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**CHAPTER 206****ROYAL BAHAMAS POLICE STAFF ASSOCIATION**

## LIST OF AUTHORISED PAGES

1	LRO 1/2002
2	Blank
3 – 4	LRO 1/2002
5 – 10	Original

**ARRANGEMENT OF SECTIONS**

## SECTION

1. Short title.

**PART I  
PRELIMINARY**

2. Interpretation.

**PART II  
CONSTITUTION AND ADMINISTRATION**

3. Royal Bahamas Police Staff Association.
4. Objects of Association.
5. Branch Boards.
6. Elections.
7. Disqualification of membership of a Branch Board.
8. Meetings of Branch Boards.
9. Joint Branch Board Meetings.
10. Executive Committee.
11. Proceedings of Executive Committee.
12. Rules.

**PART III  
FINANCIAL PROVISIONS**

13. Raising of funds.
14. Accounts.
15. Use of Association Funds.

FIRST SCHEDULE — Election of Boards and Executive Committee.

SECOND SCHEDULE — Proceedings of Meetings.



## CHAPTER 206

### ROYAL BAHAMAS POLICE STAFF ASSOCIATION

**An Act to establish the Royal Bahamas Police Staff Association, to make provision for the formation, constitution and functions of such an association and provision in respect of matters connected thereto.** *7 of 1997*

*[Commencement 6th February, 1997]*

1. This Act may be cited as the Royal Bahamas Police Staff Association Act, 1997. Short title.

### PART I PRELIMINARY

2. In this Act — Interpretation.

“Association” means the Royal Bahamas Police Staff Association established under section 3;

“Branch Board” means any Branch Board established under section 5;

“Commissioner” means the Commissioner of Police;

“District Constable” means any person appointed under section 85 of the Police Act; Ch. 205.

“Executive Committee” means the Executive Committee of the Association established under section 10;

“Force” means the Royal Bahamas Police Force as constituted under section 3 of the Police Act; Ch. 205.

“Inspector” includes a sub-inspector or chief inspector;

“matter of importance” means any matter so deemed by a Branch Board or the Executive Committee;

“Minister” means the Minister responsible for the Police Force;

“Recruit” means any person appointed under section 5(2) of the Police Act; Ch. 205.

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- Ch. 205. “Reserve” means the Royal Bahamas Police Reserve established under Part X of the Police Act;
- Ch. 205. “Special Constable” means any person appointed under section 86 of the Police Act;
- Ch. 205. “Supernumerary Police Officer” means any person appointed under Part VIII of the Police Act.

## PART II CONSTITUTION AND ADMINISTRATION

Royal Bahamas  
Police Staff  
Association.

**3.** (1) There is hereby established a body, to be known as the Royal Bahamas Police Staff Association for members of the Royal Bahamas Police Force other than officers of the Reserve, District Constables, Special Constables, Supernumerary Police Officers and Recruits.

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

(3) Subject to subsection (1), all members of the Force below the rank of Chief Superintendent, Deputy Superintendent and Assistant Superintendent are eligible to become members of the Association.

Objects of  
Association.

**4.** The objects of the Association shall be to enable members of the Association to consider and bring to the notice of the Commissioner matters affecting their welfare and efficiency, including pay, pensions and conditions of service, other than matters relating to discipline and promotion affecting individual members of the Force.

Branch Boards.

**5.** (1) There shall be established the following Branch Boards—

- (a) the Inspectors’ Branch Board;
- (b) the Sergeants’ Branch Board;
- (c) the Corporals’ Branch Board; and
- (d) the Constables’ Branch Board;

and such boards shall be constituted in accordance with the provisions of this section.

(2) The Inspectors’ Branch Board shall consist of three Inspectors.

(3) The Sergeant’s Branch Board shall consist of six Sergeants.

(4) The Corporals' Branch Board shall consist of ten Corporals.

(5) The Constables' Branch Board shall consist of fourteen Constables.

(6) The First Schedule shall have effect in relation to the election of any member of a Branch Board. First Schedule.

**6.** (1) An election of a member of a Branch Board shall be held each year in such month as the Commissioner may at the request of the Executive Committee determine. Elections.

(2) 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 section 7, shall remain a member of the Board until the end of the month in which elections are held pursuant to this section, in the following year.

**7.** A person shall cease to be a member of a Branch Board if— Disqualification of membership of a Branch Board.

- (a) he ceases to hold the rank in the Force which he held at the time of his election; or
- (b) he ceases to be a member of the Force.

**8.** (1) Each Branch Board shall 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. Meetings of Branch Boards.

(2) Each Branch Board shall hold a quarterly meeting in the month following that in which elections are held, which meeting in this Act 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.

