

THE CONSTABLES (SPECIAL) ACT

ARRANGEMENT OF SECTIONS

1. Short title.

PART I. Parish Special Constables

2. Power to appoint Parish Special Constables.
3. Parish Special Constable's oath.
4. Minister's power to cause Parish Special Constables to be appointed.
5. Regulations and orders. Removal of Parish Special Constables.
6. Powers, authorities, advantages and immunities of Parish Special Constables.
7. Penalty for refusing, etc., to take oath.
8. Penalty for refusing to serve or obey lawful orders.
9. Suspension and determination of services of Parish Special Constables.
10. Expiration of appointment.
11. Penalty for not delivering up badges, etc., after notice.
12. Penalty for assaulting or resisting Special Constables.
13. Payment of Special Constables.
14. Recovery of penalties.

PART II. Island Special Constabulary Force

15. Interpretation.
16. Constitution of Island Special Constabulary Force.
17. Composition of Force.
18. Mode of enrolment.
19. Enrolment in Force not compulsory.
20. Period of service.
21. Swearing in and form of oath.
22. Powers, authorities, privileges, immunities, duties and responsibilities of Special Constables.
Assaulting or obstructing Special Constable.
23. Regulations.
24. Penalty for causing disaffection, etc.

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CONSTABLES (SPECIAL)**PART III. *Special Constabulary Force Association***

25. Interpretation.
26. Establishment of Special Constabulary Force Association.
27. Prohibition of Special Constables being members of trade unions.
28. Meetings to be secret.
29. Liability of member of Association to discipline.
30. Special Constabulary Force Association Fund.

PART IV. *Pensions, Gratuities and other Allowances*

31. Interpretation.
32. Application of this Part.
33. Special Constables to contribute toward pensions, etc.
34. Refunds on being struck off the strength of the Force.
35. Pension regulations.
36. Pensions, etc., to be paid out of Consolidated Fund.
37. Pensions, etc., not of right.
38. Circumstances in which pension may be granted.
39. Compulsory retirement.
40. Pensions, etc., not to be assignable.
41. Pensions, etc., to cease on bankruptcy.
42. Pensions, etc., may cease on conviction.
43. Pensions to dependents when Constable dies as a result of injuries received, or disease contracted in the discharge of his duty.
44. Pensions to surviving spouses, etc., of Constables who died in the Force.
45. Pension or gratuity on death after retirement.
46. Recovery of pension, etc., previously paid.

SCHEDULES

THE CONSTABLES (SPECIAL) ACT

[5th May, 1904.]

[Part IV and Fifth Schedule: 1st July, 1974.]

Cap. 71.
Acts
14 of 1983,
1 of 1988,
4 of 1996,
28 of 2001,
12 of 2008.

1. This Act may be cited as the Constables (Special) Act.

Short title.

PART I. *Parish Special Constables*

2. In any case where it is made to appear to two Justices for any parish, that any tumult, riot, or felony has taken place, or may reasonably be apprehended in such parish, and such Justices are of opinion that the ordinary officers appointed for the purpose are not sufficient for the preservation of the peace, for the protection of the inhabitants, and for the security of property in such parish, then and in every such case such Justices are hereby authorized to appoint by writing under their hand, in the Form contained in the First Schedule, so many as they may think fit of the householders or other persons residing in such parish, or being willing to be appointed Parish Special Constables, to act as Parish Special Constables for such time and in such manner as to the said Justices may seem fit and necessary for the preservation of the public peace, for the protection of the inhabitants and for the security of property in such parish, and such Justices shall forthwith inform the Superintendent of Police of the names of the Parish Special Constables so appointed, and furnish a full report of their action to the Minister.

Power to
appoint
Parish
Special
Constables.

First
Schedule.

3. On the appointment of any Parish Special Constable the following oath shall be administered by a Justice to every person so appointed, that is to say:—

Parish
Special
Constable's
oath.

“I, A.B., do swear that I will well and truly serve
Our Sovereign Lady the Queen in the office of Parish

Special Constable for the parish of

So help me God”:

Provided nevertheless, that Moravians, Quakers, and other persons having conscientious objections to the taking of an oath, may in lieu of the said oath, make a solemn declaration and affirmation to the same effect before such Justice as aforesaid.

Minister's power to cause Parish Special Constables to be appointed.

4. It shall be lawful for the Minister at any time, if he thinks proper, to cause Parish Special Constables to be appointed by any Justice and sworn in manner aforesaid for the whole of the Island, and to signify, if he sees fit, that no person shall be excused from being so appointed and sworn in by reason of any exemption.

Regulations and orders. Removal of Parish Special Constables.

5. The Minister may make all necessary regulations and orders for promoting the efficiency of Parish Special Constables. The Justices who have appointed special constables, or any officer of the Jamaica Constabulary Force not below the rank of Assistant Superintendent shall have authority to remove any Parish Special Constable from his office for any misconduct or neglect of duty therein.

Powers, authorities, advantages and immunities of Parish Special Constables.

6. Every Parish Special Constable appointed under this Part shall, not only within the parish for which he may have been appointed, but also throughout the whole Island, have, exercise, and enjoy all such powers, authorities, advantages and immunities, and be liable to all such duties and responsibilities, as any police or other constable duly appointed now has by any law.

Penalty for refusing, etc., to take oath.

7. If any person appointed a Parish Special Constable as aforesaid, refuses to take the oath hereinbefore mentioned when required to do so by a Justice, or refuses, or neglects to appear at the time and place for which he may be summoned for the purpose of taking the said oath, he shall, on being convicted, be liable to forfeit a penalty not exceeding

ten dollars, unless he proves to the satisfaction of the court before which he is tried, that he was prevented by sickness, or such unavoidable accident as may in the opinion of the said court, be a sufficient excuse.

8. If any person, being appointed a Parish Special Constable as aforesaid, and being called upon to serve, refuses or neglects to serve, or to obey such lawful orders and directions as may be given to him for the performance of the duties of his office, he shall, for every such refusal or neglect, on being convicted thereof, be liable to forfeit a penalty not exceeding ten dollars, unless he proves to the satisfaction of the court before which he is tried, that he was prevented by sickness or such unavoidable accident as may, in the opinion of the said court, be a sufficient excuse.

Penalty for refusing to serve or obey lawful orders.

9. The Justices who may have appointed special constables under this Part, are hereby empowered to suspend or determine the services of any or all of the Parish Special Constables so called out, and notice thereof shall forthwith be transmitted to the Minister.

Suspension and determination of services of Parish Special Constables.

10. The appointment of every Parish Special Constable under this Part shall be deemed to be determined upon the expiration of thirty days next after the day upon which such Parish Special Constable is sworn in as a Parish Special Constable, so, however, that he may be again appointed as a Parish Special Constable and sworn in in the manner provided by this Act as if he had not previously been so appointed and sworn in.

Expiration of appointment.

11. Every Parish Special Constable shall, within one week after the expiration of his office, or after he ceases to hold and exercise the same pursuant to this Act, deliver over to his successor (if any such has been appointed), or otherwise to such person, and at such time and place, as may be directed by any Justice, or by the Superintendent of

Penalty for not delivering up badges, etc., after notice.

Police for the parish, every staff, weapon, and other article which may have been provided for such Parish Special Constable; and if any such Parish Special Constable refuses or omits to so do, he shall for such offence, on being convicted thereof, be liable to forfeit a penalty not exceeding four dollars.

Penalty for assaulting or resisting Special Constables.

12. Every person who assaults or resists a Parish Special Constable appointed under this Part, whilst in the execution of his office, or incites or encourages any other person to do so, shall be liable, on summary conviction, to forfeit a penalty not exceeding forty dollars, or to be imprisoned, with or without hard labour, for any term not exceeding six months.

Payment of Special Constables.

13. Whenever any Parish Special Constable is called out, or employed on actual duty, he shall be paid for his trouble, loss of time, and expenses from such sums as may from time to time be voted by the House of Representatives, at and after such rates as may from time to time be fixed by the Minister.

Recovery of penalties.

14. Penalties under this Part may be recovered summarily.

PART II. *Island Special Constabulary Force*

Interpretation.
14/1983
S. 2.
1/1988
S. 2.

15. In this Part and in Parts III and IV—
“Commissioner” means the Commissioner of Police;
“Force” means the Island Special Constabulary Force;
“Special Constable” unless the context otherwise requires includes officers, sub-officers and Special Constables appointed under this Part.

