
CHAPTER 205**POLICE**

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CHAPTER 205
POLICE**An Act to repeal and re-enact the Police Act.**

[Commencement 26th June, 1965]

PART I
PRELIMINARY

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|---|------------------------|
| | <i>29 cf 1965</i> |
| | <i>12 cf 1966</i> |
| | <i>27 cf 1969</i> |
| | <i>E L A O, 1974</i> |
| | <i>36 cf 1975</i> |
| | <i>3 cf 1976</i> |
| | <i>8 cf 1981</i> |
| | <i>5 cf 1987</i> |
| | <i>15 cf 1988</i> |
| | <i>30 cf 1989</i> |
| | <i>16 cf 1990</i> |
| | <i>10 cf 1997</i> |
| 1. This Act may be cited as the Police Act. | Short title |
| 2. (1) In this Act — | Interpretation |
| “Commissioner” means the Commissioner of Police; | |
| “constable” means any member of the Force other than a gazetted police officer, an inspector, a subordinate police officer or a recruit; | <i>27 cf 1969, s 2</i> |
| “district constable” means any person appointed under section 85 of this Act. | <i>12 cf 1966, s 2</i> |
| “Force” means the regular Royal Bahamas Police Force as constituted under section 3 of this Act; | <i>15 cf 1988, s 2</i> |
| “gazetted police officer” means any member of the force of or above the rank of assistant superintendent; | |
| “inspector” includes a sub-inspector or chief inspector; | <i>27 cf 1969, s 2</i> |
| “local constable” means and includes any person appointed under section 84 of this Act; | |
| “Medical Board” means a Board of medical officers appointed by the Chief Medical Officer whenever necessary for the purposes of this Act; | |
| “Minister” means the Minister responsible for the Police Department; | <i>E L A O, 1974</i> |
| “police officer” means any member of the Force and includes a woman police officer; | |
| “police station” means any place appointed by the Commissioner to be a police station; | |

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- 15 cf 1988, s 2* “Reserve” means The Royal Bahamas Police Reserve established under Part X of this Act;
- “reserve police officer” means an officer of the Reserve;
- “Schedule” means a schedule to this Act;
- “special constable” means any person appointed under section 86 of this Act;
- 27 cf 1969, s 2* “subordinate police officer” means any police officer of the rank of corporal, sergeant or staff sergeant;
- “supernumerary police officer” means any person appointed under Part VIII of this Act.
- 12 cf 1966, s 2*
E L A O , 1974 (2) The members of the Supernumerary Constabulary and the Reserve and all local, district and special constables shall, for the purposes of Articles 118 to 121 inclusive of the Constitution, be deemed to constitute part of the Force, subject in each case to the special provisions of Parts VIII, X and XI of this Act respectively.

PART II

CONSTITUTION AND ADMINISTRATION

- Title of Force.*
15 cf 1988, s 3
15 cf 1988, s 3 **3.** (1) The existing Force of The Royal Bahamas shall continue to be maintained under the provisions of this Act and shall be called The Royal Bahamas Police Force.
- (2) All members of the Force employed at the date of the coming into operation of this Act shall be deemed to be employed under this Act.
- Functions.* **4.** The Force shall be employed in and throughout The Bahamas for the maintenance of law and order, preservation of peace, the prevention and detection of crime, the apprehension of offenders and the enforcement of all laws with which it is charged. For the performance of these duties it shall be lawful for police officers to be issued with and to carry such arms and ammunition as the Commissioner may direct.
- Composition.*
27 cf 1969, s 3
First Schedule. **5.** (1) The Force shall consist of such numbers of gazetted police officers, inspectors, subordinate police officers, constables and recruits in the ranks specified in the First Schedule as may from time to time be authorised by Parliament and enrolled in the Force.

(2) The Governor-General acting in accordance with the advice of the Police Service Commission may appoint to the Force such number of persons of or over the age of eighteen years as he may deem fit for the purpose of receiving special training in duties in the Force, and every person so appointed is in this Act referred to as a recruit.

27 *cf* 1969, s 3 ;
E L A O , 1974
10 *cf* 1997, s 2

6. The Commissioner shall have the command, superintendence, direction and control of the Force and shall be *ex officio* Provost Marshal.

Duties of the
Commissioner.

7. Save as may be otherwise provided by the Constitution, any act or thing which may lawfully be done, ordered or performed by the Commissioner may with his authority be done, ordered or performed by any Deputy or Assistant Commissioner.

Duties of Deputy
Commissioner
and Assistant
Commissioner.

PART III

APPOINTMENT AND CONDITIONS OF SERVICE

8. Power to make appointments to any office in the Force and to remove and to exercise disciplinary control over any person holding or acting in any such office shall be exercised in all respects in accordance with Articles 119, 120 and 121 of the Constitution.

Appointment,
removal and
disciplinary
control of police
officers.

E L A O , 1974

9. A warrant card in such form as may be prescribed, signed by such gazetted police officer as may be authorized by the Commissioner in that behalf, shall be issued to every police officer and shall be evidence of his appointment under this Act.

Warrant cards.

10. Subject to the provisions of this Act, the salaries and allowances of all police officers shall be paid out of¹ such sums as Parliament may from time to time appropriate for that purpose.

Payment of
salaries, etc.
27 of 1969.

11. (1) Subject to the provisions of this section, the decision whether to grant, defer or withhold any increment of salary of any police officer of or above the rank of inspector shall be made by the Governor-General acting in accordance with the advice of the Police Service Commission, and the Governor-General, acting in accordance with the advice of the Police Service Commission, shall, in each

Increments of
salary of certain
police officers.
12 *cf* 1966, s 3 ;
E L A O , 1974

¹ Had effect from 1st July, 1967 (27 of 1969 s. 5).

such case, decide whether the efficiency and responsibility of such officer in the performance of his duties merit the granting of the increment.

27 cf 1969, s 6

(2) If any police officer of or above the rank of inspector who is serving in a scale of salary, possesses or acquires such special qualifications or experience as, in the opinion of the Commissioner, justifies his being advanced in such scale of salary to an incremental power above the point in which he is then serving, the Governor-General, acting in accordance with the advice of the Police Service Commission, may advance such officer in such scale to such higher incremental point.

ELAO, 1974

27 cf 1969, s 6

(3) Every police officer, appointed to a post of the rank of deputy superintendent, assistant superintendent or inspector, shall enter the appropriate scale of salary for his rank at the bottom of the scale unless the Governor-General, acting in accordance with the advice of the Police Service Commission, approves of such police officer entering such scale at an incremental point therein above the bottom of the scale.

ELAO, 1974

Increments of
salary of
subordinate
police officers
and constables
12 cf 1966, s 4

12. (1) Subject to the provisions of this section, the decision whether to grant, defer or withhold any increment of salary of any subordinate police officer or constable shall be made by the Commissioner and the Commissioner shall in each such case decide whether the efficiency and responsibility of such officer or constable in the performance of his duties merit the granting of the increment.

- (2) The Commissioner may in his discretion —
 - (a) grant the increment which shall then become payable as from the incremental date.
 - (b) defer the award of the increment for further consideration; or
 - (c) withhold the increment for any period not exceeding one year from the incremental date.

27 cf 1969, s 7

(3) When the award of an increment has been deferred the Commissioner may at a later date grant the increment as from the incremental date, in which case the arrears of salary due shall be paid to the person concerned.

(4) When an increment has been withheld for a period of less than one year the person concerned shall be entitled to draw the increased salary as from the date following the

close of the period for which such increment has been withheld, and shall be eligible for a further increment on the next incremental date.

(5) When an increment has been withheld for one year the person concerned shall be eligible for one increment only on the next incremental date.

(6) The Commissioner may in his discretion grant two simultaneous increments to any subordinate police officer or constable in recognition of exceptionally good work or meritorious service.

13. (1) Subject to the provisions of this Act a constable shall be appointed for one year.

Appointment and re-engagement of subordinate police officers and constables.
27 cf 1969, s 8
10 cf 1997, s 3

(2) Subject as aforesaid, a subordinate police officer or constable may be re-engaged for successive periods of five years until the completion of thirty years of service or the attainment of the age of fifty years, whichever event shall first occur.

(3) Nothing in subsection (2) of this section shall prevent the re-engagement of any officer mentioned in that subsection successively from year to year for a period not exceeding a total of .ten years after the completion of thirty years of service or the attainment of the age of fifty years as aforesaid:

10 cf 1997, s 3

Provided that service rendered as mentioned in this subsection shall not entitle any such officer to any additional pension in respect of any part of such service.

