



BERMUDA

POLICE ACT 1974

1974 : 85

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SCHEDULE

[preamble and words of enactment omitted]

PART I PRELIMINARY

Interpretation

- 1 (1) In this Act, unless the context otherwise requires—
- “appropriate authority”, in relation to a member of the Service or Reserve Police, means the person with power to make appointments to the Service or Police, as the case may be, and to remove or exercise disciplinary control over such member in accordance with the Constitution or any regulations made thereunder;
- “barrister” shall have the same meaning as in section 1 of the Bermuda Bar Act 1974;
- “Commissioner” means the Commissioner of Police;
- “disciplinary offence” means an offence defined as a disciplinary offence by any provision of law, including police orders;
- “Minister” means the Minister responsible for police matters or for Royal Bermuda Regiment coast guard unit matters;
- “police orders” means orders made under section 32;
- “prescribed” means prescribed by police orders;
- “Service” means—
- (a) the Bermuda Police Service; and
 - (b) the Royal Bermuda Regiment coast guard unit.
- (2) In the exercise of his powers and duties under this Act or any other statutory provision relating to the police, the Governor shall act in his discretion.

[Section 1 amended by 1997:37 effective 6 May 1999; subsection (1) definition “barrister” inserted by 2016 : 44 s. 2 effective 2 December 2016; Section 1 subsection (1) definition “Minister” amended, and definition “Service” repealed and replaced by 2018 : 57 s. 4 effective 1 February 2021]

PART II

**CONSTITUTION AND ADMINISTRATION OF THE BERMUDA POLICE SERVICE AND
THE ROYAL BERMUDA REGIMENT COAST GUARD UNIT**

Service to continue

2 There shall continue to be established in Bermuda the police service known as the “Bermuda Police Service” and the Royal Bermuda Regiment coast guard unit shall have the same policing powers as the Bermuda Police Service.

[Section 2 amended by 1997 : 37 effective 6 May 1999; Section 2 repealed and replaced by 2018 : 57 s. 4 effective 1 February 2021]

Command and administration of Service by Commissioner

3 (1) The Service shall be under the command of the Commissioner, who, subject only to such general directions of policy with respect to the maintenance of public safety and public order as the Governor may give him, shall determine the use and control the operations of the Service, and shall be responsible subject to such directions as the Governor may give him, for the administration of the Service.

(2) Any act which may be done, ordered or performed by the Commissioner may, subject to the orders and direction of the Commissioner, be done, ordered or performed by the Deputy Commissioner.

[Section 3 amended by 1997:37 effective 6 May 1999]

Functions of the Service

4 The functions of the Service shall be to take lawful measures for—

- (a) preserving the public peace;
- (b) protecting life and property;
- (c) preventing and detecting crimes;
- (d) apprehending all persons whom it is lawful to apprehend and for whose apprehension sufficient grounds exist;
- (e) regulating processions and assemblies in public places or places of public resort;
- (f) controlling traffic upon public thoroughfares and removing obstructions therefrom;
- (g) preserving order in public places and places of public resort, at public meetings and in assemblies for public amusements;
- (h) assisting in preserving order in the waters of Bermuda and in enforcing port and maritime regulations therein;
- (i) executing summonses, subpoenas, warrants, commitments and other process issued by the courts;

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- (j) exhibiting informations and prosecution of offenders;
- (k) protecting unclaimed and lost property and finding the owners thereof;
- (l) assisting in the protection of life and property at fires;
- (m) protecting public property from loss or injury;
- (n) attending the criminal courts and, if specially ordered, the civil courts and keeping order therein;
- (o) escorting and guarding prisoners in police custody;
- (p) performing such functions as the Governor may, in the interests of law enforcement or of internal security, require;
- (q) performing such other functions as may by any provision of law be imposed on a police officer;
- (r) assisting the Provost Marshal General, the Coroners, and duly appointed Commissions of Inquiry in the conduct of their duties.

[Section 4 amended by 1997:37 effective 6 May 1999]

Powers and duties of members of the Service

- 5 (1) A member of the Service, unless duly excused or interdicted from duty—
- (a) shall at all times have all the powers and immunities conferred upon police officers by any statutory provision; and
 - (b) shall at all times be bound to discharge any of the duties imposed upon police officers by or under any statutory provision.
- (2) Every member of the Service shall for the purposes of this Act or any other statutory provision be deemed always to be on duty when required to act as such.