Constitution of Island Special Constabulary Force.

16. There is hereby constituted a permanent force of Special Constabulary to be known as the Island Special Constabulary Force.

Composition of Force.

17. The Force shall be under the command of the Commissioner and shall consist of so many officers, sub-officers

and Special Constables and shall be divided into such divisions of so many officers, sub-officers and Special Constables as may be prescribed by the Minister.

18. A Special Constable under this Part shall be enrolled in the form contained in the Second Schedule by the Commissioner or any officer of the Jamaica Constabulary Force not below the rank of Assistant Superintendent.

Mode of enrolment. Second Schedule.

19. Notwithstanding anything in Part I no person shall be compelled to become a member of the Island Special Constabulary Force.

Enrolment in Force not compulsory.

20. Every Special Constable shall be engaged for a period of three years from the date of his enrolment as a Special Constable:

Period of service.

Provided that—

- (a) a Special Constable may apply for his release during his period of service;
- (b) a Special Constable shall be released on attaining the age of sixty years; and
- (c) the Commissioner shall have power to release a Special Constable from his engagement or to determine such engagement at any time if any Special Constable does not perform the duties which he undertakes or is for any other reason considered unsuitable.

21. Every Special Constable on being enrolled shall take an oath in the form set out in the Third Schedule:

Swearing in and form of oath. Third Schedule.

Provided, however, that any person having conscientious objection to the taking of an oath may in lieu of the said oath make a solemn declaration and affirmation to the same effect.

Powers, authorities, privileges, immunities, duties and responsibilities of Special Constables. Assaulting or obstructing Special Constable.

22.—(1) Every Special Constable enrolled under this Part shall while on duty in the capacity of a Special Constable have, exercise and enjoy all the powers, authorities, privileges and immunities and shall perform all the duties and have all the responsibilities of a constable of the Jamaica Constabulary Force constituted under the Constabulary Force Act; and assaulting or obstructing a Special Constable in the execution of his duty as a Special Constable shall be punishable as assaulting or obstructing a constable in the execution of his duty is or may be punishable.

(2) A Special Constable shall be deemed to be on duty in the capacity of a Special Constable—

- (a) when what is, or appears to him to be, an offence punishable on indictment or summary conviction is committed in his presence;
- (b) while he is required by the Commissioner or an officer or sub-officer of the Jamaica Constabulary Force or of the Island Special Constabulary Force not below the rank of Sergeant to be on duty;
- (c) when he is called out for service and while he is required to be on duty in accordance with any regulations made under section 23.

Regulation. **23.—(1)** The Minister may make regulations generally for giving effect to the provisions of this part.

(2) Without prejudice to the generality of the power conferred by subsection (1) regulations made under that subsection may provide for—

- (a) the organization of the Force;
- (b) the establishment of different ranks and the precedence and command to be had or exercised by the holders of such ranks;
- (c) the conditions of service, enrolment, promotion, demotion, resignation, dismissal or suspension of members of the Force;

- (d) the training of Special Constables;
- (e) the calling out of Special Constables for service;
- (f) the discipline and guidance of the Force;
- (g) the setting up of Disciplinary Boards to investigate breaches of discipline and to award punishment if necessary and the powers and duties of such Disciplinary Boards;
- (h) the appointment of Boards of Enquiry and the powers and duties of such Boards of Enquiry;
- (i) ensuring the compulsory attendance of witnesses and the production of documents before any Disciplinary Board or Board of Enquiry;
- (j) the payment of wages and of subsistence allowances, travelling allowances and out of pocket expenses to Special Constables and the rates at which and conditions upon which such wages or allowances or both shall be paid to different ranks of Special Constables;
- (k) medical attention and examination of any Special Constable who sustains injury whilst on special constabulary duty;
- (l) the grant to Special Constables who are injured in the execution of their duty as Special Constables of sick benefit and the conditions upon which and the rates at which such benefit shall be payable to Special Constables of different ranks;
- (m) supplies, accommodation and uniform of Special Constables;
- (n) controlling the use of transport for the carrying out of special constabulary duties;
- (o) the establishment of a permanent special constabulary staff.

Penalty
for causing
disaffection,
etc.
14/1983
S. 3.

24. Any person who—

- (a) causes, or attempts to cause, or does any act calculated to cause disaffection amongst the members of the Force; or
- (b) induces, or attempts to induce, or does any act calculated to induce any member of the Force to commit breaches of discipline,

shall be guilty of a misdemeanour and shall be liable on conviction before a Circuit Court to imprisonment, with or without hard labour, for a term not exceeding two years, or on summary conviction before a Resident Magistrate to imprisonment, with or without hard labour, for a term not exceeding three months, or to a fine not exceeding fifty dollars, or to both such fine and imprisonment, and in either case, if such person is a Special Constable, he shall forfeit all pension rights and be disqualified from continuing to be a Special Constable or from being thereafter employed in the Force:

Provided that, where the person convicted of any such offence was a member of the Force and was not sentenced to imprisonment without the option of a fine, the Commissioner may, if he thinks fit, pay to him the whole or any part of the ratable deductions which may have been made from his pay in respect of pensions contribution.

14/1983
S. 4.

Interpre-
tation.

PART III. *Special Constabulary Force Association*

25. In this Part—

- “the Association” means the Special Constabulary Force Association established under section 26;
- “the Fund” means the Special Constabulary Force Association Fund established under section 30;
- “prescribed Special Constable” means a member of the Force other than a member above the rank of Special Inspector.

26.—(1) For the purpose of enabling prescribed Special Constables to consider and bring to the notice of the Commissioner and the Minister all the matters affecting their general welfare and efficiency, there shall be established in accordance with the Fourth Schedule an organization to be called the Special Constabulary Force Association which shall act through Branch Boards, Central Conferences and a Central Committee as provided in that Schedule.

Establishment of Special Constabulary Force Association.

Fourth Schedule.

(2) No representations shall be made by the Association in relation to any question of discipline, promotion, transfer, leave or any other matter, unless some question of principle is involved.

(3) The Association shall be entirely independent of and unassociated with any body outside the Force.

(4) The Minister may by order, subject to negative resolution, amend the Fourth Schedule.

27.—(1) Subject to section 26, it shall not be lawful for a prescribed Special Constable to be a member of any—

Prohibition of Special Constables being members of trade unions.

(a) trade union; or

(b) association, which has the objective of controlling or influencing the pay, pensions or conditions of service of the Force.

(2) Any prescribed Special Constable who contravenes the provisions of subsection (1) shall be disqualified from continuing to be a Special Constable, so, however, that the Commissioner may waive the disqualification if, within such time as the Commissioner permits, the Special Constable ceases his contravention of subsection (1).

(3) If any question arises whether any body is a trade union or an association to which this section applies, the question shall be determined by the Permanent Secretary in the Ministry of Labour.

(4) A member of the Force disqualified pursuant to subsection (2) shall forfeit all pension rights and be disqualified from being thereafter employed in the Force.

Meetings
to be
secret.

28.—(1) A person who is not a member of the Force shall not without the consent in writing of the Commissioner attend a meeting of a Branch Board, Central Conference or Central Committee.

(2) A person who is a member of the Force shall not without the consent in writing of the Commissioner publish or communicate to any person other than the Minister or a member of the Force any information (however obtained) relating to the proceedings, deliberations, recommendations or decisions of a Branch Board, Central Conference or Central Committee or to any matter arising out of or concerning the duties of the Association.

(3) Any person who contravenes the provisions of subsection (1) or (2) shall be guilty of an offence and shall be liable on summary conviction in a Resident Magistrate's Court to a fine not exceeding two hundred dollars or to imprisonment with or without hard labour for a term not exceeding six months.

Liability of
member of
Association
to discipline.

29.—(1) Where a prescribed Special Constable is acting in the capacity of a member of the Association he shall be subject to the disciplinary provisions of the specified regulations in like manner as he would be if acting in his capacity as a member of the Force.

(2) In this section “specified regulations” means—

- (a) regulations made under section 23;
- (b) the Island Special Constabulary Force (General) Regulations, 1950 or any regulations replacing the same.

30.—(1) Notwithstanding anything to the contrary, it shall be lawful for the Association to establish a Fund to be called the Special Constabulary Force Association Fund with the contributions of voluntary subscriptions from members of the Association and other persons and to administer the Fund for the welfare, relief and assistance of its members and for such other purposes as the Association may, from time to time, and subject to regulations made under subsection (2), think fit.