(4) Every officer wishing to be re-engaged pursuant to subsection (3) shall apply in writing to the Commissioner, in respect of the first period of re-engagement, not less than three months before the date on which he is to retire, and in respect of any successive period of re-engagement, not less than three months before the expiration of the preceding period of re-engagement.

10 cf 1997, s 3

(5) Before any officer may be re-engaged pursuant to this section he shall be found physically fit and shall, in addition, sign a re-engagement paper in the form in the Second Schedule.

Second Schedule.

14. The Minister may assign, for the use of the Force, such barracks or other buildings as may respectively be provided or available for the purpose, and may make such

Barracks.
E.L.A.O., 1974.

further provision for the accommodation of constables as may be necessary. The Commissioner may assign any quarters provided for the use of the Force to any police officer and may require him to reside in such quarters.

Passage of recruits from abroad.

15. Every member of the Force appointed or engaged under this Act beyond The Bahamas shall, upon being lawfully discharged, be entitled to a free passage within the next following six months back to the place at which he was engaged:

Provided that if he shall fail to claim a passage within one month of his being lawfully discharged, he shall be deemed to have forfeited all right thereto. No member of the Force so engaged shall suffer any loss of pay by way of stoppage or otherwise in respect of the expense attendant upon his transport to The Bahamas.

Member from abroad dismissed for misconduct not entitled to discharge certificate until he embarks.

16. When a member of the Force who was engaged beyond The Bahamas shall be dismissed from the Force for misconduct, he shall be provided as soon as practicable thereafter with a passage to the place at which he was engaged, and until he shall embark as he may be directed, his discharge certificate shall be withheld; and he shall remain subject and liable to all the provisions of this Act and of regulations made thereunder for the maintenance and enforcement of discipline.

Distribution of the Force.

17. Police officers shall be distributed amongst the several stations and headquarters in such numbers respectively as the Commissioner may from time to time direct.

Police surgeon.

18. A duly qualified member of the Health Department of The Bahamas shall be appointed police surgeon to the Force.

Medical treatment of members of the Force.

19. Every member of the Force who may become ill in New Providence shall be accommodated and treated in the Princess Margaret Hospital, or in barracks, as may be directed by the police surgeon whose duty it shall be to give the necessary medical and surgical attendance to every member free of charge.

Payment of salaries.
27 of 1969, s 10

20. The salaries of all police officers shall be paid monthly.

21. It shall not be lawful for the Treasurer or the Commissioner to deduct from the salary, allowances or other emoluments payable to any member of the Force any amount on account of any order, charge or encumbrance which may have been given, made or created by such member, upon his salary, allowances or emoluments except in accordance with this Act or any regulations made thereunder.

No deduction to be made from salaries on account of any charge, etc.

22. The salary, allowances and other emoluments of any member of the Force shall be paid only to the member to whom they may be due, except in case of illness, absence or other incapacity, when it shall be lawful for the Commissioner to pay to an agent authorised in writing, the salary, allowances or other emoluments due to any such member.

To whom salaries are to be paid.

27 cf 1969, s 11

23. It shall be lawful for the Governor-General to make regulations to provide for any other special conditions of service applicable to police officers.

Regulations for other special conditions of service.

E L A O , 1974

Oaths and their administration.

24. Every police officer on his appointment shall take and subscribe to the oaths following, that is to say —

- (a) I 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.
- (b) I do swear that I will well and truly serve our Sovereign Lady the Queen, in the office of 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.

Such oaths shall be taken by the Commissioner and Deputy Commissioner before the Governor-General and by every other police officer before the Commissioner or other person designated by the Minister.

E L A O , 1974

25. Every subordinate police officer and constable upon completion of the period for which he shall have engaged to serve, from which period there shall be excluded all periods of absence from duty on account of

Discharge on completion of service.

desertion or imprisonment for misconduct, shall be formally discharged by the Commissioner, and until he receives his certificate of discharge he shall remain subject to all the provisions of this Act and of the regulations made thereunder.

Discharge during
engagement
E L A O, 1974

26. Subject to the provisions of the Constitution, a police officer of or above the rank of inspector may be discharged by the Governor-General acting in accordance with the advice of the Police Service Commission, and a subordinate police officer or constable may be discharged by the Commissioner, when he —

- (a) is pronounced by a medical board to be mentally or physically unfit;
- (b) has been sentenced to dismissal for misconduct;
- (c) is considered by the Commissioner unlikely to become or has ceased to be an efficient police officer or for any other reason his discharge is deemed necessary in the public interest;
- (d) has created any charge or encumbrance or given any order for payment out of his salary other than in accordance with this Act or any regulation made thereunder, or has assigned such salary or any part thereof or has had an order or a judgment summons made against him; or
- (e) on reduction of the establishment of the Force.

Prolonging
service
E L A O, 1974

27. Any member of the Force, whose period of service expires during a state of war, insurrection, hostilities ties or other emergency may be retained and his services prolonged for such further period as the Governor-General may direct.

Members ceasing
to belong to the
Force to give up
arms, etc

28. When a member of the Force ceases from any cause to belong to the Force all powers and authorities vested in him shall immediately cease and determine, and he shall deliver over to such person and at such time and place as may be ordered by the Commissioner, all arms, ammunition, accoutrements, clothing and appointments whatsoever which may have been supplied to him by virtue of and for the execution of his office, or their value, under penalty upon summary conviction before any magistrate of a fine of seventy-five dollars or imprisonment not exceeding thirty days.

12 cf 1966, s 5

5 cf 1987, Sch

29. No police officer shall, while he holds such appointment, engage in any private business or trade without the consent in writing of the Minister.

Engaging in trade or business.
*E L A O , 1974 ;
19 cf 1975, s 2*

PART IV POWERS, DUTIES AND PRIVILEGES

30. (1) The members of the Force shall have all powers, authorities, privileges and advantages and be liable to such duties and responsibilities as constables and peace officers now have or hereafter may be invested with, either by common law, or by virtue of any Act, or by statute of Parliament of the United Kingdom now or hereafter to be in force within The Bahamas, or as may be directed and imposed by any regulations made under this Act.

Power and status of members of the Force.

Provided that if any question shall arise as to the right of any member of the Force to hold or execute his office, common reputation shall to all intents and purposes be deemed and held sufficient evidence of such right, and it shall not be necessary to produce any appointment, or any oath, affidavit or other documents or matter whatsoever to prove any qualification in support of such right.

(2) A member of the Force shall perform such duties as the Commissioner may direct.

(3) Every police officer shall exercise such powers and perform such duties as are by law conferred or imposed on police officers, and shall obey all lawful direction in respect of the execution of his office which he may from time to time receive from any competent authority.

(4) For the purposes of this Act and any other law, police officers shall be deemed to be always on duty when required to act as such.

31. Without prejudice to the powers conferred upon a police officer by any law, it shall be lawful for any police officer, and for all persons whom he shall call to his assistance, to arrest without a warrant any person who within view of any such police officer shall offend in any manner against any law and who, when requested by such police officer so to do, refuses to give his name and address or gives a name and address which such police officer has reason to believe is false.

Power to arrest for offence committed in view.

Power of
members of the
Force to take bail
in certain cases.
12 of 1966, s 6

32. When any person charged with any offence in respect of which a magistrate may grant bail shall be brought without warrant of a magistrate into the custody of a police officer having charge of any police station such officer may, if he shall deem it prudent, take bail by recognizance without any fee or reward from such person conditioned that such person shall appear for examination before a magistrate at some place to be specified in the recognizance, and every recognizance so taken shall be of equal obligation on the parties entering into the same and liable to the same proceedings for estreating thereof, as if the same had been taken before a magistrate, and the name, residence and occupation of the party and his surety or sureties, if any, entering into such recognizance together with the condition thereof, and the sums respectively acknowledged shall be entered in a book to be kept for that purpose which shall be laid before the magistrate present at the time and place when and where the party is required to appear, and if the party does not appear at the time and place required or within one hour of the expiration of such time, the magistrate may declare the recognizance to be forfeited and enforce payment of the sum thereunder in the manner provided by the Magistrates Act, in the case of recognizances taken under that Act and subject to the provision in the said Act contained as to cancellation of forfeiture on security being given:

Ch. 54.

