

BERMUDA STATUTORY INSTRUMENT

SR&O 87/1968

BERMUDA POLICE ASSOCIATION REGULATIONS 1968

*[made under section 7 of the Police Act 1951 [repealed] and brought into
operation on 1 December 1968]*

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PART I

Interpretation

- 1 In these Regulations, unless the context otherwise requires—
- "the Association" means the Bermuda Police Association established under regulation 2;
- "Branch" means a Branch of the Association established under regulation 4;
- "the Commissioner" means the Commissioner of Police;
- "Department" means a Department of the Service;
- "Executive Committee" means the Executive Committee of the Association established under regulation 8;
- "member" means a member of the Association.
- "the Service" means the Bermuda Police Service;

[regulation 1 amended by 1997 : 37 effective by notice in Official Gazette]

PART II

Bermuda Police Association established

2 (1) There is hereby established a body, to be known as the Bermuda Police Association, the objects of which shall be to enable police officers to consider and bring to the notice of the Commissioner, the joint negotiating body, and the Governor 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.

(2) The Association shall be independent of, and unassociated with, any body or person outside the Service.

[regulation 2 amended by 1997 : 37 effective by notice in Official Gazette]

Membership

3 All members of the Service below the rank of Superintendent shall be members of the Association,

[regulation 3 amended by 1997 : 37 effective by notice in Official Gazette]

Branches

4 There shall be a Branch of the Association for each of the following Divisions and Departments of the Service—

- Central Division
- Eastern Division
- Western Division
- Operations
- Headquarters
- Criminal Investigation Department

and members of the Association assigned to such Divisions and Departments shall be members of the Branch of that Division or Department.

[regulation 4 amended by 1997 : 37 effective by notice in Official Gazette]

General meetings of branches

5 (1) There may be held general meetings of each Branch at such times and places as may be arranged in accordance with this regulation.

- (2) A general meeting of a Branch may be arranged by, either—
 - (a) the Executive Committee; or
 - (b) a Branch Board or a joint Branch Board;

and seven days notice of such meeting shall be given to the Commissioner:

Provided that no such meeting shall be held without the consent of the Commissioner and such consent may be subject to such terms and conditions as the Commissioner may, in the interests of police efficiency, see fit to impose.

(3) Schedule 1 shall have effect in relation to a general meeting of a Branch:

Provided that no such meeting shall pass any resolution for submission to the Commissioner or the Governor.

Branch Boards

6 (1) There shall be established the following Branch Boards, that is to say—

- The Inspectors' Branch Board
- The Sergeants' Branch Board
- The Constables' Branch Board

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and such Boards shall be constituted in accordance with the provisions of this regulation.

(2) The Inspectors' Branch Board shall consist of three Inspectors elected by the Inspectors of the Service.

(3) The Sergeants' Branch Board shall consist of six sergeants each of whom shall be a member of one Branch and elected by the Sergeants who are members of that Branch.

(4) The Constables' Branch Board shall consist of fourteen Constables who shall be elected by the Constables who are members of each Branch electing two of their number other than the Constables who are members of the Operations and Central Branches who shall each elect three of their number.

(5) Members of the Association who are Police Cadets may designate one of the members of the Constables' Branch Board to represent their interests.

(6) Schedule 2 shall have effect in relation to elections and designations for the purposes of the foregoing paragraphs which shall be held each year in such month as the Commissioner may, at the request of the Executive Committee, determine.

(7) Each member elected to a Branch Board shall become a member of that Board on the first day of the month following the month in which he is elected and, subject to paragraph (8), shall remain a member of the Board until the end of the month in which elections are held pursuant to this regulation, in the following year.

- (8) A person shall cease to be a member of a Branch Board if—
- (a) he ceases to hold the rank in the Service which he held at the time of his election; or
 - (b) he ceases to be a member of the Service.

[regulation 6 amended by 1997 : 37 effective by notice in Official Gazette]

Proceedings of Branch Boards

7 (1) Each Branch Board may hold quarterly meetings, each lasting not more than one day, and with the consent of the Commissioner, additional meetings of the Branch Board may be held.

