

CHAPTER 330

THE POLICE ACT

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POLICE

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1. This Act may be cited as the Police Act. Short title.
2. (1) In this Act— Interpretation.
 - "Antigua" , for the purposes of sections 7, 8, 9, 10 and 11 (except where it forms part of the name Antigua and Barbuda) comprises all the areas policed on the 26th day of February, 1967, by the "A" Division of the Antigua, Montserrat and Virgin Islands Police Force;
 - "the Commission" means the Police Service Commission established by the Constitution;
 - "constable" means a police office below the rank of corporal;
 - "the Constitution" means the Constitution of Antigua and Barbuda set out in Schedule 1 to the Antigua and Barbuda Constitution Order, 1981; Cap. 23.
 - "Force" means the Royal Police Force of Antigua and Barbuda;
 - "Gazetted Police Officer" means the Commissioner of Police as well as any Assistant Commissioner of Police, Deputy Commissioner of Police, Superintendent or Assistant Superintendent;
 - "Medical Board" means a board of medical practitioners appointed by the Chief Medical Officer whenever necessary for the purposes of this Act;

"Minister" means the Minister to whom responsibility for Police is assigned;

"subordinate police officer" means any senior sergeant, sergeant or corporal;

"the revised terms of service" means the new terms of service which have become necessary in consequence of the partition of the Antigua, Montserrat and Virgin Islands Police Force.

(2) Unless the context otherwise requires, references in this Act to the Commission in regard to powers of appointment or dismissal and to exercise of disciplinary control over police officers include a reference to a person to whom such powers have been duly delegated under the Constitution.

PART I

CONSTITUTION, APPOINTMENTS AND ENLISTMENTS

Establishment
and objects of
Force.

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

(2) The Force shall be primarily employed for the provision and detection of crime and the repression of internal disturbance; and it shall be lawful for the Minister to issue arms and ammunition to the Force, and for any member thereof to carry and use the same for lawful purposes.

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

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

Cap. 132.

(2) Whenever pursuant to the Defence Act, or any subsequent enactment—

(a) any unit of the Antigua and Barbuda Defence Force is on active service; or

(b) the volunteer element of the Antigua and Barbuda Defence Force or any member thereof, or the

reserve or any part thereof, is called out on permanent service,

the Force shall be held to be similarly called out on active or, as the case may be, permanent service as above in this subsection.

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

(4) The period of such service shall terminate in like manner as the period of active or, as the case may be permanent service of such Defence Force.

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

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

Accoutrements
and uniform of
the Force.

6. (1) Subject to the provisions of subsection (2) the Force shall consist of—

Composition of
Force.

(a) a Commissioner of Police who, subject to the provisions of this Act and the general directions of the Minister, shall have the command and be responsible for the superintendence of the Force;

(b) one or more Deputy Commissioners of Police who shall act as principal assistants to the Commissioner of Police in the performance of his duties in respect of the Force. Any act or thing which may be done, ordered or performed by the Commissioner of Police may, during the absence or incapacity of the Commissioner of Police or to the extent to which he is authorised by the Commissioner of Police be done, ordered or performed by a Deputy Commissioner of Police.

(c) such number of Superintendents, Assistant Superintendents, Inspectors, subordinate police officers

and constables as the Minister may from time to time determine,

and the order of rank and command of the members of the Force shall, subject as aforesaid, be the order in which they are set forth.

(2) The Minister may by order from time to time establish ranks other than those specified in subsection (1) and below that of Deputy Commissioner and the Commissioner of Police shall determine the command and duties of the Force in the ranks as established.

Antigua,
Montserrat and
Virgin Islands
Police Force
personnel.

7. (1) Every person who on the 26th day of February 1967, is a member of the "A" Division of the Antigua, Montserrat and Virgin Islands Police Force shall be deemed to have been duly appointed as a member of the Force and to have been duly sworn as such.

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

(a) any person who having been born in Antigua and Barbuda is immediately before the 26th day of February, 1967, a member of the Antigua, Montserrat and Virgin Islands Police Force serving in either Montserrat or in the British Virgin Islands may at his option be transferred to the Force;

(b) any person who not having been born in any of the areas or divisions policed by the Antigua, Montserrat and Virgin Islands Police Force was immediately before the 26th day of February, 1967, a member of the Antigua, Montserrat and Virgin Islands Police Force serving in either Montserrat or in the British Virgin Islands may at his option be transferred to the Force.

(3) The options referred to in subsection (2) shall be exercisable not later than the day immediately preceding the expiration of three months after the 26th day of February, 1967, or if the revised terms of service for the Force or the Royal Montserrat Police Force or the Royal Virgin Islands Police Force have not been announced within that time then

within one month after the date on which the last announcement of such terms of service is made.

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

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

**Transfers to
Montserrat and
Virgin Islands
Police Force.**

(a) any member of the Force who having been born in Montserrat was immediately before the 26th day of February, 1967, a member of the Antigua, Montserrat and Virgin Islands Police Force serving in Antigua may if it is so provided in any law in force in Montserrat at his option be transferred to the Montserrat Police Force;

(b) any member of the Force who having been born in the British Virgin Islands was immediately before the 26th day of February, 1967, a member of the Antigua, Montserrat and Virgin Islands Police Force serving in Antigua may if it is so provided in any law in force in the Virgin Islands at his option be transferred to the Virgin Islands Police Force;

(c) any member of the Force who not having been born in any of the areas or divisions policed by the Antigua, Montserrat and Virgin Islands Police Force was immediately before the 26th day of February, 1967, a member of the Antigua, Montserrat and Virgin Islands Police Force may if it is so provided in any law in force in Montserrat or the Virgin Islands as the case may be at his option be transferred to either the Montserrat Police Force or to the 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 the 26th day of February, 1967, or if the revised terms of service for the Force or the Royal Montserrat Police Force or the Royal Virgin Islands Police 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) shall be deemed to be the date of the receipt of a police officer's written notification addressed to the Commissioner of Police.