[Section 5 amended by 1997:37 effective 6 May 1999]

Members of the Service to obey lawful orders

6 Every member of the Service shall obey all lawful orders of his superior officers and Justices of the Peace whether given verbally or in writing and shall obey and conform to all police regulations, orders and instructions made under this Act.

[Section 6 amended by 1997:37 effective 6 May 1999]

Composition

- 7 (1) The Service shall consist of a Commissioner of Police, a Deputy Commissioner of Police and such numbers of assistant commissioners, superintendents, chief inspectors, inspectors, sergeants, constables and police cadets as may from time to time be determined by the Governor.
- (2) The ranks of the Service shall have precedence and command in the order set out in subsection (1) .

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(3) Members of the Service holding the same rank shall, unless the Commissioner otherwise directs, stand in order of precedence and command according to their seniority reckoned by the date of their appointment to that rank in the Service.

[Section 7 amended by 1997:37 effective 6 May 1999; and by 1998:20 effective 18 June 1998]

Warrant card

8 A warrant card, in such form as may be prescribed, shall be issued to every police officer, and shall be evidence of his appointment as such.

Discharge from the Service

9 (1) Without prejudice to the Public Service Superannuation Act 1981 [*title 9 item 31*] and the powers of the appropriate authority to remove or exercise disciplinary control over members of the Service in accordance with the Constitution and any regulations made thereunder, a member of the Service may be discharged from the Service by the appropriate authority if the appropriate authority is of the opinion that such discharge is necessary in the public interest.

(2) *[omitted][spent]*

[Section 9 amended by 1997:37 effective 6 May 1999]

PART III

RESERVE POLICE

Reserve Police to continue

10 There shall continue to be established in Bermuda the service known as the Reserve Police, which shall, when required, be employed as a service auxiliary to the Bermuda Police Service.

[Section 10 amended by 1997:37 effective 6 May 1999]

Command and administration of Reserve Police

11 The Reserve Police shall be under the overall command of the Commissioner, who, subject only to such general directions of policy with respect to the maintenance of public safety and public order as the Governor may give him, shall determine the use and control the operations of the Reserve Police, and shall be responsible, subject to such directions as the Governor may give him, for the administration of the Reserve Police.

Composition

12 (1) The Reserve Police shall consist of a Commandant, Deputy Commandant and such numbers of superintendents, chief inspectors, inspectors, sergeants and constables as may from time to time be determined by the Legislature.

(2) Appointments and promotions in the Reserve Police shall be made by the appropriate authority.

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(3) The ranks of the Reserve Police shall take precedence and command in the order set out in subsection (1) and, in relation to members of the Service, in such order as may be prescribed.

(4) Members of the Reserve Police holding the same rank shall, unless the Commissioner otherwise directs, stand in order of precedence and command according to their seniority reckoned by the date of their appointment to that rank in the Reserve Police.

[Section 12 amended by 1997:37 effective 6 May 1999]

Interdiction and removal from office

13 Subject to section 22, members of the Reserve Police shall be interdicted and removed from office by the appropriate authority and shall hold office at the pleasure of that authority.

Oaths

14 Every person appointed to be a member of the Reserve Police shall take and subscribe the oaths prescribed in the Schedule before such person as the Commissioner may designate:

Provided that the Commissioner may permit such person so appointed to make an affirmation in lieu of taking and subscribing the oath.

Reserve Police to obey lawful orders

15 (1) Every officer in the Reserve Police shall, while he is on duty obey all lawful orders of his superior officers whether given verbally or in writing and shall obey and conform to police orders and instructions made under this Act.

(2) A member of the Reserve Police shall be deemed to be on duty when he is called out for general duty in accordance with section 16 or when he otherwise acts in aid of the Service.

[Section 15 amended by 1997:37 effective 6 May 1999]

Calling out of Reserve Police

16 (1) The Commissioner may, with the prior approval of the Governor, by order published in the Gazette, or otherwise made known to members of the Reserve Police in such manner as the Commissioner thinks fit, direct that the Reserve Police or members thereof be called out for general duty.

(2) On the making of such an order every member of the Reserve Police affected thereby shall report for service at such place and at such time as may be specified in the order or made known to him by or through any of his superior officers, and such service shall continue until an order is made by the commissioner, with the prior approval of the Governor, cancelling such first named order.