Special
Constabul-
ary Force
Association
Fund.

(2) The Association shall, with the approval of the Minister, make regulations with respect to the collection of voluntary subscriptions and for the use and management of the Fund.

(3) The Association shall keep proper accounts in relation to the Fund and a statement of such accounts, audited annually by a person appointed by the Association and approved by the Minister, shall be submitted annually to the Minister.

(4) The expenses relating to auditing of the accounts shall be paid from the Fund.

PART IV. *Pensions, Gratuities and other Allowances*

31. In this Part—

“appointed day” means the 1st day of July, 1974;

“house allowance” means the house allowance which is granted in respect of the rank to which a Special Constable is appointed, but does not include such

1/1988
S. 4.
Interpreta-
tion.

4/1996
S. 2(a).

CONSTABLES (SPECIAL)

allowance granted on condition that it shall not be pensionable:

Provided that where an officer is appointed to an office in respect of which no house allowance is granted but that officer is provided with quarters, an amount equal to fifteen per cent of the minimum salary of the office to which the officer is appointed shall, for purposes of this Act, be regarded as house allowance;

“Minister” means the Minister responsible for the public service;

“pay” means the gross pay attached to the post of which the Special Constable is substantive holder, special allowance and house allowance but does not include any other allowance or other emolument or the value of any other advantage which the officer may receive or enjoy;

“public service” means service in a civil capacity under the Government of Jamaica or under the Kingston and St. Andrew Corporation or any Parish Council, and any other such service as the Minister responsible for the public service may declare to be public service for the purpose of any provisions of this Part;

“regular employment” means employment in the Force on a continuous basis for a period of not less than five days in each week.

28/2001
S. 2.
4/1996
S. 2(b).

Application
of this
Part.

32.—(1) Subject to subsection (3), this Part applies to every Special Constable who is employed in the Force, whether before or after the 29th day of January, 1988, on such terms and conditions as constitute regular employment.

(2) The requirement of regular employment referred to in subsection (1) shall not apply in relation to the

provisions of section 43 and of regulation 10 of the Regulations contained in the Fifth Schedule.

Fifth
Schedule.

(3) This Part shall not apply to any Special Constable, as respects any period of employment in the Force prior to the 29th day of January, 1988, unless the Special Constable elects, pursuant to section 33 (6), to pay contributions in respect of that period.

33.—(1) Subject to subsection (6), from and after the 29th day of January, 1988, every Special Constable to whom this Part applies shall contribute towards the pensions, gratuities and other allowances provided for in this Part.

Special
Con-
stables to
contri-
bute to-
ward pen-
sions,
etc.

(2) Save as otherwise provided by this Part or by regulations under this Act, the contribution provided for in subsection (1) shall be deducted from the pay of every Special Constable referred to in that subsection, on each pay day at the rate of 1.7 cents in respect of each complete dollar of his pay.

(3) For the purposes of the contribution provided for in subsection (1), a Special Constable referred to in that subsection shall be deemed to be on full pay throughout his service as a Special Constable save in any case where he is on leave without salary and such leave was not granted either on the grounds of public policy with the approval of the Governor-General or on account of the ill health of the Special Constable.

(4) Where under subsection (3), a Special Constable is deemed to be on full pay but no deduction is made in respect of any period of service for the reason that the Special Constable received no pay in respect of such period, such deduction shall be made on the next occasion on which the Special Constable receives pay.

(5) All sums deducted under this section shall be paid into the Consolidated Fund.

(6) In respect of any period of regular employment prior to the 29th day of January, 1988, a Special Constable may, not later than twelve months after the aforesaid date, or such longer period as the Minister may in any case allow, give notice in writing to the Minister of his desire that the provisions of this Part shall apply to him as from the date of commencement of his regular employment; and thereupon this Part shall apply accordingly.

(7) A Special Constable who gives notice to the Minister pursuant to subsection (6) shall pay arrears of contributions in respect of any period of regular employment, prior to the 29th day of January, 1988, to which the notice relates; and payment of the arrears may be made in such instalments, on such terms and over such period, not exceeding five years as the Minister may in any case approve and may, if the Minister thinks fit, be deducted from any pension, gratuity or other allowance payable under this Part.

Refunds
on being
struck off
the
strength of
the Force.

34.—(1) Subject to subsection (3), where deductions have been made from the pay of any Special Constable by way of contribution to his pension, gratuity or other allowance, and that Special Constable, not being eligible for pension, gratuity or other allowance under this Act otherwise than pursuant to section 38 (2) is struck off the strength of the Force, he shall, on being so struck off, be entitled to refund of the amount of the deductions so made, from which amount may be deducted any debt due to the Government.

(2) Where a Special Constable from whose pay deductions have been made by way of contribution to his pension, gratuity or other allowance, dies and no pension,

gratuity or other allowance has been paid or is payable under this Act, his legal personal representatives shall be entitled to refund of the amount of the deductions so made, from which amount may be deducted any debt due to the Government.

(3) A Special Constable who is struck off the strength of the Force may give notice in writing to the Minister of his desire that the provisions of subsection (1) shall not apply to him.

(4) Where a Special Constable gives notice pursuant to subsection (3)—

- (a) he shall not be entitled to refund of the amount deducted from his pay by way of contribution to pension, gratuity or other allowance; and
- (b) the period of service of such a Special Constable prior to the date on which he is struck off the strength of the Force may be taken into account for the purpose of any award of pension, gratuity or other allowance pursuant to section 38 (2) but not otherwise.

35.—(1) Pensions, gratuities and other allowances may be granted by the Governor-General in accordance with the Regulations contained in the Fifth Schedule.

Pension
regula-
tions.
Fifth
Schedule.

(2) The Regulations contained in the Fifth Schedule may from time to time be amended, added to, or revoked, by regulations made by the Minister and all regulations so made shall be laid before the House of Representatives and published in the *Gazette*.

(3) Whenever the Minister is satisfied that it is equitable that any regulation made under this section should have retrospective effect in order to confer a benefit upon or remove a disability attaching to or in respect of any

Special Constable that regulation may be given retrospective effect for that purpose:

Provided that no such regulation shall have retrospective effect unless it has received the prior approval of the House of Representatives signified by resolution.

(4) Any pension, gratuity or other allowance granted under this Part shall be computed in accordance with the provisions in force at the actual date of a Special Constable's retirement.

(5) All regulations made under this section shall have the same force and effect as if they were contained in the Fifth Schedule, and the expression "this Act" shall, wherever it occurs in this Part, be construed as including a reference to that Schedule.

Fifth
Schedule.

Pensions,
etc., to be
paid out
of Con-
solidated
Fund.

36. There shall be charged on and paid out of the Consolidated Fund all such sums of money as may from time to time be granted by way of pension, gratuity or other allowance, in pursuance of this Part.

Pensions
etc., not
of right.

37.—(1) No Special Constable to whom this Part applies shall have an absolute right to compensation for past services or to pension, gratuity or other allowance; nor shall anything in this Part affect the right of the Crown to dismiss any Special Constable at any time and without compensation.

(2) Where it is established to the satisfaction of the Governor-General that a Special Constable to whom this Part applies has been guilty of intemperance, negligence, irregularity, or misconduct, the pension, gratuity or other allowance may be reduced or altogether withheld.

Circum-
stances
in which
pension
may be
granted.

38.—(1) No pension, gratuity or other allowance shall be granted under this Part to or in respect of any Special Constable to whom this Part applies except—

(a) on his retirement from the Force in one of the following cases—

(i) subject to sub-paragraph (iii), on or after attaining the age of fifty-five years or, with the approval of the Governor-General, fifty years; 12/2008
S. 2(a)(i).

(ii) on medical evidence, to the satisfaction of the Governor-General, that he is incapable of discharging his duties efficiently by reason of any infirmity of body which is likely to be permanent or any infirmity of mind;

(iii) at his option, after completing not less than thirty years of service; 12/2008
S. 2(a)(iii).

(iv) on retirement from the Force in the public interest as provided in this Part; or 12/2008
S. 2(a)(ii).

(b) on his retirement from public service in circumstances in which he is eligible for pension, gratuity or other allowance under any law or regulations which are applicable to such public service, and where he ceased to be a Special Constable for the purpose of entering public service.