Continuity of service.

9. Any person who—

(a) is a member of the Force by virtue of subsection (1) of section 7;

(b) has been transferred to the Force under subsection (2) of section 7;

(c) not being a person to whom subsection (1) or subsection (2) of section 7 is applicable has been transferred to the Force from the Montserrat Police Force or from the Virgin Islands Police Force,

shall be deemed to be employed under the provisions of this Act without any break in his service as a police officer for the residue of what would have been his term of appointment in the Antigua, Montserrat and Virgin Islands Police Force, or, as the case may be, what was his term of appointment in the Montserrat Police Force or in the Virgin Islands Police Force, unless before the expiration of the said term such employment shall be lawfully terminated; and, for the avoidance of doubt, it is declared that continuity of service as above in this section and in sections 7 and 8 shall be regarded as a right.

Guarantee of rank, pay and conditions of service.

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

No right of retirement.

11. No member of the Antigua, Montserrat and Virgin Islands Police Force shall have the right to retire on the ground that the said Force will be or has been dissolved.

12. (1) Every police officer above the rank of a subordinate police officer shall be on probation during the first two years after his appointment or for such longer period, not exceeding six months, as the Commission may 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 Commission. 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.

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

(2) The provisions of subsection (1) shall ~~not~~ apply in the case of an appointment by way of promotion or transfer from another police force.

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

Qualifications for appointment to Force.

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

Provided that in any special case the Commission 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 Commission;

(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 Commission;

(d) he produces satisfactory proof of good character;

(e) he satisfies the Commission that he has attained a reasonable standard of education.

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

Terms of appointment.

Provided that the Commission may in its discretion—

(a) reduce the period of probation to a period of not less than one year if such police officer has served

for a period of not less than two years in the Force on a previous occasion; or

(b) dispense with the period of probation if, with the written consent of the Chief Officer of Police of another police force in the Commonwealth Caribbean or in any Colony in the Caribbean, such person has been transferred from that police force after having completed the required period of probation in such police force; or

(c) extend the period of probation for a further period not exceeding six months.

Dismissal during probation.

15. During the period of probation or any extension thereof the services of any subordinate police officer or constable may be dispensed with at any time if the Commission 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 disposed with he shall be confirmed in his appointment.

Withdrawal from the Force.

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

(2) No police officer whose appointment to the Force has been confirmed, shall be at liberty to withdraw himself from the Force until the expiration of at least one calendar month from the time when he gives notice in writing of his intention to do so to the Commission.

(3) Subject to the foregoing provisions of this section the modes by which a police officer may leave the Force are as follows—

(a) on dismissal or removal in consequence of disciplinary proceedings;

(b) on compulsory retirement;

(c) on voluntary retirement;

(d) on retirement on account of injuries received or diseases contracted in discharge of duty;

(e) on retirement following upon the findings of a Medical Board;

(f) on resignation;

(g) on the expiry or other termination of an appointment for a specified period;

(h) on the abolition of office;

(i) on attaining the prescribed age of retirement.

17. (1) Every person, on first appointment to the Force, shall take the following oath before entering on his duties— **Oath.**

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

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

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

19. Every police officer shall have all such rights, powers, authorities, privileges, and immunities and be liable to all such duties and responsibilities, as any constable duly appointed now has or is subject or liable to, or may hereafter have or be subject or liable to, either at Common Law or by virtue of any law which now is or may hereafter be in force in Antigua and Barbuda. **Every police officer to be a constable.**

General power of police officers.

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

Gazetted Police Officer and Inspector to be Justice of the Peace.

21. Every Gazetted Police Officer and Inspector stationed in Antigua and Barbuda shall be *ex officio* a Justice of the Peace for Antigua and Barbuda and as such shall at all times act ministerially for the purposes of the preservation of the peace, the prevention of crime, and the detection and committal of offenders, but he shall not in any way act judicially except as expressly provided by this Act.

PART II

POWERS AND DUTIES

Power to arrest without a warrant.

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

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

(b) any person who is charged by any other person with committing an aggravated assault in any case in which such police officer has good reason to believe that such assault has been committed although not within his view, and that by reason of the recent commission of the offence a warrant could not have been obtained for the apprehension of the offender;

(c) any person who commits a breach of the peace in his presence;

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

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

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

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

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

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

(2) Without prejudice to the generality of the powers conferred upon a police officer by subsection (1), it shall be lawful for any police officer, and for all persons whom he shall call to his assistance, to arrest without warrant any person who within view of such police officer offends in any manner against any law and whose name and residence are unknown to such police officer and cannot be ascertained by him.

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

23. (1) It shall be the duty of all police officers— **General duties of the Force.**

(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 reasonable 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 Antigua and Barbuda against external aggression when called out for such purpose under the authority of section 4; and

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

(2) The Commissioner of Police may, at the request of any person and upon payment of a fee prescribed by the Minister, prepare and issue a written report, signed by him or by any officer designated by him, on any duty performed by a Police Officer pursuant to this Act or any other law in force.

