



MONTSERRAT

## CHAPTER 10.01

### **POLICE ACT** Subsidiary and Related Legislation

#### Revised Edition

showing the law as at 1 January 2025

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—

#### **POLICE ACT**

Act 12 of 1951 .. in force 1 January 1952

Amended by Acts: 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, 9 of 2000, 3, 9 and 11 of 2011 and 9 of 2014

Amended by Act 9 of 2024 .. in force 7 February 2024

Amended by S.R.O.: 8/2019 .. in force 8 May 2019

#### **POLICE WELFARE ASSOCIATION RULES – Section 46**

S.R.O. 42/1999 .. in force 5 August 1999

Amended by Act 9 of 2011 .. in force 27 September 2011 (S.R.O. 40/2011)

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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, 9 of 2000 and 3 of 2011, 9 of 2011 and 11 of 2011, 9 of 2014 and 9 of 2024)*

#### 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;

“**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 established under section 82 of the Montserrat Constitution Order;

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

“**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 Acts 2 of 1996, 9 and 11 of 2011)*

## PART 1

### CONSTITUTION, APPOINTMENTS AND ENLISTMENTS

#### Establishment and objects of Service

3. (1) The Service shall be maintained under this Act with headquarters in Montserrat.

(2) The Service shall be primarily employed for the prevention and detection of crime and the repression of internal disturbance; and the Governor may issue arms and ammunition to the Service, and any member of the Service may carry and use the same for lawful purposes.

*(Amended by Acts 1 of 1967 and 9 of 2011)*

### **Employment of Service to repel external aggression and liability to actual service**

4. (1) The Service 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 Forces Act or the Constitution, the Service shall be held to be similarly called out for actual service by the said proclamation.

(3) Whenever the Defence Forces of Montserrat shall be called out for actual service pursuant to subsection (2), the provisions of this Act dealing with withdrawal from the Service 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 acting on the advice of Cabinet 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.

*(Amended by Act 11 of 2011)*

### **Maritime search and rescue functions**

5. The Service shall advise the Government and assist in the implementation and administration of Government policy in relation to maritime search and rescue matters and maritime and seaborne incident and event response. *(Inserted by Act 9 of 2024)*

### **Accoutrements and uniform of the Service**

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

*(Amended by Act 9 of 2011)*

### **Composition of the Service**

7. (1) The Service shall consist of the Commissioner of Police, the Deputy Commissioner of Police, two Superintendents of Police, and such number of Inspectors, subordinate Police Officers and constables as the Legislative Assembly may from time to time approve. *(Amended by Act 9 of 2011)*

(2) Officers to the rank of subordinate police officers may be engaged on contract for a period of five years on such terms and conditions as may be approved by the Governor. *(Substituted by Act 11 of 2011)*

(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 Service; or

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

(4) 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.

(5) 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 is 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**

8. (1) Every person who on 27 February, 1967, is a member of the “B” division of the Antigua, Montserrat and British Virgin Islands Police Force is deemed to have been duly appointed as a member of the Service and to have been duly sworn as such.

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

(a) any person who having been born in Montserrat is immediately before 27 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 Service;

(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 27 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 Service.

(3) The options referred to in subsection (2) shall be exercisable not later than the day immediately preceding the expiration of three months after 27 February, 1967, or if the revised terms of service for the Service 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) is 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 and amended by Act 11 of 2011)*

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

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

- (a) any member of the Service who having been born in Antigua was immediately before 27 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 Service who having been born in the British Virgin Islands was immediately before 27 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 Service 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 27 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) shall be exercisable not later than the day immediately preceding the expiration of three months after 27 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) is 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 and amended by Act 11 of 2011)*

## Continuity of service

### 10. Any person who—

- (a) is a member of the Service by virtue of section 8(1);
- (b) has been transferred to the Service under section 8(2);
- (c) not being a person to whom section 8(1) or (2) is applicable has been transferred to the Service from the Royal British Virgin Islands Police Force, is deemed to be employed under 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 Acts 1 of 1967 and amended by Act 11 of 2011)*

## Guarantee of rank, pay and conditions of service

11. All members of the Antigua, Montserrat and British Virgin Islands Police Force who are transferred to the Service under section 8(2) 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 Acts 1 of 1967 and 11 of 2011)*

## Command

12. (1) There shall be a Commissioner of Police who shall have the command and superintendence of the Service and shall be responsible to the Governor for the efficient administration and government of the Service 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 Service 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 and amended by Act 11 of 2011)*

## Appointments

13. (1) The Commissioner of Police shall be appointed by the Governor under section 85(4) of the Montserrat Constitution Order.