Provided that if the party not appearing shall apply by any person appearing on his behalf to postpone the hearing of the charge against him and the magistrate shall see fit to consent thereto, the magistrate shall be at liberty to enlarge the recognizance to such further time as he shall appoint, and when the matter shall be heard and determined either by the dismissal of the complaint or by binding the party over to answer the matter thereof at the court or other court of justice having jurisdiction of the offence or otherwise, the recognizances for the appearance of the party before the magistrate shall be discharged without fee or reward.

Recognizance to
state time for
appearance of
parties.

33. In every recognizance entered into as aforesaid, the time at which the party entering into such recognizance is to appear before a magistrate shall be specified in the condition of such recognizance, to be at the next sitting of

such magistrate, and the hour named shall be one at which such magistrate usually sits for the discharge of his magisterial duties.

34. (1) Notwithstanding the provisions of any Act for the time being in force it shall be lawful for any member of the Force without a warrant issued for such purpose, but with the authority of a member of the Force not below the rank of inspector first had and obtained, to enter into and upon any premises occupied by any person whom he knows to have been convicted within the preceding five years of an offence involving fraud or dishonesty and on which premises he has reasonable cause to suspect and believe that there is any property which has been stolen or unlawfully obtained and to search such premises for the purpose of ascertaining whether there is on such premises any such property and to remain thereon for so long as may be necessary for the carrying out of such search:

Power of entry
and search.

Provided that the powers conferred by this section shall be exercised only when a member of the Force has good reason to believe that the delay involved in obtaining a search warrant under the provisions of section 70 of the Criminal Procedure Code Act would seriously hamper his investigation and except in cases of extreme urgency the authority therefor shall be obtained in writing.

12 cf 1966, s 7

Ch. 91.

(2) A member of the Force having first obtained the authority required by subsection (1) of this section, may enter into and upon and search premises as aforesaid at any time of the day or night and may with or without assistance, after having made known his authority, break open or otherwise use force in order to effect entry.

(3) If upon such entry and search as aforesaid any such property as aforesaid is found, the member of the Force so entering as aforesaid shall take possession of and secure such property and apprehend and bring before a magistrate the occupier of such premises, and any person in or on such premises being reasonably suspected of being privy to such property being therein.

(4) It shall be the duty of the police officer who conducts any search under the provisions of this section and of the officer who authorises any such search at the first opportunity to submit a report in writing to a magistrate specifying the grounds on which the search has been authorised and the result thereof.

12 cf 1966, s 7

How warrants to be executed.

35. When any warrant of any judge, magistrate, justice of the peace or of any coroner shall be delivered to any member of the Force, he shall, if time will permit, show or deliver the same to the Commissioner or other officer under whose immediate command he shall then be, and the Commissioner or other officer shall nominate and appoint by endorsement thereon such one or more of the constables under his order as he shall think proper to execute such a warrant, and every constable whose name shall be so endorsed, and every person assisting him in the execution of such warrant shall have all and every the same rights, powers and authorities for and in the execution of every such warrant as if the same had been originally directed to him or them expressly by name.

Power to arrest without having warrant in possession.

36. Any warrant lawfully issued by a judge, magistrate, justice of the peace or coroner 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 in case of an arrest in New Providence, on demand of the person apprehended, be shown to him within two hours, and in the case of an arrest in an Out Island, as soon as practicable after his arrest.

Powers of police officers to search vessels and aircraft.

37. (1) It shall be lawful for any police officer to enter, with one or more police officers under his command, on board any vessel in any harbour, bay or roadstead or on board any aircraft at any place within The Bahamas and remain on board any such vessel or aircraft for such reasonable time as he deems expedient, and, if he has reasonable ground to suspect there is on board any such vessel or aircraft any uncustomed goods, any property stolen or unlawfully obtained or any article prohibited to be imported or exported, it shall be lawful for him to search with any assistance any and every part of such vessel or aircraft and after demand and refusal of keys, to break open any door or receptacle, and, upon discovery of any property which he may reasonably suspect to be uncustomed goods or to have been stolen or unlawfully obtained or any article prohibited to be imported or exported, to take such property, article, or articles and the person in whose possession the same are found before a magistrate to be dealt with according to law. And it shall

be lawful for any such police officer to pursue and detain any person in the act of conveying any such property or article away from any such vessel or aircraft whether he has landed or not, together with any such property or article so conveyed away or found in his possession.

(2) Any police officer may in case of accident or other emergency commandeer any boat or other small craft and use the same or cause the same to be used for giving such assistance as may be possible:

Power to commandeer boat in emergency.

Provided that adequate compensation shall on demand by the owner of any such boat or craft be paid to him by or on behalf of the Commissioner and any owner who is aggrieved by the refusal to pay such compensation or by the amount thereof tendered to him may appeal to the Supreme Court within such time and in such manner as may be provided by rules made under section 76 of the Supreme Court Act and the Court may make such order as it considers just.

12 cf 1966, s 8

Ch. 53.

38. (1) It shall be lawful for any gazetted police officer or any other police officer who is authorised by the Commissioner to take and record for the purposes of identification the measurements, photographs, fingerprint and palmprint impressions of all persons who may from time to time be in lawful custody.

Power to take measurements, photographs and fingerprints.

Provided that if such measurements, photographs, fingerprint and palmprint impressions are taken of a person who has not previously been convicted of any criminal offence and criminal proceedings are not instituted against such person or such person is discharged or acquitted by a court, all records relating to such measurements, photographs, fingerprint and palmprint impressions shall forthwith be destroyed.

12 cf 1966, s 9

(2) Any person who shall refuse to submit to the taking and recording of his measurements, photographs, fingerprint or palmprint impressions shall be taken before a magistrate who, on being satisfied that such a person is in lawful custody, shall make such order as he thinks fit authorising a police officer to take measurements, photographs, fingerprint and palmprint impressions of such person.

Power to conduct criminal proceedings.

39. All police officers are, subject to any direction given by the Attorney-General from time to time, empowered to conduct proceedings in a magistrate's court on behalf of the Crown.

Members of Force to have powers of customs officer. Ch. 293. *12 cf 1966, s 10*

40. Every member of the Force is invested with all the powers of a customs officer under the Customs Management Act to prevent smuggling and shall be entitled to the same immunity as a customs officer.

Members of the Force may act as gaolers.

41. Members of the Force stationed in the Out Islands shall act as gaolers when thereunto required by the Commissioner of the district or a justice of the peace of the district within which they are so stationed.

Police station to be lockup.

42. Every police station shall be deemed to be a lockup house for the temporary confinement of persons charged with offences in which such persons may be received and detained according to law.

Duty of the Force to regulate traffic.

43. It shall be the duty of the Force to regulate and control traffic and to divert all or any particular kind of traffic, when, in the opinion of an officer in charge of police, it is in the public interest to do so.

Power to erect barriers.

44. (1) Notwithstanding the provisions of any other Act in force in The Bahamas, any gazetted police officer or any police officer in charge of a police station 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 or street or in any public place, in such manner as he may think fit.

5 cf 1987, s 2

(2) Any police officer may take reasonable steps to prevent any vehicle being driven past any such barrier, and any driver of any vehicle who fails to comply with any reasonable signals of a police officer requiring such person to stop such vehicle before reaching any such barrier, shall be guilty of an offence and shall on conviction therefor, be liable to a term of imprisonment not exceeding six months or to a fine not exceeding two hundred dollars or to both such fine and such imprisonment.

(3) No police officer shall be liable for any loss or damage resulting to any vehicle or for any injury to the

driver or any other occupant of such vehicle as a result of the driver of such vehicle failing to obey any police officer acting under the provisions of subsection (2) of this section.

45. (1) Notwithstanding the provisions of any Act to the contrary, it shall be lawful for the Commissioner to establish and maintain police messes and canteens and to sell wine, ale, beer, spirits and other goods by retail in such messes and canteens without having previously obtained a licence for that purpose.

Canteens.
12 cf 1966, s 11

(2) It shall be lawful for the Commissioner as he may think fit to make rules in regard to the hours during which such canteen shall be kept open each day for the sale of wine, ale, beer, spirits and other goods and for the proper management and control of the canteens.

12 cf 1966, s 11

46. The Commissioner and any gazetted police officer shall for the purposes of investigating any complaint of an offence against police discipline have the same powers as a magistrate under the Criminal Procedure Code Act of summoning and enforcing the attendance of witnesses and examining them upon oath or affirmation and any person wilfully and corruptly giving false evidence before them shall be deemed guilty of perjury.

Power to
summon and
examine
witnesses.
12 cf 1966, s 12
Ch. 91.

47. The various Out Island Commissioners shall be and are hereby respectively invested within their districts with all and singular the powers and authorities by this Act given to gazetted police officers:

Out Island
Commissioners
to have powers
of gazetted police
officers.