(3) Notwithstanding subsection (2), the Commissioner of Police may, if he thinks fit in the public interest so to do, refuse to issue such report.

24. (1) Notwithstanding the provisions of any other law, the Commissioner of Police may, if he considers it necessary in the interests of defence, public safety, public order, public morality, public health, public revenue or for the purpose of preventing or detecting crime, authorise any police officer in uniform and it shall be lawful for such police officer in uniform to erect or place barriers in or across any road or street or in any public place within Antigua and Barbuda, in such manner as such police officer in uniform may think fit. Barriers.

(2) The driver of a vehicle travelling on a road or street or in a public place in or across which a barrier is placed under the provisions of subsection (1) shall stop his vehicle at such barrier.

(3) It shall be lawful—

(a) for any police officer in uniform—

- (i) without warrant to search any vehicle stopping at any such barrier in or on which he shall have reason to suspect that there is anything stolen or unlawfully obtained, or any smuggled goods or any goods the possession of which is prohibited by any law;
- (ii) without warrant to search the driver and other occupants of any such vehicle who are found committing or about to commit any offence rendering him or them liable to arrest without warrant or whom such police officer may reasonably suspect of having committed any such offence or who may be charged with having committed any such offence;
- (iii) to take all reasonable steps to prevent such vehicle from being driven past such barrier or to stop such vehicle in case it is driven past such barrier;

(b) for any person other than a police officer to assist any police officer in uniform acting under the provisions of paragraph (a).

(4) Any driver of a vehicle who—

(a) contravenes subsection (2); or

(b) fails to comply with any signals of a police officer in uniform requiring him to stop his vehicle at such barrier;

shall be guilty of an offence and liable on summary conviction to a fine not exceeding fifteen hundred dollars or to imprisonment for a term not exceeding six months.

(5) Any person who, being conveyed in a vehicle required to stop under the provisions of this section, prevents or intimidates the driver of such vehicle from stopping; or who, without the permission of a police officer in uniform disembarks from such vehicle shall be guilty of an offence and liable on summary conviction to a fine not exceeding fifteen hundred dollars or to imprisonment for a term not exceeding six months.

Police station to be lock-up.

25. Every police station shall be deemed to be a lock-up house for the temporary confinement of persons charged with offences, in which such persons may be received and detained according to law. In all such stations there shall be provided some secure place of confinement.

Persons in custody without warrant.

26. (1) When any person is in the custody of any police officer without the warrant of a Magistrate it shall be lawful for such police officer, subject to the provisions of section 27, to take bail by recognizance for the appearance of such person before the District Magistrate at a time and place to be specified.

(2) If such person for whose appearance bail has been taken in accordance with the provisions of subsection (1) does not appear at the time and place specified in the recognizance, and the Magistrate does not think fit to enlarge the recognizance, or, having enlarged the recognizance such person fails to appear at the time then appointed, it shall be lawful for the Magistrate to cause a record of the recognizance to be drawn up and to deal with such recognizance in accordance with the provisions of section 209 of the Magistrate's Code of Procedure Act.

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

Persons apprehended after eight in the evening.

(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:

Provided, however, that where any person is apprehended for any of the offences mentioned in section 6 of the Criminal Procedure Act such person shall be brought before a Magistrate within the time prescribed by the said section.

Cap. 117.

28. Nothing contained in sections 26 or 27 shall authorise any police officer to take bail for any person charged with a capital felony.

No bail to be granted in cases of capital felony.

29. 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 26 and 27 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.

When bail refused.

30. (1) The police officer in charge of a station may cause the measurements, photographs, fingerprint and or palm impressions, and foot impressions to be taken, for purposes of identification, use or record, of any person in lawful custody, for any indictable offence.

Power to take measurements, photographs, fingerprints palm and foot impressions.

(2) If any such person refuses to permit his measurements, photographs, fingerprints and or palm impressions or foot impressions to be taken under the provisions of subsection (1) he may be taken before a

Magistrate and the Magistrate may make such order with respect to the taking of the measurements, photographs, fingerprint and or palm impressions or foot impressions (or any of them) of such person as he shall think fit for which purpose the use of reasonable force may be permitted.

(3) Any person who refuses to permit his measurements, photographs, fingerprint and or palm impressions, or foot impressions to be taken under the provisions of subsection (1) shall be guilty of an offence and liable on summary conviction to a fine not exceeding fifteen hundred dollars or to imprisonment for a term not exceeding six months.

(4) On the release, discharge or acquittal of a person who has not previously been convicted on indictment and whose measurements, photographs, fingerprint and or palm impressions, and foot impressions have been taken under the provisions of this section, such measurements, photographs, fingerprint and or palm impressions and foot impressions (both negatives and copies) shall be destroyed in his presence or handed over to him;

Provided that release shall not include release on bail pending trial.

Right of police officer to prosecute.

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

PART III

OFFENCES AND DISCIPLINE

Mutinous or seditious conduct.

32. (1) Any police officer who—

(a) begins, raises, abets, countenances, or excites mutiny; or

(b) causes or joins in any sedition or disturbance whatsoever,
shall be guilty of an offence punishable on indictment, and liable to imprisonment not exceeding three years.