(2) A person who left the Force in circumstances in which, having regard to the provisions of subsection (1), he was not entitled to a pension, gratuity or other allowance, may, on such terms and conditions as may be prescribed, be granted a pension, gratuity or other allowance or attaining the age of sixty years so, however, that where that person dies before attaining the age of sixty years, there may be paid to his legal personal representatives the gratuity which he would have been eligible to receive if he had attained the age of sixty years and had elected to receive a gratuity and reduced pension. 4/1996
S. 3.

(3) The provisions of subsection (2) shall not apply to any person who, having left the Force prior to the appointed day, was not in the Force on the appointed day unless that person is reappointed to the Force or to the public service after the appointed day; and any pension,

gratuity or other allowance granted to any person pursuant to that subsection shall be computed in accordance with the provisions in force at the date when that person finally left the Force or the public service, whichever is the later.

12/2008
S. 2(b).

(4) Notwithstanding the provisions of subsection (i)(a)(iii) and section 39, the normal retirement age of any Special Constable is sixty years.

Compulsory
retirement.

39. It shall be lawful for the Commissioner of Police to require a Special Constable to retire from the Force—

- (a) at any time after he attains the age of fifty-five years; or
- (b) with the approval of the Governor-General, at any time after he attains the age of fifty years.

Pensions,
etc., not to
be assign-
able.

40. A pension, gratuity, or other allowance, granted under this Part shall not be assignable or transferable except for the purpose of satisfying—

- (a) a debt due to the Government; or
- (b) an order of any court for the payment of periodical sums of money towards the maintenance of the wife, or former wife, or minor child of the Special Constable to whom the pension, gratuity or other allowance has been granted,

and shall not be liable to be attached, sequestered or levied upon, for or in respect of any debt or claim whatever except a debt due to the Government.

Pensions,
etc., to cease
on bank-
ruptcy.

41.—(1) Where a Special Constable to whom a pension or other allowance has been granted under this Part is adjudicated bankrupt or is declared insolvent by judgment of any competent court, then such pension or allowance shall forthwith cease.

(2) Where any Special Constable is adjudicated bankrupt or declared insolvent by judgment of any competent court either—

- (a) after retirement in circumstances in which he is eligible for a pension, gratuity or other allowance, under this Part, but before the pension, gratuity or other allowance is granted; or**
- (b) before such retirement and he has not obtained his discharge from bankruptcy or insolvency at the date of retirement,**

then, in the former case any pension or other allowance eventually granted to him shall cease as from the date of adjudication or declaration, as the case may be, and, in the latter case, the pension or other allowance may be granted, but shall cease forthwith and not become payable, and in either case the gratuity may be granted but shall not be paid to him.

(3) Where a pension or other allowance ceases, or where any gratuity is not paid by reason of this section, it shall be lawful for the Governor-General, from time to time during the remainder of the Special Constable's life, or during such shorter period or periods, either continuous or discontinuous, as the Governor-General thinks fit, to direct all or any part of the moneys to which such Special Constable would have been entitled by way of pension, gratuity or other allowance, had he not become bankrupt or insolvent, to be paid to, or applied for, the maintenance or benefit of all or any, to the exclusion of the other or others, of the following, that is to say, the Special Constable and his wife, child, or children or such other dependents as the Governor-General may determine, in such proportions and manner as the Governor-General thinks proper; and such moneys shall be paid or applied accordingly.

(4) Moneys applied for the discharge of the debts of the Special Constable whose pension or other allowances has ceased, or whose gratuity has not been paid, by reason

of this section, shall for the purposes of this section, be regarded as applied for his benefit.

(5) Where a Special Constable whose pension or other allowance has ceased, or whose gratuity has not been paid, by reason of this section, obtains his discharge from bankruptcy or insolvency, it shall be lawful for the Governor-General to direct that the pension or allowance shall be restored, and the gratuity, or so much thereof (if any) as remains after deducting any payments made under subsection (3), paid, as from the date of such discharge or any later date, and the pension or allowance shall be restored, and the gratuity, or such remainder thereof (if any) paid accordingly.

Pensions,
etc., may
cease on
convic-
tion.

42.—(1) Where any Special Constable to whom a pension or other allowance has been granted under this Part is sentenced to death or a term of imprisonment by any competent court for any offence, such pension or allowance shall, if the Governor-General so directs, cease as from such date as the Governor-General determines.

(2) Where any Special Constable is sentenced to death or a term of imprisonment by any competent court for an offence after retirement in circumstances in which he is eligible for pension, gratuity, or other allowance, under this Part but before the pension or gratuity is granted then—

- (a) the provisions of subsection (1) shall apply as respects any pension or other allowance which may be granted to him; and
- (b) the Governor-General may direct that any gratuity which may be granted to him, shall not be paid.

(3) Where a pension or other allowance ceases, or a gratuity is not paid, by reason of this section, it shall be lawful for the Governor-General to direct all or any part

of the moneys to which such person would have been entitled by way of pension, gratuity or allowance, but for the provisions of this section to be paid, or applied, in the same manner in all respects as provided in section 40, and such moneys shall be paid or applied accordingly.

(4) Where any Special Constable whose pension or other allowance ceases, or whose gratuity is not paid, by reason of this section, after conviction at any time receives a free pardon, the pension or allowance shall be restored with retrospective effect or his gratuity shall be paid; but in determining whether arrears of such pension or allowance are payable to the Special Constable and in computing the amount thereof and the amount of any gratuity, account shall be taken of all moneys paid or applied under subsection (3).

43.—(1) Where a Special Constable dies on or after the appointed day, as a result of injuries received—

- (a) in the actual discharge of his duty; and
- (b) in circumstances in which the injury is not wholly or mainly due to, or seriously aggravated by, his own serious and culpable negligence or misconduct; and
- (c) on account of circumstances specifically attributable to the nature of his duty,

while in the Force, it shall be lawful for the Governor-General to grant, in relation to that Special Constable, pensions and gratuities as prescribed by regulation 12 of the Regulations contained in the Fifth Schedule and by the Appendix to those Regulations.

Pensions to dependents when Constable dies as a result of injuries received, or disease contracted in the discharge of his duty.

Fifth Schedule.

(2) Where the Governor-General is satisfied that the death of a Special Constable resulted from the infliction of injuries which, although not inflicted upon him while he was acting in the execution of his duty, were nevertheless inflicted on him wholly or mainly because such Special Constable was a member of the Force, it shall be lawful for the Governor-General to grant to the dependents of that Special Constable, pensions and gratuities as if his death had occurred in the circumstances described in paragraphs (a), (b) and (c) of subsection (1).

(3) A Special Constable who dies as a result of injuries received while travelling by air in pursuance of official instructions shall be deemed to have died in the circumstances detailed in paragraphs (a) and (c) of subsection (1).

(4) For the purposes of this section, and of regulation 12 of the Regulations contained in the Fifth Schedule and of the Appendix to those Regulations unless the contrary intention appears—

Fifth
Schedule.

(a) "child" includes—

(i) a posthumous child;

(ii) an adopted child, adopted in a manner recognized by law before the date of the injury; and

(iii) a step-child wholly or mainly dependent upon the Special Constable for support;

(b) "surviving spouse" means the widow or widower of a Special Constable;

(c) references to a Special Constable being injured in the circumstances detailed in paragraphs (a), (b) and (c) of subsection (1) and to the date on which an injury is sustained, shall respectively be con-

strued as references to his contracting a disease to which he is exposed specifically by the nature of his duty, not being a disease wholly or mainly due to, or seriously aggravated by his own serious and culpable negligence or misconduct and the date on which such disease is contracted.

(5) The Governor-General may take into account in such manner and to such extent as he may think fit against any award made under this Part—

- (a) any damages that he is satisfied have been or will be recovered by the dependents of a deceased Special Constable consequent on the injury to the Special Constable which resulted in his death; and
- (b) any benefits that have been or may be awarded to such dependents under the Workmen's Compensation Act or the National Insurance Act in respect of such injury,

and he may withhold or reduce the award accordingly.

(6) Nothing in this section shall authorize the making of an award where the date on which an injury is sustained is more than seven years prior to the date of the Special Constable's death.

44.—(1) Subject to subsection (2), where a Special Constable dies on or after the appointed day, while in the Force, and his death did not occur in the circumstances specified in section 43, it shall be lawful for the Governor-General to grant—

Pensions to surviving spouses, etc., of Constables who died in the Force.