(3) Any member of the Reserve Police who fails to comply with subsection (2) shall be liable to be discharged from the Reserve Police.

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Duty of employer in relation to members of the Reserve Police

17 (1) Where a member of the Reserve Police is in the regular employment of another person and is called out for general duty, then his employer shall allow him to report for duty accordingly and—

- (a) his employer shall ensure that any leave or holiday to which he would ordinarily be entitled or for which he would ordinarily be eligible shall not be prejudiced or restricted by reason of his being called out for general duty; and
- (b) his employer shall ensure that any promotion, privilege or advantage in connection with his employment to which he would ordinarily be entitled or for which he would ordinarily be eligible shall not be prejudiced by reason of his being called out for general duty.

(2) Any employer of a member of the Reserve Police who contravenes any of the provisions of subsection (1) commits an offence:

Punishment summary on conviction a fine of \$200; and the court by which he is convicted may make such order giving effect to any provision of the said subsection (1) as the court thinks fit.

(3) Proceedings in respect of an offence under this section shall not, without the written consent of the Director of Public Prosecutions, be instituted by any person other than the person aggrieved by the offence or the Commissioner.

(4) An order made by a court of summary jurisdiction under subsection (2) shall, for the purposes of any statutory provision relating to appeals in criminal matters, be deemed to be a sentence imposed by a court of summary jurisdiction.

[Section 17 subsection (3) amended by 1999:8 s.2 & Sch 1 effective 1 April 1999]

Allowances

18 The Commissioner may pay out of moneys appropriated for the purpose by the Legislature such allowances to members of the Reserve Police in respect of the period during which they are on duty as may be prescribed.

Compensation for death or injury while on duty

19 (1) Part VIII of the Public Service Superannuation Act 1981 *[title 9 item 31]* shall apply in the case of a member of the Reserve Police whose death results from injury sustained in the course of his duties as such member or while undergoing training in police duties and, for the purposes of that Part, such member's emoluments shall be deemed to be equivalent to those of a member of the Service of equivalent rank and seniority.

(2) For the purposes of the Workmen's Compensation Act 1965 *[title 18 item 3]*—

- (a) an injury sustained by a member of the Reserve Police in the course of his duties as such member or while undergoing training in police duties shall be deemed to arise out of and in the course of the employment of such member by the Crown;

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- (b) the earnings of such member shall be deemed to be equivalent to those of a member of the Service of equivalent rank and seniority.

[Section 19 amended by 1997:37 effective 6 May 1999]

Powers and duties of members of the Reserve Police

20 A member of the Reserve Police unless duly excused from duty—

- (a) shall while called out for general duty or otherwise acting in aid of the service have all the powers and immunities conferred upon police officers by any statutory provision; and
- (b) shall while called out for general duty or otherwise acting in aid of the Service be bound to discharge any of the duties imposed upon police officers by or under any statutory provision.

[Section 20 amended by 1997:37 effective 6 May 1999]

PART IV

DISCIPLINE

Offences by members of the Service triable by criminal courts

21 Any member of the Service who—

- (a) deserts; or
- (b) persuades or procures any member of the Service to desert; or
- (c) knowing that any member of the Service has deserted or intends to desert, does not without delay give information to his superior officer; or
- (d) belongs to any organisation declared by the Governor to be a prohibited organisation for the purposes of this paragraph or, except on the instruction of his superior officer, attends any meeting of such organisation,

commits an offence:

Punishment on summary conviction: imprisonment for 1 year.

[Section 21 amended by 1997:37 effective 6 May 1999]

Discharge of member of Reserve Police for misconduct

22 Where the Commissioner has reason to believe that a member of the Reserve Police has committed a disciplinary offence or is otherwise guilty of misconduct he may, after making such enquiries as he may, in his absolute discretion, think fit, discharge such member from the Reserve Police.

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Power of arrest and remand for offences

23 Any member of the Service or Reserve Police who commits an offence, or is believed to have committed an offence, under section 21 or section 36 may be arrested without warrant by an officer senior to himself.

[Section 23 amended by 1997:37 effective 6 May 1999]

Interdiction

24 The Commissioner may at any time in the interests of discipline interdict from duty any member of the Service who is charged with or is about to be charged with an offence or a disciplinary offence:

Provided that a member of the Service of or above the rank of inspector shall not be interdicted without the prior approval of the Governor acting in accordance with the recommendation of the Public Service Commission.