(2) Each Branch Board shall hold a quarterly meeting in the month following that in which elections are held, which meeting in these Regulations is referred to as the Annual Meeting, and where more than one meeting is held in that month the first meeting so held shall be the Annual Meeting.

(3) The three or any two of the Branch Boards may, by agreement, sit together as a joint Branch Board, either generally or for a special purpose.

(4) Without prejudice to any arrangements for informal consultation, a Branch Board or joint Branch Board may make written representations to the Commissioner and if it thinks fit submit a copy thereof to the Governor; and in matters of importance a deputation may be appointed by the Branch Board or joint Branch Board or Executive Committee to make oral representations to the Commissioner.

(5) The three Branch Boards shall, at the request of the Commissioner, sit together as joint Branch Boards for the purpose of considering any question referred to them, by him, by way of the Executive Committee of the Association.

(6) Schedule 1 shall have effect in relation to the proceedings of any Branch Board or joint Branch Board.

Executive Committee

8 (1) There shall be constituted in accordance with this regulation, an Executive Committee of the Association.

(2) The Executive Committee shall be elected by the members of the Inspectors', Sergeants' and Constables' Branch Boards in the number and manner following—

- (a) the Inspectors' Branch Board shall elect one of their number;
- (b) the Sergeants' Branch Board shall elect three of their number;
- (c) the Constables' Branch Board shall elect seven of their number.

(3) Should any Executive Committee members be unable to be present at an Executive Committee meeting, the appropriate Branch Board shall nominate a deputy or as the case may be, deputies who will have the same rights as a member of the Executive Committee.

(4) Schedule 2 shall have effect in relation to the Executive Committee.

Proceedings of Executive Committee

9 (1) The Executive Committee may hold—

- (a) an ordinary monthly meeting, each meeting lasting not more than one day;
- (b) additional meetings called with the consent of the Commissioner.

(2) The Executive Committee may make written representations to the Governor, Commissioner and any other appropriate authority and

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in matters of importance to make oral representations to either the Governor, Commissioner or any other appropriate authority:

Provided that any written representation to, or request for interview with, the Governor shall be made through the Commissioner.

(3) Schedule 1 shall have effect in relation to the proceedings of the Executive Committee.

10 Attendance at meetings of a Branch Board and the Executive Committee shall count as police duty.

PART III

Raising of funds

11 (1) The Association may raise funds by the collection of subscriptions, the acceptance of donations and the sale of periodicals and other articles, and from the proceeds of dances, socials or sporting or other events held by the Association.

(2) Subject to paragraph (3), every member shall subscribe either to the Association or to a charity of his choice such amount as the Executive Committee may subject to the approval of the three joint Branch Boards from time to time determine.

(3) Paragraph (2) shall not have effect unless—

(a) a proposal for that purpose was made by a member to the Executive Committee in writing; and

(b) a ballot was taken by an independent person appointed by the Minister; and

(c) not fewer than fifty-one per cent of the members voted in the ballot in favour of the proposal.

(4) Provision shall be made to allow partial subscriptions by members who join the Association during any one year.

[regulation 11 amended by 1997 : 37 effective by notice in Official Gazette]

Accounts

12 (1) Any Branch Board or the Executive Committee shall, in relation to Association funds held by the Board or the Committee in question, keep accounts showing all monies received or paid out and shall cause the accounts for each year to be audited by an independent auditor.

(2) After the end of each year a summary of the accounts for that year together with a copy of the independent auditor's report thereon shall be sent to the Commissioner and made available to all members of the Association.

Use of Association funds

13 (1) Subject to the provisions of regulation 14 the Executive Committee shall have the management and control of Association Funds but Association Funds shall not without the consent of the Commissioner be used otherwise than for the purposes mentioned in paragraphs (2) and (3) and shall not be used—

(a) to promote directly or indirectly a person's candidature in a parliamentary or local authority election; or

(b) to contribute to the funds of a trade union, political party or other body or organization not connected with the police service or its welfare.

(2) Association funds may be used to defray expenses lawfully incurred for the objects specified in regulation 2.

