

MONTSERAT

POLICE (AMENDMENT) ACT

No. 11 of 2011

ARRANGEMENT OF SECTIONS

1	Short title and commencement.....	3
2	Interpretation.....	3
3	Replacement of “Superintendent”	4
4	Replacement of “Force”	4
5	Section 2 amended	4
6	Section 6 amended	4
7	Section 11 amended	5
8	Section 12 amended	5
9	Section 13 amended	5
10	Section 16 amended	6
11	Section 21 amended	6
12	Section 29 amended	6
13	Section 33 amended	6
14	Section 34 amended	6
15	Section 35 amended	7
16	Section 36 amended	8
17	Section 37 amended	8
18	Section 38 amended	8
19	Section 41 amended	9
20	Section 67 amended	9
21	Section 68 amended	10
22	Sections 69 and 70 amended	10
23	Section 80 amended	10
24	Section 84 amended	10
25	Section 87 amended	10
26	Section 90 amended	10
27	Police Service Commission Act repealed.....	11
28	Police Regulations amended	11

Montserrat
Police (Amendment) Act, 2011
No. 11 of 2011

SCHEDULE	11
AMENDMENTS TO THE REGULATIONS	11
1 Replacement of ‘Superintendent’	11
2 Replacement of “Force”	11
3 Regulation 6 amended.....	11
4 Regulation 12 amended.....	12
5 Regulation 22 amended.....	12
6 Regulation 39 amended.....	12

Montserrat
Police (Amendment) Act, 2011
No. 11 of 2011

I ASSENT

Adrian Davis
GOVERNOR

DATE: 17.8.2011

M O N T S E R R A T

No. 11 of 2011

AN ACT TO AMEND THE POLICE ACT (CAP 10.01).

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council of Montserrat and by the Authority of the same as follows—

1 Short title and commencement

This Act may be cited as the Police (Amendment) Act, 2011 and shall come into force on a date fixed by the Governor acting on the advice of Cabinet.

2 Interpretation

In this Act—

“**principal Act**” means the Police Act (Cap. 10.01).

Montserrat
Police (Amendment) Act, 2011
No. 11 of 2011

3 Replacement of “Superintendent”

The principal Act is amended by deleting the word “Superintendent” and substituting the word “Commissioner of Police” where it refers to the head of the Royal Montserrat Police Force.

4 Replacement of “Force”

The principal Act is amended by deleting the word “Force” and substituting the word “Service” where it refers to the Royal Montserrat Police Force.

5 Section 2 amended

Section 2 of the principal Act is amended by deleting the definition of “**Public Service Commission**” and substituting the following:

“**Public Service Commission**” means the Public Service Commission established under section 82 of the Montserrat Constitution Order 2010;”.

6 Section 6 amended

Section 6 of the principal Act is amended—

(a) in subsection (1)—

(i) in line 3, by deleting the word “and” appearing after the word “Inspector” and inserting “,”;

(ii) in line 3, by inserting after the words “subordinate Police Officers”, the words “and constables”; and

(b) by deleting subsection (2) and substituting the following:

“(2) Officers to the rank of subordinate police officers may be engaged on contract for a period of five years on such terms and conditions as may be approved by the Governor.”

Montserrat
Police (Amendment) Act, 2011
No. 11 of 2011

7 Section 11 amended

Section 11 of the principal Act is amended—

- (a) in subsection (1) by deleting the words “acting in his discretion” and substituting the words “under section 85(4) of the Constitution”; and
- (b) by deleting subsection (2) and substituting the following:

“Every appointment to the Service shall be made by the Governor in accordance with section 39 of the Constitution.”.

