section referred to as an "incapacitated child") the Governor may, notwithstanding any pension which may have been granted under paragraph (ii) or paragraph (iii) of this subsection, grant an additional pension in respect of such incapacitated child after he has attained the age of nineteen years and so long as his incapacity shall continue, of an amount not exceeding one-half of the pension which may be granted under paragraph (ii) or paragraph (iii) aforesaid;
- (c) where compensation in respect of the death is payable under the Workmen's Compensation Act, or any Act amending or replacing the same, the Governor may reduce the pension

which may be payable under this section to such extent as he may consider reasonable;

- (d) no pension shall be payable under this subsection at any time in respect of more than six children exclusive of incapacitated children;
- (e) in the case of a pension granted under paragraph (v) of this subsection, if the mother is a widow at the time of the grant of the pension and subsequently re-marries such pension shall cease as from the date of re-marriage; and if it appears to the Governor at any time that the mother is adequately provided with other means of support, such pension shall cease as from such date as the Governor may determine;
- (f) a pension granted to a female child under this section shall cease upon the marriage of such child under the age of nineteen years.

(2) If an Inspector, subordinate police officer or constable proceeding by a route approved by the Governor to or from Montserrat, or from one Island in the Colony to another, at the commencement or termination of his service in Montserrat, or of a period of leave therefrom, dies as the result of damage to the vessel, aircraft or vehicle in which he is travelling, or of any act of violence directed against such vessel, aircraft or vehicle, and the Governor is satisfied that such damage or act is attributable to circumstances arising out of war in which Her Majesty may be engaged, such Inspector, subordinate police officer or constable shall be deemed, for the purposes of this section, to have died in the circumstances described in paragraph (a) of subsection (1).

(3) If an Inspector, subordinate police officer or constable dies as a result of an injury received while travelling by air in pursuance of official instructions, which injury is not wholly or mainly due to, or seriously aggravated by, his own serious and culpable negligence or misconduct, he shall be deemed to have died in the circumstances described in paragraph (a) of subsection (1):

Provided that in such a case the rates of pension prescribed in paragraphs (i) and (ii) of subsection (1) shall be fifteen-sixtieths and one-sixth respectively.

- (4) (a) Where the Governor is satisfied that damages have been or will be recovered in respect of the death for which an additional pension or pension may be granted under subsection (1), the Governor may take those damages into account against such additional pension or pension in such manner and to such extent as he may think fit and may withhold or reduce the additional pension or pension accordingly.
- (b) For the purposes of this subsection an Inspector, subordinate police officer or constable shall be deemed to recover

damages whether they are paid in pursuance of a judgment or order of a Court or by way of settlement or compromise of his claim and whether or not proceedings are instituted to enforce that claim.

- (5) For the purposes of this section—
- (a) the word “**brother**” includes, in relation to a person, every male child of his father or his mother;
 - (b) the word “**child**” shall include—
 - (i) a posthumous child;
 - (ii) a step-child or illegitimate child born before the date of the injury or contracting the disease, as the case may be, and wholly or mainly dependent upon such Inspector, subordinate police officer or constable for support; and
 - (iii) an adopted child, adopted in a manner recognized by law, before the date of the injury or contracting the disease, as the case may be, and dependent as aforesaid;
 - (c) the expression “**incapacitated**” means in relation to a child, incapacitated by reason of some specific bodily or mental disability of earning his own living, and a child who is in any event too young to earn his own living shall be treated as incapacitated for the purposes of this section if it appears that, by reason of any specific bodily or mental disability, he will be incapable of earning his own living when he attains the age at which he would otherwise be capable of doing so;
 - (d) the word “**mother**” includes, in relation to a person, his stepmother and a female person by whom he has been adopted;
 - (e) the word “**sister**” includes, in relation to a person, every female child of his father or his mother.

(Amended by Act 9 of 1968)

Pension not of right

56. No Inspector, subordinate police officer or constable shall have an absolute right to compensation for past services, or to any pension, gratuity or other allowance under this Part, nor shall anything therein limit the right of the Crown to dismiss any such Inspector, subordinate police officer or constable without compensation.

Pension not to be assignable

57. No pension, gratuity or other allowance granted under this Part shall be assignable or transferable except for the purpose of satisfying—

- (a) a debt due to the Government of Montserrat; or

- (b) an order of any Court for the payment of periodical sums of money towards the maintenance of the wife or former wife or minor child of the officer to whom the pension gratuity or other allowance has been granted, and shall not be liable to be attached, sequestered or levied upon for or in respect of any debt or claim whatever except a debt due to the Government as aforesaid.

(Amended by Act 9 of 1968)

Pension to cease on conviction

58. If any Inspector, subordinate police officer or constable to whom a pension has been granted under this Part is convicted before any court in Her Majesty's dominions of any crime or offence for which he is sentenced to death or penal servitude or any term of imprisonment exceeding twelve months, and does not within two months after such conviction receive Her Majesty's free pardon, then in every such case such pension shall forthwith cease:

Provided always that in the case of an Inspector or a subordinate police officer or constable who after conviction as above described, receives Her Majesty's free pardon at any time, a Secretary of State may or, if the Inspector, subordinate police officer or constable is resident in Montserrat, the Governor may, if he thinks fit, restore the pension.

Pension to cease on bankruptcy

59. If any Inspector, subordinate police officer or constable to whom a pension has been granted under this Part becomes a bankrupt, then such pension shall forthwith cease:

Provided always that in any case where a pension ceases by reason of the bankruptcy of the pensioner a Secretary of State may or, if such pensioner is resident in Montserrat, the Governor, may from time to time during the remainder of such pensioner's life or during such shorter period or periods, either continuous or discontinuous, as a Secretary of State or the Governor shall think fit, pay all or any part of the moneys to which such pensioner would have been entitled by way of pension had he not become a bankrupt to, or apply the same for the maintenance and personal support or benefit of all or any, exclusive of the other or others, of the following persons, namely, such pensioner and any wife, child or children of his, in such proportions and manner as a Secretary of State or Governor thinks proper.

Suspension of pension on re-employment

60. If any Inspector or subordinate police officer or constable to whom a pension has been granted under this Part is appointed to any office in the Public Service or re-appointed to the Force, the payment of his pension may, if the Governor thinks fit, be suspended during the period of his re-employment.

Application to members of the Force

61. This Part shall apply to every Inspector, subordinate police officer and constable serving in the Force at the commencement of this Act or who shall thereafter be appointed or transferred to or promoted in the Force

(Amended by Act 9 of 1968)

PART VI**POLICE WELFARE ASSOCIATION****Constitution of Police Welfare Association**

62. (1) For the purpose of enabling Inspectors, subordinate police officers and constables of the Force to consider and bring to the notice of the Superintendent and the Governor matters affecting their general welfare and efficiency, there shall be established an organization to be called the Police Welfare Association (hereinafter in this Part referred to as “the Association”) which shall act through Boards and a Central Committee as provided by rules made under section 63.

(2) No representation shall be made by the Association in relation to any question of discipline, promotion, transfer or leave unless some question of principle is involved.

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

Police Association Rules

63. The Governor may make Rules for the constitution and governance of the Association and any matter appertaining to the Association:

Provided that until varied or revoked by any such Rules, the Rules made by the Governor under section 67 of the Police Act and in force immediately before the coming into operation of this Act shall continue in force.

PART VII

PROHIBITED ASSOCIATIONS

Police officers not to join prohibited associations

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

(2) If any police officer becomes a member of a prohibited association, such police officer shall be liable on summary conviction to a fine not exceeding \$48 and such member shall be dismissed from the Force.

(3) For the purposes of this section a “**prohibited association**” means—

- (a)* any Trade Union as defined by the Trade Unions Act, whether the Trade 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 of which the Superintendent shall with the approval of the Governor declare to be a prohibited association.

PART VIII

GENERAL ADMINISTRATION

Canteens

65. (1) There may be established with the approval of the Superintendent a police canteen at which the keeper thereof may sell intoxicating liquors by retail to members of the Force.

(2) The Superintendent may make rules in regard to the hours during which such canteen shall be kept open on each day and for the proper management and control thereof.

(Amended by Act 1 of 1967)

**Hospital treatment and medical attention at Government expense.
Incapacity due to misconduct**

66. (1) All police officers shall be entitled to hospital treatment and medical and surgical attention within Montserrat at Government expense.

(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.

Reduction for inefficiency

67. (1) The Superintendent may reduce, for inefficiency, any subordinate police officer to a lower grade.

(2) If, on the recommendation of the Superintendent, the Governor considers that the services of any Inspector, subordinate police officer or constable should be terminated on the ground that, having regard to the conditions of the Force, the usefulness of such Inspector, subordinate police officer or constable therein and all the other circumstances of the case, such termination is desirable in the interest of the Force, he may, subject to the provisions of subsection (3), require such Inspector, subordinate police officer or constable to retire from the Force, and the services of such Inspector, subordinate police officer or constable shall accordingly terminate on such date as the Governor shall specify. In every such case the question of pension shall be dealt with under subsection (2) of section 48.

(3) Before requiring any Inspector, subordinate police officer or constable to retire from the Force as provided in subsection (2), the Governor shall call for a full report from the Superintendent, and if, after considering that report and giving such Inspector, subordinate police officer or constable an opportunity of submitting a reply to the complaint by reason of which his retirement is contemplated, the Governor is satisfied, having regard as aforesaid, that it is desirable in the interest of the Force that such Inspector, subordinate police officer or constable should be retired his retirement shall have effect accordingly.

Retirement from the Force

68. Every constable and subordinate police officer may be required to retire from the Force on attaining the age of 50 years and every Inspector, subordinate police officer and constable shall be required to retire from the Force on his attaining the age of 55 years:

Provided that it shall be lawful for the Governor in special cases to permit an Inspector to retire on or after attaining the age of 50 years:

Provided further that it shall be lawful for the Governor to re-employ a retired Inspector for a period not exceeding two years.