Provided that such powers and authorities shall not be exercised at any time when a gazetted police officer or an inspector authorised in writing by the Commissioner of Police to exercise disciplinary powers be present within the district.

48. When any action shall be brought against any member of the Force for any act done in obedience to the warrant of any judge, magistrate, justice of the peace or coroner such member shall not be responsible for any want of jurisdiction in the judge, magistrate, justice of the peace or coroner issuing the same, and such member may plead the general issue and give such warrant in evidence, and upon producing such warrant and proving that the signature thereto is in the handwriting of the person

Action against
members of the
Force.

whose name shall appear subscribed thereto that such person is reputed to be and acts as a judge, magistrate, justice of the peace or coroner and that the act complained of was done in obedience to the warrant, such member shall be entitled to have a verdict entered for him, and shall receive his costs of suit, and every such member of the Force shall be further entitled to the protection afforded by any Act for the protection of persons acting in the execution of statutory and other public duties.

Salaries of members not liable to be attached for debt.

49. The salary, allowances or other emoluments of any member of the Force shall not be liable to be attached, seized or taken in execution by any process of law or otherwise howsoever, nor shall any such member be liable to be imprisoned under order of any court by reason of non-payment of any debt or demand which he may have incurred, or for which he may become liable.

PART V DISCIPLINE

Method of dealing with offences by senior police officers.

50. (1) Any complaint of an offence against police discipline enumerated in the regulations made under this Act or other misconduct committed by a police officer of or above the rank of inspector in regard to which proceedings are not instituted in a criminal court shall be the subject of an inquiry by the Commissioner in accordance with the regulations under this Act. The Commissioner may initiate disciplinary proceedings against any such officer:

Provided that nothing in this section contained shall apply to any complaint made against the Commissioner or Deputy Commissioner or any person acting in either of those offices.

E L A O , 1974

(2) Any gazetted police officer found guilty of any such offence or other misconduct may be punished by the Governor-General acting in accordance with the advice of the Police Service Commission by any one or combination of the following punishments, namely —

- (a) dismissal;
- (b) required to resign;
- (c) reduction in rank or seniority;
- (d) fine not exceeding one month's pay;

- (e) withholding of increment;
- (f) deferment of increment;
- (g) severe reprimand;
- (h) reprimand,

and any inspector found guilty of such offence or misconduct may be so punished by any one of the punishments set out in paragraphs (a) to (c) inclusive or may be punished by the Commissioner by one or more of the punishments set out in paragraphs (d) to (h) inclusive of this subsection.

(3) The Commissioner may summarily administer a reprimand or severe reprimand to any police officer for minor misconduct.

51. (1) Any subordinate police officer or constable who is guilty of any of the minor offences against police discipline enumerated in the regulations made under this Act shall on conviction thereof by the Commissioner or by a police officer of or above the rank of inspector authorised in writing by the Commissioner to try minor offences, be punished for each offence by such officer by any one or any combination of the following punishments —

Method of dealing with subordinate police officers and constables.

- (a) fine not exceeding two days' pay;
- (b) extra duty or fatigue duty not exceeding eight hours;
- (c) reprimand;
- (d) admonishment:

Provided that if any subordinate police officer or constable feels himself aggrieved by any conviction or any punishment imposed by an officer other than the Commissioner he may appeal within forty-eight hours in writing to the Commissioner who shall allow or dismiss the appeal and may vary the punishment.

(2) Any subordinate police officer or constable who is found guilty of any of the major offences against police discipline enumerated in the regulations made under this Act may, on conviction thereof by any officer of or above the rank of assistant superintendent authorised in writing by the Commissioner to try major offences, be punished by any one or any combination of the following punishments —

- (a) dismissal;
- (b) reduction in rank (in case of a subordinate police officer) or reduction in seniority or both;
- (c) a fine of up to seven days' pay;
- (d) severe reprimand;
- (e) extra duties, parades or extra fatigue duties;
- (f) reprimand;
- (g) admonishment:

Provided that the punishment of dismissal or reduction in rank may be imposed only by the Commissioner:

Provided also that any subordinate police officer or constable who feels himself aggrieved by any conviction or punishment imposed by an officer other than the Commissioner may appeal within forty-eight hours in writing to the Commissioner who shall allow or dismiss the appeal and may vary the punishment.

(3) Any subordinate police officer or constable who feels himself aggrieved by such conviction or punishment imposed by the Commissioner may appeal within seven days in writing to the Governor-General who, acting in accordance with the advice of the Police Service Commission, shall allow or dismiss the appeal and may vary the punishment.

E L A O , 1974

Offences triable
by the courts
mutiny, etc.

52. Any police officer who —

- (a) mutinies or being cognizant of any mutiny or sedition against the Force does not use his utmost endeavour to suppress such mutiny or sedition; or
- (b) being cognizant of any intended mutiny or sedition amongst the Force delays to give information thereof to his superior officer,

shall be guilty of an offence punishable on indictment and liable to imprisonment for a term not exceeding three years.

Other offences
triable by the
courts.

53. Any police officer who —

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

- (b) strikes or offers violence to, or draws or lifts, or offers to draw or lift any weapon against a justice of the peace or his superior officer while such superior officer is acting in the execution of his duty; or *12 cf 1966, s 13*
- (c) wilfully permits the escape of a prisoner; or
- (d) uses unnecessary violence to, or ill-uses any prisoner; or
- (e) pawns, sells or misappropriates his arms, ammunition, accoutrements, clothing or appointments supplied to him, or any other Government property; or
- (f) deserts; or
- (g) persuades, procures or assists, or attempts to persuade, procure or assist any police officer to desert; or
- (h) knowing that any police officer has deserted or intends to desert does not without delay inform a superior officer of such desertion or intended desertion,

shall be guilty of a summary offence, punishable on conviction before a stipendiary and circuit magistrate or circuit justice with a fine not exceeding two hundred dollars or imprisonment for a period not exceeding six months or to both fine and imprisonment. *5 cf 1987, s 2*

Provided that no police officer shall be found guilty of the offence of desertion unless the court is satisfied that there was an intention on the part of such officer not to return to the Force.

54. Upon reasonable suspicion that any person is a deserter any police officer may apprehend him without a warrant and forthwith bring him before a court having jurisdiction in the place wherein he was found which may deal with the suspected deserter or remit him to a court having jurisdiction in the place in which he has deserted. Apprehension of
deserters

55. Any member of the Force charged with any offence under this Act or the regulations made thereunder may be arrested and confined until he can be brought before the Commissioner for the charge to be investigated. Arrest of
members of the
Force

Drug abuse
15 *cf* 1988, s 4

56. (1) If any police officer smokes or otherwise uses any dangerous drug he shall be guilty of an offence against police discipline which shall be deemed to be a major offence against police discipline punishable under this Act and in accordance with the regulations.

(2) In any proceedings for an offence under subsection (1), there shall be taken into consideration any evidence which may be given of the proportion or quantity of any dangerous drug which at any material time was present in the body of the accused, as ascertained by an analysis of a specimen of urine provided by the accused to a gazetted police officer for a laboratory test.

(3) For the purposes of subsection (2), a certificate purporting to be signed by an analyst and certifying the proportion or quantity of any dangerous drug found in a specimen of urine identified by the certificate shall be evidence of the matters so certified and of the qualifications of the analyst.

(4) For the purposes of subsection (2), a certificate purporting to be signed by a gazetted police officer and certifying that he took a specimen of urine from a person for a laboratory test shall be evidence of the matters so certified.

(5) In any proceedings for an offence under subsection (1), it shall be a defence to prove that at the time of the act alleged against the accused he was using the dangerous drug for medical purposes and that he used it on medical advice and complied with any directions given as part of that advice.

(6) If any police officer, without reasonable excuse, fails to submit to a medical examination by the police surgeon, or to provide a specimen of urine for a laboratory test, when reasonably requested by the Commissioner to do so for the purpose of ascertaining whether such officer is illegally using a dangerous drug, he shall be guilty of an offence against police discipline which shall be deemed to be a major offence against police discipline punishable under this Act and in accordance with the regulations.

(7) In this section —

“analyst” means a person employed in the public service as an analyst or a laboratory technician;

“dangerous drug” has the same meaning as in the Dangerous Drugs Act;

“laboratory test” means the analysis of a specimen of urine provided for the purpose.

57. No member of the Force after acquittal by a civil court of any crime shall be punished on the same charge under this Act. Acquittal by civil court.