- (a) if the Special Constable leaves a surviving spouse, a pension to that spouse while unmarried at a rate not exceeding one-third of the annual pay of the Special Constable at the date of death;

- (b) if the Special Constable leaves a child or children, a pension in respect of each such child until such child attains the age of nineteen years, at a rate not exceeding an aliquot part (determined as provided in paragraph (A) of the proviso hereto) of one-sixth of the annual pay of the Special Constable at the date of his death;
- (c) whether or not a pension is granted under this section, a gratuity to the legal personal representatives of the Special Constable, not exceeding a sum equal to one year's pay of the Special Constable at the date of his death or the amount of commuted pension gratuity which would have been payable to the Special Constable if he had retired at the date of his death, whichever is the greater:

Provided that—

- (A) a pension granted under this section to the children of a deceased Special Constable shall be divided equally among such children under the age of nineteen years; and
- (B) a pension granted to a female child under this section shall cease upon the marriage of that child under the age of nineteen years.

(2) In this section and in section 45—

“child” includes—

- (i) a step-child born before the date of the death of the Special Constable and wholly or mainly dependent upon him;
- (ii) an adopted child, adopted in a manner recognized by law;

“commuted pension gratuity” means the gratuity, if any, which might have been granted to the Special Constable under regulation 9 of the Regulations

contained in the Fifth Schedule if he had retired at the date of his death in the circumstances described in section 38 (1) (a) (ii) and had elected to receive a gratuity and reduced pension;

Fifth
Schedule.

“surviving spouse” means the widow or widower of a Special Constable.

45.—(1) Where a Special Constable is granted a pension or other allowance under this Part and, while in receipt thereof, dies, on or after the 15th of March, 1985, it shall be lawful for the Governor-General to grant—

Pension
or gratuity
on death
after
retirement.

- (a) if the Special Constable leaves a surviving spouse, a pension to such spouse while unmarried at a rate not exceeding one-third of the Special Constable's pension;
- (b) if the Special Constable leaves a child or children under the age of nineteen years, a pension to each such child until he attains the age of nineteen years, at a rate not exceeding an aliquot part (determined as provided in paragraph (A) of the proviso hereto) of one-sixth of the Special Constable's pension:

Provided that—

- (A) any pension granted to the children of a Special Constable under this section shall be divided equally among such children under the age of nineteen years; and
- (B) a pension granted to the female child of a Special Constable under this section shall cease upon the marriage of such child under the age of nineteen years.

(2) For the purposes of subsection (1), where pursuant to the grant, whether before or after the death of a Special Constable, of a pension or allowance under this

Part any amount is payable to the Special Constable, or, as the case may be, to his estate, the Special Constable shall be deemed to have been in receipt of such pension or allowance notwithstanding that payment thereof had not commenced prior to his death.

(3) Where a Special Constable to whom this section applies dies without leaving a surviving spouse or children eligible for a pension under this section, and at the date of his death the aggregate amounts drawn by him by way of gratuity, pension or other allowance did not amount to one year's pay of such Special Constable at the date of his retirement, it shall be lawful for the Governor-General to grant to the legal personal representatives of such Special Constable a gratuity of an amount not exceeding the difference between the aggregate amount of the gratuity, pension or allowance drawn by him and one year's pay at the date of retirement.

(4) For the purpose of calculating the amount of pension payable under subsection (1) the Special Constable's pension shall be—

- (a) if he elected to take the full pension for which he was eligible on retirement, the full amount of that pension; or
- (b) if he elected, pursuant to regulation 9 of the Regulations contained in the Fifth Schedule, to take a reduced pension and gratuity on retirement, the amount of such reduced pension.

Fifth
Schedule.

Recovery
of pension,
etc., pre-
viously
paid.

46. Where, consequent on the service of a Special Constable prior to the 29th day of January, 1988, any award is made to any person pursuant to this Part, there shall be deducted therefrom any amount paid by the Government to that person in relation to that service in the nature of pension, allowance, gratuity or compassionate award.

FIRST SCHEDULE

(Section 2)

FORM OF APPOINTMENT OF PARISH SPECIAL CONSTABLE
JAMAICA.

To _____ of

We, the undersigned _____ Justices of the Peace for
the parish of _____, do under the power and authority
in us vested by Part I of the Constables (Special) Act, hereby appoint
you to be Parish Special Constable for the parish of _____.

Dated this _____ day of _____, 19 ____.

(Signed)

Justices of the Peace.

SECOND SCHEDULE

(Section 18)

FORM OF APPOINTMENT OF SPECIAL CONSTABLE
JAMAICA.

To _____ of

I, the undersigned

(rank)

for the parish of _____, do under the power and authority
in me vested by Part II of the Constables (Special) Act, hereby appoint
you to be a Special Constable in the Island Special Constabulary Force.

Dated the _____ day of _____, 19 ____.

(Name).....

(Rank).....

THIRD SCHEDULE

(Section 21)

I, _____ A.B.

do swear that I will well and truly serve Our Sovereign Lady the Queen
as a Special Constable of the Island Special Constabulary Force. So
help me God.

[The inclusion of this page is authorized by L.N. 37/1988]

14/1983

S. 5

Amdt.

L.N. 41P/
1987Constitu-
tion of
Association.

FOURTH SCHEDULE

(Section 26)

*The Special Constabulary Force Association Rules*Branches
of the
Association.

1. The Association shall consist of all members for the time being of the Force below the rank of Assistant Commander and the Association shall act through Branch Boards, Central Conferences and a Central Committee as is hereinafter provided.

2.—(1) The members of the Force below the rank of Special Inspector stationed in any police division shall form a branch of the Association.

(2) The Special Inspectors of the Force shall form a branch of the Association.

Branch
Boards.

3.—(1) In each division there shall be constituted three Branch Boards, one for the Special Sergeants, one for the Special Corporals and one for the Special Constables.

(2) There shall be constituted a Branch Board for the Inspectors.

Special
Inspectors'
Branch
Board.

4. The Special Inspectors' Branch Board shall consist of six members who shall be elected by all the Special Inspectors.

Special
Sergeants'
Branch
Board.

5.—(1) Subject to paragraph (2), the Special Sergeants' Branch Board in any division shall consist of three members.

(2) Where the number of Special Sergeants in any division exceeds five, the membership of the Branch Board for that rank in that division shall be increased by one member for each additional five members of that rank in that division.

Special
Corporals'
Branch
Board.

6.—(1) Subject to paragraph (2), the Special Corporals' Branch Board in each division shall consist of three members.

(2) Where the number of Special Corporals in any division exceeds five, the membership of the Branch Board for that rank in that division shall be increased by one member for each additional five members of that rank in that division.

Special
Constables'
Branch
Board.

7.—(1) Subject to paragraph (2), the Special Constables' Branch Board in each division shall consist of five members.

(2) Where the number of Special Constables in any division exceeds thirty, the membership of the Branch Board for that rank in that division shall be increased by one member for each additional fifty members of that rank in that division.

Right to
vote.

8. Subject to rules 5 (2), 6 (2) and 7 (2)—

(a) every Special Inspector shall have the right to vote at the election of the Branch Board for Special Inspectors;

- (b) every Special Sergeant and every Special Corporal shall, respectively, have the right to vote at the election of the Branch Board for each of those ranks for the division to which the Special Sergeant or the Special Corporal belongs;
- (c) every Special Constable shall have the right to vote at the election of the Branch Board for Special Constables for the division to which such Special Constable belongs.

9.—(1) The elections shall take place annually in the month of January and the annual meeting of all Boards shall be held not later than the 28th day of February. Elections.

(2) The Minister may, after consultation with the Association, vary the period specified in paragraph (1).

10. Subject to rule 15, the members of each Board shall at the annual meeting elect a delegate or delegates to the Central Conference as hereinafter provided. Delegates.

11. Subject as aforesaid, the three Branch Boards in any division or any two of them may by agreement sit together as one Board either for any special purpose or regularly for purposes of common interest. Joint meetings.

12. A Branch Board may, in addition to submitting any representation to the officer in charge of the Division in which the Board is constituted, submit it to the Commissioner of Police. Representation.

13.—(1) The Central Conference of each rank shall be held twice in each year in the months of March and September. Central Conference.

(2) The Minister may, after consultation with the Association, vary the dates specified in paragraph (1).

14.—(1) Except as otherwise provided in rule 15 each Conference shall consist of delegates elected by members of the Branch Boards of corresponding rank of all divisions in the proportion of one delegate for each three members of each Branch Board, so, however, that each Branch Board shall be represented by at least one delegate. Constitution of Conference.