(2) Any police officer who—

(a) being present at any assemblage tending to riot does not use his utmost endeavour to suppress the tendency; or

(b) strikes his superior officer or offers any violence against him,

shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding three thousand dollars or to imprisonment with or without hard labour for a term not exceeding six months.

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

Penalty for causing disaffection, etc.

(a) causes, or attempts to cause, or does any act calculated to cause disaffection amongst the members of the Force; or

(b) induces, or attempts to induce, or does any act calculated to induce any member of the Force to withhold his services or to commit breaches of discipline; or

(c) aids, or incites any other person (including any member of the Force) to assault or resist any member of the Force in the execution of his duty,

he shall be liable, on summary conviction, to a fine not exceeding fifteen hundred dollars or to imprisonment with or without hard labour for a term not exceeding six months or, on conviction on indictment, to imprisonment with or without hard labour for a term not exceeding two years.

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

Dismissal and reduction.

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

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

**Discipline
Regulations.**

35. (1) It shall be lawful for the Minister with the concurrence of the Commission to make regulations providing —

(a) for the creation of offences against discipline in the case of all members of the Force;

(b) for the procedure to be followed in dealing with disciplinary offences including provisions for the procedure at the hearing of the disciplinary offences;

(c) for the punishments which may be imposed in respect of the commission of disciplinary offences;

(d) for the suspension of members of the Force pending the hearing of disciplinary offences;

(e) generally for the maintenance of discipline of the Force.

(2) Anything done before the coming into operation of such Regulations for the purpose of this Act by, or before any person or authority shall have effect as if it had been done for the purposes of such Regulations notwithstanding that it might, under such Regulations, have fallen to be done by to or before the Commission or a person other than that person or authority.

(3) Without prejudice to the generality of subsection (2) of this section any punishment imposed under this Act before the 27th day of February, 1967, shall be deemed to have been imposed under regulations made under subsection (1) and a punishment imposed by a person or authority under this Act shall have effect on the coming into operation of

such regulations notwithstanding that the Governor-General or the Commissioner of Police has not decided whether or not to allow the appeal or that notice of appeal to the Governor-General or the Commissioner of Police has been given.

(4) Without prejudice to the generality of subsection (3) where immediately before the coming into operation of such regulations a member of the Force was suspended from duty under section 37 he shall be treated as if he had been suspended under such regulations.

36. Any Inspector, subordinate police officer or constable who— **Arrest of offending member of Force.**

(a) commits any offence punishable on summary conviction or on indictment may be arrested and dealt with according to law; or

(b) commits a breach of any disciplinary regulations made under this Act, may, subject to the provisions of subsection (1) of section 35 be placed under open or close arrest in accordance with such regulations on the order, as the case may be, of a Gazetted Police Officer, Inspector or a subordinate police officer not of inferior rank to the police officer who is to be arrested.

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

(a) be suspended from duty and placed on half-pay by the Commission; 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 Commissioner of Police thinks fit.

(2) If an Inspector or a subordinate police officer or constable is acquitted on any complaint or information, or

obtains a decision in his favour on any charge, he shall be entitled to receive all pay which has been withheld from him; if he is convicted on such complaint or information or does not obtain a decision in his favour on such charge and is subsequently dismissed, he shall not be entitled to receive any pay so withheld.

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

PART IV

PAY, ALLOWANCES AND OTHER FINANCIAL PROVISIONS

Pay and allowances.

38. Every police officer shall receive such pay and allowances as may, from time to time, be provided by the Legislature.

Payment of extra expenses.

39. It shall be lawful for the Minister to direct, and the Accountant-General shall, on the warrant of the Minister of Finance 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.

Reward fund.

40. (1) All fines and penalties imposed upon any Inspector, subordinate police officer or constable or any other person under the authority of this Act or under the rules and regulations made under this Act, and all penalties and proportions of penalties and damages, awarded to any Inspector, subordinate police officer or constable on any summary conviction as the prosecutor of any information or otherwise shall be received by the Commissioner of Police and shall be paid or transmitted to an officer appointed by the Minister 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 Minister may, from time to time, award and direct.

(3) Where in any Act in force in Antigua and Barbuda 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.

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

Investment of reward fund.

PART V

PENSIONS AND GRATUITIES

42. For the purposes of this Part the word "pay" in relation to an Inspector, subordinate police officer or constable includes his salary, good conduct pay, personal, detective, house and lodging allowances (inclusive of the estimated value of free quarters):

Definition of pay.

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

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

Pensions to be charged on revenues of Antigua and Barbuda.

44. The Governor-General may, subject to the provisions of this Part, grant on his retirement to every Inspector, subordinate police officer and constable who has served in the Force for ten years or upwards, a pension at

Grant of pensions.

the rate of fifteen-sixtieths of his pay with an addition of one-sixtieth in respect of each complete year of such service in excess of ten:

Provided that no pension granted by virtue of this section shall exceed two-thirds of the average pay of such Inspector, subordinate police officer or constable during the three years immediately preceding his retirement.

Pay to be taken
for computation
of pensions, etc.