58. No member of the Force who has been convicted of any crime by a civil court shall be punished for the same offence under this Act otherwise than by total loss of salary, allowances and other emoluments during imprisonment or by reduction in rank or dismissal. Punishment after conviction by civil court.

59. (1) Any police officer who is charged with an offence punishable under section 52 or 53 of this Act or with any offence against police discipline enumerated in the regulations made under this Act, may be suspended or interdicted by the Commissioner from the exercise of his duties as a member of the Force until the charge has been finally disposed of, but shall nevertheless remain subject to the discipline of the Force: Suspension or interdiction.
27 cf 1969, s 17

Provided that a police officer of or above the rank of inspector shall not be interdicted without the prior approval of the Governor-General acting in accordance with the advice of the Police Service Commission. *E L A O, 1974*

(2) Any police officer who has been interdicted under the provisions of the last preceding subsection shall, during the period of interdiction, receive one-half of his salary together with the full amount of any other allowances and other emoluments to which he may be entitled. If the proceedings do not result in any conviction or punishment against any such member of the Force, he shall be entitled to receive the full amount of his salary which he would have received if he had not been interdicted. If any conviction or punishment is recorded or awarded, such member of the Force shall not be entitled to any part of his salary stopped under this subsection unless the Commissioner otherwise directs.

60. Fines, penalties, forfeitures and stoppages imposed under this Act upon any member of the Force for any offence under this Act or for any offence against police Fines, etc. to be deducted.

discipline enumerated in the regulations under this Act, shall be enforced by deducting the amount from any salary, allowances or emoluments due, or which may become due, to the offender.

Pay not to accrue during absence without leave.

61. Any police officer who is absent without leave shall in addition to any punishment imposed under the provisions of this Act forfeit all pay and allowances for the whole period of such absence.

Loss of equipment.

62. Any police officer who pawns, sells, loses by negligence, spoils or makes away with the whole or any portion of his arms, clothing, accoutrements, appointments or any Government property whatsoever shall, in addition to any other punishment, be liable to make good the amount of such damage or loss by stoppages from his salary, allowances or other emoluments.

Prohibited association defined.
12 cf 1966, s 14

63. For the purposes of this Part of this Act a “prohibited association” means —

- (a) any trade union or any body or association affiliated to a trade union; or
- (b) any body or association the object or one of the objects of which is to control or influence conditions of employment in any trade or profession; or
- (c) any body or association the object or one of the objects of which is to control or influence the pay, pensions or conditions of service of the Force, other than any body or association which may be constituted and regulated by regulations made under section 105 of this Act;
- (d) any body or association declared by the Governor-General to be a prohibited association on the ground that the aims or activities of such body or association are calculated to promote feelings of ill-will and hostility between different classes or races or to be subversive of good discipline on the part of a member of the Force.

ELAO, 1974

Police officer not to join prohibited association.

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 any prohibited association or remains a member of an association after it has become a prohibited association

27 cf 1969, s 18

under the provisions of paragraph (d) of section 63 of this Act, such police officer, the association and every officer of the association who is knowingly a party to the admission, enrolment or continuance of membership of such police officer to or in the association, shall be liable on summary conviction to a fine of four hundred dollars for each offence.

5 cf 1987, s 2

65. (1) It shall not be lawful for any prohibited association to permit any police officer to receive any benefit financial or otherwise, from the association or for any such association to receive any money from a police officer.

Prohibition of police officers receiving benefits from prohibited associations

(2) If there shall be any contravention of the provisions of this section, the police officer, the association and every officer of the association who is knowingly a party to such contravention shall be liable, on summary conviction, to a fine of four hundred dollars for each offence.

5 cf 1987, s 2

PART VI PENSIONS AND GRATUITIES

66. (1) The Governor-General, acting in accordance with the advice of the Police Service Commission, may grant to any subordinate police officer or constable —

When pensions and compensations payable

(a) who has completed thirty years of service as mentioned in subsection (2) of section 13, being continuous good and efficient service, a pension of one-half of his salary at that time, together with a gratuity equal to one year's salary;

27 cf 1969, s 19, E L A O, 1974 10 cf 1997, s 4

(b) who has attained the age of fifty years as mentioned in subsection (2) of section 13 aforesaid without at the time having completed thirty years of service as aforesaid, a pension at the rate of one-six-hundredth of his salary at that time in respect of each completed month of such service.

10 cf 1997, s 4

(2) Where any subordinate police officer or constable, re-engaged after the completion of thirty years of service or the attainment of fifty years of age as mentioned in subsection (2) of section 13 of this Act, has been awarded a

27 cf 1969 s 19

10 cf 1997, s 4

pension pursuant to subsection (1) of this section, he shall be entitled to receive the full salary and allowances appropriate to his rank and standing in the Force, and no deduction shall be made from such salary or allowances on account of the award of such pension.

(3) Any subordinate police officer or constable who on the recommendation of a medical board ceases to be a member of the Force on account of ill-health (not occasioned by his own fault or misconduct) or on account of injury suffered during the course of his employment as a member of the Force, or who has been discharged under the provisions of section 26(c) of this Act, and whose conduct, in the opinion of the Governor-General acting in accordance with the advice of the Police Service Commission, has been satisfactory may be granted in lieu of the gratuity provided for by section 67 of this Act, a pension in respect of every completed year of service amounting to one-seventy-fifth of the annual salary which such subordinate police officer shall have been receiving at the time of his ceasing to be a member of the Force as aforesaid; and provided that when the injury received by a subordinate police officer or constable in the opinion of the medical board has resulted in or is likely to result in permanent total disablement, such subordinate police officer shall be entitled to receive the full amount of the pension for which he would have been eligible had he ceased to be a member of the Force after thirty years good and efficient service and in addition to receive as compensation a sum equal to twelve months salary or one thousand four hundred dollars whichever is the less:

Provided further that when the injury received in the opinion of the medical board, has resulted in or is likely to result in permanent partial disablement, such subordinate police officer shall be entitled to receive compensation as hereinafter mentioned, that is to say —

- (a) in the case of any injury specified in the first column hereunder written, such percentage of the compensation which would have been payable in the case of permanent total disablement as is specified directly opposite such injury —

ELAO, 1974

27 cf 1969, s 19

10 cf 1997, s 4

5 cf 1987, Sch

<i>Injury</i>	<i>Percentage loss of earning capacity</i>
Loss of either arm above or at the elbow	70
Loss of either arm below the elbow	60
Loss of leg at or above the knee.....	60
Loss of leg below the knee	50
Permanent total loss of hearing	50
Loss of one eye.....	30
Loss of thumb	25
Loss of all toes of one foot.....	20
Loss of one phalanx of thumb	10
Loss of index finger	10
Loss of great toe	10
Loss of any finger other than index finger.	5

- (b) in the case of any injury not specified in paragraph (a) of this subsection, the compensation payable shall be such percentage of the compensation payable in the case of permanent total disablement as is proportionate to the loss of earning capacity caused by the injury. Such loss of earning capacity shall be determined by the medical board whose decision shall be final.

(4) For the purposes of subsection (3) of this section “permanent total disablement” means such disablement as is of a permanent nature and which incapacitates such subordinate police officer for any employment in the Force or elsewhere, and “permanent partial disablement” means such disablement as is of a permanent nature and which reduces the earning capacity of such subordinate police officer in every employment which he is capable of undertaking at the time.

(5) In the case of the death of a police officer as the direct result of an injury received during the course of his employment, it shall be lawful for the Governor-General, acting in accordance with the advice of the Police Service Commission, to award to the dependants of such deceased police officer, in such proportions as may be advised, a sum equal to one year’s salary which such deceased police officer was receiving at the date of his death.

ELAO 1974

8 of 1981, s 3

ELAO, 1974

(6) It shall be lawful for the Governor-General acting in accordance with the provisions of Article 123 of the Constitution to grant to any police officer of or above the rank of inspector, who has not been granted a pension under the provisions of subsection (1) of this section and who has served for five years or upwards in the Force excluding contract service, a pension on his retirement at the rates and upon the conditions provided by the Pensions Act in all respects as if such police officer were a public officer within the meaning of that Act:

Ch. 43.

Provided that any such member of the Force may retire, and shall be under the obligation of retiring if required to do so, upon his attaining the age of fifty-five years.

Gratuities.