(2) Every appointment to the Service shall be made by the Governor in accordance with section 39 of the Montserrat Constitution Order.

*(Amended by Acts 1 of 1967, 9 and 11 of 2011)*

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

14. 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 a period of extension, 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 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, 2 of 1996 and 11 of 2011)*

### **Qualifications for appointment to Service**

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

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

Provided that, in any special case the Governor may appoint a person who has already attained the age of thirty five years;

- (b) he is of the required height and chest measurement according to the standard from time to time fixed by the Commissioner of Police;
- (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; and
- (e) he satisfies the Commissioner of Police he has attained a reasonable standard of education.

*(Amended by Acts 9 of 2011 and 11 of 2011)*

### **Terms of appointment**

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

Provided that, the Commissioner of Police 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 Service 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 of six months.

*(Amended by Acts 9 and 11 of 2011)*

### **Dismissal during probation**

17. 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 Commissioner of Police 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.

*(Amended by Act 9 of 2011)*

### **Withdrawal from the Service**

18. (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 Service unless he obtains the permission of the Commissioner of Police to do so.

(2) No police officer whose appointment to the Service has been confirmed, shall be at liberty to withdraw himself from the Service 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 to the Governor and, in the case of a police officer below the rank of Inspector to the Commissioner of Police.

*(Amended by Acts 1 of 1967, 9 and 11 of 2011)*

### **Oath**

19. (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 Service, shall take the following oath before entering on his duties—

**“I, A.B., do swear that I will well and truly serve Our Sovereign King as a member of the Royal Montserrat Police Service. Without favour or affection, malice or ill-will; and that I will cause His 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 Service 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, 2 of 1996 and 11 of 2011)*

### **Status of member of the Service**

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

*(Amended by Acts 1 of 1967, 2 of 1996 and 9 of 2011)*

### **Every police officer to be a constable**

21. 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 Service in Montserrat. *(Amended by Act 9 of 2011)*

### **General power of police officers**

22. 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**

23. Every *Gazetted* Police Officer 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.

*(Amended by Act 9 of 2011)*

## **PART 2**

### **POWERS AND DUTIES**

#### **Power to arrest without a warrant**

24. (1) A police officer may 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 8 p.m. and 5 a.m. 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 8 p.m. and 5 a.m. 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 8 p.m. and 5 a.m. 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 Service

25. 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) carry out and be responsible for maritime search and rescue;  
*(Inserted by Act 9 of 2024)*
- (k) provide general maritime and seaborne incident and event response functions, including accident and pollution response; and; *(Inserted by Act 9 of 2024)*
- (l) generally, to do and perform all the duties appertaining to the office of a constable.  
*(Amended by Act 9 of 2011)*

### **Police station to be lock-up**

**26.** Every police station is 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**

**27. (1)** When any person is in the custody of any police officer without the warrant of a Magistrate the police officer may, subject to section 28, 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 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, the Magistrate may cause a record of the recognizance to be drawn up and to deal with such recognizance in accordance with the Magistrate's Court Act.

### **Persons apprehended after eight in the evening**

**28. (1)** When any person is apprehended without warrant after the hour of 8 p.m. and before the hour of 5 a.m., such person shall be taken to a police station, and the police officer in charge may 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**

**29.** Nothing contained in section 27 or 28 shall authorise any police officer to take bail for any person charged with an offence punishable by life imprisonment.

*(Amended by Acts 12 of 1983 and 9 of 2000)*

### **When bail refused**

**30.** 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 27 and 28 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**

**31. (1)** It shall be lawful for any *Gazetted* Police Officer or for any police officer below the rank of Inspector who is authorised by the Commissioner

of Police, 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 Acts 1 of 1967, 9 and 11 of 2011)*

### **Right of police officer to prosecute**

32. 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 3**

### **OFFENCES AND DISCIPLINE**

#### **Mutinous or seditious conduct**

33. (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 of 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 of \$240 or to imprisonment for a term of six months.

### Penalty for causing disaffection, etc.

34. If any person (including any member of the Service)—

- (a) causes, or attempts to cause, or does any act calculated to cause disaffection amongst the members of the Service; or
- (b) aids, or incites any other person (including any member of the Service) to assault or resist any member of the Service in the execution of his duty,

he shall be liable, on summary conviction, to a fine of \$150 or to imprisonment for a term of six months or, on conviction on indictment, to imprisonment for a term of two years.

*(Amended by Acts 9 of 2011 and 9 of 2014)*

### Dismissal and reduction

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

(2) Dismissal or reduction in rank under subsection (1) 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.

