

THE CONSTABLES (DISTRICT) ACT

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SCHEDULE

THE CONSTABLES (DISTRICT) ACT

Cap. 70.
Law
9 of 1960.
Acts
42 of 1969
3rd Sch.,
25 of 1977.

[16th May, 1899.]

1. This Act may be cited as the Constables (District) Act. Short title.

- 2.—(1) The Commissioner of Police may, with the Appointment of district constables. sanction of the Governor-General, appoint in any parish, such number of persons as he may think necessary, being householders resident in such parish, to be district constables, whose power and authority under this Act shall extend to all parts of the Island.
 - (2) The Commissioner may at any time remove any district constable so appointed and appoint some other resident householder in his place.
 - (3) Where, in the opinion of the Commissioner, circumstances so require it, a district constable may be transferred from the parish in which he is appointed to any other parish for such period, not exceeding at any one time two weeks, as the Commissioner may direct.
 - (4) The whole body of district constables shall be known as the Rural Police.

- 3.—(1) The Minister may make regulations generally for Regulations. carrying out the provisions of this Act.
 - (2) Regulations made under subsection (1) may, without prejudice to the generality of such power, make provision for—
 - (a) the training, discipline and efficiency of the Rural Police;
 - (b) the duties of the Rural Police;

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- (c) the rank, precedence and command, *inter se*, of the members of the Rural Police;
- (d) the rates of pay of the various ranks of the Rural Police; and
- (e) the payment of allowances at specified rates to members of the Rural Police in respect of special duties or upon special occasions or in special circumstances as may be prescribed.

Power of district constables.

4. Every district constable shall have throughout the Island all the powers of constables, and shall exercise his office at all times when required to do so by any Justice, or any officer of Constabulary to whom such district constable is by this Act made subordinate, and also, whenever in his judgment the public safety or welfare, or the ends of justice demand it.

Subordination of district constables.

5. Every district constable shall be subject to the orders of the Commissioner of Police and the officers and sub-officers of the Constabulary Force, and the district for which any district constable is appointed, shall be attached to a constabulary station. Any district constable, whether belonging to such district, or temporarily on duty therein, shall be subject to the orders of the sub-officer of Constabulary in charge of such station.

Powers in case of crimes.

6. In the case of any crime occurring in the district, the district constable shall make an enquiry into the circumstances, and shall immediately send notice of the occurrence to the constabulary station to which he is attached, and if he shall suspect that any stolen property is concealed in the house, premises, or land, occupied by any person who has ever been convicted of larceny, or of knowingly receiving stolen goods, he shall have power, without a search warrant, to enter upon and search such house, premises and lands; and if the result of his enquiry or his search, shall be to

give him good reason to suspect that any person has committed the crime, or been accessory thereto before or after the fact, he shall have power to take such person to the nearest Justice to be committed, held to bail, or discharged, or to the nearest constabulary station, to be brought before a Justice.

7. When such district constable shall suspect that any stolen property is concealed in any house, premises, or lands occupied by any person who has not been convicted as aforesaid, he shall apply to a Justice who, on being satisfied from the information he shall obtain from such district constable, or from any other person, of the reasonableness of such application, and that the suspicion is such as to justify a search warrant being issued, may issue his warrant, directed to any constable, authorizing such constable to make immediate search on the premises of the person suspected; and for the purposes of this Act, any Justice of any parish of this Island shall have jurisdiction to issue such warrant to be executed in the parish over which he is a Justice, or in any adjoining parish.

Search for
stolen
property.

8. If any district constable shall be guilty of any neglect or violation of duty in his office, he shall be liable to a fine not exceeding forty cents for every such offence, which may be inflicted after due enquiry by the Superintendent, Deputy Superintendent or Assistant Superintendent of the Constabulary Force in charge of the parish in which such district constable was doing duty at the time of the committing of such neglect or violation of duty, or to a fine not exceeding one dollar for every such offence, which may be inflicted by the Commissioner of Police after due enquiry held by him:

Neglect or
violation
of duty.
Depart-
mental
enquiry.

42/1969
3rd Sch.

Provided that any fine inflicted by a Superintendent, Deputy Superintendent or Assistant Superintendent, shall be subject to appeal to the Commissioner, and any such fine

as aforesaid, shall be deducted from any pay that may be due, or may afterwards become due to such district constable.

Prosecution
before
Resident
Magistrate.

9. Any district constable who may be charged with any neglect or violation of his duty, or with acting unlawfully or oppressively in the performance of such duty, for which, in the opinion of the Commissioner of Police, the penalty set forth in the previous section would be insufficient, may be brought by order of the Commissioner of Police before the Resident Magistrate of the parish in which such district constable was doing duty at the time at which the offence with which he is charged was committed to be dealt with summarily by him; and on conviction may be sentenced to pay a fine not exceeding four dollars, and in default of payment thereof, to imprisonment, with or without hard labour, for a period not exceeding one month; and any district constable charged in the manner above stated, with using or threatening to use the power vested in him by this Act for the purpose of extortion, may be dealt with summarily by a Resident Magistrate, and on conviction may be sentenced to a fine not exceeding ten dollars, or to imprisonment, with or without hard labour, for a period not exceeding three months.

Fines
"District
Constables
Fund".