[Section 24 amended by 1997:37 effective 6 May 1999]

Pay during interdiction

25 (1) Any member of the Service interdicted under section 24 shall receive such proportion of his pay, not being less than half, as the Commissioner shall direct.

(2) If such member is not dismissed from the Service, he shall receive for the period of his interdiction—

- (a) in the case of acquittal or if no proceedings are brought, his full pay;
- (b) in any other case such proportion of his pay as the Commissioner thinks fit.

[Section 25 amended by 1997:37 effective 6 May 1999]

Fines to be recovered by stoppage of pay

26 (1) Any fine imposed on a member of the Service in respect of a disciplinary offence shall be recovered by deduction from any pay thereafter becoming due to such member.

(2) The amount of any such deduction shall be in the discretion of the Commissioner, but shall in no case exceed one third of the monthly pay of the member, whether a deduction is being made in respect of one fine or more than one fine.

[Section 26 amended by 1997:37 effective 6 May 1999]

Damage or loss to equipment

27 If any member of the Service or Reserve Police wrongfully disposes of or loses by neglect or wilfully damages any Government property in his custody as such member or any lost, stolen or unclaimed property committed to his charge, he may, in addition to or in lieu of any other punishment to which he may be liable, be ordered by the Commissioner to make good the amount of any loss or damage incurred by the

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Government, and such amount may be recovered by deduction from his pay as if the amount so ordered to be paid were a fine imposed in respect of a disciplinary offence.

[Section 27 amended by 1997:37 effective 6 May 1999]

Representation at disciplinary and other proceedings

27A (1) A member of the Service may not be dismissed or reduced in rank by a decision taken in proceedings under orders made in accordance with section 32(3)(a) unless he has been given an opportunity to elect to be legally represented at any hearing held in the course of those proceedings.

(2) Where a member of the Service makes an election to which subsection (1) refers, he may be represented at the hearing, at his option, by a barrister.

(3) Except in a case where a member of the Service of the rank of superintendent or below has been given an opportunity to elect to be legally represented and has not so elected, he may be represented at the hearing only by another member of the Service.

(4) Orders made under section 32 shall specify—

- (a) a procedure for notifying a member of the Service of the effect of subsections (1) to (3) above;
- (b) when he is to be notified of the effect of those subsections; and
- (c) when he is to give notice whether he wishes to be legally represented at the hearing.

(5) If a member of the Service—

- (a) fails without reasonable cause to give notice in accordance with the orders that he wishes to be legally represented; or
- (b) gives notice in accordance with the orders that he does not wish to be legally represented,

he may be dismissed or reduced in rank without his being legally represented.

(6) If a member of the Service has given notice in accordance with the orders that he wishes to be legally represented, the case against him may be presented by a barrister whether or not he is actually so represented.

[Section 27A inserted by 2016 : 44 s. 3 effective 2 December 2016]

PART V

POLICE ASSOCIATION AND TRADE UNIONS

Establishment of Police Association

28 (1) There shall continue to be established, in the manner prescribed, the body known as the Bermuda Police Association.

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(2) The objects of the Bermuda Police Association shall be to enable members of the Service of or below the rank of Chief Inspector to consider, and bring to the notice of the Governor, Commissioner or Government all matters affecting their welfare and efficiency including pay, pensions and conditions of service, other than questions of discipline and promotion affecting individual members of the Service.

(3) The Bermuda Police Association shall be independent of and shall not be affiliated to any body or persons outside the Service.

(4) The Governor may make regulations under this subsection for the operation, management, membership and procedure of the Bermuda Police Association.

(5) Section 6 of the Statutory Instruments Act 1977 [*title 1 item 3*] shall not apply to regulations made under subsection (4).

[Section 28 amended by 1997:37 effective 6 May 1999]

Membership of Trade Unions

29 (1) No member of the Service shall be a member of a trade union, or of any association having as its objects, or one of its objects, the control or influencing of the pay, pensions or conditions of service of members of the Service, and any member for the Service who contravenes this subsection shall be deemed to commit a disciplinary offence.

(2) If any question arises whether any body is a trade union or any such association the question shall be determined by the Governor.

(3) Nothing in this section shall apply to membership of the Bermuda Police Association or of any body recognised by the Governor for the purposes of this section as representing members of the Service who are not members of that Association.