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

(a) in the case of an Inspector, subordinate police officer or constable who has held the same rank for a period of three years immediately preceding the date of his retirement, the full annual pay enjoyed by him at that date in respect of that rank shall be taken;

(b) in the case of an Inspector, subordinate police officer or constable who at any time during such period of three years has been transferred from one rank to another but whose pay has not been changed by reason of such transfer or transfers, the full annual pay enjoyed by him at the date of retirement in respect of the rank then held by him shall be taken;

(c) in other cases one-third of the aggregate pay enjoyed by the Inspector, subordinate police officer or constable in respect of his service during the three years of his service immediately preceding the date of his retirement shall be taken:

Provided that—

- (i) if such one-third is less than the highest annual pay enjoyed by him at the date of any transfer within such period of three years then the highest annual pay shall be taken; and
- (ii) if such one-third is less than the annual pay which would have been enjoyed by him at the date of his retirement, if he had continued to hold any rank from which he has been transferred at any time during such period of three years and had received all increments which, in the opinion of the Commission, would have been granted to him, the annual

pay which would have been so enjoyed shall be taken;

- (iii) for the purposes of calculating pay for the computation of pensions under this paragraph, an Inspector, subordinate police officer or constable shall be deemed to have been on duty on full pay throughout the said three years:

Provided further that if such one-third is less than the pay which would have been enjoyed by him at the date of his retirement, if he had continued to hold any rank from which he has been transferred at any time during such period of three years, and had received all increments which, in the opinion of the Commission, would have been granted to him, the annual pay which would have been enjoyed shall be taken.

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

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

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

Circumstances in which pension may be granted.

(2) Every Inspector, subordinate police officer and constable who is required or permitted to retire from the Force after he has served in the Force for twenty years shall be eligible for pension, gratuity or other allowance under this Part.

(3) Where the services of an Inspector, subordinate police officer or constable in the Force are terminated as provided in subsection (2) of section 67, and a pension, gratuity or other allowance cannot otherwise be granted to

him under the provisions of this Part. the Governor-General may, if he thinks fit, grant such pension, gratuity or other allowance as he thinks just and proper, not exceeding in amount that for which such Inspector, subordinate police officer or constable would be eligible if he had retired from the Force on the findings of a Medical Board as provided in subsection (1).

Gratuity where length of service does not qualify for pension.

48. The Governor-General may grant on his retirement to every Inspector, subordinate police officer and constable who has not completed ten years' service in the Force a gratuity at the rate of half a month's pay for each complete six months of service.

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

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

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

(b) contracts a disease to which he is specifically exposed by the nature of his duty, not being a disease wholly or mainly due to, or seriously aggravated by, his own serious and culpable negligence or misconduct.

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

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

(a) he may, if his retirement is necessitated or materially accelerated by his injury and he has been in the service of the Force for less than ten years, be

granted, in lieu of any gratuity under section 48, a pension under section 44 as if the words "for ten years or upwards" were omitted from the said section 44;

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

when his capacity to contribute to his support is—

slightly impaired, forty four-hundred-and-eightieths of a month's pay;

impaired, eighty four-hundred-and-eightieths of a month's pay;

materially impaired, one hundred and twenty four-hundred-and-eightieths of a month's pay;

totally destroyed, one-hundred-and-sixty four-hundred-and-eightieths of a month's pay;

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

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

(5) If an Inspector, subordinate police officer or constable proceeding by a route approved by the Governor-General to or from Antigua and Barbuda, at the commencement or termination of his service in Antigua and Barbuda, or of a period of leave therefrom is permanently injured as the result of damage to the vessel, aircraft or vehicle, and the Governor-General is satisfied that such damage or act is attributable to circumstances arising out of any war in which Her Majesty may be engaged, such Inspector, subordinate police officer or constable shall be deemed for the purposes of this section to have been injured in the circumstances described in subsection (1).

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

Provided that in such a case the rates of pension prescribed in subsection (3) shall be sixty four-hundred-and-eightieths, one-hundred-and-twenty four-hundred-and-eightieths, one-hundred-and-eighty four-hundred-and-eightieths and two-hundred-and-forty four-hundred-and-eightieths respectively.

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

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

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

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

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

Provided that the Commission may, if it appears to them in all the circumstances equitable so to do, allow such Inspector, subordinate police officer or constable to exercise the option at any time between the date of retirement and the date of award of pension under this Part.

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

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

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

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

Definition of reduced pension and gratuity.

51. Reduced pension shall be a pension equal to three-fourths of the amount of pension which would be payable under this Part including any allowance granted under section 49 and a gratuity shall be the amount which one-fourth of the pension payable under this Part, including such allowance when multiplied by twelve-and-one-half shall represent.

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

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

(b) For the purposes of this subsection—

- (i) "annual pay" means the pay which would be taken for the purpose of computing any pension or gratuity granted to an Inspector, subordinate police officer or constable if he had retired from the Force at the date of his death on the findings of a Medical Board as provided in subsection (1) of section 47.
- (ii) "commuted pension gratuity" means the gratuity, if any, which might have been granted to an Inspector, subordinate police officer or constable under section 47 of this Act if his service had been wholly in Antigua and Barbuda and if he had retired from the Force at the date of his death on the findings of a Medical Board as provided in subsection (1) of section 47 and had elected to receive a reduced pension and gratuity.

(2) Where any such Inspector, subordinate police officer or constable to whom a gratuity or other allowance has been granted under this Part dies after retirement from the Force, and the sums paid or payable to him at his death on account of any pension, gratuity or other allowance in respect of his

service in the Force are less than the amount of the annual pay enjoyed by him at the date of his retirement, it shall be lawful for the Commission to grant to his legal personal representative a gratuity equal to the deficiency.