8 Section 12 amended

The principal Act is amended by deleting section 12 and substituting the following:

“Every police officer above the rank of a subordinate police officer shall be on probation during the first two years after his appointment or for a period of extension, not exceeding six months, as the Governor may in his discretion approve; and if during such period, or any extension thereof, he is found not to be fitted physically or mentally, to perform the duties of his office, or to be not likely to become an efficient or well conducted police officer, his services may be dispensed with by the Governor. At the end of the period of probation, or any extension thereof, if the services of such police officer have not been dispensed with, he shall be confirmed in his appointment.”.

9 Section 13 amended

Section 13 of the principal Act is amended in paragraph (a) by deleting the proviso and substituting the following:

“Provided that in any special case the Governor may appoint a person who has already attained the age of 35 years;”

Montserrat
Police (Amendment) Act, 2011
No. 11 of 2011

10 Section 16 amended

Section 16 of the principal Act is amended in subsection (2) by deleting the words “or Inspector” appearing directly after the words “Gazetted Police Officer”.

11 Section 21 amended

Section 21 of the principal Act is amended in line 1 by deleting the words “and Inspector” appearing directly after the words “Gazetted Police Officer”.

12 Section 29 amended

Section 29 of the principal Act is amended in subsection (1), line 2 by deleting the words “of or” appearing directly after the words “police officer”.

13 Section 33 amended

Section 33 of the principal Act is amended—

- (a) in subsection (1) by deleting the words “Inspector who” and substituting the words “police officer who”;
- (b) by deleting subsection (2); and
- (c) in subsection (3) by deleting the words “or subsection (2)”.

14 Section 34 amended

Section 34 of the principal Act is amended by deleting subsections (1), (2), (3) and (4) and inserting the following:

“(1) Subject to subsection (2), when a charge or complaint is made against a police officer for breach of any disciplinary regulations made under this Act, a disciplinary tribunal constituted by

Montserrat
Police (Amendment) Act, 2011
No. 11 of 2011

Order of the Governor, comprising a Magistrate or a *Gazetted* Police Officer of a higher rank than the officer to be disciplined, shall hear and determine the charge or complaint and may make any of the following orders—

- (a) caution or reprimand;
- (b) suspension, deferment or stoppage of increment;
- (c) fine not exceeding \$500;
- (d) reduction in rank;
- (e) forfeiture of good conduct pay or badges, or of any benefit arising from service;
- (f) dismissal; or
- (g) in the case of constables, confinement to barracks for any period not exceeding 28 days, and such confinement shall involve the performance of ordinary duty and parades as well as fatigue duties.

(2) Where a charge or complaint is made against the Commissioner of Police, the charge or complaint shall be dealt with by the Governor in accordance with section 85 of the Constitution.”.

15 Section 35 amended

Section 35 of the principal Act is amended—

- (a) by deleting subsection (1) and inserting the following:

“**35. (1)** Where a police officer is dissatisfied with a decision given by a *Gazetted* Police Officer or by a Magistrate under section 34(1), he may within

Montserrat
Police (Amendment) Act, 2011
No. 11 of 2011

seven days after the decision has been communicated to him, appeal to the Governor.”;

(b) in subsection (4) by deleting the words “after consultation with the Public Service Commission either”; and

(c) in subsection (5) by deleting the words “the Superintendent (if there is no further appeal) or”.

16 Section 36 amended

Section 36 of the principal Act is deleted and the following is substituted:

“36. The Commissioner of Police may, with the authorisation of the Governor, reduce any punishment imposed by a *Gazetted* Police Officer or a Magistrate on an officer, where there is no appeal by the officer.”

17 Section 37 amended

Section 37 of the principal Act is amended—

(a) in the chapeau, by deleting the words “Inspector, subordinate police officer or constable” and substituting the word “officer”;

(b) in paragraph (b), by deleting the words “, Inspector”.