(Amended by Act 24 of 1975)

Examination by Medical Board

69. The Governor may require any Inspector, subordinate police officer or constable whom he may consider to be incapacitated from further performance of police duties to be examined by a Medical Board.

Discharge on medical grounds

70. The Governor may discharge from the Force any Inspector, subordinate police officer or constable who is certified by a Medical Board to be incapacitated for further service by reason of some infirmity of mind or body which is likely to be permanent.

Attachment, secondment etc. of police officers to other Territories

70A. (1) At the request of the Government of any other Territory, or of her Majesty's Government in the United Kingdom, the Governor may despatch for temporary service in any other Territory any member of the Force.

(2) Upon being so despatched, such member of the force shall proceed to such Territory and shall perform such police duties as the laws of that Territory may prescribe.

(3) Such service in such other Territory may be by way of attachment, secondment or any other method of temporary service as may be agreed between the Governor and the Government of that other Territory.

(4) While serving in such other Territory, such member of the Force so despatched as aforesaid—

(a) shall be subject to the laws of that Territory and to the same disciplinary regulations and Force Orders as members of the Police Force of that Territory; and

(b) shall be under the command of the Chief Officer of Police and other superior officers of the Police Force of that Territory.

(5) No member of the Force so despatched as aforesaid shall be at liberty to withdraw himself from the Force while serving in such other Territory, without having obtained written permission so to do from the Officer in command (by whatever name called) of the Royal Montserrat Police Force.

(6) Temporary service on attachment or secondment in another Territory shall be deemed, for the purposes of the pensions provisions of this Act, to be service in Montserrat, and the Governor may make arrangements with the Government of such other Territory for the payment of contributions towards the pensions and gratuities of the Police Officers concerned.

(7) If any member of the Force, while serving in such other Territory as aforesaid, shall die or be injured in the actual discharge of or on account of his police duties or shall contract a disease to which he may be specifically exposed by the nature of his duties, he shall be deemed, for the purposes of the retirement and pensions provisions of this Act, to have died or been injured or contracted such disease, as the case may be, while serving in the Force in Montserrat.

(8) The Governor may make regulations to provide for the better carrying out of the provisions of this section.

(Inserted by Act 24 of 1975)

Power to make regulations

71. (1) The Governor may make regulations relating to all or any of the following matters, that is to say—

- (a) the description and issue of arms, ammunition, accoutrements, badges of rank, uniforms and necessaries to be supplied to the Force;
- (b) the conditions subject to which allowances may be paid to members of the Force;
- (c) the conditions subject to which repatriation expenses may be paid to widows and dependants of deceased members of the Force;
- (d) the leave of absence and the periods and conditions thereof which may be granted to Inspectors, subordinate police officers and constables;
- (e) generally, for the good government of the Force and all such matters as may, from time to time, be deemed expedient for rendering the Force efficient in the discharge of its duties and for securing proper discipline therein.

(2) All such regulations shall come into operation upon publication in the *Gazette* or upon such subsequent day as may be named in that behalf therein.

(3) All rules and regulations made under this Act and all rules and regulations in force immediately prior to the coming into operation of this Act and continued in force by this Act, shall have the force and effect of law as if they had been incorporated in this Act.

PART IX

SPECIAL CONSTABLES

Appointment of special constables

72. (1) The Governor may, at any time that he thinks it expedient in the public interest so to do appoint fit and proper persons to be special constables to act as such for the preservation of the peace and may at any time cancel any appointment so made.

(2) Every such appointment shall be for such period not exceeding three years as may be specified in such appointment.

Officers and members of Fire Brigades to be special constables

73. Every officer and member of a Fire Brigade in Montserrat shall be a special constable and shall act as such for the preservation of the peace and in the execution of his office as such special constable; and sections 74 to 77 shall apply to every such officer and member except that the oath prescribed by section 74 shall not be required of persons who were officers and members of such Fire Brigade immediately before the coming into operation of this Act.

General powers, etc., of special constables

74. Every special constable shall, during his term of office, have all such powers, authorities and immunities, and be subject to all such duties and responsibilities as are conferred or imposed upon a member of the Force, and shall on appointment, take and subscribe before a Magistrate or Justice of the Peace the following oath, that is to say—

“I, do swear that I will well and truly serve Our Sovereign Lady the Queen in the Office of special constable in Montserrat without favour or affection, malice or ill-will, and that I will cause Her Majesty’s peace to be preserved, and will prevent to the utmost of my power offences against the same. So help me God !”

Arms of special constables

75. (1) Every special constable shall be provided by the Superintendent, at the public expense, with such badge, staff, weapons, and other accoutrements as may be necessary, and such badge, staff, weapons and other accoutrements shall be returned to the Superintendent or such other officer at such time and place as he may direct.

(2) Any special constable wilfully neglecting or refusing to make such return shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding \$50, and in default of payment to imprisonment for any term not exceeding four months.

(3) It shall be lawful for any Magistrate or any Justice of the Peace to issue his warrant to search for and seize all such weapons, articles, or accoutrements 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.

(Amended by Act 1 of 1967)

Direction of special constables

76. Special constables shall be under the orders of such officers as may be appointed to command them by the Governor and, in the absence of any such appointment, shall be under the orders of the Superintendent.

Offences by special constables

77. Subject to the provisions of section 73, any special constable, who without reasonable cause, refuses or neglects to take the prescribed oath when called upon so to do by any Magistrate or Justice of the Peace, or who refuses or neglects to serve when called upon so to do, or to obey any lawful command, shall, on summary conviction, be liable to a penalty not exceeding \$100, and, in default of payment, to imprisonment for any term not exceeding six months.

Remuneration of special constables

78. The Governor is hereby authorized to pay for the services and expenses of special constables other than the paid members of a Fire Brigade such sum as he may deem reasonable from the Treasury of Montserrat.

Additional constables

79. (1) It shall be lawful for the Governor if he shall think fit, on the application of any person or persons showing the necessity thereof, to authorise the Commissioner of Police to appoint additional constables within Montserrat, and every such additional constable so appointed shall take the oath on admission to the Force and shall perform such duties as may be required of him and shall have all the powers and privileges, except that of reward from the Police Reward Fund, of a police officer, and shall be subject to the same discipline, rules and regulations whilst so employed:

Provided that the person or persons on whose application the appointment was made may, upon giving two clear calendar months' notice in writing to the Commissioner of Police, require that the appointment of the constable so appointed shall be discontinued, and the Commissioner of Police shall, at the expiration of the said two months, cancel the appointment and discharge the constable accordingly.

(2) Every person (except a police officer acting under the authority of the Superintendent of Police) applying for the appointment of a constable under subsection (1) shall defray the expenses of such constable's salary, travelling and uniform, and shall pay the same in advance to the Commissioner of Police, who having received such monies shall account

for the same in like manner as other public moneys received and accounted for by him.

(Amended by Act 1 of 1967)

Pensions and gratuities to special constables

80. (1) When a special constable (including an officer and member of a Fire Brigade or an additional constable) is injured or killed without his own default while carrying out a police duty, it shall be lawful for the Governor in his discretion, to grant to such special constable or additional constable such pension, or, in the case of death, to the personal representative of such special constable or additional constable, such gratuity not exceeding two years' emoluments of such special constable or additional constable, as he thinks just.

(2) All such pensions and gratuities shall be charged on and paid out of the general revenues of Montserrat.

(3) The provisions of sections 57 to 59 shall apply *mutatis mutandis* to every pension granted by virtue of subsection (1).

PART X

MISCELLANEOUS

Members of Force not liable for irregularity of warrant

81. When any action is brought against any police officer for any act done in obedience to the warrant of any Magistrate, the party against whom such action is brought shall not be responsible for any irregularity in the issuing of such warrant, or for any want of jurisdiction of the Magistrate 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 appears subscribed thereto, and that such person was reputed to be and acted as a Magistrate 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 his full costs of suit.

Satisfaction of civil judgment

82. When any judgment is obtained in any civil court against any Inspector, subordinate police officer or constable no execution shall be issued thereon, but a certificate setting forth the full particulars of such judgment and the nature of the action in which such judgment was obtained, shall be forwarded to the Superintendent by the Registrar or Magistrate, as the case may be, of the Court in which such judgment shall have been obtained, and the Superintendent shall make such order thereon

as to the mode and manner in which such judgment shall be satisfied by such Inspector, subordinate police officer or constable as to the Superintendent shall seem meet; and the Superintendent shall pursuant to such order, cause the amount of such judgment, including costs, to be deducted from the pay of such Inspector, subordinate police officer or constable, and shall pay the amount or, from time to time pay the amounts so deducted to such Registrar or Magistrate, as the case may be, to be applied in satisfaction of such judgment according to law.

Harbouring, inducing, etc.

83. (1) Every person who knowingly harbours, or knowingly and with intent improperly to influence any Inspector, subordinate police officer or constable, entertains or either directly or indirectly sells or gives any intoxicating liquor to such police officer, 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, shall be guilty of an offence against this section.

(2) Every 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 guilty of an offence against this section.

(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.

(4) Any person guilty of an offence against this section shall be liable on summary conviction to a penalty of \$25 or to imprisonment for one month.

Persons dismissed from the Force to deliver up articles

84. (1) Every Inspector, subordinate police officer or constable who is dismissed from the Force or resigns his office or otherwise ceases to belong to the Force shall forthwith deliver over to the person appointed for that purpose by the Superintendent or the *Gazetted* Police Officer, Inspector or subordinate police officer under whose command he was at the time of his dismissal or ceasing to belong to the Force every article whatsoever which has been supplied to him at the public expense for the execution of his office.