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

(a) in the actual discharge of his duty by some injury specifically attributable to the nature of his duty which is not wholly or mainly due to, or seriously aggravated by, his own serious and culpable negligence or misconduct; or

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

while in the service of the Force, and such death occurs within seven years of the date of the injury or contracting the disease, it shall be lawful for the Commission to grant to the legal personal representative of such Inspector, subordinate police officer or constable either a gratuity of an amount to be at the discretion of the Commission but not exceeding two years' pay of such Inspector, subordinate police officer or constable, or a gratuity under the provisions of section 52, whichever is the greater.

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

(a) in the actual discharge of his duty by some injury specifically attributable to the nature of his duty which is not wholly or mainly due to, or seriously aggravated by, his own serious and culpable negligence or misconduct; or

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

while in the service of the Force, and such death occurs within seven years of the date of the injury or contracting the disease,

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

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

it shall be lawful for the Commission to grant, in addition to the grant, if any, made to his legal personal representative under section 52 or section 53—

- (i) if such Inspector, subordinate police officer or constable leaves a widow, a pension to her while unmarried at a rate not exceeding ten-sixtieths of his pay at the date of the injury or ninety-six dollars a year, whichever is the greater;
- (ii) if such Inspector, subordinate police officer or constable leaves a widow to whom a pension is granted under the preceding paragraph and a child or children, a pension in respect of each child, until such child attains the age of nineteen years, of an amount not exceeding one-eighth of the pension prescribed under the preceding paragraph;
- (iii) if such Inspector, subordinate police officer or constable leaves a child or children but does not leave a widow or no pension is granted to the widow, a pension in respect of each child until such child attains the age of nineteen years, of double the amount prescribed by the preceding paragraph;
- (iv) if such Inspector, subordinate police officer or constable leaves a child or children and a widow to whom a pension is granted under paragraph (1) of this subsection and the widow subsequently dies, a pension in respect of each child as from the date of the death of the widow until such child attains the age of nineteen years, of double the amount prescribed in paragraph (ii);
- (v) if such Inspector, subordinate police officer or constable does not leave a widow, or if no pension is granted to his widow and if his mother were wholly or mainly dependent on him for her support, a pension to the mother while without adequate means of support, of an amount not exceeding the pension which might have been granted to his widow;

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

Provided that—

(a) if in the opinion of the Commission there are compassionate grounds for so doing, they may grant to any child of such Inspector, subordinate police officer or constable being a child who at the date of the death of such Inspector, subordinate police officer or constable was wholly or mainly dependent on him for support and who had attained the age of nineteen years, a pension for such period as the Commission may determine, of an amount not exceeding the pension which may be granted under paragraph (ii) of this subsection;

(b) where an Inspector, subordinate police officer or constable leaves a child who was incapacitated at the time of such Inspector's, subordinate police officer's or constable's death (hereinafter in this section referred to as an "incapacitated child") the Commission may, notwithstanding any pension which may have been granted under paragraph (ii) or paragraph (iii) of this subsection, grant an additional pension in respect of such incapacitated child after he has attained the age of nineteen years and so long as his incapacity shall

continue, of an amount not exceeding one half of the pension which may be granted under paragraph (ii) or paragraph (iii) aforesaid;

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(c) where compensation in respect of the death is payable under the Workmen's Compensation Act, or any Act amending or replacing the same, the Commission may reduce the pension which may be payable under this section to such extent as they may consider reasonable;

(d) no pension shall be payable under this subsection at any time in respect of more than six children exclusive of incapacitated children;

(e) in the case of a pension granted under paragraph (v) of this subsection, if the mother is a widow at the time of the grant of the pension and subsequently re-marries such pension shall cease as from the date of re-marriage; and if it appears to the Commission at any time that the mother is adequately provided with other means of support, such pension shall cease as from such date as the Commission may determine;

(f) a pension granted to a female child under this section shall cease upon the marriage of such child under the age of nineteen years.

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

(3) If an Inspector, subordinate police officer or constable dies as a result of an injury received while travelling by air in pursuance of official instructions, which injury is

not wholly or mainly due to, or seriously aggravated by, his own serious and culpable negligence or misconduct, he shall be deemed to have died in the circumstances described in paragraph (a) of subsection (1):

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

(4) (a) Where the Commission is satisfied that damages have been or will be recovered in respect of the death for which an additional pension or pension may be granted under subsection (1), the Commission may take those damages into account against such additional pension or pension in such manner and to such extent as they may think fit and may withhold or reduce the additional pension or pension accordingly.

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

(5) For the purposes of this section—

(a) the word "brother" includes, in relation to a person, every male child of his father or his mother;

(b) the word "child" shall include—

(i) a posthumous child;

(ii) a step-child or illegitimate child born before the date of the injury or contracting the disease, as the case may be, and wholly or mainly dependent upon such Inspector, subordinate police officer or constable for support; and

(iii) an adopted child, adopted in a manner recognized by law, before the date of the injury or contracting the disease, as the case may be, and dependent as aforesaid;

(c) the expression "incapacitated" means in relation to a child, incapacitated by reason of some specific bodily or mental disability of earning his own living, and a child who is in any event too young to earn his own living shall be treated as incapacitated for the purposes of this section if it appears that, by reason of any specific bodily or mental disability, he will be incapable of earning his own living when he attains the age at which he would otherwise be capable of doing so;

(d) the word "mother" includes, in relation to a person, his stepmother and a female person by whom he has been adopted;

(e) the word "sister" includes, in relation to a person, every female child of his father or his mother.

Pension not of right.

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

Pension not to be assignable.