10. All fines and penalties imposed on any district constable under this Act shall be paid to the Accountant-General, and shall be carried to a fund called the "District Constables Fund", to be devoted to the payment of such rewards or gratuities to district constables, as the Minister may from time to time direct.

Oath, badge
and baton.
Schedule.

11. Every district constable, before acting under his appointment, shall take an oath in the form in the Schedule. Every district constable shall receive a badge and baton; and his appointment to be a district constable shall be published in the *Gazette*.

12. Any district constable desiring to resign his office in the Rural Police, shall give one month's notice of his intention to do so, to the chief officer of Constabulary Force of the parish in which his district is situated, and on the resignation or removal of any district constable, he shall within ten days deliver over to such chief officer of Constabulary, at such place as such chief officer may appoint, any badge, or baton, which he may hold in virtue of his office, otherwise he shall be liable to a fine not exceeding two dollars to be recovered summarily before the Resident Magistrate of the parish; and, on the death of any district constable, his wife, next of kin, representative, or any other person in possession of his badge, or baton, shall deliver over the same in like manner.

Resignation
and death
of district
constable.

13. If any person shall have in his possession any badge, or baton, or other article furnished for the use of a district constable, and shall not satisfactorily account for his possession thereof, or if any person shall falsely answer the name of, or act as, or personate a district constable, he shall be liable on conviction before a Resident Magistrate, in addition to any other punishment to which he shall have subjected himself, to a penalty not exceeding twenty dollars or to imprisonment, with or without hard labour, for a period not exceeding six months.

Unlawful
possession of
badge, etc.,
and personation
of
district
constable.

14. Every district constable shall have the like protection, rights and privileges, in case of, and before the commencement of any action or proceedings at law against him, as a constable at Common Law, or under any enactment now or hereafter to be in force in this Island, is, or may be entitled to claim: And assaulting or obstructing a district constable in the execution of his duty, shall be punishable as assaulting or obstructing a constable in the execution of his duty is, or may be punishable.

Legal protection of,
and assault
on district
constables.

Roll of
district
constables.

15. The Commissioner of Police shall keep a roll of all the district constables appointed under this Act, and the Superintendent of Constabulary of every parish for which district constables are appointed, shall keep a roll of all the district constables in his parish, and copies of such rolls shall be made out and delivered by the Superintendent of Constabulary to the Clerk of the Courts of such parish, and a copy of such roll shall be stuck up in each Court House; and every district constable shall report himself personally, at least once a month, to the officer or sub-officer in charge of the constabulary station to which he is attached.

Special
district
constables.
25/1977
S. 2 (a).

16.—(1) It shall be lawful for the Custos of any parish, or, in the absence of the Custos, the senior Justice of the Peace for that parish, or the Mayor of that parish town or the Chairman of that Parish Council, on the application of any person or persons showing the necessity thereof, to call upon the chief officer of Constabulary of such parish to appoint, and have sworn in, any additional number of persons to be special district constables, to be stationed at any place within the parish to be designated by such chief officer, at the charge of the person or persons by whom the application shall be made, or, if the Minister so direct at the public charge; and such special district constables shall have, and exercise, all the powers and privileges, and shall perform all the duties of, and shall be subject to the same penalties and punishments as other district constables under this Act, and shall be subordinate to, and subject to the orders of all officers and sub-officers of constabulary and assaulting or obstructing a special district constable in the execution of his duty, shall be punishable as assaulting or obstructing a constable in the execution of his duty, is, or may be punishable.

9/1960
S. 2 (d),
25/1977
S. 2.(b).

(2) The person on whose demand any special district constable is appointed shall, as early as practicable, report

such appointment to the Minister and obtain his sanction for the continuance in employment of such special district constable.

(3) The person on whose application any special district constable is appointed may, by giving ten days' notice in writing to the officer of the Constabulary Force in charge of the parish, require that the appointment of such special district constable be discontinued, and at the expiration of such notice the services of such special district constable shall be discontinued. 9/1960
S. 2 (d).

(4) The Minister may at any time terminate the employment of any special district constable. 9/1960
S. 2 (d).

17. It shall be lawful for the Commissioner of Police, with the sanction of the Governor-General, in cases of emergency, to call on the district constables, or any portion of the district constables in any parish, to undertake, for such time as they may be required to do so, regular duties similar to those generally performed by the Constabulary. Regular
Constabulary
duties in
cases of
emergency.

18. A district constable shall be exempt from the payment of any tax or duty upon one horse or one bicycle, so long as he continues to be a district constable, and so long also as he possesses a certificate signed by the Commissioner to the effect that it is in the public interest that such constable should have such exemption, and that he owns a horse or bicycle, as the case may be, which has been approved, and which is always available to, and is used by him for the performance of his public duties. Exemption
from pay-
ment of tax
on horses.

19. The Commissioner may revoke the said certificate at any time, whereupon such constable shall, from the date of such revocation, be liable to pay any tax or duty leviable upon horses or bicycles as the case may be. Revocation
of certificate
of ex-
emption.

CONSTABLES (DISTRICT)

(Section 11)

SCHEDULE**FORM OF OATH**42/1969
3rd Sch.

I, *A.B.*, do swear, that I will well and truly serve Her Majesty the Queen as a district constable under the Constables (District) Act, as a constable generally.

So help me God.

Sworn before me, this

day of

, 19

C.D.,

Justice of the Peace.