(2) Every person who contravenes this section shall be liable on summary conviction, to a penalty not exceeding \$50 or to imprisonment for any period not exceeding four months; and it shall be lawful for the Magistrate 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.

Improper possession of articles supplied to Forces

85. Every person who has in his possession any article whatsoever which has been supplied at the public expense to any police officer for the execution of his office and who does not satisfactorily account for his possession of such article 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 penalty not exceeding \$120 or to imprisonment for a term not exceeding six months.

Personation of police officer

86. Every person not being a police officer who—

- (a) without the permission of a *Gazetted* Police Officer wears, either in whole or in part, the dress, or assumes the name, designation or description of any police officer or wears any dress or assumes any name or designation resembling and intended to resemble the dress, name or designation of any police officer; or
- (b) 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 penalty not exceeding \$250 or to imprisonment for a term not exceeding six months:

Provided that paragraph (a) shall not prevent persons from wearing the dress of a police officer in the course of a stage play or concert or a circus performance.

(Amended by Act 12 of 1983)

Delivery up of articles supplied to deceased police officers

87. (1) When any Inspector, subordinate police officer or constable dies, his next of kin, executor or other personal representative, or the person in whose house he dies, being possessed of any article which has been supplied to such Inspector, subordinate police officer or constable for the execution of his office shall be bound, after due notice by any *Gazetted* Police Officer, to deliver up to the person appointed for that purpose by the Superintendent or to the *Gazetted* Police Officer, Inspector or subordinate police officer under whose command the deceased was immediately prior to his death, all articles whatsoever which may have been supplied at the public expense to or which at the time of his death may have been in the possession of such deceased police officer for the execution of his office.

(2) Every person who contravenes this section shall be liable on summary conviction to a penalty of \$50 or to imprisonment for four months; and it shall be lawful for any Magistrate 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

88. (1) Where any property has come into the possession of the Force in connection with any criminal charge or under section 30 of the Pawnbrokers Act, any Magistrate may, on application 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 such Magistrate to be the owner thereof or, if the owner cannot be ascertained, make such order with respect to the property as to the Magistrate may seem meet.

(2) Any 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) 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, such property may be sold as soon as convenient after it has come into the possession of the Force;
- (b)* when such property consists of money, such property shall be dealt with in all respects as is hereinafter provided with regard to the proceeds of sales hereby authorized after it has remained in the possession of the Force for three months;
- (c)* in the case of any other property such property may be publicly sold at auction as soon as may be after it has remained in the possession of the Force for three months and has been advertised for fourteen days.

(4) The proceeds of all sales hereby authorized shall, after deduction of expenses, be received by the Commissioner of Police and shall be paid or transmitted to an officer appointed by the Governor who shall deposit such proceeds 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 property but such delivery to the finder shall not be made until the property has remained in the possession of the Force for three months.
(Amended by Act 1 of 1967)

(5) In the event of such property being of a nature which necessitates an immediate sale, the proceeds of sale shall be paid or transmitted to an officer appointed by the Governor who shall deposit such proceeds to the credit of 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 proceeds of the sale provided that such proceeds have not been claimed by the real owner.

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

(Amended by Act 1 of 1967)

Recovery of penalties

89. All fines and penalties imposed by this Act shall be recovered under the provisions of the Magistrate's Court Act before the Magistrate; and all fines and penalties imposed on any Inspector, subordinate police officer or constable for the breach of any rules and regulations made under this Act, may be enforced by deducting the entire amount thereof or monthly deductions of not more than half a month's pay from any pay due or accruing due to any such Inspector, subordinate police officer or constable.

Exercise of Governor's functions

90. (1) Wherever in sections 3(2), 5, 6, 40, 41(2), 62(1), 63, 64(3)(c), 71(1), 78 and 79 reference is made to the Governor such reference shall be construed to mean the Governor in Council.

(2) Wherever in sections 12, 16, 33, 45, 46, 48, 49, 50, 51, 53, 54, 55, 58, 59, 60, 66, 67, 68 and 70 reference is made to the Governor such reference shall be construed to mean the Governor acting in his discretion.

(3) Where the Governor is directed by this Act to exercise any function after consultation with any person or authority he shall not be obliged to exercise that function in accordance with the advice of that person or authority.

(4) Where the Governor is directed by this Act to exercise any function after consultation with any person or authority, the question whether he has so exercised that function shall not be enquired into in any court.

(5) The Governor shall not be obliged to obtain the advice of the Executive Council in relation to the exercise of any function conferred upon him by this Act which is expressed to be exercisable by him in his discretion.

Change of nomenclature

91. Wherever in any Act or any subsidiary legislation made thereunder and in force immediately before the coming into operation of this Act any reference is made to a member of the Force as a “**non-commissioned officer**” or “**private**” such reference shall be construed as meaning—

- (a) in the case of a non-commissioned officer, an Inspector or subordinate police officer; and
 - (b) in the case of a private, a constable, of the Force.
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POLICE WELFARE ASSOCIATION RULES

ARRANGEMENT OF RULES

RULE

1. Short title
2. Constitution
3. Committee
4. Functions of the Committee
5. Election
6. Procedure for election
7. Vacancies
8. Facilities for meeting

POLICE WELFARE ASSOCIATION RULES – SECTION 67(1)

(S.R.O. 42/1999)

Commencement

[5 August 1999]

Short title

1. These Rules may be cited as the Police Welfare Association Rules.

Constitution

2. The Police Welfare Association (hereinafter in these Rules referred to as “the Association”) shall consist of the members of the Royal Montserrat Police Force (hereinafter referred to as the Police Force) of the rank of Inspector and below and of members of the Fire and Rescue Service save for the Chief Fire Officer and the Association shall act through a Committee as is hereinafter provided.

Committee

3. (1) There shall be a Committee consisting of six members of whom three shall be Police Constables, one shall be a Police Inspector and one a Police Sergeant elected annually by members of the Police Force who hold the rank of Inspector and below, and one shall be a member of the Fire and Rescue Service elected annually from among their number by members of that Service save for the Chief Fire Officer.

(2) The Committee shall choose from among its members a Chairman who shall preside at all meetings of the Committee.

(3) The Committee shall at its first annual meeting appoint some fit and proper person from among its members to be Secretary for the purpose of attending at and taking minutes of its meetings. The Secretary shall have the right to vote. The Committee may at any time require any person appointed as Secretary to relinquish his appointment and may appoint another person in his stead.

(4) The Committee shall hold at least one meeting in each year. Meetings of the Committee may be held at any of the Police Stations on Montserrat and subject to the notification of the Commissioner of Police or the person for the time being Acting as Commissioner of Police as often as circumstances may require.

(5) Members of the Committee shall hold office until the Committee for the succeeding year has been duly constituted.

Functions of the Committee

4. It shall be the duty of the Committee to consider and make representations with regard to all matters affecting the general welfare and efficiency of the members of the Police Force and the Fire and Rescue Service.

Election

5. (1) Every member of the Police Force of the rank of Inspector and below shall have the right to vote at the election of the members of the Committee drawn from the Police Force.

(2) Every member of the Fire Service save for the Chief Fire Officer shall have the right to vote at the election of the member of the Committee to be drawn from the Fire and Rescue Service.

(3) All such elections shall be held annually and shall be by secret ballot under the supervision of a commissioned officer of the Police Force.

(4) At any election under these Rules a voter may cast as many votes as there are vacancies to be filled but no more than one vote for any one candidate.

Procedure for election

6. (1) Candidates for election to the Committee must have declared their candidacy in writing to the Commissioner of Police, and have been proposed and seconded by a person entitled to vote at the election, not less than seven days prior to the date set for the election of the Committee by secret ballot.

(2) The date for the election by secret ballot of the Committee shall be set by the Commissioner of Police on not less than two weeks written notice thereof, such notice to be posted at each Police Station on Montserrat and at the office of the Fire Service.

(3) The date set for the election of the Committee by secret ballot shall be held so far as is practicable on the first anniversary of the election next before; but in any event shall not be held before the expiry of the first anniversary of the election next before.

(4) In the event that two or more candidates receive the same number of votes with the effect that the Constitution of the Committee would exceed the number of

members hereinbefore stipulated for, there shall within a period of not more than seven days be conducted a second ballot of all members of the Police Force or the Fire Service as the case may be and the candidate to be elected shall be the candidate who on the second ballot receives a simple majority of the votes cast. Where a second ballot produces the same result the candidate with seniority in the relevant Force shall be deemed elected.

(5) Nothing in these Rules shall be construed as preventing a serving member of the Committee from seeking re-election thereto.

(6) The Chairman and the Secretary shall be paid an honorarium to be determined by the Commissioner of Police.

Vacancies

7. On any vacancy occurring in the Committee during any year another member shall be elected as herein provided to fill the vacancy so occurring.

Facilities for meeting

8. (1) Every opportunity and facility shall be given to members of the Police Force and the Fire and Rescue Service to attend meetings of the Association and every attendance at a meeting shall, as regards allowances and expenses, be deemed to be an occasion of police and fire and rescue duty.

(2) The Committee may co-opt persons from the Force who may have special knowledge of the topic under discussion to assist the Committee in its deliberations but they shall have no right to vote on the matter.

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POLICE REGULATIONS – SECTION 71

*(S.R.O.s 16/1959, 9/1965, 2/1966, 15/1966,
2/1968, 31/1968, 31/1975 and 27/1995)*

PART I

PRELIMINARY

Short title

1. These Regulations may be cited as the Police Regulations.

Application

2. These Regulations shall not apply to *Gazetted* Police Officers except as provided in regulations 12, 19, 22, 35(5), 39, 40, 41, 42, 43, and 49 but shall apply to Inspectors, subordinate police officers and constables of the Force.