56. No pension granted under this Part shall be assignable or transferable or liable to be attached, sequestered, or levied upon, for or in respect of any debt or claim whatsoever.

Pension to cease on conviction.

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

Provided always that in the case of an Inspector or a subordinate police officer or constable who after conviction as above described, receives Her Majesty's free pardon at any time, the Governor-General may or, if the Inspector, subordinate police officer or constable is resident in Antigua

and Barbuda, the Commission may, if it thinks fit, restore the pension.

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

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

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

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

61. The pensions, gratuities and other allowances to be granted in respect of the service of Gazetted Police Officers shall be determined in accordance with the provisions of the Pensions Act and the Regulations made thereunder. **Pensions to be granted to Gazetted Police Officers. Cap. 311.**

PART VI

POLICE WELFARE ASSOCIATION

62. (1) For the purpose of enabling Inspectors, subordinate police officers and constables of the Force to consider and bring to the notice of the Commissioner of Police **Constitution of Police Welfare Association.**

and the Minister 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 a Board as provided by rules made under section 63.

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

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

Police
Association
Rules.

63. The Association may make rules providing for the good government of the Association and for carrying out the object of the Association and such rules shall contain provisions in respect of any matters which the Minister may prescribe:

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Revision.

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

PART VII

PROHIBITED ASSOCIATIONS

Police officers
not to join
prohibited
associations.

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

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

(3) For the purposes of this section a "prohibited association" means—

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(a) any Trade Union as defined by the Antigua and Barbuda 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 Force, and of which the Commissioner of Police shall with the approval of the Minister declare to be a prohibited association.

PART VIII

GENERAL ADMINISTRATION

65. (1) There may be established with the approval of the Commissioner of Police a police canteen for the Force at which the keeper thereof may sell intoxicating liquors by retail to and for the use of members of the Force without having previously obtained a licence for the purpose. **Canteens.**

(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.

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

(2) If any police officer is incapacitated for duty by his own misconduct, the Minister of Finance may order that he shall forfeit the whole or any part of his pay for the period during which he is so incapacitated. **Incapacity due to misconduct.**

67. (1) The Commissioner of Police may reduce, for inefficiency, any subordinate police officer to a lower grade. **Reduction for inefficiency.**

(2) If, on the recommendation of the Commissioner of Police the Commission considers that the services of any Inspector, subordinate police officer or constable should be terminated on the ground that, having regard to the conditions of the Force, the usefulness of such Inspector, subordinate police officer or constable therein and all the other circumstances of the case, such termination is desirable in the interest of the Force, they may, subject to the provisions of subsection (3), require such Inspector, subordinate police

officer or constable to retire from the Force, and the services of such Inspector, subordinate police officer or constable shall accordingly terminate on such date as the Commission shall specify. In every such case the question of pension shall be dealt with under subsection (3) of section 47.

(3) Before requiring any Inspector, subordinate police officer or constable to retire from the Force as provided in subsection (2), the Commission 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 Commission is satisfied, having regard as aforesaid, that it is desirable in the interest of the Force that such Inspector, subordinate police officer or constable should be retired his retirement shall have effect accordingly.

**Retirement from
the Force.**

68. (1) Every Inspector, subordinate police officer and constable shall retire from the Force on attaining the age of fifty-five years.

(2) Every Inspector, subordinate police officer or constable may be required or permitted to retire from the Force—

- (a) on attaining the age of fifty years; or
- (b) after he has served in the Force for twenty years.

**Examination by
Medical Board.**

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

**Discharge on
medical grounds.**

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

**Power to make
regulations.**

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

(a) the description and issue of arms, ammunition, accoutrements, badges of rank, uniforms and necessaries to be supplied to the Force;

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

(c) the conditions subject to which repatriation expenses may be paid to widows and dependants of deceased members of the Force;

(d) the leave of absence and the periods and conditions thereof which may be granted to Inspectors, subordinate police officers and constables;

(e) training of the Force;

(f) generally, for the good government of the Force and all such matters as may, from time to time, be deemed expedient for rendering the Force efficient in the discharge of its duties and for securing proper discipline therein.

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

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

(4) Notwithstanding the provisions of section 42, regulations made under paragraph (b) of subsection (1) may provide that a portion of a house and lodging allowance paid to an Inspector, subordinate police officer or constable (whether or not that portion together with any other sum payable to such officer for house and lodging allowance may amount to less than one sixth of the pay of that officer) shall be paid subject to the condition that that portion of such allowance shall be non-pensionable.

PART IX

SPECIAL CONSTABLES

Appointment of special constables.

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

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

Officers and members of Fire Brigades and prison officers to be special constables.

73. Every officer and member of a Fire Brigade in Antigua and Barbuda and every prison officer 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 sections 74 to 77 shall apply except that the oath prescribed by section 74 shall not be required of persons who were officers and members of such Fire Brigade immediately before the coming into operation of this Act.

General powers, etc., of special constables.

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

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

Arms of special constables.

75. (1) Every special constable shall be provided by the 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 at such time and place as he may direct.

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

(3) It shall be lawful for any Magistrate or any Justice of the Peace to issue his warrant to search for and seize all such weapons, articles, or accoutrements which are not so delivered over wherever the same may be found, and to arrest the person in whose possession the same may be found.

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

Direction of
special
constables.

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

Offences by
special
constables.

78. The Minister of Finance is hereby authorized to pay for the services and expenses of special constables other than the paid members of a Fire Brigade and prison officers such sum as he may deem reasonable out of the Consolidated Fund.