*27 cf 1969, s 20 ;
ELAO, 1974*

67. Where any police officer, having completed not less than ten years of continuous service, retires from the Force at an age other than that at which or in circumstances other than those in which he may be granted a pension in respect of such service, the Governor-General, acting in accordance with the advice of the Police Service Commission, may grant to such officer, in respect of each year of such service, a gratuity amounting to two and one-half per centum of his salary at the date of his retirement.

Pensionable
status of certain
police officers.

68. (1) Every gazetted police officer and inspector, other than a contract officer, shall be deemed to be serving in a pensionable office.

(2) The whole continuous service of every such police officer as is referred to in subsection (1) of this section other than leave without salary and any previous service during which such police officer has received both salary and pension under the provisions of this Act shall be deemed to be pensionable service whether the whole or any of such service was pensionable or otherwise.

PART VII SERVICE OUTSIDE THE BAHAMAS

Governor-
General's power
to send police
officers to
neighbouring
territories.
ELAO, 1974

69. The Governor-General may, on the application of the Government of a neighbouring territory, order such number of police officers as he may think fit to proceed for service to such territory, subject nevertheless to his first

being satisfied that the full cost of providing such police officers for service in that territory, including the salaries of such officers while so serving, will be defrayed by the Government of that territory.

70. Whenever any police officers from the Police Force of a neighbouring territory are present in The Bahamas in respect to an application made by the Governor-General for the purpose of assisting the Force in a temporary emergency, the following provisions shall have effect with regard to such officers —

Discipline, duties and powers of officers from neighbouring territory arriving in The Bahamas 27 *cf* 1969, s 21, *E L A O*, 1974

- (a) they shall be under the orders of their own officers present with them, if any, subject, however, to the control of the senior officer present whether he be a member of the Force or of the Police Force of the neighbouring territory;
- (b) they shall have and may exercise the powers and shall be liable to perform the duties of police officers of equivalent rank in the Force and shall for those purposes be deemed to be members of the Force;
- (c) the provisions of any Act or other law affecting the discipline, punishment, terms and conditions of service of such officers whilst serving in such neighbouring territory shall, so far as circumstances admit, be applied in The Bahamas as if such Act or other law were part of the general law of The Bahamas:

Provided that —

- (i) no such law as aforesaid shall be interpreted, in its application within The Bahamas, as conferring any power on any officer of the Force to punish any officer of the Police Force of the neighbouring territory for any offence against discipline;
- (ii) where any such law confers on a court or magistrate of the neighbouring territory jurisdiction to try and award punishment for any such offence as aforesaid, such jurisdiction may be exercised by a court or magistrate possessing comparable jurisdiction within The Bahamas;

- (d) any contract of service between any such officer and the Government of the neighbouring territory may be enforced in The Bahamas in the same manner and with the like effect as if it had been made between such officer and the Government of The Bahamas.

For the purpose of this Part of this Act the expression “neighbouring territory” means any territory which the Governor-General may, by notice published in the *Gazette*, declare to be a neighbouring territory for the purpose of this Part:

Provided that no such notice shall be published in respect of any territory unless and until the Governor-General is satisfied that satisfactory arrangements have been or will be made for the inclusion in the law of that territory of provisions reciprocal to the foregoing section of this Part of this Act.

PART VIII SUPERNUMERARY CONSTABULARY

71. (1) With the prior approval of the Governor-General or on the application of any person or persons, it shall be lawful to appoint fit and proper persons as supernumerary police officers to discharge such duties as may be required.

(2) Supernumerary police officers below the rank of inspector shall be appointed, promoted and dismissed by the Commissioner.

(3) Supernumerary police officers of and above the rank of inspector shall be appointed, promoted and dismissed by the Governor-General acting in accordance with the advice of the Police Service Commission.

72. Supernumerary police officers appointed under section 71 of this Act, shall, on appointment, take and subscribe to the oaths prescribed under section 24 of this Act and when on duty shall be deemed to have all powers, authorities, privileges and liabilities and be liable to such duties and responsibilities as constables and peace officers now have or hereafter may be invested with by any law other than in respect of pensions and gratuities, and shall be subject to the disciplinary provisions of this Act and the

Appointment of
supernumerary
police officers
ELAO, 1974

Oaths powers,
etc
12 cf 1966, s 15

regulations made thereunder and to any regulations and orders relating to supernumerary police officers made under section 105(j) of this Act.

73. Supernumerary police officers shall be engaged from month to month and the services of a supernumerary police officer of or above the rank of inspector may be terminated by the Governor-General acting in accordance with the advice of the Police Service Commission at any time by giving him one month's notice in writing of the intention to terminate his services. The services of a supernumerary police officer below the rank of inspector may be terminated by the Commissioner at any time by giving him one month's notice in writing of the intention to terminate his services.

Termination of service.

E L A O, 1974

74. Any person upon whose application a supernumerary police officer has been appointed shall be required to give the Commissioner two months' notice in writing of his intention to discontinue the employment of such supernumerary police officer.

Notice to be given of intention to discontinue employment.

75. Any person upon whose application a supernumerary police officer is appointed under section 71 of this Act shall enter into an agreement with the Commissioner to pay such charges as may be specified by the Governor-General in regulations made under this Act.

Agreement to pay charges.

76. All sums of money recoverable under this Act or under any regulation made thereunder may be sued for, recovered and enforced summarily.

Debts recoverable.

PART IX UNLAWFUL ACTS

77. (1) It shall not be lawful for any association of two or more persons whether incorporated or not to be organised trained or equipped for the purpose of enabling them to be employed in usurping the functions of the Force or of the armed forces of the Crown:

Prohibition of associations usurping police functions and of wearing uniforms etc.
27 cf 1969, s 24

Provided that the Commissioner may by writing permit any person or any association or organisation of persons to undertake specified police functions subject to such restrictions and conditions as he may think fit to impose.

5 cf 1987, s 2

(2) Any person who knowingly takes part in the control, management, training or equipping of any association in contravention of the provisions of this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding two thousand dollars or to imprisonment not exceeding six months or to both such fine and imprisonment.

5 cf 1987, s 2

(3) Any person who being a member or employee of any association which is unlawful under the provisions of a this section, takes part in usurping any function of the Force or of the armed forces of the Crown shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding four hundred dollars or to imprisonment not exceeding three months or to both such fine and imprisonment.

5 cf 1987, s 2

(4) Any person, who, without lawful authority, wears, carries or is otherwise found in possession of any article of uniform or equipment calculated to mislead members of the public to believe that such person is a police officer or is otherwise wearing, carrying or in possession of such article under the authority of this Act shall be guilty of an offence and liable on summary conviction to a fine not exceeding four hundred dollars or to imprisonment not exceeding three months or to both such fine and imprisonment.

PART X POLICE RESERVE

Composition of
the Reserve
15 cf 1988, s 5

78. (1) The Royal Bahamas Police Reserve shall consist of such persons resident in The Bahamas (other than serving members of Her Majesty's Armed Forces) as, having attained the age of eighteen years, volunteer for service in the Reserve, and are enrolled as Reserve police officers.

(2) The Reserve may be employed in The Bahamas for assisting the Force in the maintenance of law and order, the preservation of peace, the protection of life and property, the prevention and detection of crime, the apprehension of offenders, and the enforcement of all laws with which the Force is charged.

(3) The Reserve shall consist of such numbers of gazetted police officers, inspectors, subordinate police offices and constables as may from time to time be authorised by Parliament.

79. It shall be lawful for the Commissioner, with the prior approval of the Minister to enlist so many fit and proper persons as members of the Reserve as the Minister may from time to time authorise:

Appointment of
police reservists.
E L A O , 1974

Provided that officers of and above the rank of inspector shall be appointed by the Governor-General acting in accordance with the advice of the Police Service Commission.

80. Officers in the Reserve of and above the rank of inspector may be promoted and dismissed by the Governor-General acting in accordance with the advice of the Police Service Commission and subordinate police officers and constables may be promoted and dismissed by the Commissioner.

Promotion and
dismissal.
E L A O , 1974

81. Police reservists shall attend such periods of training and perform such police duties as the Commissioner may from time to time direct. A member of the Reserve while on duty shall have, exercise and enjoy the same powers, authorities, advantages and immunities as a member of the Force and be liable to the same duties, responsibilities and discipline.

Powers and
duties of police
reservists.

82. With the prior approval of the Governor-General the Commissioner may mobilise the Reserve or any part of the Reserve and during such period of mobilisation every member of the Reserve shall be entitled to pay and allowances at the same rate as a member of the Force of equivalent rank.