[Section 29 amended by 1997:37 effective 6 May 1999]

PART VA

POLICE CONDITIONS OF SERVICE

Notice to negotiate

29A (1) Where there is no agreement in being, the Bermuda Police Association (“the Association”) may at any time give notice in writing to the Commissioner of the Association’s wish to enter into negotiations with the Government for the making of such an agreement.

(2) Where there is an agreement in being, the Association may, at any time after ninety days or such longer period as the parties may determine before the agreement would but for subsection (5) of section 29H expire give notice in writing to the Commissioner of the Association’s wish to enter into negotiations with the Government for—

- (a) the renewal, with or without modifications, of that agreement; or

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(b) the making of a new agreement.

(3) The Government shall meet with the Association within fifteen days or such longer period as the parties may determine after receiving a notice under subsection (1) or (2) of this subsection, and the parties shall thereupon proceed to negotiate in good faith in relation to the Association's wish set forth in the notice.

(4) Either of the parties may by instrument in writing delivered to the Minister appoint at its own expense one or more persons to act on its behalf for the purpose of anything to be done or suffered by that party under this Part, and the acts of a person so appointed done within the scope of his appointment shall bind the party that appointed him for that purpose.

(5) In this Part—

“agreement” means an agreement in writing between the Government and the Association providing for any one or more of the following matters in relation to the Service, that is to say, pay, extra duty pay, allowances, hours of work, leave and any other condition of service, but not any question of retirement or pension or discipline or of command or control of members of the Service;

“conciliation” means any method or process used, including mediation, in order to settle a dispute amicably or to bring about an agreement;

“parties” means the Government and the Association, and “party” means one of them.

Settlement by conciliation

29B (1) Where a matter which has been the subject of negotiations under section 29A has not been resolved either party may refer the matter to the Manager of Labour Relations (“the conciliator”) for settlement by conciliation.

(2) The conciliator shall—

(a) endeavour to settle the matter by conciliation a matter referred to him under subsection (1); and

(b) in any event report the result of his endeavours to the Minister within fourteen days of the reference.

(3) The period of fourteen days specified in subsection (2) may be extended—

(a) by the parties for such period as they may determine; or

(b) if the conciliator informs the Minister that a settlement by conciliation seems likely to be reached within a specified period, by the Minister for that period.

(4) Where the conciliator determines that a matter referred to him for settlement by conciliation—

(a) has in fact been so settled; or

(b) cannot be so settled,

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he shall report his determination to the Minister in writing, and the Minister shall forthwith convey the terms of the conciliator's report to the parties.

[Section 29B amended by 2010 : 36 s.3(d) effective 16 July 2010; subsection (1) amended by BR 40 / 2013 para. 2 effective 3 May 2013; subsection (1) amended by BR 115 / 2017 para. 7 effective 7 December 2017]

Permanent Police Tribunal

29C (1) There shall be a body called the Permanent Police Tribunal ("the Tribunal") which shall have power to settle by arbitration matters referred to it for the purposes of this Part of the Act.

(2) The Arbitration Act 1986 [*title 8 item 75*] shall not apply in relation to anything done by or to the Tribunal under this Act.

Membership of the Tribunal

29D (1) The Tribunal shall consist of three members, including a chairman, appointed by the Governor by instrument in writing after consultation with the Minister.

(2) A member of the Tribunal shall be appointed for a term not exceeding five years and shall be eligible for reappointment.

(3) Fees shall be paid to members of the Tribunal in accordance with the provisions of the Government Authorities (Fees) Act 1971 [*title 14 item 6*].

Proceedings of the Tribunal

29E (1) Two members of the Tribunal shall constitute a quorum of the Tribunal.

(2) Notwithstanding subsection (2) of section 29D, where there is a vacancy in the membership of the Tribunal, the Governor may appoint a temporary member to fill the vacancy until such time as—

- (a) the member appointed under subsection (1) of section 29D resumes his duties; or
- (b) a new member is appointed under that subsection.

(3) The proceedings of the Tribunal shall not be open to the public.

(4) Subject to the provisions of this Part, the Tribunal shall regulate its proceedings as it thinks fit.

Settlement by arbitration

29F (1) Subject to subsection (2), where the conciliator has reported under subsection (4) of section 29B that a matter referred to him under that section has not been settled by conciliation, the Minister shall within fourteen days refer the matter to the Tribunal for arbitration in strict accordance with terms of reference provided by him.

(2) The Minister shall provide the Minister of Finance with a copy of the terms of reference in draft, and shall consult that Minister generally about the terms of reference before he settles them.