Interpretation

3. (1) In these Regulations—

“**Act**” means the Police Act;

“**Association**” means the Police Welfare Association established under section 62 of the Act;

“**constable**”, “**the Division**”, “**Force**”, “**Gazetted Police Officer**”, “**Inspector**”, “**Medical Board**”, “**Superintendent**”, and “**subordinate police officer**” have respectively the same meanings as are ascribed to them in the Act;

“**Divisional Standing Order**” means a standing order for the Division issued in writing by the police officer in charge of the Division with the approval of the Superintendent;

“**Force Standing Order**” means a standing order for the Force issued in writing by the Superintendent and applicable to the Force as a whole;

“**government medical officer**” means a registered medical practitioner who holds a post in the government service or a registered medical practitioner to whom an Inspector, subordinate police officer or constable has been instructed by the police officer in charge of the Division to present himself for medical examination;

“**pay**” has the same meaning as is ascribed to it in section 43 in Part V of the Act;

“**Schedule**” means Schedule to these Regulations;

“**Station Officer**” means the officer in charge of a police station;

“**Station Standing Order**” means a standing order for a particular station in the Division issued by the police officer in charge of the Division with the approval of the Superintendent.

(2) The Interpretation Act shall apply to the interpretation of these Regulations in like manner as it applies to the interpretation of an Act.

PART II

OFFENCES AND DISCIPLINE

Kinds of offences and by whom triable

4. Offences may be of two kinds, namely—
- (a) offences created by the Act; and
 - (b) disciplinary offences created by this Part of these Regulations.

Offences created by the Act

5. The offences created by the Act are to be found in sections 31 and 32 of the Act and relate to mutinous or seditious conduct by a police officer, and causing disaffection in the Force. These offences are triable only by a court and the method of trial of such offences and the punishments which may be imposed therefor are such as are prescribed by the said sections.

Disciplinary offences created by these Regulations

6. The disciplinary offences created by this Part of these Regulations are—
- (a) discreditable conduct, that is to say, if an Inspector, subordinate police officer or constable acts in a disorderly manner or in any manner prejudicial to discipline or likely to bring discredit on the reputation of the Force;
 - (b) insubordinate or oppressive conduct, that is to say, if an Inspector, subordinate police officer or constable—
 - (i) is insubordinate by word, act or demeanour; or
 - (ii) is guilty of oppressive or tyrannical conduct towards an inferior in rank; or
 - (iii) uses obscene, abusive or insulting language to any other member of the Force; or
 - (iv) wilfully or negligently makes any false complaint or statement against any member of the Force; or
 - (v) assaults any other member of the Force; or
 - (vi) withholds any complaint or report against any member of the Force;
 - (c) disobedience to orders, that is to say, if an Inspector, subordinate police officer or constable disobeys or without good or sufficient

- cause omits or neglects to carry out any lawful order, written or otherwise;
- (d) neglect of duty, that is to say, if an Inspector, subordinate police officer or constable—
- (i) neglects, or without good or sufficient cause omits, promptly and diligently to attend to or carry out anything which it is his duty as a police officer; or
 - (ii) idles or gossips while on duty; or
 - (iii) fails to work his beat in accordance with orders, or leaves his beat, traffic point, or other place of duty to which he has been ordered, without due permission or sufficient cause; or
 - (iv) by carelessness or neglect permits a prisoner to escape; or
 - (v) fails, when knowing where any offender is to be found, to report the same, or to make due exertions for making him amenable to justice; or
 - (vi) fails to report any matter which it is his duty to report; or
 - (vii) sleeps on his post or beat; or
 - (viii) fails to report anything which he knows concerning a criminal charge, or fails to disclose any evidence which he, or any person within his knowledge, can give for or against any prisoner or defendant to a criminal charge; or
 - (ix) omits to make any necessary entry in any official document or book; or
 - (x) neglects, or without good or sufficient cause omits, to carry out the instructions of a government medical officer following a medical examination or, while absent from duty on account of sickness, is guilty of any act or conduct calculated to retard his return to duty;
- (e) making false statements or falsifying and mutilating books and documents, that is to say, if an Inspector, subordinate police officer or constable—
- (i) wilfully and knowingly makes any false statement; or
 - (ii) knowingly makes or is privy or party to the making of any false entry, or with intent to mislead makes any alteration or erasure in any book of complaint, station diary, record, book or other document kept in the normal course of official duty; or
 - (iii) wilfully mutilates or destroys any book of complaint, station diary, record, book, return or other document kept in the normal course of duty;
- (f) breach of confidence, that is to say, if any Inspector, subordinate police officer or constable—

- (i) divulges any matter which it is his duty to keep secret; or
 - (ii) gives notice, directly or indirectly, to any person against whom any warrant or summons has been or is about to be issued, except in the lawful execution of such warrant or service of such summons; or
 - (iii) without proper authority communicates to the public press, or to any unauthorized person, any matter connected with the Force; or
 - (iv) without proper authority shows to any person outside the Force any book or printed document the property of the police authorities; or
 - (v) makes any anonymous communication to the Superintendent or any other superior officer;
- (g) corrupt practice, that is to say, if an Inspector, subordinate police officer or constable—
- (i) receives any bribe; or
 - (ii) fails to account for or to make a prompt and true return of any money or property seized or received by him in his official capacity; or
 - (iii) without the knowledge and permission of the Superintendent accepts directly or indirectly any gratuity, present or reward in respect of anything done in the discharge of the duties of his office; or
 - (iv) places himself under pecuniary obligation to any person who holds a licence concerning the granting or renewal of which the police may have to report or give evidence; or
 - (v) improperly uses his character and position as a member of the Force for his private advantage;
- (h) unlawful or unnecessary exercise of authority, that is to say, if an Inspector, subordinate police officer or constable—
- (i) without good or sufficient cause makes any unlawful or unnecessary arrest; or
 - (ii) uses any unnecessary violence to any prisoner or other person with whom he may be brought into contact in the execution of his duty;
- (i) malingering, that is to say, if an Inspector, subordinate police officer or constable feigns or exaggerates any sickness or injury with a view to evading duty;
- (j) absence without leave or being late for duty, that is to say, if an Inspector, subordinate police officer or constable, without reasonable excuse is absent without leave from, or is late for, parade, court, or any other duty;

- (k) uncleanliness, that is to say, if an Inspector, subordinate police officer or constable, while on duty or while off duty in uniform in a public place is improperly dressed or is dirty or untidy in his person, clothing or equipment;
- (l) damage to clothing or other articles supplied, that is to say, if an Inspector, subordinate police officer or constable—
 - (i) wilfully or by carelessness causes any waste, loss or damage to any arms, article of clothing or equipment, uniform, or to any book, document or other property supplied to him, or used by him, or entrusted to his care, or entrusted to the care of any other member of the Force; or
 - (ii) fails to report any loss or damage as above however caused;
- (m) drinking on duty or soliciting drink, that is to say, if an Inspector, subordinate police officer or constable—
 - (i) without the consent of a superior officer, drinks, or receives from any other person, any intoxicating liquor while he is on duty; or
 - (ii) demands, or endeavours to persuade any other person to give him, any intoxicating liquor while he is on duty;
- (n) entering licensed premises where liquor is stored or distributed while on duty, that is to say, if an Inspector, subordinate police officer or constable enters any premises licensed under the liquor licensing laws, or any other premises where liquors are stored or distributed, when his presence there is not required in the execution of his duty;
- (o) incurs debt without any reasonable prospect or intention of paying the same, or having incurred any debt, makes no reasonable effort to pay the same;
- (p) gambling or betting in barracks;
- (q) breaking arrest or out of barracks;
- (r) appropriates to his own use, loses by neglect, or makes away with any arm, ammunition, article of clothing or equipment, uniform or other article supplied to him, or to any other police officer, or any Government property committed to his charge;
- (s) breach of any Force Standing Order, Divisional Standing Order, or Station Standing Order.

Trial and determination of disciplinary offences created by these Regulations

7. A charge or complaint in respect of any of the offences specified in regulation 6 shall be heard and determined in compliance with the provisions of section 34 of the Act.

Representation by counsel or solicitor

8. (1) On the hearing of any charge or complaint involving any of the disciplinary offences mentioned in regulation 6 before a magistrate, counsel or solicitor shall be entitled to appear on behalf of the offender on prior application being made to the magistrate hearing the case.

(2) On hearing of any charge or complaint involving any of the disciplinary offences mentioned in regulation 6 before a *Gazetted* Police Officer, counsel or solicitor shall not be entitled to appear on behalf of the offender unless, on prior application being made, the *Gazetted* Police Officer or the Superintendent thinks fit that counsel or solicitor should appear.

(3) On hearing of any such charge or complaint as aforesaid before a *Gazetted* Police Officer, if the offender so desires, he may be permitted to have another serving member of the force, selected by himself, who is of the same rank as or higher rank than himself, to assist him in representing his case.

Open and close arrest

9. (1) When an Inspector, subordinate police officer or constable is placed under—

- (a) open arrest, he shall not quit barracks (except on duty or with special permission) and will be deprived of all privileges and leave until his case has been disposed of. He shall attend all parades and do duty as required;
- (b) close arrest, he shall be confined in the lock-up of the station at which he may be at the time; but close arrest shall not be ordered (except if whilst he is under arrest he is guilty of continued violence or misconduct) unless confinement is necessary for his safe custody or for the maintenance of discipline. His whistle, baton, arms and ammunition, if he has them, shall at once be given up by him to the officer by whom he is arrested.

(2) An Inspector, subordinate police officer or constable placed under close arrest shall not be so detained for a longer period than 24 hours, unless the Superintendent, or in his absence, the *Gazetted* Police Officer in charge of the Division concerned otherwise directs. The charge or complaint shall without unnecessary delay be investigated and if such charge or complaint be not so investigated after the expiration of 24 hours the Inspector, subordinate police officer or constable shall be released and shall return to the performance of his duties pending trial, unless in the opinion of the Superintendent, or the said *Gazetted* Police Officer, such a course would be injurious to proper discipline, in which case he shall be confined to barracks until his case is dealt with.