(2) Every delegate shall be a member of the Branch Board which he represents.

15. The Special Inspectors' Branch Board shall be deemed to be the Special Inspectors' Conference. Special provision for Inspectors.

16. The members of each Conference shall at the first Conference of the year elect from amongst their number, two members to represent them upon the Central Committee. Central Committee.

CONSTABLES (SPECIAL)

- Representations by Central Committee.** 17. Each Central Conference or the Central Committee may submit representations in writing to the Commissioner of Police and to the Minister and shall consider and report upon any matters referred to them by the Commissioner of Police or the Minister and a copy of any such representations or report, as the case may be, shall be sent to the Chairman of the Police Service Commission.
- Elections to be by ballot.** 18. All elections shall be by secret ballot.
- Elector to give only one vote to any candidate.** 19. At any election under these Rules each elector may give one vote and no more for each of any number of candidates not exceeding the number to be elected.
- Branch Boards and Central Committee to make regulations for elections.** 20. Subject to the provisions of these Rules, each Branch Board may make regulations as to the mode of election of the members of the Board and of the delegates to the Central Conference returned by the Board, and as to the filling of casual vacancies occurring amongst such members and delegates, and the Central Committee may make regulations as to the mode of election of the members thereof by the Central Conference and as to the filling of casual vacancies occurring amongst the members of the Committee: Provided that, in the case of the first elections, regulations as to the elections shall, subject as aforesaid, be made by the Minister.
- Officers.** 21. Each Branch Board, Central Conference and the Central Committee shall choose its Chairman and the Secretary from among its own members.
- Chairman to have casting vote.** 22. The Chairman at any meeting of a Branch Board, Central Conference or the Central Committee at which he is present shall have a second or casting vote.
- Power of Branch Boards, Conference and Committee to regulate their own procedure.** 23. Subject to the provisions of these Rules, every Branch Board, Central Conference or the Central Committee may regulate their own procedure, including the appointment of committees or sub-committees: Provided that the first meeting of the several Boards, Conferences, and of the Committee, shall be convened in such manner, and the procedure to be followed thereat shall be such, as the Commissioner of Police may direct.
- Meetings.** 24.—(1) Branch Boards may hold four quarterly meetings (including the annual meeting), each lasting one day, but additional meetings for any special purpose may be held with the consent of the Commissioner of Police.
- (2) The half-yearly meetings of the Central Conferences shall not last more than two days.

(3) The Central Committee may hold meetings twice in each year, each lasting one day, but additional meetings for special purposes may be held with the consent of the Commissioner of Police.

25. Except where, in special circumstances, a member of the Force is required for duty for which no substitute is available, leave shall be given for attendance at all such meetings duly held and every such attendance shall, as regards allowances and expenses, be deemed to be an occasion of police duty.

Facilities
for meet-
ings.

26.—(1) Every person in attendance at a polling station or other place of voting shall maintain and aid in maintaining the secrecy of the voting in such station or place, and shall not communicate, except for some purpose authorized by law, before the poll is closed, to any person any information as to the name or other means of identification of any elector who has or has not applied for a ballot paper or voted at that station or place.

Provisions
for
ensuring
secrecy.

(2) No person shall interfere with or attempt to interfere with a voter when marking his vote, or otherwise attempt to obtain in the polling station or other place of voting information as to the candidate for whom any voter in such station or place is about to vote or has voted, or communicate at any time to any person any information obtained in a polling station or other place of voting as to the candidate for whom any voter in such station or place is about to vote or has voted.

(3) Every person in attendance at the counting of the votes shall maintain and aid in maintaining the secrecy of voting and shall not communicate any information obtained at such counting as to the candidate for whom any vote is given in any particular ballot paper.

(4) No person shall directly or indirectly induce any voter to display his ballot paper after he shall have marked the same so as to make known to any person the name of the candidate for or against whom he has so marked his vote.

(5) Every person who acts in contravention of the provisions of this rule shall be liable on summary conviction before a Resident Magistrate to imprisonment for a term not exceeding six months with or without hard labour.

CONSTABLES (SPECIAL)

FIFTH SCHEDULE

(Section 35)

1/1988
S. 5.*Regulations for the Granting of Pensions,
Gratuities and other Allowances to
Special Constables*Short
title.

1. These Regulations may be cited as the Constables (Special) Pensions Regulations.

Pensions, to
whom and
at what rates
to be granted.
28/2001
S. 3(a).

2. Subject to the provisions of this Act and of these Regulations, every Special Constable who has been in regular employment in the Force for ten years or more may be granted on retirement a pension at the rate of one five hundred and fortieth of his pay at the date of his retirement, for each completed month of service.

Gratuities;
to whom
and at
what rates
to be
granted.

3. Subject to the provisions of this Act and of these Regulations, every Special Constable otherwise qualified for pension, who has not been in the Force for ten years or more, may be granted on retirement a gratuity not exceeding ten days' pay at the date of his retirement for each complete six months of service:

Provided that if a Special Constable who has not been in the Force for ten years or more—

- (a) retires in the circumstances described in sub-paragraph (ii) of paragraph (a) of section 38 and it is certified on medical evidence to the satisfaction of the Governor-General that his infirmity makes him incapable of otherwise earning a livelihood; and
- (b) such Special Constable is not eligible for any pension under these Regulations,

such gratuity may be increased to such amount not exceeding twenty days' pay at the date of retirement, for each complete six months of service as the Governor-General may determine.

Pension to
persons not
otherwise
eligible for
retiring
benefits who
attain the age
of sixty years.
4/1996
S. 4(b).

3A.—(1) This regulation applies to every person who had been in regular employment in the Force—

- (a) for a continuous period of not less than ten years; or
- (b) for periods which when added together total not less than fifteen years; and

- (c) having left the Force, is not, other than pursuant to this regulation, eligible for pension, gratuity or other allowance under these Regulations.

(2) Subject to the provisions of this Act and of these Regulations, a person to whom this regulation applies may be granted, on attaining the age of sixty years, a pension at the rate of one five hundred and fortieth of his pay at the date on which he left the Force, for each completed month of his service. 28/2001
S. 3(b).

(3) Where a person referred to in paragraph (1) dies before attaining the age of sixty years, there may be paid to his legal personal representatives the gratuity which he would have been eligible to receive if he had attained the age of sixty years and had elected to receive a gratuity and reduced pension.

(4) For the purposes of paragraphs (1) and (2), no regard shall be had to the service of any person prior to his dismissal from the Force on the ground of misconduct unless the Governor-General in any case, on such terms and conditions as the Governor-General thinks fit, otherwise directs.

(5) For the purpose of this regulation—

- (a) any action which, pursuant to these Regulations, may be taken by, or in relation to, a member of the Force on his retirement may, in the case of a person to whom this regulation applies, be taken as if the reference to his retirement were a reference to the attainment by him of the age of sixty years;
- (b) in determining for the purpose of paragraph (1) (a) whether or not a period of service is continuous no regard shall be had to any power exercised pursuant to the proviso to regulation 5 (1);
- (c) the pay of a person to whom this regulation applies shall be determined as if reference to the date of his retirement were a reference to the date on which he left the Force.

4.—(1) If a Special Constable—

- (a) retires from the Force in the circumstances described in subparagraph (ii) of paragraph (a) of section 38 (1); and
- (b) at the date of his retirement has been in the Force for more than ten years but less than twenty years,

Special
Constable
retiring on
account of
ill health.
4/1996
S. 4(c).

he may be granted an additional pension in accordance with paragraph (1A).

28/2001
S. 3(c)

(1A) The additional pension referred to in paragraph (1) shall be at the rate of one five hundred and fortieth of the pay of the Special Constable at the date of his retirement for each complete month by which his service falls short of twenty years or his age at the date of retirement falls short of fifty-five years, whichever is less.

(1B) [*Deleted by Act 28 of 2001.*]

(2) This regulation shall not apply in the case of a Special Constable—

- (a) who is permanently injured and is entitled to benefits under the Overseas Superannuation Scheme or the Workmen's Compensation Act or any enactment amending or replacing that Act; or
- (b) who is injured or contracts a disease in the discharge of his duty and is eligible to receive an award under regulation 10:

Provided that if such award is less than the additional pension for which he would be eligible under this regulation he may be granted in lieu thereof an additional pension under this regulation.

Continuity
of service.