**9.** (1) The four or any three of the Branch Boards may, by agreement, sit together as a joint Branch Board, either generally or for a special purpose. Joint Branch Board Meetings.

(2) 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 Minister 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.

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

Second Schedule

(4) The Second Schedule shall have effect in relation to the proceedings of any Branch Board or joint Branch Board.

Executive Committee.

**10.** (1) There shall be established in accordance with this section, an Executive Committee of the Association.

(2) The Executive Committee shall be elected by the members of each Branch Board established under section 5 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 Corporals' Branch Board shall elect five of their number; and
- (d) the Constables' Branch Board shall elect seven of their number.

(3) Where any Executive Committee member is 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.

First Schedule.

(4) The First Schedule shall have effect in relation to the election of the Executive Committee.

Proceedings of Executive Committee.

**11.** (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 representation to the Minister, Commissioner and any other appropriate authority and in matters of importance make oral representations to either the Commissioner, Minister or any other appropriate authority.

(3) A written representation to, or request for an interview with, the Minister shall be made through the Commissioner.

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(4) The Second Schedule shall have effect in relation to the proceedings of the Executive Committee. Second Schedule.

**12.** (1) The Association may make rules providing for — Rules.

- (a) the fees for membership and the management of its affairs;
- (b) the custody of the property of the Association and the keeping and auditing of accounts;
- (c) generally, the better carrying into effect of the purposes of this Act and the furtherance of the objects of the Association.

(2) Sections 31 and 32 of the Interpretation and General Clauses Act shall not apply to the rules made under this section, nor shall the rules require publication in the *Gazette* but a copy of them shall be forwarded to the Minister and when received by the Minister shall be conclusive evidence that such rules were made. Ch. 2.

### PART III FINANCIAL PROVISIONS

**13.** (1) The Association may raise funds by the collection of voluntary subscriptions, the acceptance of donations from the members thereof and the sale of periodicals and other articles. Raising of funds.

(2) Voluntary subscriptions may be deducted from the salary of a member each year by the Treasurer with the consent in writing of the member and the normal amount of such subscriptions (including additional subscriptions) shall be determined by the Executive Committee subject to the approval of the four Branch Boards.

(3) A consent of the member for the purposes of subsection (2) may be withdrawn at any time by the member giving to the Treasurer notice in writing of his withdrawal of such consent.

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

**14.** (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 Accounts.

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showing all monies received or paid out and shall cause the accounts for each year to be audited by an independent auditor.

(2) At 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.

**15.** (1) 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 subsections (2) and (3) and shall not be used —

- (a) to promote directly or indirectly a person's candidature in a parliamentary or local government election; or
- (b) to contribute to the funds of a trade union, political party or other body or organisation 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 subsection (3).

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

- (a) expenses arising under this Act or arising out of anything done in accordance therewith;
- (b) the administrative expenses of the Association, the remuneration of persons outside the Force 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 Force or its welfare;
- (e) expenses lawfully incurred in connection with a claim made by a subscribing member or former subscribing member of the Association, the



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surviving spouse or child of such member (including legal proceedings arising therefrom) where the claim refers to —

- (i) 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;
  - (ii) an injury or disease alleged to have been received or contracted by a member of the Association; or
  - (iii) the compulsory retirement of a member of the Force otherwise than as an alternative to dismissal; and
- (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.

#### **FIRST SCHEDULE (Sections 5(6) and 10(4))**

##### **ELECTION OF BOARDS AND EXECUTIVE COMMITTEE**

1. This Schedule shall apply in relation to the following bodies (in this Schedule referred to as “specified bodies”)

- (a) a Branch Board;
- (b) a joint Branch Board;
- (c) the 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 declared elected.

5. Where in any election —

- (a) only one person is qualified to take part, that person shall be deemed to be elected; or
- (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 this Act, rules may be made by the appropriate rule-making body mentioned in subsection (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 the death or resignation of a person or in the consequence of any provisions of the rules.

(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 four Branch Boards when sitting together or, in relation to the election from amongst the members of a Board, when sitting independently of each other.

## **SECOND SCHEDULE (Sections 9(4) and 11(4))**

### **PROCEEDINGS OF MEETINGS**

1. This Schedule shall have effect in relation to the proceedings of the following bodies (in this Schedule referred to as “specified bodies”) —

- (a) a Branch Board or joint Branch Board;
- (b) the Executive Committee.

2. Each specified body shall choose its Chairman and Secretary from among its members;

3. The Executive Committee shall elect a Treasurer from among its members.

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

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