Appeals

10. Any Inspector, subordinate police officer or constable who is dissatisfied with a decision on any of the disciplinary offences mentioned in regulation 6 with which he is charged may appeal therefrom in the manner provided by section 35 of the Act.

Pay during suspension, etc.

11. Any Inspector, subordinate police officer or constable against whom any complaint, information or charge is laid in respect of an offence to which reference is made in paragraph (a) or paragraph (b) of regulation 4 may pending, and until the final determination of such complaint, information or charge, be dealt with in such manner, and shall receive such pay, as may be prescribed in section 38 of the Act.

PART III

PAY AND ALLOWANCES

Rates of pay

12. The rates of pay of *Gazetted* Police Officers, Inspectors, subordinate police officers and constables shall be the rates of pay approved by the Governor from time to time and provided in the annual Estimates of Montserrat.

Increments

13. (1) When an Inspector, subordinate police officer or constable is on an incremental scale of pay, the Commissioner of Police shall, one month before the annual increment becomes due for payment, consider whether he can sign the certificate to the effect that the Inspector, subordinate police officer or constable has served with efficiency, diligence and fidelity during the past year.

(2) If the Commissioner of Police is able to recommend the grant of the increment to such Inspector, subordinate police officer or constable, he shall sign the certificate to this effect and submit it in duplicate to the Superintendent for approval.

(3) When the certificate is signed and approved, the original certificate shall be attached to the next pay voucher on which pay is authorized and shall constitute authority for payment of the increment and the duplicate shall be retained by the Superintendent for attachment to the record of the Inspector, subordinate police officer or constable.

(4) If for any reason the Commissioner of Police is unable to recommend the grant of the increment to such Inspector, subordinate police officer or constable, he shall so inform the Superintendent, giving detailed reasons and submitting his recommendations as to whether the increment due should be suspended, deferred or stopped in accordance with the provisions of the Act.

(5) If the Superintendent approves the recommendation of the Commissioner of Police that the increment be withheld, the increment shall be suspended, deferred or stopped for such period as the Superintendent may decide and the Inspector, subordinate police officer or constable shall be informed of the decision and given the detailed reasons therefor:

Provided that any Inspector, subordinate police officer or constable who is dissatisfied with any decision given in his case under this paragraph shall have the right of appeal as if his case came within the provisions of section 35 of the Act.

Good conduct pay

14. (1) Subordinate police officers and constables whose conduct has been satisfactory and who have not been punished for any offence involving a fine exceeding \$1.20, or confinement to barracks for a period exceeding fourteen days, or confinement to cells, or reduction in rank, or forfeiture of good conduct badge, or who have not been severely reprimanded on two or more occasions in any one year shall be eligible to receive Good Conduct Pay on the following conditions—

- (a) after three years continuous good service 6 cents a day;
- (b) after a further period of three years continuous good service..... 9 cents a day;
- (c) after a further period of three years continuous service .. 12 cents a day:

Provided that if any subordinate police officer or constable in receipt of Good Conduct Pay is severely reprimanded on two or more occasions in any one year he shall not become eligible for any increase in the rate of Good Conduct Pay until a period of three years has elapsed from the date of the last severe reprimand.

(2) Subordinate police officers and constables in receipt of Good Conduct Pay shall be entitled to wear the Good Conduct Badge on the left forearm of the tunic between the cuff and the elbow.

Proficiency pay

15. (1) Constables who have passed the proficiency examination, have had three years service, are in possession of the Good Conduct Badge and who hold a valid First Aid Certificate shall be eligible for Proficiency Pay at the rate of \$48 per annum:

Provided that not more than 25 percent of the total establishment of constables shall be paid Proficiency Pay at the same time:

Provided further that no constable who is in receipt of a Motor Transport Drivers' Allowance or other technical allowance shall be eligible to receive Proficiency Pay.

(2) A constable who is adversely reported upon shall, if the report be substantiated, be liable to be deprived of his Proficiency Pay on the decision of the Superintendent for such period as the Superintendent may decide. At the expiration of such period of deprivation, the constable shall be eligible to be restored to the waiting list for Proficiency Pay.

(3) Subordinate police officers and constables who have passed the proficiency examination shall be entitled to wear a star on the left hand sleeve of the tunic above the First Aid Badge.

Charge pay

16. Subordinate Police Officers appointed to the posts specified below shall be eligible to receive Charge Pay at the rate of \$144.00 per annum for Sergeants and \$96.00 per annum for Corporals—

- (a) The Subordinate Police Officer in Charge of the Police Station, Cudjoe Head;
 - (b) The Subordinate Police Officer in charge of the Police Station, Salem;
 - (c) The Subordinate Police Officer in charge of Road Traffic;
 - (d) The Clerk of the Assistant Superintendent of Police and officer in charge of Police Stores;
 - (e) The Subordinate Police Officer in Charge of the Fire Brigade Station, Plymouth.
- (Substituted S.R.O. 2/1966 and amended by S.R.O. 15/1966)

Detective allowance

17. Inspectors, subordinate police officers and constables who are appointed to duties as detectives in the detection of crime shall be eligible to receive a detective allowance at the rate of 75 cents a day.

(Amended by S.R.O. 2/1968)

Plain clothes allowance

18. Subordinate police officers and constables who are appointed to duties as detectives in the detection of crime shall be eligible to receive a plain clothes allowance at the rate of \$64.80 per annum.

(Amended by S.R.O. 2/1968)

Washing allowance

18A. Subordinate police officers and constables shall be eligible to receive a washing allowance at the rate of \$24 per annum.

(Inserted by S.R.O. 31/1968)

Outfit allowance

19. An outfit allowance of \$240 shall be paid to every *Gazetted* Police Officer on his first appointment as a *Gazetted* Police Officer.

Lodging allowance

19A. A lodging allowance of \$720 per annum shall be paid to every *Gazetted* Police Officer when not occupying government quarters.

(Inserted by S.R.O. 31/1968)

Motor transport driver's allowance

20. Subordinate police officers and constables who are appointed to duties specified below, who are placed in charge of four-wheeled transport and who have

been certified by the officer in charge of the Division as competent to carry out normal running repairs to motor vehicles shall be eligible to receive a motor transport driver's allowance at the rate of \$60 per annum—

“B” Division:

Orderly to His Honour the Governor; Transport Driver, Plymouth Police Station;
Transport Driver, Fire Brigade.

Band allowance

21. Subordinate police officers and constables who are appointed to serve as members of the Police Band shall be eligible to receive a band allowance at the rate of \$28.80 per annum.

Transfer allowance

22. (1) *Gazetted* Police Officers, Inspectors, subordinate police officer and constables who are permanently transferred from one station to another within the Leeward Islands shall be eligible to receive a transfer allowance calculated in accordance with the following provisions—

- (a) on permanent transfer from one island of the Leeward Islands to another—
 - (i) married *Gazetted* Police Officers, Inspectors, subordinate police officers and constables \$96.00
 - (ii) unmarried *Gazetted* Police Officers, Inspectors, subordinate police officers and constables \$24.00
- (b) on permanent transfer from one station to another in Montserrat—
 - (i) married Inspectors, subordinate police officers and constables \$30.00
 - (ii) unmarried Inspectors, subordinate police officers and constables \$10.00
- (c) on temporary transfer from one station to another within the Leeward Islands, *Gazetted* Police Officers, Inspectors, subordinate police officers and constables shall not be eligible for a transfer allowance but shall be eligible for subsistence allowance in accordance with regulation 23:

Provided that no transfer allowance or subsistence allowance shall be payable in the case of a transfer from one station to another within the same Police District:

Provided further that no transfer allowance or subsistence allowance shall be payable in the case of a temporary transfer when the Inspector, subordinate police officer or constable himself continues to reside at his normal place of residence.

(2) Notwithstanding anything contained in paragraph (1) transfer allowance shall not be paid in the case of transfers which are made at the request of a subordinate police officer or constable or as a result of misconduct or disciplinary proceedings.

(5) For the purpose of this regulation, an Inspector, subordinate police officer or constable shall be deemed to have been absent from his permanent station overnight if he is unable to return to his permanent station by midnight.

Refreshment allowance

24. Where a subordinate police officer or constable is required to proceed on duty away from his permanent station and where such absence precludes his return to his permanent station within a period of not less than six consecutive hours such subordinate police officer or constable shall be eligible for a refreshment allowance at the rate of \$1.44 in respect of each such absence:

Provided that in the case of such absences in the Colony of the British Virgin Islands the refreshment allowance mentioned in this regulation shall be increased by the payment of an exchange compensation at the rate of the fraction of 3/7 of the amount of the said allowance.

Lodging allowance

25. Inspectors, subordinate police officers and constables who are married and who are permitted by the officer in charge of the Division to live out of barracks and are occupying official quarters shall be eligible for a Lodging Allowance in accordance with the following rates—

Inspectors	\$720.00 per annum
S/Sergeants	\$660.00 per annum
Sergeants	\$600.00 per annum
Corporals	\$540.00 per annum
Constables (M)	\$480.00 per annum

(Substituted by S.R.O. 2/1968)

Fees for special duties

26. (1) Subordinate police officers and constables who are assigned to special duties in connection with private functions such as dances, cinemas, race meetings and games or in a ship at the request of the captain or agent shall be eligible to receive payment at the following rates—

- (a) between the hours of 6 a.m. and 6 p.m. 48 cents for the first hour of such duty and 24 cents for each succeeding hour or part thereof;
- (b) between the hours of 6 p.m. and 6 a.m. 72 cents for the first hour of such duty and 48 cents for each succeeding hour or part thereof.

(2) Such duties shall only be assigned to subordinate police officers and constables who are off duty or are on rest day and shall not be performed by subordinate police officers and constables in barracks.