*(Amended by Acts 9 and 11 of 2011)*

### Hearing and determination of charge or complaint

36. (1) Subject to subsection (2), when a charge or complaint is made against a police officer for breach of any disciplinary regulations made under this Act, a <sup>1</sup>disciplinary tribunal constituted by Order of the Governor, comprising a Magistrate or a *Gazetted* Police Officer of a higher rank than the officer to be disciplined, shall hear and determine the charge or complaint and may make any of the following orders—

- (a) caution or reprimand;
- (b) suspension, deferment or stoppage of increment;
- (c) fine of \$500;

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<sup>1</sup> S.R.O. 8 of 2019 –The disciplinary tribunal to hear and determine a charge or complaint under section 35 is constituted and comprised of the Magistrate Vashti Chatoor.

- (d) reduction in rank;
- (e) forfeiture of good conduct pay or badges, or of any benefits arising from service;
- (f) dismissal; or
- (g) in the case of constables, confinement to barracks for any period of twenty eight days, and such confinement shall involve the performance of ordinary duty and parades as well as fatigue duties.

(2) Where a charge or complaint is made against the Commissioner of Police, the charge or complaint shall be dealt with by the Governor in accordance with section 85 of the Montserrat Constitution Order. (*Substituted by Act 11 of 2011*)

(3) 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.

(4) Every person who, on the hearing of any such charge or complaint, gives false evidence on oath is guilty of perjury.

### Appeals

37. (1) Where a police officer is dissatisfied with a decision given by a *Gazetted* Police Officer or by a Magistrate under section 36(1), he may within seven days after the decision has been communicated to him, appeal to the Governor.

(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 Commissioner of Police 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 Commissioner of Police 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—

- (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 Governor shall be final.

*(Amended by Acts 10 of 1967 and 11 of 2011)*

### **Reduction of punishment where no appeal**

38. The Commissioner of Police may, with the authorisation of the Governor, reduce any punishment imposed by a *Gazetted* Police Officer or a Magistrate on an officer, where there is no appeal by the officer.

*(Substituted by Act 11 of 2011)*

### **Arrest of offending member of Service**

39. Any officer 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 section 36(1), 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 or a subordinate police officer not of inferior rank to the police officer who is to be arrested.

*(Amended by Acts 9 and 11 of 2011)*

### **Payment during suspension, etc.**

40. (1) An officer 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 Governor; 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 Governor thinks fit.

(2) If an officer 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 officer 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.

*(Amended by Act 11 of 2011)*

## PART 4

### PAY, ALLOWANCES AND OTHER FINANCIAL PROVISIONS

#### Pay and allowances

41. 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 Assembly. *(Amended by Act 9 of 2011)*

#### Payment of extra expenses

42. The Governor may 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 Commissioner of Police.

*(Amended by Acts 10 of 1967 and 9 of 2011)*

#### Reward Fund

43. (1) All fines and penalties imposed upon any officer 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 officer 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 Acts 1 of 1967 and 11 of 2011)*

### **Investment of Reward Fund**

44. The Commissioner of Police may 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.  
*(Amended by Act 11 of 2011)*

## **PART 5**

### **POLICE WELFARE ASSOCIATION**

#### **Constitution of Police Welfare Association**

45. (1) For the purpose of enabling Inspectors, subordinate police officers and constables of the Service to consider and bring to the notice of the Commissioner of Police 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 46.

(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 anybody outside the Service.

*(Amended by Acts 9 and 11 of 2011)*

#### **Police Association Rules**

46. 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 50, and in force immediately before the coming into operation of this Act shall continue in force.

## **PART 6**

### **PROHIBITED ASSOCIATIONS**

#### **Police officers not to join prohibited associations**

47. (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 of \$48 and such member shall be dismissed from the Service.

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

- (a) any Trade Union as defined by the Labour Code, 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 Service, and of which the Commissioner of Police shall with the approval of the Governor declare to be a prohibited association.

*(Amended by Acts 9 and 11 of 2011)*

## PART 7

### GENERAL ADMINISTRATION

#### Canteens

48. (1) There may be established with the approval of the Commissioner of Police a police canteen at which the keeper thereof may sell intoxicating liquors by retail to members of the Service.

(2) The Commissioner of Police 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 Acts 1 of 1967, 9 and 11 of 2011)*

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

49. (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

50. (1) The Governor may reduce, for inefficiency, the Deputy Commissioner of Police, any Superintendent, Inspector or any subordinate police officer to a lower grade.

(2) If, 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 Service, 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 Service, he may, subject to subsection (3), require such Inspector, subordinate police officer or constable to retire from the Service, 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 the Pensions Act.