5.—(1) Subject to paragraphs (2) and (3), only continuous service shall be taken into account for the purpose of the grant of pension, gratuity or other allowance, under this Act or these Regulations; and for the purpose of this regulation the service of a Special Constable shall be deemed to be continuous if the Special Constable is re-enlisted immediately on, or within three months of, the termination of a previous period of enlistment:

Provided that the Governor-General may in any special circumstances declare any service to be continuous service for the purpose of this regulation notwithstanding any break in that service.

(2) Subject to paragraph (3), any breaks in service shall be disregarded for the purposes of paragraph (1) if the periods of service when added together total not less than fifteen years.

(3) Unless the Governor-General in any particular case, on such terms and conditions as the Governor-General thinks fit, otherwise directs, the following shall not be taken into account for the purposes of this regulation—

- (a) any period of temporary service which was not immediately followed by a permanent appointment in which the Special Constable was confirmed;
- (b) any period of service during which the Special Constable was by virtue of the terms of his appointment, on probation if either the Special Constable was not confirmed in the appointment or the service was not immediately followed by a permanent appointment in which the Special Constable was confirmed;
- (c) any period of service in respect of which the Special Constable was previously awarded benefits under this Act or the Pensions Act;
- (d) any period of service which preceded the dismissal of the Special Constable on the ground of misconduct;
- (e) any period of service in respect of which a refund was made to a Special Constable pursuant to section 34.

6. No period during which a Special Constable has been absent from duty on leave without salary shall be taken into account in the calculation of any pension or gratuity under this Act and these Regulations unless the leave—

Leave without salary.

- (a) has been granted on the grounds of public policy with the approval of the Governor-General; or
- (b) was granted on account of the ill health of the Special Constable.

7. Where a Special Constable is appointed to a post in the public service to which this Act is not applicable, his service in such post immediately following his service as a Special Constable and retires therefrom in circumstances under which he is eligible for pension, gratuity or other allowance under any law or regulations which are applicable to such public service, he may be granted in respect of his service as a Special Constable a pension or gratuity, as the case may be, in accordance with the provisions of regulation 2, regulation 3 or regulation 3A, as the case may be; and for the purpose of calculating the amount of—

Transfer of Special Constable to public service.

4/1996 S. 4(d).

*CONSTABLES (SPECIAL)*28/2001
S. 3(d).

- (a) such pension, his pay shall be determined by reference to the pay enjoyed by him at the date of his appointment to a post in the public service; or
- (b) such gratuity, his pay shall be determined at the date of his appointment to a post in the public service.

Gratuity
in special
cases.

8. The Governor-General may, in any special case in which no provision for retiring benefits is made in these Regulations, grant to any Special Constable such gratuity not exceeding one week's pay at the date of his retirement for each complete six months of service as the Governor-General may determine.

Gratuity
and
reduced
pension.

9. Any Special Constable to whom a pension is granted under regulation 2 or regulation 4 may at his option exercisable on his retirement from the Force, or in the event of his appointment to a post in the public service to which this Act is not applicable, from such public service, be paid, in lieu of such pension, a pension at the rate of three-fourths of such pension together with a gratuity equal to twelve and one-half times the amount of the reduction so made in the pension.

Special
Constable
retiring on
account of
injury or
disease.

10.—(1) This regulation applies to a Special Constable who—

- (a) is permanently injured in the actual discharge of his duty by some injury specifically attributable to the nature of his duty, not being an injury wholly or mainly due to, or seriously aggravated by, his own serious and culpable negligence or misconduct; or
- (b) contracts a disease to which he is exposed specifically by the nature of his duty not being a disease wholly or mainly due to, or seriously aggravated by, his own serious and culpable negligence or misconduct; or
- (c) is permanently injured as a result of an accident or damage to the aircraft while travelling by air in pursuance of official instructions and the injury was not wholly or mainly due to or seriously aggravated by, his own serious and culpable negligence or misconduct.

(2) In this regulation, unless the contrary intention appears, references to a Special Constable being injured and the date on which the injury is sustained shall, respectively, be construed as including references to his contracting such disease as is mentioned in paragraph (1) and to the date on which such disease is contracted.

(3) A Special Constable to whom this regulation applies may—

- (a) if his retirement is necessitated or materially accelerated by his injury and he has been in the Force for less than ten years be granted, in lieu of any gratuity under regulation 3 a pension under regulation 2 as if the words "for ten years or more" were omitted from such regulation; and
- (b) be granted on retirement a disability allowance in addition to pension, at the rate of the proportion of his actual rate of pay at the date of his injury appropriate to his case as shown in the following table—

when his capacity to contribute to his own support is—

slightly impaired, ten-forty-fifths;
impaired, twenty-forty-fifths;
materially impaired, thirty-forty fifths :

Provided that—

- (i) if he was permanently injured while travelling by air in pursuance of official instructions the relevant proportion in the table shall be increased by one-half;
- (ii) the amount of the disability allowance may be reduced to such an extent as the Governor-General thinks reasonable where the injury is not the cause or the sole cause of his retirement.

(4) If the capacity of the Special Constable to contribute to his own support is totally destroyed, he may be granted on retirement, a disability allowance at such rate as, when added to the rate of any pension, does not exceed his rate of pay at date of retirement:

Provided that the amount of the disability allowance may be reduced by such extent as the Governor-General thinks reasonable where the injury is not the cause or the sole cause of his retirement.

(5) A disability allowance granted to a Special Constable under this regulation, together with pension, shall not exceed his pay at the date of retirement.

(6) Unless the Governor-General otherwise directs, a Special Constable to whom a disability allowance has been granted under this regulation shall be subject to medical examination annually or at such

CONSTABLES (SPECIAL)

other periods as may be directed by the Commissioner of Police; and, if any such Special Constable refuses to be examined when required to do so by the Commissioner of Police, such disability allowance shall, if the Governor-General so directs, cease from such date as the Governor-General may determine.

(7) If, as the result of any examination effected under paragraph (6), the Governor-General is satisfied from the medical evidence—

- (a) that the extent of the disability has increased or decreased, he may make an appropriate increase or decrease, as the case may be, in the rate of the disability allowance;
- (b) that the Special Constable has completely recovered from the disability in respect of which the disability allowance is paid he may direct that the disability allowance shall cease from such date as he may determine.

(8) If, for the purpose of assessing the amount of disability allowance, the degree of permanent impairment of his capacity to contribute to his support is in doubt, a Special Constable may be granted a provisional award to have effect until such time as the degree of permanent impairment can be ascertained.

(9) The Governor-General may take into account in such manner and to such extent as he may think fit against a disability allowance that may be granted to a Special Constable in respect of an injury—

- (a) any damages that he is satisfied have been or will be recovered by the Special Constable in respect of that injury;
- (b) any benefits that have been or may be awarded to the Special Constable under the Overseas Superannuation Scheme in respect of that injury,

and he may withhold or reduce the disability allowance accordingly.

Emolu-
ments to
be taken
for
computing
pension or
gratuity.

11. Where a Special Constable has had a period of less than three years pensionable service immediately preceding the date of his retirement, but, pursuant to regulation 5 (2), any break in service is disregarded in determining his pensionable service that break shall also be disregarded for the purpose of determining his pensionable emoluments under that regulation; and accordingly, the period of service prior to the break shall be treated as if it immediately preceded the period of service subsequent to the break.

12. Pursuant to section 43, pensions may be granted in accordance with Part I of the Appendix hereto subject to the terms and conditions specified in Part II of that Appendix; and gratuities may be granted in accordance with Part III of the Appendix.

**Pensions
and
gratuities
on death
of Special
Constable
in execu-
tion of
duties.
Appendix.**

[The inclusion of this page is authorized by L.N. 17/1989]

CONSTABLES (SPECIAL)

1/1983
S. 5.