Marine towing fees

26A. (1) The fees payable in respect of marine towing services provided by the Police to disabled vessels are as follows—

- (a) vessels under 25ft – \$200 per hour;
- (b) vessels over 25ft – \$325 per hour.

(2) Marine towing fees are payable to the Commissioner of Police.

(3) The Commissioner of Police may, whether in part or in whole remit the fees payable under this Regulation.

(Inserted by S.R.O. 27/1995)

PART IV

LEAVE AND LEAVE PASSAGES

Vacation leave

27. (1) Inspectors, subordinate police officers and constables shall be eligible for vacation leave at the following rates and such vacation leave may be accumulated up to the maximum amounts indicated—

Inspectors	42 days per annum, which may be accumulated up to a maximum of 168 days;
Station Sergeants and Sergeants	36 days per annum, which may be accumulated up to a maximum of 144 days;
Corporals	24 days per annum, which may be accumulated up to a maximum of 96 days;
Constables	21 days per annum, which may be accumulated up to a maximum of 84 days;

Provided that vacation leave shall only be granted when the exigencies of the Service permit:

Provided further that no Inspector, subordinate police officer or constable shall be eligible for any compensation if it should not be possible to grant him the vacation leave for which he is eligible under this regulation or if it should be necessary to recall him from vacation leave before the expiration of the vacation leave granted to him.

(2) Vacation leave shall only be granted in respect of resident service on duty:

Provided that any absence on sick leave not exceeding six months in any year or any absence on vacation leave not exceeding 30 days shall for the purpose of this paragraph be regarded as resident service.

(3) An Inspector, subordinate police officer or constable who is recalled to duty before the vacation leave granted to him has expired or who cannot be granted the full amount of vacation leave for which he is eligible shall be permitted to carry forward the unexpired portion of such vacation leave to a future occasion.

(4) An Inspector, subordinate police officer or constable who is granted vacation leave under this regulation shall, before proceeding on leave of absence, leave his full address with the Station Officer and the Divisional Clerk.

(5) An Inspector, subordinate police officer or constable who is granted vacation leave under this regulation and who is granted permission to proceed from Montserrat to another Colony in the Leeward Islands shall, immediately on his arrival in the Colony where he is spending his leave, report his arrival to the officer in charge of the Division and to the Station Officer in the locality where he is spending his leave and the officer in charge of the Division shall sign or cause to be signed the leave certificate to this effect.

Leave certificates

28. (1) An Inspector, subordinate police officer or constable who is granted vacation leave shall be provided with a leave certificate on which shall be specified the period for which the leave is granted. Such certificate shall be produced when the holder is called upon to do so by any member of the Force of superior rank to himself.

(2) On his return from leave, the Inspector, subordinate police officer or constable shall return the leave certificate to the officer in charge of the Division for record.

Over-staying leave

29. (1) Any Inspector, subordinate police officer or constable who fails without reasonable cause to return to duty at his station on the day following the date on which his leave expires shall, subject to the provisions of paragraph (3), forfeit his pay for such day or days that he has overstayed his leave, in addition to any punishment to which he may be liable.

(2) Unless otherwise stated on the leave certificate, the time of resumption of duty shall be six o'clock in the morning of the day immediately following the last day of leave.

(3) If leave is over-stayed by less than six hours, the Inspector, subordinate police officer or constable shall be liable to disciplinary action. If the period overstayed is more than six hours, the Inspector, subordinate police officer or constable shall forfeit one day's pay.

Weekly rest day

30. All Inspectors, subordinate police officers and constables shall be eligible for one day free from duty in every seven days.

Liberty leave

31. (1) The senior officer on duty at the time shall have the power to grant liberty leave of not more than four hours duration after duty to any well-conducted subordinate police officer or constable who is not required as a reserve in barracks.

(2) A subordinate police officer or constable who is granted liberty leave shall, before leaving his station, inform the officer on duty of his whereabouts and where he can be found if required.

Over-night leave to married subordinate police officers and constables

32. Married subordinate police officers and constables may be granted short leave daily after duty if they are not required for duty or as reserves in barracks. Such leave may be granted by the senior officer on duty at the station who shall satisfy himself that the required reserve is at all times available in barracks.

Plain clothes to be worn on leave

33. Unless they have special permission to wear uniform, all Inspectors, subordinate police officers and constables on vacation leave shall wear plain clothes.

When leave is not granted

34. Absence on vacation leave, liberty leave and over-night leave shall not be granted to any Inspector, subordinate police officer or constable who—

- (a)* is under punishment;
- (b)* is charged with an offence which has not been finally decided;
- (c)* is required as prosecutor or witness in any case pending before a court of justice unless he is able to return from leave in time to attend such a case.

Sick leave

35. (1) Sick leave on full pay may be granted by the officer in charge of the Division to any Inspector, subordinate police officer or constable for a period not exceeding 21 days on the production of a medical certificate signed by a government medical Officer:

Provided that sick leave shall not be granted under this regulation for periods which exceed in the aggregate 42 days in any year.

(2) Where a period of sick leave granted under paragraph (1) expires and the Inspector, subordinate police officer or constable is not fit to resume duty, further sick leave on full pay may be granted by the Superintendent on the production of a certificate signed by a government medical officer for a period which shall not exceed in the aggregate three months including any period of sick leave previously granted under paragraph (1).

(3) Any Inspector, subordinate police officer or constable who has been on continuous sick leave for a period of three months shall be required to present himself

for examination by a Medical Board consisting of not less than two government medical officers.

(4) On the recommendation of a Medical Board, an Inspector, subordinate police officer or constable in whose case the Medical Board certifies that there is reasonable prospect of eventual recovery may be granted further sick leave with full pay up to a maximum period, including any period of sick leave granted under paragraphs (1) and (2), of six months in any year:

Provided that, if the illness or incapacity is due to an injury received or illness suffered by such Inspector, subordinate police officer or constable in the actual discharge of his duty and without his own default and is on account of circumstances specifically attributable to the nature of his duties, he shall be entitled to be granted further sick leave with full pay, beyond the period mentioned in paragraph (4), for a period not exceeding six months in any period of twelve months until the Medical Board certifies him as fit to return to duty or recommends his discharge from the Force on medical grounds:

Provided further that in every other case such Inspector, subordinate police officer or constable shall be entitled to be granted further sick leave with half pay, beyond the period mentioned in paragraph (4), for a period not exceeding six months in any period of twelve months until the Medical Board certifies him as fit to return to duty or recommends his discharge from the Force on medical grounds.

(5) The provisions of paragraph (4) shall apply to *Gazetted* Police Officers as they apply to Inspectors, subordinate police officers and constables except that for the reference to paragraphs (1) and (2) there shall be substituted a reference to General Orders 225 and 226 of the General Orders for the Civil Service of Montserrat.

Leave passages

36. Inspectors, subordinate police officers and constables shall be eligible for the grant of leave passages or for proportionate leave passage grants on the terms and conditions laid down in the General Orders for the Civil Service of Montserrat.

Passages on termination of service

37. An Inspector, subordinate police officer or constable who has retired from the Force shall, if he so desires, be provided with passages for himself, his wife and children, up to a maximum of four passages in addition to his own, to the place where he was recruited or to any Colony in the Leeward Islands or the federating territories of The West Indies together with the reasonable cost of transporting his household and personal effects:

Provided that no such passages or expenses shall be provided after a lapse of six months from the date of retirement:

Provided further that no such passages or expenses shall be met in the case of an Inspector, subordinate police officer or constable who has been dismissed from the Force.

Passages for widows and dependants of deceased officers

38. Where an Inspector, subordinate police officer or constable dies whilst in the service of the Force, his widow and dependent children who are unmarried and under the age of eighteen years shall be provided with passages to the place of recruitment of such Inspector, subordinate police officer or constable or to any Colony in the Leeward Islands or to the place of birth of the widow and the reasonable expenses of transporting the widow's household effects and the personal effects of the widow and dependent children shall be met from public funds.

PART V

UNIFORMS, BADGES AND EQUIPMENT

Uniforms to be worn

39. (1) *Gazetted* Police Officers, Inspectors, subordinate police officers and constables shall wear the uniform and equipment prescribed in the First Schedule. The pattern of uniform prescribed in the said Schedule shall be rigidly adhered to and no deviation whatever shall be permitted.

(2) Except as provided in regulation 33 relating to the wearing of plain clothes when on leave, all Inspectors, subordinate police officers and constables shall invariably appear in uniform.

Uniforms

40. The uniforms and occasions on which they are to be worn shall be as specified in the First Schedule.

Distinguishing badges

41. *Gazetted* Police Officers, Inspectors, subordinate police officers and constables shall wear the distinguishing marks and badges specified in the Second Schedule.

Descriptions

42. The several articles of uniform prescribed in the Schedules shall conform strictly to the approved patterns.

Clothing and equipment for *Gazetted* Police Officers

43. On first appointment *Gazetted* Police Officers shall provide themselves with the clothing and equipment specified in the Third Schedule.

Equipment for Inspectors

44. On first appointment Inspectors shall be supplied on loan at public expense with the equipment and clothing specified in the Fourth Schedule.

Equipment for subordinate police officers and constables

45. (1) Subordinate police officers and constables shall be supplied with the arms, uniform and equipment specified in the Fifth Schedule.

(2) Every subordinate police officer and constable shall be supplied with a box according to approved pattern and marked with his name and number in white letters one and a half inches long.

(3) Subordinate police officers and constables shall keep all articles issued to them constantly clean and serviceable and shall report to a superior officer any loss of or damage to any article issued to them.

Inspections

46. At musters and inspections of kit, the arms and articles of equipment and clothing issued to subordinate police officers and constables shall be laid out in such manner as may be prescribed from time to time by the Superintendent.