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(3) The Tribunal shall—

- (a) within thirty days of the reference commence proceedings for settling a matter referred to it under subsection (1); and
- (b) deliver the award granted by it (the “Tribunal award”) to the Minister within sixty days after the commencement of those proceedings.

(4) The Minister shall transmit the Tribunal award to the parties as soon as he receives it.

Awards binding

29G Every Tribunal award shall be binding upon the parties.

Duration of agreements and awards

29H (1) An agreement shall have effect for two years or such longer or shorter period as the parties may determine.

(2) A Tribunal award shall have effect for such period as the Tribunal may determine.

(3) An agreement shall have such retroactive effect as the parties may determine.

(4) A Tribunal award shall have such retroactive effect as the Tribunal may determine.

(5) Once an agreement or a Tribunal award has taken effect, it shall by virtue of this subsection continue in force, notwithstanding its expiry pursuant to subsection (1), until it is replaced by a new agreement or Tribunal award.

[Part VA inserted by 1997:37 effective 6 May 1999]

PART VI

POLICE REWARDS AND FINES FUND

Establishment of Police rewards and fines fund

30 (1) There shall be established a fund to be known as the Police Rewards and Fines Fund.

(2) The fund shall consist of—

- (a) all fines imposed on members of the Service in respect of disciplinary offences;
- (b) all fees paid in accordance with police orders under paragraph (i) of section 32;
- (c) any donations and voluntary contributions;
- (d) such sums as may be appropriated for the purpose by the Legislature.

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(3) The fund shall be controlled by the Commissioner in accordance with any directions given by the Governor and applied to the purposes of—

- (a) assistance to dependants of deceased members of the Service of or below the rank of Chief Inspector, or to any member of the Service discharged on medical grounds;
- (b) contributions towards prizes to be given at athletic meetings and similar events organized by or on behalf of the Service;
- (c) payments to members of the Service below the rank of Chief Inspector of rewards for meritorious acts of service in the execution of duty, if such payments are not met from the Consolidated Fund;
- (d) the advancement of the recreational and sporting activities of members of the Service;
- (e) such other purposes as the Governor may authorise.

[Section 30 amended by 1997:37 effective 6 May 1999]

PART VII SUPPLEMENTARY

Power to erect barriers

31 Any member of the Service of or above the rank of Inspector may, if he considers it necessary so to do for the maintenance of law and order or for the prevention and detection of crime, cause barriers to be erected or placed in or across any road, street or public place, in such manner as he may think fit.

[Section 31 amended by 1997:37 effective 6 May 1999]

Police orders

32 (1) The Governor may by order provide for the better carrying out of this Act and the general government and discipline of the Service and Reserve Police and, without derogation from the generality of the foregoing, any such order may relate to—

- (a) the conditions and methods of enrolment in and resignation from the Service and Reserve Police;
- (b) requirements as to efficiency and training;
- (c) the granting of awards;
- (d) medical treatment for members;
- (e) the provision of uniforms, equipment and weapons to members, and the recovery of the costs thereof in certain cases;
- (f) the invaliding of members;

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- (g) conditions, conduct, performance of service, but subject to subsection (1A);
- (h) subject to the Constitution and any regulations made thereunder, the definition of disciplinary offences, the investigation and hearing of disciplinary charges against member of the Service and the manner of dealing with members of the Service where such charges are found proved;
- (i) the conditions under which the services of members of the Service may be made available to private persons for the performance of duties outside the ordinary functions of the Service and the payment of fees for such services;
- (j) the conditions under which—
 - (i) information, reports and statements in the possession and control of the Service;
 - (ii) information in the possession of the Service as to whether a person has been convicted of an offence by a court in Bermuda (subject to the Rehabilitation of Offenders Act 1977),

may be made available to private persons or a body of persons, and the payment of fees for any information, statement or report so made available and for any search therefor;
- (k) *[deleted]*
- (l) the appointment of special constables;
- (m) any matter which under this Act is required or permitted to be prescribed.

(1A) Orders under paragraph (g) of subsection (1)—

- (a) may be made with retroactive effect; and
- (b) may not be made so as to be at variance with any agreement or Tribunal award at any time in force under Part VA of this Act.

(2) Section 6 of the Statutory Instruments Act 1977 shall not apply to an order made under this section.