APPENDIX (Section 43 and regulation 12)

PART I

Item No.	To whom pension payable	The circumstances and conditions affecting eligibility for pension	Annual rate of pension, not exceeding—
1	Surviving spouse of the Special Constable		Two-thirds of the Special Constable's annual pay at the date of his death.
2	Each child of the Special Constable	<p>A. If the Special Constable leaves a surviving spouse to whom a pension is granted under item 1 and does not leave a mother or father, as the case may be, who is eligible for pension under item 3.</p> <p>B. If the Special Constable leaves a surviving spouse to whom a pension is granted under item 1 and also a mother or father, as the case may be, who is eligible for a pension under item 3.</p> <p>C. If the Special Constable leaves no surviving spouse to whom a pension is granted under item 1 but leaves a mother or father, as the case may be, to whom a pension is granted under item 3.</p>	<p>A. An aliquot part, determined in accordance with Part II, of one-third of the Special Constable's annual pay at the date of his death.</p> <p>B. An aliquot part (determined as aforesaid) of one-sixth of the annual pay of the Special Constable at the date of his death.</p> <p>C. An aliquot part (determined as aforesaid) of the pension specified in item 1.</p>

[The inclusion of this page is authorized by L.N. 17/1989]

APPENDIX, *contd.*

PART I, *contd.*

Item No.	To whom pension payable	The circumstances and conditions affecting eligibility for pension	Annual rate of pension, not exceeding—
		<p>D. If the Special Constable leaves neither a surviving spouse to whom a pension is granted under item 1 nor a mother or father, as the case may be, to whom a pension is granted under item 3 and there are not more than three children of the Special Constable eligible for pension under this Appendix.</p> <p>E. If the circumstances with regard to a surviving spouse and mother or father are as in paragraph D but the number of children of the Special Constable eligible for pension under this Appendix exceeds three.</p> <p>F. If pension to a child or children is payable pursuant to paragraph B and subsequently, on the death or ineligibility of the mother or father, as the case may be, pension ceases</p>	<p>D. An aliquot part (determined as aforesaid) of the pension specified in item 1.</p> <p>E. An aliquot part (determined as aforesaid) of the annual pay of the Special Constable at the date of his death.</p> <p>F. An aliquot part (determined as aforesaid) of one-half of the pension payable under item 1.</p>

[The inclusion of this page is authorized by L.N. 17/1989]

CONSTABLES (SPECIAL)

APPENDIX, *contd.*PART I, *contd.*

Item No.	To whom pension payable	The circumstances and conditions affecting eligibility for pension	Annual rate of pension, not exceeding—
		<p>to be payable under item 3 then, as from the date of that cessation, pension shall be payable under this paragraph in lieu of the pension under paragraph B.</p> <p>G. If pension to a child or children is payable pursuant to paragraph B and subsequently, on the death or ineligibility of the surviving spouse, pension ceases to be payable under item 1 then, as from the date of such cessation, pension shall be payable under this paragraph in lieu of the pension payable under paragraph B.</p>	<p>G. An aliquot part (determined as aforesaid) of the pension payable pursuant to item 1.</p>
3	The mother of the Special Constable or, where the mother is dead, the father of the Special Constable	A. If the Special Constable leaves a surviving spouse to whom a pension is payable under item 1 and a child or children to whom a pension is payable under item 2.	A. One-sixth of the annual pay of the Special Constable at the date of his death.

[The inclusion of this page is authorized by L.N. 17/1989]

APPENDIX, *contd.*

PART I, *contd.*

Item No.	To whom pension payable	The circumstances and conditions affecting eligibility for pension	Annual rate of pension, not exceeding—
		<p>B. If the Special Constable leaves a child or children to whom pension is payable under item 2 but leaves no surviving spouse to whom pension is payable under item 1.</p> <p>C. If pension is payable pursuant to paragraph A of this item and subsequently, on the death or ineligibility of the surviving spouse, pension ceases to be payable under item 1 then, as from the date of such cessation, pension shall be payable under this paragraph in lieu of pension payable under paragraph A of this item.</p>	<p>B. One-third of the annual pay of the Special Constable at the date of his death.</p> <p>C. One-third of the annual pay of the Special Constable at the date of his death.</p>

APPENDIX, contd.**PART II*****Terms and conditions applicable to the payment of pensions under Part I***

1. Payment of pension to a surviving spouse shall be made only while that spouse is unmarried.

2. In the case of pensions granted to two or more children of a Special Constable under item 2 of Part I the pension payable to each child shall be determined by dividing the pension which would be payable to one such child equally among such children as are eligible for pension under that Part.

3.—(1) A child shall cease to be eligible for pension under this Part on attaining the age of nineteen years, so, however, that—

(a) a child who is receiving higher education shall continue to be so eligible until that child attains the age of twenty-three years or completes the course of higher education, whichever is the earlier;

(b) a child who was mentally or physically incapacitated at the time of the Special Constable's death and was wholly or mainly dependent on him for support may, if the Governor-General so directs, be treated as continuing to be so eligible, after the attainment of nineteen years, during the period of the incapacity or for such shorter period as the Governor-General may determine; and the Governor-General may, if he sees fit, increase or reduce the amount of pension payable in respect of that child to such amount as the Governor-General thinks fit, so, however, that where such amount is increased, the total amount of pension payable in respect of all dependents of that Special Constable shall not exceed his pay at the date of his death;

(c) a female child shall cease to be so eligible upon the marriage of that child under the age of nineteen years.

(2) For the purposes of sub-paragraph (1) "higher education" means either a course of full-time instruction at any educational establishment approved for the purpose by the Minister responsible for education or a course of instruction as an apprentice in any trade, profession or vocation under articles entered into for a period of not less than two years.

4. Payment of a pension to the mother of a Special Constable shall be made only if the mother was wholly or mainly dependent on the Special Constable for support and while the mother is without adequate means of support and if the mother is unmarried, divorced or a widow, as the case may be, at the time of the grant of the pension and subsequently marries or remarries, such pension shall cease as from the date of marriage or remarriage; and if it appears to the Governor-General at any time that the mother is adequately provided with other means of support, such pension shall cease as from such date as the Governor-General may determine.

APPENDIX, *contd.*

5. Payment of a pension to the father of a Special Constable shall be made only if the father was wholly or mainly dependent on the Special Constable for support and while the father is without adequate means of support and if it appears to the Governor-General at any time that the father is adequately provided with other means of support such pension shall cease as from such date as the Governor-General may determine.

PART III
Gratuities

1. Without prejudice to any pension payable pursuant to Part 1, a gratuity may be granted in accordance with this Part to the dependents of a Special Constable or, if there are no dependents, to the Special Constable's legal personal representatives.

2.—(1) Such gratuity shall not exceed—

- (a) the appropriate prescribed sum; or 4/1996
S. 5(a).
- (b) the aggregate of one year's pay of the Special Constable at the date of his death plus the amount of commuted pension gratuity for which he would have been eligible if he had retired at the date of his death,

whichever is the greater.

(2) In sub-paragraph (1) "the appropriate prescribed sum" means—

- (a) in respect of a Special Constable who dies from injuries received on or after the appointed day, and before 1st January, 1978, but before the 1st day of April, 1988, either ten thousand dollars or a sum equal to two years' pay of the Special Constable at the date of his death, whichever is the greater; 4/1996
S. 5(b).
- (b) in respect of a Special Constable who dies from injuries received on or after 1st January, 1978, twenty thousand dollars;
- (c) in respect of a Special Constable who dies from injuries received on or after the 1st day of April, 1988, but before the 1st day of April, 1992, one hundred thousand dollars; 4/1996
S. 5(d).

CONSTABLES (SPECIAL)

4/1996
S. 5(e).

(d) in respect of a Special Constable who dies from injuries received on or after the 1st day of April, 1992, but before the 1st day of April, 1994, three hundred thousand dollars;

4/1996
S. 5(f).
28/2001
S. 4(a)(i).

(e) in respect of a Special Constable who dies from injuries received on or after the 1st day of April, 1994, but before the 1st day of April, 1996, five hundred thousand dollars;

28/2001
S. 4(b).

(f) in respect of a Special Constable who dies from injuries received on or after the 1st day of April, 1996, one million dollars.

28/2001
S. 4(c).

3. The Minister may by order, subject to affirmative resolution, increase the amounts specified in paragraph 2(2) (a) to (e).

4. For the purposes of this Part—

(a) “dependents” means any person entitled to a pension under Part I;

(b) “commuted pension gratuity” means the gratuity, if any, which might have been granted to a Special Constable under regulation 9 if he had retired at the date of his death in the circumstances described in section 37 (a) (ii) and had elected to receive a gratuity and reduced pension.

5. A gratuity granted pursuant to this Part shall be divided among the dependents as follows—

(a) if there is a surviving spouse, that spouse shall be granted fifty per cent of the gratuity or such higher percentage as the Governor-General may approve and the remainder shall be divided among any other dependents in such proportion as the Governor-General thinks fit;

(b) if there is no surviving spouse, the gratuity shall be divided among the dependents in such proportion as the Governor-General thinks fit.