Mobilisation.
*E L A O , 1974,
and Corrigenda*

83. The Governor-General may make regulations for the Reserve and in particular but without prejudice to the generality of the foregoing, may make regulations regarding —

Regulations.
*E L A O , 1974,
and Corrigenda*

- (a) the ranks and remuneration of police reservists;
- (b) the terms of service and discipline of police reservists;
- (c) the training and administration of the Reserve;
- (d) the duties and responsibilities of police reservists;

- (e) the uniform and equipment of police reservists, and
- (f) standing orders for the Reserve.

PART XI

LOCAL, DISTRICT AND SPECIAL CONSTABLES

Appointment of
local constables

84. (1) The Commissioner may appoint such number of fit and proper persons to be local constables for any district in The Bahamas as may from time to time be authorised by Parliament.

(2) Local constables appointed before the commencement of this Act shall be deemed to have been appointed and shall continue to serve under this Act, and' the services of such local constables shall be deemed to be in continuation of their services under any Act for the'' purposes of any Act relating to pension or gratuity.

Appointment of
district
constables

85. The Commissioner may appoint in each district of The Bahamas such number of district constables in each town, village or settlement as shall from time to time be deemed necessary:

Provided that no person shall be appointed as a district constable who —

- (a) is under twenty years or over sixty years of age;
- (b) does not reside in the particular town, village or settlement for which he is to be appointed or within one mile thereof;
- (c) is physically unfit to discharge the duties of a district constable; or
- (d) is a member of either House of Parliament or is otherwise exempt from serving on a jury under any Act relating to juries.

Appointment of
special
constables
E L A O, 1974

86. It shall be lawful for the Governor-General whenever it comes to his knowledge that any felony or breach of the peace has been committed or is likely to be committed and that it is necessary for the protection of life or property or for the better apprehension of offenders that the Force in any district of The Bahamas should be temporarily strengthened, to call upon, nominate and appoint any householder or other person residing in such district to act as a special constable for such time and in

such manner as the Governor-General shall think fit. Every special constable shall receive such remuneration for his time and trouble while acting as such constable as the Minister, with the concurrence of the Minister of Finance, shall think fit to allow and shall be entitled to a refund of all expenses necessarily incurred by him in the discharge of his duties.

87. (1) A local constable shall be appointed for one year at a time:

Terms of
appointment of
local and district
constables
12 cf 1966, s 16

Provided that section 26 of this Act shall apply in the case of every local constable as it applies in the case of a constable who is a member of the Force:

Provided further that any local constable appointed before the commencement of this Act shall be deemed to be serving on an engagement for a period of one year from the date of commencement of this Act.

(2) A district constable shall be appointed for one year at a time.

88. (1) Subject to the provisions of this Act, the salaries and allowances of every local constable shall be paid out of such sums as Parliament may from time to time appropriate for that purpose.

Emoluments
5 cf 1987, Sch

(2) Every district constable shall be paid travelling and subsistence allowance out of such sums as Parliament may from time to time appropriate for that purpose and shall be furnished with a badge free of expenses.

(3) Every First Grade Local Constable shall on retirement be eligible after ten years satisfactory service to receive a gratuity of \$120 for each completed year and after 21 years a pension at the rate of 1 /600th of his retiring salary in respect of each completed month of service.

(4) Every Second Grade Local Constable shall on retirement be eligible after ten years satisfactory service to receive a gratuity of \$60 for each completed year of service, and after 21 years a pension of one-half of his retiring salary.

89. (1) It shall be the duty of all persons appointed as constables under this Part of this Act —

Duties of
constables

- (a) to preserve the public peace;
- (b) to prevent or suppress crime;

- (c) to protect property;
- (d) to proceed from any part of The Bahamas to any other part in charge of any person accused of a criminal offence; and
- (e) generally to carry out the orders of any court issued to them in the exercise by such court of its jurisdiction.

(2) Every constable appointed under this Part of this Act shall throughout The Bahamas have and exercise during the continuance of his appointment all the powers, authorities and protection of a constable as well under the common law as under the provisions of any statute of the Parliament of the United Kingdom or any Act.

(3) Every first grade local constable shall devote his whole time and attention to the public service, and every second grade local constable shall devote such time as is necessary in the circumstances to the performance of his duties as such local constable.

Oaths

90. Every constable appointed under this Part of this Act shall forthwith take such oaths as are specified in section 24 of this Act before a magistrate who is hereby authorised and required to administer such oaths but all acts done by any constable duly appointed before the taking of such oaths shall nevertheless be valid if done within the scope of his authority as a constable.

Constables not to keep for private use articles supplied and to deliver articles on dismissal or discharge

91. (1) No constable appointed under this Part of this Act shall be entitled to keep for his private use any article of equipment supplied to him at the public expense but he shall hold every such article at the order or disposal of the Commissioner.

(2) Every constable who is dismissed or who resigns or who otherwise ceases to be a constable shall immediately thereon deliver up to the Commissioner or to the Commissioner of the district in which he resides every article whatsoever which has been supplied to him at the public expense and which he has not been expressly authorised in writing to keep for his own private use, and in default thereof he shall be guilty of an offence and liable on summary conviction to a fine of double the cost of the article detained.

- 92.** (1) Every local constable shall be entitled to the free medical and surgical aid of the medical officer, if any, of the district in which he is stationed. Medical aid to constables.
- (2) A medical officer shall not extend such medical aid under the provisions of this section to any constable whose illness he certifies to have been brought on by the constable's own indiscretion.
- 93.** Special constables shall act under the orders of the Commissioner, or of any magistrate or of any police officer who may be present at the time. Orders applicable to special constables.
- 94.** Any person who abuses, resists, improperly or unduly impedes or assaults any constable appointed under this Part of this Act while in the execution of his duty as such constable, shall be guilty of an offence and on summary conviction shall be liable to a fine of four hundred dollars or to imprisonment for a term not exceeding six months. Abusing etc. constable while in the execution of his duty.
5 cf 1987, s 2
- 95.** If any question shall arise as to the right of any constable to act as such, common reputation shall to all intents and purposes be deemed and held to be sufficient evidence of such right. Right to act as constable.
- 96.** Any person who, being appointed to serve as a constable under this Part of this Act and having taken the oath of office afterwards refuses or wilfully neglects to discharge the duties of a constable when called upon, shall be guilty of an offence and shall be liable on summary conviction if a local or district constable to a fine of one hundred dollars and if a special constable to a fine of two hundred dollars. Failing to take the oath or to act as constable.
5 cf 1987, s 2

PART XII MISCELLANEOUS

- 97.** (1) All fines imposed under the provisions of this Act or any regulation made thereunder for any offence against discipline shall be paid to the Consolidated Fund to be placed to the credit of the Deposits Fund. Certain fines to be credited to the Deposits Fund.
*27 cf 1969, s 27 ;
5 cf 1987, Sch*
- (2) No payment shall be made from the Deposits Fund except upon the authority of the Commissioner.

(3) The Commissioner may in his discretion, sanction payments from the Deposits Fund for any of the following purposes —

- (a) assistance to the wives or families of deceased members of the Force of or below the rank of inspector, or to any such members discharged from the Force as medically unfit for further service;
- (b) contributions towards prizes to be given at athletic meetings and similar events organised by or for the benefit of the Force;
- (c) payments to members of the Force below the rank of inspector as rewards for meritorious acts of service in the execution of duty, if such payments are not met from the revenue of The Bahamas.
- (d) expenditure for the benefit and advancement of authorised recreation and sport and other branches of police activity organised within the Force.

(4) All rewards, forfeitures and penalties which by law are payable to informers, when the information is laid by a police officer, shall be paid into the Deposits Fund.

Disposal of
found and
unclaimed
property

98. (1) All property which has 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 the same may be sold as soon as convenient after it has come into possession of the Force;
- (b) when such property consists of money, the same shall be dealt with in all respects as is hereinafter provided with regard to the proceeds of sales hereby authorised after it has remained in the possession of the Force for six months;
- (c) any other property may be publicly sold at auction as soon as may be after it has remained in the possession of the Force for six months and has been advertised for fourteen days.