[Section 32 amended by 1997:37 effective 6 May 1999; subsection (1)(g) amended by 2016 : 44 s. 4 effective 2 December 2016; Section 32 subsection (1)(j) repealed and replaced by 2023 : 5 s. 2 effective 27 March 2023]

32A *[Repealed]*

[Section 32A inserted by 1998:3 effective 1 October 2001; repealed by 2006:1 s.102 effective 24 June 2009]

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Service Standing Instructions

33 The Commissioner may issue administrative instructions, to be called Service Standing Instructions, not inconsistent with this Act or any order made thereunder, for the general control, direction and information of the Service and Reserve Police, and any such instructions may in particular relate to any or all of the following matters—

- (a) organisation, administration, enlistment, training and discipline;
- (b) police duties;
- (c) dress, appearance, clothing and equipment, arms and ammunition;
- (d) accommodation, buildings, stores and furniture;
- (e) postings and transfers, and the places at which members of the Service shall reside;
- (f) management of police canteens, messes and recreation rooms;
- (g) welfare of members of the Service and Reserve Police;
- (h) discipline, uniform, equipment, supervision, posting and transfer of members of the Reserve Police and the duties to be performed by such members;
- (i) such other matters as may be necessary or expedient for preventing abuse or neglect of duty and for rendering the Service and Reserve Police more efficient in the discharge of their duties.

[Section 33 amended by 1997:37 effective 6 May 1999]

Protection of members of Service

34 Every member of the Service, and every member of the Reserve Police while called out for general duty or otherwise acting in aid of the Service, shall have and enjoy all the immunities, powers, privileges and protection enjoyed at common law by, or conferred by any Act or any Act of the Parliament of England or of the United Kingdom in force in Bermuda, on constables or peace officers, and every such member shall be deemed to be a peace officer within the meaning of any such Act or Act of the Parliament of England or of the United Kingdom.

[Section 34 amended by 1997:37 effective 6 May 1999]

Impersonation

35 (1) Any person who, with intent to deceive, impersonates a member of the Service or Reserve Police, or makes any statement or does any act calculated falsely to suggest that he is such a member, commits an offence:

Punishment on summary conviction: a fine of \$500 or imprisonment for 1 year.

POLICE ACT 1974

(2) A police officer may arrest without warrant a person who has committed, or is committing, or whom the police officer, with reasonable cause suspects to have committed, or to be committing, an offence under this section.

[Section 35 amended by 1997:37 effective 6 May 1999]

Causing disaffection

36 Any person who causes or attempts to cause, or does any act calculated to cause, disaffection amongst members of the Service, or induces or attempts to induce any member of the Service, or does any act calculated to induce any member of the Service, to withhold his services or to commit breaches of discipline commits an offence:

Punishment on summary conviction: a fine of \$500 or imprisonment for 1 year or both such imprisonment and fine.

Punishment on conviction on indictment: a fine of \$5,000 or imprisonment for 5 years or both such imprisonment and fine.

[Section 36 amended by 1997:37 effective 6 May 1999]

Amendment of No. 18 of 1921

37 *[omitted]*

Repeal of No. 87 of 1951

38 *[omitted]*

Commencement

39 *[omitted]*

Special constables

40 (1) The Commissioner may, in accordance with police orders, appoint special constables.

(2) Subject to police orders, all special constables shall be under the direction and control of, and subject to dismissal by, the Commissioner.

(3) A special constable shall at all times have all the powers and immunities conferred upon police officers by any statutory provision.

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SCHEDULE

(Section 14)

I [*blank*] do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, Her Heirs and Successors, according to law. So help me God.

I [*blank*] do swear that I will well and truly serve our Sovereign Lady the Queen, in the office of [*blank*] without favour or affection, malice or ill will, and that I will cause Her Majesty's peace to be kept and preserved; and that I will prevent, to the utmost of my power, all offences against the same; and while I shall continue to hold the said office I will, to the best of my skill and knowledge, discharge all the duties thereof faithfully according to law. So help me God.

[Assent Date: 17 July 1974]

[This Act was brought into operation on 1 October 1974]

[See also the Promissory Oaths Act 1969 for the oath of allegiance and official oath to be taken by a police officer]

Amended by

1977 35
1978 55
1979 18
1997 37
1998 3
1998 20
1999 8
2006 1
2010 36
BR 40 / 2013
2016 44
BR 115 / 2017
2018 57
2023 5]