(3) Without prejudice to the generality of the preceding paragraph, Association funds may be used to defray—

(a) expenses arising under these Regulations or arising out of anything done in accordance therewith;

(b) the administrative expenses of the Association, the remuneration of persons outside the Service employed or consulted in an administrative, professional or advisory capacity;

(c) expenses in connection with the publication and distribution of reports and other documents, including a journal (whether or not a charge is made therefor) and the purchase of publications for use by the Branch Boards and the Executive Committee;

(d) expenses incurred for benevolent or charitable purposes connected with the Service or its welfare; and

(e) expenses lawfully incurred in connection with a claim made by a subscribing member or former subscribing member of the Association, the surviving spouse or child (including legal proceedings arising therefrom) where the claim refers to—

(i) a question of general principle or importance which is one of special concern to the members of the Association or a substantial class thereof; or

(ii) the emoluments of a member of the Association or the pension or other award payable to or in respect of a former member of the Association; or

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- (iii) an injury or disease alleged to have been received or contracted by a member of the Association; or
- (iv) the compulsory retirement of a member of the Service otherwise than as an alternative to dismissal;
- (f) expenses incurred in providing, at the discretion of the Executive Committee, financial assistance to any member who becomes the subject of criminal proceedings arising out of the execution of his duties as a police officer and where legal aid is not granted by the Court, any other authority or the Government.

[regulation 13 amended by 1997 : 37 effective by notice in Official Gazette]

Trustees of property and funds

14 (1) Association property and funds held by the Executive Committee shall be vested in not more than three trustees appointed in such a manner as may be determined by the Executive Committee.

(2) Where any Association funds are vested in trustees in accordance with this regulation those trustees shall not invest the funds or vary any investment except in pursuance of the powers of investment conferred on trustees generally by any provision of law, and, in accordance with the directions of the Executive Committee.

PART IV

15 [omitted]

SCHEDULE 1

PROCEEDINGS

1 This Schedule shall have effect in relation to the proceedings of the following bodies (hereinafter referred to in this Schedule as specified bodies):

Any Branch meeting

Any Branch Board or joint Branch Board

Any General Meeting

Any Executive Committee.

2 (a) Each specified body shall choose its Chairman and Secretary from among its members;

(b) An Executive Committee shall elect a Treasurer from among its members.

3 The Chairman at any meeting of a specified body shall have a second or casting vote.

4 Subject as aforesaid, each specified body shall regulate its own procedure and may provide for the appointment of committees and subcommittees and their procedure.

5 The Commissioner shall make available, free of charge, to a specified body accommodation in premises provided for police purposes insofar as such accommodation is not required for use for police purposes.

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SCHEDULE 2

ELECTIONS, ETC.

1 This Schedule shall apply in relation to the following bodies (hereinafter referred to as "specified bodies") :

- Any Branch Board
- Each joint Branch Board meeting
- Any Executive Committee.

2 An election to a specified body shall be by secret ballot.

3 At any such election each person qualified to take part therein shall be entitled to give the like number of votes as there are vacancies to be filled but shall not give more than one vote for any one candidate.

4 Where at any such election an equality of votes is found to exist between any candidates and the addition of a vote would entitle any of these candidates to be declared elected, the decision between those candidates shall be reached by lot and the candidate on whom the lot falls shall be elected.

5 Where in any election—

- (a) only one person is qualified to take part, that person shall be deemed to be elected; and
- (b) only two persons are qualified to take part then subject to any agreement to the contrary between them, the senior of those two shall be deemed to be elected.

6 (1) Subject to the provisions of these Regulations, rules may be made by the appropriate rule-making body mentioned in sub-paragraph (2) as respects—

- (a) the conduct of elections to a specified body; and
- (b) the circumstances and manner in which casual vacancies thereon are to be filled whether the vacancy occurs as the result of a death or resignation of a person or in the consequence of any provisions of these Regulations.

(2) The appropriate rule-making body shall be—

- (a) in relation to a Branch Board, that Board;
- (b) in relation to the election of delegates to a joint Branch Board by a particular Branch Board and to casual vacancies among these delegates, that Board;
- (c) in relation to the election of members of an Executive Committee, the three Branch Boards when sitting

together or, in relation to the election from amongst the members of a board, when sitting independently of each other.