(3) Before requiring any Inspector, subordinate police officer or constable to retire from the Service as provided in subsection (2), the Governor shall call for a full report from the Commissioner of Police, 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 Service that such Inspector, subordinate police officer or constable should be retired his retirement shall have effect accordingly.

*(Amended by Acts 9 and 11 of 2011)*

### **Retirement from the Service**

51. Every constable and subordinate police officer may be required to retire from the Service on attaining the age of fifty years and every officer shall be required to retire from the Service on his attaining the age of fifty five years:

Provided that, the Governor in special cases may permit an Inspector to retire on or after attaining the age of fifty years:

Provided further that, the Governor may re-employ a retired Inspector for a period of two years.

*(Amended by Acts 24 of 1975, 9 and 11 of 2011)*

### **Examination by Medical Board**

52. The Governor may require any officer whom he may consider to be incapacitated from further performance of police duties to be examined by a Medical Board. *(Amended by Act 11 of 2011)*

### **Discharge on medical grounds**

53. The Governor may discharge from the Service any officer 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.

*(Amended by Acts 9 and 11 of 2011)*

### **Attachment, secondment, etc., of police officers to other Territories**

54. (1) At the request of the Government of any other Territory, or of His Majesty's Government in the United Kingdom, the Governor may despatch for temporary service in any other Territory any member of the Service.

(2) Upon being so despatched, such member of the Service 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 Service so despatched as aforesaid—

(a) shall be subject to the laws of that Territory and to the same disciplinary regulations and Service 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 Service so despatched as aforesaid shall be at liberty to withdraw himself from the Service 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 Service.

(6) Temporary service on attachment or secondment in another Territory is 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 Service, 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 is 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 Service 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 and amended by Acts 9 and 11 of 2011)*

### Power to make regulations

**55. (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 Service;

(b) the conditions subject to which allowances may be paid to members of the Service;

- (c) the conditions subject to which repatriation expenses may be paid to widows and dependants of deceased members of the Service;
- (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 Service and all such matters as may, from time to time, be considered expedient for rendering the Service efficient in the discharge of its duties and for securing proper discipline therein.

*(Amended by Act 9 of 2011)*

(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 8

### SPECIAL CONSTABLES

#### **Appointment of special constables**

56. (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 of three years as may be specified in such appointment.

#### **Officers and members of Fire and Rescue Service to be special constables**

57. Every officer and member of a Fire and Rescue Service 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 58 to 61 apply to every such officer and member except that the oath prescribed by section 58 shall not be required of persons who were officers and members of such Fire and Rescue Service immediately before the coming into operation of this Act.

#### **General powers, etc., of special constables**

58. 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 Service, 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 King in the Office of special constable in Montserrat without favour or affection, malice or ill-will, and that I will cause His Majesty’s peace to be preserved, and will prevent to the utmost of my power offences against the same. So help me God !”**

*(Amended by Act 9 of 2011)*

### **Arms of special constables**

**59. (1)** Every special constable shall be provided by the Commissioner of Police, 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 Commissioner of Police or such other officer at such time and place as he may direct. *(Amended by Act 11 of 2011)*

**(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 of \$50, and in default of payment to imprisonment for any term of four months.

**(3)** A Magistrate or any Justice of the Peace may issue a 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**

**60.** 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 Commissioner of Police.

*(Amended by Act 11 of 2011)*

### **Offences by special constables**

**61.** Subject to section 57, 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 of \$100, and, in default of payment, to imprisonment for any term of six months.

### **Remuneration of special constables**

**62.** The Governor is hereby authorised to pay for the services and expenses of special constables other than the paid members of a Fire and

Rescue Service such sum as he may consider reasonable from the Treasury of Montserrat.

### **Additional constables**

**63. (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 Service 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 Commissioner 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 Acts 1 of 1967 and 11 of 2011)*

### **Pensions and gratuities to special constables**

**64. (1)** When a special constable (including an officer and member of a Fire and Rescue Service or an additional constable) is injured or killed without his own default while carrying out a police duty, the Governor may 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 of 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)** Sections 18, 19 and 20 of the Pensions Act apply, with the necessary modifications, to every pension granted by virtue of subsection (1).