Remuneration of
Special
constables.

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

Pensions and
gratuities to
special
constables.

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

(3) The provisions of sections 56 to 58 shall apply *mutatis mutandis* to every pension granted by virtue of subsection (1).

Employment of police officers on special duty at expense of private persons.

80. The Commissioner of Police may, subject to the directions of the Minister, on the application of any person and on being satisfied as to the necessity therefor, detail any number of police officers for special duty at any place in Antigua and Barbuda and for such period as he may consider necessary. Such police officers shall, subject to the provisions of this Act, be exclusively under the orders of the Commissioner of Police and shall, unless the Minister otherwise directs, be employed at the expense of the person making the application:

Provided that any person on whose application police officers have been detailed for special duty at any place may require that such police officers shall be withdrawn and at the expiration of one month from the date of such notice or such less period as the Commissioner of Police may determine such person shall be relieved of any further expense in connection with the employment of such police officers.

PART X

MISCELLANEOUS

Members of Force not liable for irregularity of warrant.

81. When any action is brought against any police officer for any act done in obedience to the warrant of any Magistrate, the party against whom such action is brought shall not be responsible for any irregularity in the issuing of such warrant, or for any want of jurisdiction of the Magistrate issuing the same, but may plead the general issue and give such warrant in evidence; and, on proving that the signature thereto is the handwriting of the person whose name appears subscribed thereto, and that such person was reputed to be and acted as a Magistrate for the District 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.

82. When any judgment is obtained in any civil court against any Inspector, subordinate police officer or constable no execution shall be issued thereon, but a certificate setting forth the full particulars of such judgment and the nature of the action in which such judgment was obtained, shall be forwarded to the 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.

Satisfaction of
civil judgment.

83. (1) Every person who knowingly harbours, or knowingly and with intent improperly to influence any Inspector, subordinate police officer or constable, entertains or either directly or indirectly sells or gives any intoxicating liquor to such police officer, or permits any Inspector, subordinate police officer or constable to abide or remain in his house (except in case of extreme urgency) when on duty, shall be guilty of an offence against this section.

Harbouring,
inducing, etc.

(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 two hundred and fifty dollars or to imprisonment for one month.

Persons dismissed from the Force to deliver up articles.

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

(2) Every person who contravenes this section shall be liable on summary conviction to a penalty not exceeding five hundred dollars or to imprisonment with or without hard labour for any period not exceeding four months; and it shall be lawful for the Magistrate to issue his warrant to search for and seize all such articles which are not so delivered over wherever the same may be found, and to arrest the person in whose possession the same may be found.

Improper possession of articles supplied to Forces.

85. Every person who has in his possession any article whatsoever which has been supplied at the public expense to any police officer for the execution of his office and who does not satisfactorily account for his possession of such article shall be guilty of an offence, and may be arrested without warrant by any police officer and on summary conviction shall be liable to a penalty not exceeding fifteen hundred dollars or to imprisonment with or without hard labour for a term not exceeding six months.

Personation of police officer.

86. Every person not being a police officer who—

(a) without the permission of a Gazetted Police Officer wears, either in whole or in part, the dress, or assumes the name, designation or description of any police officer or wears any dress or assumes any name or designation resembling and intended to resemble the dress, name or designation of any police officer; or

(b) in any way pretends to be a police officer, for the purpose of obtaining admission into any house or other place or of doing any act which such person would

not by law be entitled to do of his own authority, shall be liable, on summary conviction to a penalty not exceeding fifteen hundred dollars or to imprisonment with or without hard labour for a term not exceeding six months:

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

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

Delivery up of articles supplied to deceased police officers.

(2) Every person who contravenes this section shall be liable on summary conviction to a penalty of five hundred dollars or to imprisonment for four months; and it shall be lawful for any Magistrate to issue his warrant to search for and seize all such articles which are not so delivered over, wherever the same may be found, and to arrest the person in whose possession they may be found.

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

Unclaimed articles.

Cap. 309.

(2) Any order under this section shall not affect the right of any person to take within six months from the date of

the order legal proceedings against any person in possession of property delivered by virtue of the order for the recovery of the property, but on the expiration of those six months the right shall cease.

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

(a) when such property is a perishable article, or its custody involves unreasonable expense or inconvenience, such property may be sold as soon as convenient after it has come into the possession of the Force;

(b) when such property consists of money, such property shall be dealt with in all respects as is hereinafter provided with regard to the proceeds of sales hereby authorized after it has remained in the possession of the Force for three months;

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

(4) The proceeds of all sales hereby authorized shall, after deduction of expenses, be received by the Commissioner of Police and shall be paid or transmitted to an officer appointed by the Minister who shall deposit such proceeds to the credit of the Police Reward Fund:

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

(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 Minister

who shall deposit such proceeds to the credit of the Police Reward Fund.

On the expiration of three months such proceeds after deduction of the expenses of sale, may be delivered to the finder on his claiming the proceeds of the sale provided that such proceeds have not been claimed by the real owner.

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

89. All fines and penalties imposed by this Act shall be recovered under the provisions of the Magistrate's Code of Procedure Act before any Magistrate for the District where the offence was committed; 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.

Recovery of penalties.

Cap. 255.

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

Change of nomenclature.

(a) in the case of a non-commissioned officer, an Inspector or subordinate police officer; and

(b) in the case of a private, a constable, of the Force.