(2) The proceeds of all sales hereby authorised shall, after deduction of expenses, be paid forthwith to the Consolidated Fund and placed to the credit of the Deposits Fund. *5 cf 1987, sch*

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

(3) In the event of such property being of a nature which necessitates an immediate sale, the proceeds of the sale shall be deposited in the Consolidated Fund and credited to the Deposits Fund. On the expiration of six months such proceeds after deduction of the expenses of sale, may be delivered to the finder on his claiming the same, provided that the proceeds have not been claimed by the real owner. *5 cf 1987, Sch*

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

99. If any person causes or attempts to cause or does any act calculated to cause disaffection amongst the members of the Force or induces, or attempts to induce, or does any act calculated to induce any police officer to withhold his services or to commit breaches of discipline, he shall be liable on conviction on trial upon information to imprisonment for two years or on summary conviction to imprisonment for one year or to a fine of seven hundred and fifty dollars or to both such imprisonment and fine, and in either case if he is a police officer, shall forfeit all pension rights and be disqualified from being a police officer. *Penalty for persons causing disaffection, etc*

100. There shall be payable out of the Consolidated Fund — *Payments from the Consolidated Fund*

- (a) the charges and expenses incurred in obtaining fit and proper persons for service in the Force; *27 cf 1969, s 28*
- (b) the travelling expenses to and from and within The Bahamas of the inspectors and other members of the Force or other persons employed or in any way connected with the Force or engaged to serve in the Force;

E L A O, 1974

- (c) the necessary outlay on arms, ammunition, accoutrements, clothing and other appurtenances in E.L.A.O., 1974. the opinion of the Minister proper for the use of the Force, and a sum for the purchase of instruments and music for a band;
- (d) rewards to members of the Force for zeal and efficiency in the discharge of their duties;
- (e) rewards for detection and prevention of crime;
- (f) rewards for bravery;
- (g) expenses of and incidental to the apprehension, arrest, transport and maintenance of persons charged with criminal offences;
- (h) all other charges and expenses incurred in carrying this Act into effect.

“Inspector” includes “chief inspector” and “sub-inspector”.
27 cf 1969, s 29

101. Where, in any other Act, the term “inspector” is used in relation to an inspector of police, such term shall include a chief inspector of police and a sub-inspector of police, and where, in any other Act, the term “inspector of police” is used, such term shall include a chief inspector of police and a sub-inspector of police.

Appeals from decisions of Commissioner.
12 cf 1966, s 18 ; E L A O, 1974

102. Any police officer aggrieved by a decision of the Commissioner given under the provisions of section 26, 50(2) or 50(3) of this Act may appeal to the Governor-General within seven days after such decision, and the Governor-General shall, in determining any such appeal, act in accordance with the advice of the Police Service Commission.

Private use of police.
E L A O, 1974

103.(1) The Commissioner may on application by any person, hereafter in this section called the applicant, station a police officer for duty at such place and for such period as the Commissioner may approve and thereupon and for the period aforesaid the applicant shall pay to the Commissioner when required to do so the cost, calculated in accordance with the rates from time to time specified by the Governor-General by notice in the *Gazette*.

(2) The Commissioner may on application by any person permit the Band of the Bahamas Police Force to undertake a private engagement at such place and for such period as the Commissioner may approve and thereupon and for the period aforesaid the applicant shall pay to the

Commissioner when required to do so the cost calculated in accordance with the rates from time to time specified in regulations made pursuant to subsection (2) of section 105 of this Act:

27 cf 1969, s 31

Provided that in the case of any performance for charity the Commissioner may in his discretion remit the whole or any part of such payment.

(3) Any amount due from an applicant under the provisions of this section shall be a debt due from the applicant to the Government.

104.(1) The Commissioner may, on application by any person requiring a character certificate, issue such a certificate on the payment of a fee of two dollars and fifty cents:

Character certificates to be issued by Commissioner

36 cf 1975, s 2

Provided that no fee shall be payable where the Minister of Finance is satisfied that the applicant is unable by reason of financial hardship to pay the fee.

16 cf 1990, s 2

(2) All fees payable under subsection (1) of this section shall be payable into the Treasury for the credit of the Consolidated Fund.

PART XIII REGULATIONS AND ORDERS

105.(1) The Governor-General may make regulations for the better carrying out of the provisions of this Act and the general governance of the Force or relating to any of the following matters —

Police regulations
E.L.A.O., 1974

- (a) qualifications of persons seeking enlistment;
- (b) forms of certificates of appointment and other forms to be used under this Act;
- (c) conditions of service, leave and weekly rest days;
- (d) conditions under which police officers may be provided for private purposes;
- (e) discipline, including the definition of disciplinary offences;
- (f) disciplinary procedure;
- (g) taking of measurements, photographs and fingerprints of persons in lawful custody;
- (h) public and private performances by the Band;

- (i) administration of the Police Welfare Fund;
- (j) appointment, promotion, leave, resignation, release, dismissal and re-engagement of reserve police officers, supernumerary police officers, local district and special constables;
- (k) the establishment of stores for arms and ammunition deposited by the public and the regulation thereof including the imposition of fees, the destruction of any ammunition which is or is likely to become dangerous and the destruction, sale or other disposal of any firearm which is abandoned or in respect of which the fees have not been paid for any period exceeding two years;

3 cf 1976, s 2

- (l) for the award of medals, badges or other awards for such services or acts as may be prescribed and for the wearing of such medals, badges or awards;

3 cf 1976, s 2

- (m) for the prevention of abuses in the wearing of medals, badges or awards;
- (n) generally for the good order and government of the Force and the well being of all police officers.

(2) The Governor-General may make regulations

- (a) prescribing a tariff of fees to be paid by members of the public for any approved special service rendered by the Force or by any police officer to individual members of the public or to particular organisations or sections of the public; and

- (b) for the disposal of any such fees to the Consolidated Fund or to any approved fund or to any police officer rendering such approved special service.

Force Standing
Orders

106. The Commissioner may issue administrative orders to be called Force Standing Orders, not inconsistent with the provisions of this Act or any regulations made thereunder, for the general control, direction and information of the Force and in particular relating to any or all of the following matters —

- (a) organisation, administration, enlistment, training and discipline;
- (b) all police duties;
- (c) dress, clothing and equipment, arms and ammunition;

- (d) accommodation, buildings, stores, furniture and equipment;
- (e) dispositions, posting and transfer of all members of the Force, the places at which they will reside, and the particular duties to be performed by them;
- (f) management and good government of all police canteens, messes and recreation rooms;
- (g) welfare of members of the Force;
- (h) dispositions, discipline, uniform, arms, ammunition, equipment, supervision, posting and transfers of reserve police officers, supernumerary police officers, local, district and special constables, and the particular duties to be performed by them;
- (i) such other matters as may be necessary and expedient for preventing abuse or neglect of duty, for rendering the Force more efficient in the discharge of its duties and for carrying out the objects of this Act.

107. The Governor-General may by Order amend the First Schedule —

- (a) by introducing new ranks in the Force; or
- (b) by altering the designation of existing ranks.

Governor-General's power to alter Schedules

108.(1) Any person to whom this section applies shall be entitled to exercise by notice in writing to the Governor-General, not less than six months before the date on which he is to retire, an option as to whether for the purposes of the grant of a pension the provisions of this Act as existing immediately before the 1st day of October, 1996 shall apply to him or whether the provisions of this Act as amended on the 1st day of October, 1996 shall apply to him.

Transitional provisions
10 cf 1997, s 5

(2) Where a person to whom this section applies fails to exercise the option referred to in subsection (1) within the time prescribed in that subsection, the provisions of the principal Act as existing immediately before the 1st day of October, 1996 shall continue to apply in his case, notwithstanding the amendments made to this Act on the 1st day of October, 1996.

(3) Notwithstanding section 13 of this Act as amended by the insertion of subsection (4), a person to whom this section applies who retires from the Force

within the first six months from the 1st day of October, 1996 and who wishes to apply for re-engagement under section 13 shall apply in writing to the Commissioner of Police at any time before retiring.

(4) This section applies to any subordinate police officer or constable, being a subordinate officer or constable who, on the 1st day of October, 1996, is serving in the Force.

27 cf 1969, s 32

FIRST SCHEDULE (Section 5(1))

RANKS OF THE ROYAL BAHAMAS POLICE FORCE

- Commissioner
- Deputy Commissioner
- Senior Assistant Commissioner
- Assistant Commissioner
- Superintendent
- Deputy Superintendent
- Assistant Superintendent
- Chief Inspector
- Inspector
- Sub-Inspector
- Staff Sergeant
- Sergeant
- Corporal
- Constable
- Recruit

SECOND SCHEDULE (Section 13)

RE-ENGAGEMENT PAPER

I do hereby engage (or re-engage) to enter (continue) and serve as in the Force established under the Police Act for years from the day of 19 next under and subject to the provisions of the Police Act and of any regulations made thereunder.

Dated this day of 19

.....
(Signature)