*(Amended by Act 11 of 2011)*

## **PART 9**

## MISCELLANEOUS

**Members of Service not liable for irregularity of warrant**

**65.** 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. (*Amended by Act 11 of 2011*)

**Satisfaction of civil judgment**

**66.** 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 Commissioner of Police by the Registrar or Magistrate, as the case may be, of the Court in which such judgment shall have been obtained, and the Commissioner of Police 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 Commissioner of Police shall seem meet; and the Commissioner of Police 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. (*Amended by Act 11 of 2011*)

**Harbouring, inducing, etc.**

**67. (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 Service to deliver up articles**

68. (1) Every Inspector, subordinate police officer or constable who is dismissed from the Service or resigns his office or otherwise ceases to belong to the Service shall forthwith deliver over to the person appointed for that purpose by the Commissioner of Police or the *Gazetted* Police Officer, or subordinate police officer under whose command he was at the time of his dismissal or ceasing to belong to the Service every article whatsoever which has been supplied to him at the public expense for the execution of his office.  
(Amended by Act 11 of 2011)

(2) Every person who contravenes this section shall be liable on summary conviction, to a penalty of \$50 or to imprisonment for any period of four months; and the Magistrate may issue a 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 Services**

69. 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 of \$120 or to imprisonment for a term of six months.

(Amended by Act 11 of 2011)

### **Personation of police officer**

70. 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 of \$250 or to imprisonment for a term of 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**

**71. (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 Commissioner of Police or to the *Gazetted* Police Officer, 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.

*(Amended by Act 11 of 2011)*

**(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 a Magistrate may issue a 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**

**72. (1)** Where any property has come into the possession of the Service in connection with any criminal charge or under section 31 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 Service under the circumstances mentioned in subsection (1) and all property which has otherwise come into the possession of the Service 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 Service;
- (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 authorised after it has remained in the possession of the Service 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 Service for three months and has been advertised for fourteen days.

(4) The proceeds of all sales hereby authorised 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 Service for three months.

(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 Service, 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 Service in respect of such delivery.

*(Amended by Acts 1 of 1967 and 11 of 2011)*

### **Recovery of penalties**

73. All fines and penalties imposed by this Act shall be recovered under 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

74. (1) Wherever in sections 3(2), 6, 7, 42, 43(2), 45(1), 46, 47(3)(c), 55(1), 62, 63 and 64(1) reference is made to the Governor such reference shall be construed to mean the Governor acting on the advice of Cabinet.

(2) Wherever in sections 18, 35, 40, 49, 50, 51 and 53 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 Cabinet 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.

*(Amended by Acts 9 and 11 of 2011)*

### Change of nomenclature

75. 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 Service 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 Service.

*(Amended by Act 9 of 2011)*

## 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

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#### POLICE WELFARE ASSOCIATION RULES – SECTION 46

*(S.R.O. 42/1999 and Act 9 of 2011)*

#### **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 Service (hereinafter referred to as the Police Service) 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.

*(Amended by Act 9 of 2011)*

#### **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 Service 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.

*(Amended by Act 9 of 2011)*

(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 Service and the Fire and Rescue Service. (*Amended by Act 9 of 2011*)

### Election

5. (1) Every member of the Police Service 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 Service. (*Amended by Act 9 of 2011*)

(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 Service. (*Amended by Act 9 of 2011*)

(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 Service 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 Service is deemed elected. *(Amended by Act 9 of 2011)*

(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 Service 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 Service 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.

*(Amended by Act 9 of 2011)*

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**POLICE REGULATIONS**

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**POLICE REGULATIONS – SECTION 55**

*(S.R.O.s 16/1959, 9/1965, 2/1966, 15/1966,  
2/1968, 31/1968, 31/1975, 27/1995 and 35/2013 and Acts 11 of 2011 and 9 of 2014)*

**PART 1**

**PRELIMINARY**

**Short title**

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

**Application**

2. These Regulations do not apply to *Gazetted* Police Officers except as provided in regulations 12, 20, 24, 38(5), 42, 43, 44, 45, 46, and 52 but apply to Inspectors, subordinate police officers and constables of the Service.

*(Amended by Act 11 of 2011)*

**Interpretation**

3. In these Regulations—

“**Act**” means the Police Act;

“**Association**” means the Police Welfare Association established under section 44 of the Act;

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

*(Amended by Act 11 of 2011)*

“**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 Commissioner of Police; *(Amended by Act 11 of 2011)*

“**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;

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

“**Service Standing Order**” means a standing order for the Service issued in writing by the Commissioner of Police and applicable to the Service as a whole;

*(Amended by Act 11 of 2011)*

“**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 Commissioner of Police. *(Amended by Act 11 of 2011)*

## PART 2

## 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 33 and 34 of the Act and relate to mutinous or seditious conduct by a police officer, and causing disaffection in the Service. 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. (*Amended by Act 11 of 2011*)