18 Section 38 amended

Section 38 of the principal Act is amended—

(a) in subsection (1)—

(i) in the chapeau, by deleting the words “Inspector, subordinate police officer or constable” and substituting the word “officer”;

Montserrat
Police (Amendment) Act, 2011
No. 11 of 2011

- (ii) in paragraph (a) by deleting the word “Superintendent” and substituting the word “Governor”;
- (iii) in paragraph (b) by deleting the word “Superintendent” and substituting the word “Governor”;
- (b) in subsection (2) by deleting the words “Inspector or a subordinate police officer or constable” and substituting the word “officer”;
- (c) in subsection (3) by deleting the words “Inspector, subordinate police officer or constable” and substituting the word “officer”;

19 Section 41 amended

Section 41 of the principal Act is amended in subsection (1) by deleting the words “Inspector, subordinate police officer or constable” in the two instances they appear and substituting the word “officer” in both instances.

20 Section 67 amended

Section 67 of the principal Act is amended—

- (a) by deleting subsection (1) and inserting the following:

“The Governor may reduce, for inefficiency, the Deputy Commissioner of Police, any Superintendent, Inspector or any subordinate police officer to a lower grade.”;

- (b) in subsection (2)—

- (i) in line 1 by deleting the words “, on the recommendation of the Superintendent”; and

Montserrat
Police (Amendment) Act, 2011
No. 11 of 2011

(ii) in line 12 by deleting the words “subsection (2) of section 48” and substituting the words “the Pensions Act”.

21 Section 68 amended

Section 68 of the principal Act is amended in line 2 by deleting the words “Inspector, subordinate police officer and constable” and substituting the word “officer”.

22 Sections 69 and 70 amended

Sections 69 and 70 of the principal Act are amended by deleting the words “Inspector, subordinate police officer or constable” and substituting the word “officer”.

23 Section 80 amended

Section 80 of the principal Act is amended by deleting subsection (3) and substituting the following:

“(3)The provisions of sections 18, 19 and 20 of the Pensions Act shall apply, with the necessary modifications, to every pension granted by virtue of subsection (1).”.

24 Section 84 amended

Section 84 of the principal Act is amended in subsection (1) by deleting the words “, Inspector” the second time it appears.

25 Section 87 amended

Section 87 of the principal Act is amended in subsection (1) by deleting the words “, Inspector” the third time it appears.

26 Section 90 amended

Section 90 of the principal Act is amended—

Montserrat
Police (Amendment) Act, 2011
No. 11 of 2011

- (a) in subsection (2) by deleting the number “12’ and inserting the number “38” in the appropriate order;
- (c) in subsection (5) by deleting the words “Executive Council” and substituting the word “Cabinet”.

27 Police Service Commission Act repealed

The Police Service Commission Act is repealed.

28 Police Regulations amended

The amendments to the Police Regulations are set out in the Schedule.

SCHEDULE

AMENDMENTS TO THE REGULATIONS

1 Replacement of ‘Superintendent’

The Regulations are amended by deleting the word ‘Superintendent’ and substituting the word ‘Commissioner of Police’ where it refers to the head of the Royal Montserrat Police Force.

2 Replacement of “Force”

The Regulations are amended by deleting the word “Force” and substituting the word “Service” where it refers to the Royal Montserrat Police Force.

3 Regulation 6 amended

Regulation 6 of the Regulations is amended in paragraphs (a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m) and (n), by deleting the words “Inspector, subordinate police officer or constable” and inserting the word “officer,”.

Montserrat
Police (Amendment) Act, 2011
No. 11 of 2011

4 Regulation 12 amended

Regulation 12 of the Regulations is amended by deleting the word “, Inspectors”.

5 Regulation 22 amended

Regulation 22 of the Regulations is amended in subsection 1 by deleting the word “Inspectors” where it appears in the chapeau, in paragraph (a) (i) and (ii) and in paragraph (c).

6 Regulation 39 amended

Regulation 39 of the Regulations is amended in subsection (1) by deleting the word “Inspectors,”.

**T. Bodkin
SPEAKER**

Passed the Legislative Council this 5th day of August, 2011.

**Lynette Farrell
CLERK OF COUNCIL (Ag.)**