Equipment

47. New equipment will not be issued so long as serviceable articles are available and new issues will not be made unless replacement is essential.

Government property

48. All arms, equipment and clothing provided at the public expense shall remain the property of the Crown and the subordinate police officers and constables to whom they are issued will be responsible for the proper care of them and for handing over the several articles of their equipment on the termination of their employment or when ordered to do so by a superior officer. They will be liable to make good by stoppage from pay any damage to or loss of any arms, equipment or clothing otherwise than by fair wear and tear or through injury sustained in the performance of duty, unless they can show that such loss or damage did not arise from their own default or negligence.

Variation of dress

49. Notwithstanding anything to the contrary in these Regulations, strict adherence to the dress and uniforms prescribed in the Schedules on the several occasions mentioned therein shall not be required and the badges of rank prescribed in the Second Schedule and the equipment prescribed in the First and Third Schedules, when not available, may be dispensed with.

FIRST SCHEDULE

(Regulations 39 and 40)

UNIFORM AND OCCASIONS ON WHICH IT IS TO BE WORN

GAZETTED POLICE OFFICERS

Uniform

Occasions

No. 1—Full Dress

White tunic.
Blue overalls with buff stripe.
Wellington boots.
Spurs.
Shoulder belt and pouch.
Sword belts and slings.
Sword with steel scabbard.
Silver sword knot.
White helmet with spike, badge and chain.
Full size medals.
Blue and white hackle.

Guards of honour, ceremonial parades, church parades or other occasions when specially ordered.

No. 2—Service Dress

Khaki tunic.
Blue lanyard.
Khaki trousers.
White shirt and collar.
Navy blue tie.
Black Sam Browne equipment.
Socks.
Black Sam Browne or cloth belt (as ordered).
Blue forage cap.
Black shoes.
Medal ribbons

Drill parades, other duties when so ordered.

No. 3—Working Dress

Khaki bush tunic.

Khaki shorts.

Blue lanyard.

Blue cap.

Black Sam Browne or cloth belt (as ordered). Ordinary duties.

Black shoes.

Khaki stockings (blue tops).

Medal ribbons.

No. 4—Blue Dress

Blue tunic.

Blue trousers.

Black shoes.

Helmet or cap (as ordered). On duty at night or in wet weather as ordered.

Black Sam Browne (or cloth) belt (as ordered).

Black socks.

Medal ribbons.

No. 5—Mess Dress

White mess jacket.

Blue cummerbund.

Blue overalls with buff stripe.

Half Wellingtons.

Miniature medals.

Official evening functions, *e.g.* at Government House, dances and entertainments (as ordered), Naval and Military Guest nights.

INSPECTORS

No. 1—Full Dress—As for Officers but minus spurs.

Overalls with black mohair braid.

No. 2—Service Dress.**No. 3—Working Dress.****No. 4—Blue Dress.****No. 5—Mess Dress.**

} As for Officers except overalls.

SUBORDINATE POLICE OFFICERS AND CONSTABLES

No. 1—Full Dress

White tunic.
Blue trousers with white stripe.
Black boots.
Waist belt.
Side arms.
Helmet, spike and chain.
Medals.

Guards of honour, ceremonial parades or other occasions when specially ordered.

No. 2—Working Dress—Items to be worn as ordered

White tunic.
Blue trousers with white stripe.
White helmet.
White cap cover (as ordered).
Black boots.
Blue cap.
Waist belt.
Baton.
Medal ribbons.
Grey shirts with short sleeves.
Blue trousers with white stripe.
Blue forage cap.
Blue shorts.
Blue puttees.

Ordinary duties.

To be worn when so ordered.

No. 3—Drill Order

Grey shirt.
Blue trousers with white stripe.
Black boots.
White helmet or cap as ordered.

Drill parades.

No. 4—Blue Dress

Blue tunic.
Blue trousers with white stripe.
Black boots.

White helmet or cap (as ordered).	On duty at night or in wet weather (as ordered).
Waist belt.	
Baton.	
Shoes—rubber soled canvas (optional—when ordered).	

No. 5—Cycling Dress

Men riding bicycles on duty are permitted, if they so desire, to wear blue shorts and grey shirts with white helmet or blue cap.

SECOND SCHEDULE

(Regulation 41)

(Amended by S.R.O. 31/1975)

BADGES

1.—Badges of Rank

(A) SENIOR POLICE OFFICERS

For Commissioner	Crossed tipstaves with crown above.
For Superintendent	Crossed tipstaves with two stars above.
For Assistant Superintendent	Crown
For Chief Inspector	Three stars
For Inspector	Two stars

(B) SUBORDINATE POLICE OFFICERS

For Station Sergeants	Crown over three silver chevrons.
For Sergeants	Three silver chevrons.
For Corporals	Two silver chevrons.

2.—Good Conduct Badges

Miniature chevrons, silver metal, to be worn on the left forearm between the cuff and the elbow.

3.—Musketry Badges

(a) Crossed rifles, silver on blue cloth.

(b) The same with crown above, when awarded, to be worn on the left forearm between the cuff and the elbow above the good conduct badges if any.

4.—*Signal Badges*

Crossed flags, silver on blue cloth, to be worn as in 3 above. When both Musketry and Signal Badges are worn the signal badge should be above.

5.—*First Aid Badges*

As issued by the St John Ambulance Brigade. To be worn on the left sleeve of both shirt and tunic.

6.—*Proficiency Pay Star*

To be worn above First Aid Badge.

THIRD SCHEDULE*(Regulation 43)***EQUIPMENT AND CLOTHING FOR GAZETTED POLICE OFFICERS**

- 1 Service revolver.
 - 1 Black holster.
 - 1 Sword (infantry pattern).
 - 1 Steel scabbard for sword.
 - 1 Black leather scabbard for sword.
 - 1 Cross belt.
 - 1 Sword with sling.
 - 1 Sword knot, silver.
 - 1 Black Sam Browne equipment.
 - 1 Water bottle and sling.
 - 1 Blue lanyard and whistle.
 - New equipment will not be issued when returned serviceable articles are available.
 - Buttons, badges of rank and jacket lapels as required.
 - 1 Blue serge tunic.
 - 1 Blue patrol jacket.
 - 1 Pair blue serge trousers.
 - 1 Pair blue serge overalls.
 - 3 White drill tunics.
 - 2 White drill mess jackets.
 - 1 Blue cummerbund.
 - 1 Water-proof coat.
 - 2 Khaki drill jackets.
 - 2 Pairs khaki drill trousers.
 - 4 Khaki bush tunics and cloth belt.
 - 4 Pairs khaki drill shorts.
 - 1 White helmet, Wolsey, spike and chain.
 - 1 Blue cloth cap.
 - 1 Pair black Wellington boots (parade) with spur boxes.
 - 1 Pair Wellington boots (mess).
 - 1 Pair spurs for parade Wellingtons.
 - 1 Pair spurs for mess Wellingtons.
-

FOURTH SCHEDULE

(Regulation 44)

**UNIFORM AND EQUIPMENT TO BE SUPPLIED ON LOAN
AT PUBLIC EXPENSE TO INSPECTORS**

<i>Articles</i>	<i>Issue</i>	<i>Remarks on Periods of Issue and Wear</i>
1.—Arms		
Service Revolver	1	During service
Holster	1	" "
Sword (infantry pattern)	1	" "
Scabbard (steel)	1	" "
Scabbard (black leather)	1	" "
2.—Equipment		
Cross belt	1	Every 10 years
Sword belt with sling	1	" " "
Sword knot (silver)	1	" " "
Black Sam Browne equipment	1	" " "
Haversack	1	Every 4 years
Water bottle and sling	1	Every 5 years
Whistle and chain	1	Every 10 years
3.—Head-dress		
Helmet (white, Officer's pattern)	1	Every 5 years
Cap (blue, Officer's pattern)	1	" " "
4.—Clothing		
Jacket (blue serge, fine)	1	Every 3 years
Blue lanyard	1	" " "
Trousers (blue serge, fine)	2	" " "
Overalls (blue with straps)	1	Every 10 years
Jackets (white drill)	3	As required
Mess jacket (white drill)	1	" "
Cape (blue)	1	Every 5 years
Jackets (khaki drill)	—	As required
Trousers (khaki drill)	—	" "

[Subsidiary]

Khaki shorts	—	" "
Bush tunics	—	" "
Khaki stockings with blue tops	—	" "

5.—Shoes

Black Balmoral	1 pr.	Annually
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FIFTH SCHEDULE

(Regulation 45)

**ARMS, UNIFORM AND EQUIPMENT OF
SUBORDINATE POLICE OFFICERS AND CONSTABLES**

<i>Articles</i>	<i>Issue</i>	<i>Remarks on Periods of Issue and Wear</i>
1.—Arms		
Rifle, S.L.E. (with sling)	1	During service
Bayonet and scabbard	1	" "
2.—Equipment		
Waist belt	1	Every 10 years
Frog	1	" " "
Baton	1	" " "
Whistle and chain	1	" " "
Haversack	1	Every 4 years
Kit bag	1	" " "
Water bottle and sling	1	Every 5 years
3.—Head-dress		
Helmet (white)	1	As required (average serviceable wear 5 years)
Cap (blue)	1	Every 2 years
Cap covers (white)	2	As required
Cap covers (waterproof)	2	As required (average period of wear 4 years)
4.—Clothing		
Jackets (blue serge)	1	Annually
Trousers (blue serge)	3	"
Cape (blue cloth)	1	As required (average period of wear 8 years)
Boots (black)	—	As required (not more than 2 pairs annually)
Rank chevron and good conduct badges	—	As required (average period of wear 3 years)

CHAPTER 10.01**POLICE SERVICE COMMISSION ACT***(Act 25 of 1959)***Commencement***[22 December 1959]***Short title**

1. This Act may be cited as the Police Service Commission Act.

Power vested in Her Majesty in Council to establish Police Service Commission

2. Her Majesty may by Order in Council provide for the establishment for Montserrat of a Police Service Commission constituted and transacting its business in such manner as may be determined by or under the Order and any such Order in Council may make provision for any incidental, supplementary or consequential matters for which it appears to Her Majesty in Council necessary or expedient to make provision for the purposes of the Order.