**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 officer acts in a disorderly manner or in any manner prejudicial to discipline or likely to bring discredit on the reputation of the Service;
- (b) insubordinate or oppressive conduct, that is to say, if an officer—
  - (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 Service; or
  - (iv) wilfully or negligently makes any false complaint or statement against any member of the Service; or
  - (v) assaults any other member of the Service; or
  - (vi) withholds any complaint or report against any member of the Service;
- (c) disobedience to orders, that is to say, if an officer 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 officer—
  - (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;
  - (ii) idles or gossips while on duty;

- (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;
  - (iv) by carelessness or neglect permits a prisoner to escape;
  - (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;
  - (vi) fails to report any matter which it is his duty to report;
  - (vii) sleeps on his post or beat;
  - (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;
  - (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 officer—
- (i) wilfully and knowingly makes any false statement;
  - (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 officer—
- (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;
  - (iii) without proper authority communicates to the public press, or to any unauthorised person, any matter connected with the Service; or
  - (iv) without proper authority shows to any person outside the Service any book or printed document the property of the police authorities; or

- (v) makes any anonymous communication to the Commissioner of Police or any other superior officer;
- (g) corrupt practice, that is to say, if an officer 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;
- (h) unlawful or unnecessary exercise of authority, that is to say, if an officer—
  - (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 officer 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 officer, 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 officer, 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 officer—
  - (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 Service; 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 officer—
  - (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 officer 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 Service Standing Order, Divisional Standing Order, or Station Standing Order.

*(Amended by Acts 11 of 2011 and 9 of 2014)*

### **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 section 36 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 Commissioner of Police 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 Service, selected by himself, who is of the same rank as or higher rank than himself, to assist him in representing his case.

*(Amended by Act 11 of 2011)*

### **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 twenty four hours, unless the Commissioner of Police, 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 twenty four 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 Commissioner of Police, 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.

*(Amended by Act 11 of 2011)*

### 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 37 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 regulation 4(a) or (b) 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 40 of the Act.

## PART 3

### PAY AND ALLOWANCES

#### Rates of pay

12. The rates of pay of *Gazetted* Police Officers, 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. *(Amended by Act 11 of 2011)*

#### 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 Commissioner of Police 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 authorised and shall constitute authority for payment of the increment and the duplicate shall be retained by the

Commissioner of Police 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 Commissioner of Police, giving detailed reasons and submitting his recommendations as to whether the increment due should be suspended, deferred or stopped in accordance with the Act.

(5) If the Commissioner of Police 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 Commissioner of Police 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 section 37 of the Act.

*(Amended by Act 11 of 2011)*

### **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% 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 Commissioner of Police for such period as the Commissioner of Police 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. *(Amended by Act 11 of 2011)*

(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 per annum for Sergeants and \$96 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 Commissioner of Police of Police and officer in charge of Police Stores;
- (e) The Subordinate Police Officer in Charge of the Fire and Rescue Service Station, Plymouth.

*(Substituted by S.R.O. 2/1966 and amended by S.R.O. 15/1966 and Act 11 of 2011)*

### 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

19. 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**

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

**Lodging allowance**

21. 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**

22. 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 and Rescue Service.

**Band allowance**

23. 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**

24. (1) *Gazetted* Police Officers, 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, subordinate police officers and constables ..... \$96
  - (ii) unmarried *Gazetted* Police Officers, sub-ordinate police officers and constables ..... \$24
- (b) on permanent transfer from one station to another in Montserrat—
  - (i) married Inspectors, subordinate police officers and constables ..... \$30
  - (ii) unmarried Inspectors, subordinate police officers and constables ..... \$10

- (c) on temporary transfer from one station to another within the Leeward Islands, *Gazetted* Police Officers, subordinate police officers and constables shall not be eligible for a transfer allowance but shall be eligible for subsistence allowance in accordance with regulation 25:

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.

*(Amended by Act 11 of 2011)*

(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.

**Subsistence allowances**

25. (1) Inspectors, subordinate police officers and constables shall be eligible to receive subsistence allowances in accordance with the following provisions when absent from their permanent stations on duty, when such absences necessarily involve absence from their permanent stations overnight—

- (a) when absent on duty within the Leeward Islands—

Inspectors	\$7.00 a night
.....	
Station Sergeants, Sergeants, Corporals and Constables	
(i) when not accommodated in barracks	\$5.50 a night
.....	
(ii) when accommodated in barracks	\$3.60 a night
.....	

- (b) when absent on duty outside the Leeward Islands but within the British Caribbean area—

Inspectors	there shall be refunded actual hotel or boarding house expenses for board and lodging and a subsistence allowance shall be paid at the rate of \$3.00 a night;
Sergeants, Corporals, and Constables	<ul style="list-style-type: none"> <li>(i) when not accommodated in barracks there shall be refunded actual hotel or boarding house expenses for board and lodging and a subsistence allowance shall be paid at the rate of \$2.00 a night;</li> <li>(ii) when accommodated in barracks a subsistence allowance of \$4.20 a night;</li> </ul>

in all cases in respect of any period of twenty one nights.

(2) In respect of any period of absence which exceeds twenty one nights, the rates of subsistence allowances mentioned in paragraph (1) shall be reduced by 1/3 after the 21st night:

Provided that, in the case of an Inspector, subordinate police officer or constable whose permanent station is not in the Overseas Territory of the British Virgin Islands and who proceeds on duty to the Overseas Territory of the British Virgin Islands the said rates of subsistence allowances shall be increased by the payment of an exchange compensation allowance at the rate of the fraction of 3/7 of the amount of the said allowances.

*(Amended by Act 11 of 2011)*

(3) Where an Inspector, subordinate police officer or constable is required to proceed on duty outside the British Caribbean area, the rates of subsistence allowance payable shall be determined by the Commissioner of Police in the light of the circumstances.

(4) Where an Inspector, subordinate police officer or constable is required to proceed on a course of training or study, the rates of subsistence allowance payable shall be those laid down specifically for the course of training or study in question.

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

**Refreshment allowance**

26. 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 Overseas Territory 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.

*(Amended by Act 9 of 2011)*

**Lodging allowance**

27. 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 per annum
.....	
S/Sergeants	\$660 per annum
.....	

Sergeants .....	\$600 per annum
Corporals .....	\$540 per annum
Constables (M) .....	\$480 per annum

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

### **Fees for special duties**

**28. (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**

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

- (a) vessels under 25ft – \$300 per hour;  
(b) vessels over 25ft – \$500 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.

*(Substituted by S.R.O. 35/2013)*

PART 4

LEAVE AND LEAVE PASSAGES

**Vacation leave**

**30. (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 .....	forty two days per annum, which may be accumulated up to a maximum of 168 days;
Station Sergeants and Sergeants .....	thirty six days per annum, which may be accumulated up to a maximum of 144 days;
Corporals.....	twenty four days per annum, which may be accumulated up to a maximum of ninety six days;
Constables.....	twenty one days per annum, which may be accumulated up to a maximum of eighty four 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 of six months in any year or any absence on vacation leave of thirty 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 Overseas Territory in the Leeward Islands shall, immediately on his arrival in the Overseas Territory 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.

*(Amended by Act 9 of 2011)*

### **Leave certificates**

**31. (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 Service of superior rank to himself.  
*(Amended by Act 11 of 2011)*

**(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**

**32. (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 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 6.00 a.m. 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**

**33.** All Inspectors, subordinate police officers and constables shall be eligible for 1 day free from duty in every seven days.

### **Liberty leave**

**34. (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**

**35.** 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**

**36.** 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**

**37.** 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**

**38. (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 of twenty one 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 forty two 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 Commissioner of Police 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 of 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 Service 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 of 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 Service on medical grounds.

(5) Paragraph (4) applies to *Gazetted* Police Officers as it applies 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.

*(Amended by Act 11 of 2011)*

### **Leave passages**

39. 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**

40. An Inspector, subordinate police officer or constable who has retired from the Service 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 Overseas Territory 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 Service.

*(Amended by Act 11 of 2011)*

### **Passages for widows and dependants of deceased officers**

41. Where an Inspector, subordinate police officer or constable dies whilst in the service of the Service, 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 Overseas Territory 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.

*(Amended by Act 11 of 2011)*

PART 5

UNIFORMS, BADGES AND EQUIPMENT

**Uniforms to be worn**

42. (1) *Gazetted* Police Officers, 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. (*Amended by Act 11 of 2011*)

(2) Except as provided in regulation 36 relating to the wearing of plain clothes when on leave, all Inspectors, subordinate police officers and constables shall invariably appear in uniform.

**Uniforms**

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

**Distinguishing badges**

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

**Descriptions**

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

**Clothing and equipment for *Gazetted* Police Officers**

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

**Equipment for Inspectors**

47. 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**

48. (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**

49. 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 Commissioner of Police.

*(Amended by Act 11 of 2011)*

**Equipment**

50. 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**

51. 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**

52. 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.

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**FIRST SCHEDULE**

*(Regulations 42 and 43)*

**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.

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

Silver sword knot.  
White helmet with spike, badge and  
chain.  
Full size medals.  
Blue and white hackle.