Order in Council may be varied or revoked

3. An Order in Council made in pursuance of this Act may be varied or revoked by a subsequent Order in Council.

CHAPTER 10.01

LOCAL CONSTABLES ACT

ARRANGEMENT OF SECTIONS

SECTION

1. Short title
 2. Interpretation
 3. Qualifications for appointment
 4. Appointment of local constable
 5. Precept and oath of local constables
 6. Precept and oath constitute appointment
 7. Equipment
 8. Powers, privileges and immunities of local constables
 9. Local constables subject to orders of officers of police
 10. May be ordered on public service
 11. Remuneration of local constables
 12. Riot or disturbance
 13. Penalty for assaulting or resisting local constable
 14. Resignation of local constable
 15. Residence of local constables
 16. Dismissal of constable
 17. Cessation of powers and extension of age limit of local constable
 18. Offences of local constables
 19. Application of section 81 of the Police Act
- SCHEDULE: Form of Precept to Constable

CHAPTER 10.01**LOCAL CONSTABLES ACT**

(Acts 6 of 1921, 17 of 1955 and S.R.O. 15/1956)

Commencement

[25 February 1921]

Short title

1. This Act may be cited as the Local Constables Act.

Interpretation

2. In this Act—

“**Division**” has the same meaning as is ascribed to it in section 2 of the Police Act;

“**Divisional Officer**” means the *Gazetted* Police officer or the senior police officer in charge of the Division;

“**local constable**” means a constable appointed and acting under this Act.

Qualifications for appointment

3. Every male person who is—
 - (a) over 18 and under 55 years of age;
 - (b) able bodied; and
 - (c) of good character,

shall be deemed to be qualified for appointment as a local constable.

Appointment of local constable

4. Subject to the provisions of this Act the Governor may appoint any qualified person residing within Montserrat at the time of such appointment to be a local constable for Montserrat.

Precept and oath of local constables

5. On appointing any person to be a local constable the Governor shall—

- (a) deliver to him a precept in the form contained in the Schedule authorizing him to act as a local constable;
- (b) administer to him the following oath of office—

“I, A.B. do swear that I will well and truly serve Our Sovereign Lady the Queen in the office of local constable for Montserrat without favour or affection, malice or ill-will, and that I will, to the best of my ability, cause the peace to be preserved, and prevent all offences against the persons and property of Her Majesty’s subjects.”

Precept and oath constitute appointment

6. On receiving the precept and taking the oath the person so appointed shall be a local constable, and shall and may act as constable generally throughout Montserrat.

Equipment

7. Every local constable shall be provided by the Divisional Officer with a staff, a whistle, a note-book, an instruction book and an armlet bearing the letters “L.C.” and such armlet shall be evidence of the office of every such local constable. The cost of these articles of equipment shall be defrayed at the public expense.

Powers, privileges and immunities of local constables

8. Every local constable shall have all the powers and shall be entitled to all the immunities conferred by any law or Act for the time being in force upon any police constable or upon any rural or other constable.

Local constables subject to orders of officers of police

9. Every local constable shall be subject to orders issued by a Divisional Officer or any police officer in charge of any police station in Montserrat in relation to police duty.

May be ordered on public service

10. The Governor may, in case of emergency, on the application of any police officer in charge of any police station, order on the public service for a period not exceeding at any one time, 24 hours, any number of local constables.

Remuneration of local constables

11. (1) The Divisional Officer may from time to time, grant to a local constable a certificate for payment by the Accountant General of such sum as may be authorized in accordance with the rates fixed in Montserrat for the performance of duty under the provisions of this Act.

(2) Every such payment shall be made from such moneys as may be provided for the purpose by the Legislative Council.

Riot or disturbance

12. The Governor may, in case of riot or disturbance, order on the public service any number of local constables for such period as he shall deem expedient.

Penalty for assaulting or resisting local constable

13. Any person who shall assault or resist any local constable in the execution of his duty, or who shall aid or incite any person so to assault or resist, shall be liable, on summary conviction, to a fine not exceeding \$48.

Resignation of local constable

14. A local constable shall be at liberty to resign his appointment on giving one month's notice in writing of his intention to so resign to the officer in charge of the police in Montserrat.

Residence of local constables

15. (1) Every local constable shall in the months of January and July in every year, appear personally before the Divisional Officer, or the police officer in charge of the police station which is nearest to the place of residence of such local constable, and state his occupation and place of residence; and no local constable shall change his residence as stated, unless he has given notice of his intention so to do to any such police officer.

(2) Any local constable who is about to leave Montserrat shall report his intended departure to the Divisional Officer.

(3) A local constable who ceases to reside in Montserrat shall be deemed to have resigned his appointment.

Dismissal of constable

16. The Governor may at any time dismiss any local constable from his office:

Provided that such dismissal shall not preclude any remedy at law which the party aggrieved by the offence of such constable might have had if such dismissal had not taken place.

Cessation of powers and extension of age limit of local constable

17. (1) When any local constable attains the age of 60 years or resigns or is dismissed from his office all powers and authorities vested in him and all immunities to which he is entitled as such local constable shall immediately cease and determine, and he shall on demand deliver over to the Divisional Officer his precept of appointment and any equipment which may have been supplied to him for the execution of his office.

(2) Notwithstanding the attainment by a local constable of the age mentioned in subsection (1) the Governor may in his discretion permit such constable to retain his office for such period beyond the said age as the Governor may deem expedient.

Offences of local constables

18. If any local constable—

- (a) refuses or neglects to obey any lawful order given to him; or
- (b) is guilty of any violation or neglect of duty, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding \$48.

Application of section 81 of the Police Act

19. The provisions of section 81 of the Police Act shall apply to local constables appointed under this Act as it applies to police officers.

SCHEDULE

(Section 5)

LOCAL CONSTABLES ACT

FORM OF PRECEPT TO CONSTABLE

To of

I, Governor of Montserrat, do under and by virtue of the power and authority in me vested by the Local Constables Act, hereby appoint you to be a local constable, and I do issue to you this precept authorizing you to act as a local constable throughout Montserrat.

Dated this day of, 20 .. .

.....
Governor.

COLONIAL POLICE LONG SERVICE MEDAL REGULATIONS

(S.R.O. 6/1987)

Commencement

[25 March 1987]

Short title

1. These Regulations may be cited as the Colonial Police Long Service Medal Regulations.

Service required

2. (1) The Colonial Police Long Service Medal will be granted as a reward for long service and good conduct to members of all ranks of the Royal Montserrat Police Force, who on or after the 21st day of March, 1956, shall have completed eighteen years' continuous service as hereinafter defined.

(2) A Clasp will also be granted to a recipient of the Medal on his completing 25 years' qualifying service, and a further Clasp on completing 30 years' qualifying service. For each Clasp so awarded a small silver rose may be added to the ribbon when worn alone.

Continuity of service

3. (1) Service in the Civil Police Forces of other Colonies, Associated States or Territories under Her Majesty's Protection or Administration may be allowed to reckon towards the required period of qualifying service, as may also service which would reckon as qualifying service for the Police Long Service and Good Conduct Medal, if the total period of such service amounts to not less than eighteen years; provided, however, that where service has been rendered in Montserrat and in one or more of the territories defined above an interval not exceeding twelve months between any two periods of service shall not be regarded as breaking the continuity of such service; provided also that a break in service not exceeding six calendar months in Montserrat or in any one territory as defined above shall not be regarded as breaking the continuity of such service.

(2) Service in Her Majesty's Armed Forces or Merchant Navy whether on secondment, on recall or when called upon to serve may be allowed to reckon towards the required period of qualifying service, provided that such military or Merchant Navy service interrupted and was continuous with qualifying Police service.

Exemplary character

4. (1) For the purposes of these Regulations, service shall be reckoned as qualifying service only if it is certified that the character and conduct of the person recommended for the grant of the medal or Clasp has been exemplary.

(2) Such person shall be deemed to be in possession of an exemplary character if—

- (a) he has not been convicted of an offence involving moral turpitude;
- (b) he has not been guilty frequently of minor disciplinary offences;
- (c) he has not been guilty of any serious disciplinary offences during the last six years of his service; and
- (d) he has, in the opinion of the recommending authority, set a high example by his conduct.

Recommending authority

5. Recommendations for the award of the Medal or Clasp shall be submitted by the Officer in Command of the Police Force to the Governor. The Medal will be awarded on the authority of the Governor and a notification of such award shall be published in the *Gazette*.

Forfeiture and restoration

6. (1) A recipient of the Medal or Clasp who is convicted of a criminal offence or is dismissed or removed from the Police Service for misconduct shall forfeit the Medal or Clasp unless the Governor shall otherwise direct.

(2) A Medal or Clasp so forfeited may be restored to the recipient by the Governor at his discretion.

(3) A notice of forfeiture or restoration shall in every case be published in the *Gazette*.

Replacement of medal or clasp in event of loss

7. (1) When a Medal or Clasp is lost through carelessness or neglect, the loser may be recommended by the recommending authority to be provided with a new Medal or Clasp at his own expense. If the loss is accidental, the loser may be recommended to be supplied with a new Medal or Clasp, either at his own or at the public expense, according to the circumstances of the case.

(2) An application for a new Medal or Clasp to replace one which has been lost must be accompanied by a declaration as to the circumstances under which the original medal was lost. A replacement will not be issued until a period of six months has elapsed since the date upon which the loss occurred.

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