**No. 2—Service Dress**

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

**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.

Ordinary duties.

Waist belt.

Baton.

Medal ribbons.

Grey shirts with short sleeves.

Blue trousers with white stripe.

Blue forage cap.

Blue shorts.

Blue puttees.

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).

Waist belt.

Baton.

Shoes—rubber soled canvas (optional—  
when ordered).

On duty at night or in wet weather (as  
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 44)**(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 46)*

**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 47)*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>
<b>1.—Arms</b>		
Service Revolver	1	During service
Holster	1	” ”
Sword (infantry pattern)	1	” ”
Scabbard (steel)	1	” ”
Scabbard (black leather)	1	” ”
<b>2.—Equipment</b>		
Cross belt	1	Every ten years
Sword belt with sling	1	” ” ”
Sword knot (silver)	1	” ” ”
Black Sam Browne equipment	1	” ” ”
Haversack	1	Every four years
Water bottle and sling	1	Every five years
Whistle and chain	1	Every ten years
<b>3.—Head-dress</b>		
Helmet (white, Officer's pattern)	1	Every five years
Cap (blue, Officer's pattern)	1	” ” ”
<b>4.—Clothing</b>		
Jacket (blue serge, fine)	1	Every three years
Blue lanyard	1	” ” ”
Trousers (blue serge, fine)	2	” ” ”
Overalls (blue with straps)	1	Every ten years
Jackets (white drill)	3	As required
Mess jacket (white drill)	1	” ”
Cape (blue)	1	Every five years
Jackets (khaki drill)	—	As required
Trousers (khaki drill)	—	” ”
Khaki shorts	—	” ”
Bush tunics	—	” ”



**FIFTH SCHEDULE***(Regulation 48)***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>
<b>1.—Arms</b>		
Rifle, S.L.E. (with sling)	one	During service
Bayonet and scabbard	one	” ”
<b>2.—Equipment</b>		
Waist belt		Every ten years
Frog	one	” ” ”
Baton	one	” ” ”
Whistle and chain	one	” ” ”
Haversack	one	Every four years
Kit bag	one	” ” ”
Water bottle and sling	one	Every five years
<b>3.—Head-dress</b>		
Helmet (white)	one	As required (average serviceable wear five years)
Cap (blue)	one	Every two years
Cap covers (white)	two	As required
Cap covers (waterproof)	two	As required (average period of wear four years)
<b>4.—Clothing</b>		
Jackets (blue serge)	one	Annually
Trousers (blue serge)	three	”
Cape (blue cloth)	one	As required (average period of wear eight years)
Boots (black)	—	As required (not more than two pairs annually)
Rank chevron and good conduct badges	—	As required (average period of wear three years)

**POLICE (DISCIPLINARY TRIBUNAL) ORDER – SECTION 36(1)**

*(S.R.O. 8/2019)*

**Commencement**

*[8 May 2019]*

**Short Title**

1. This Order may be cited as the Police (Disciplinary Tribunal) Order.

**Constitution of disciplinary tribunal**

2. The disciplinary tribunal to hear and determine a charge or complaint under section 35 of the Police Act (Cap. 10.01) is constituted and comprised of the Magistrate Vashti Chatoor.



**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 65 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 and Act 9 of 2011)

#### 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 eighteen and under fifty five years of age;
- (b) able bodied; and
- (c) of good character,

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

#### Appointment of local constable

4. Subject to 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 King 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 His 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 Service upon any police constable or upon any rural or other constable. *(Amended by Act 9 of 2011)*

**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, twenty four 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 authorised in accordance with the rates fixed in Montserrat for the performance of duty under this Act.

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

*(Amended by Act 9 of 2011)*

**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 considers 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 of \$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 is 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 sixty 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 considers 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 of \$48.

### **Application of section 65 of the Police Act**

19. Section 65 of the Police Act applies 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 and Act 9 of 2011)*

### 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 Service, who on or after the 21st day of March, 1956, shall have completed eighteen years' continuous service as hereinafter defined. *(Amended by Act 9 of 2011)*

(2) A Clasp will also be granted to a recipient of the Medal on his completing twenty five years' qualifying service, and a further Clasp on completing thirty 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 Force of other Overseas Territories, Associated States or Territories under His 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 of 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 of six calendar months in Montserrat or in any one territory as defined above shall not be regarded as breaking the continuity of such service. *(Amended by Act 9 of 2011)*

(2) Service in His Majesty's Armed Force 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 is 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 Service 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*. (Amended by Act 9 of 2011)

### **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*.

(Amended by Act 9 of 2011)

### **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.