



ST. HELENA

## CHAPTER 132

### **POLICE FORCE ORDINANCE** and Subsidiary Legislation

#### **Non-authoritative Consolidated Text**

This is not an authoritative 'revised edition' for the purposes of the Revised Edition of the Laws Ordinance; it has been prepared under the supervision of the Attorney General for the purpose of enabling ready access to the current law, and specifically for the purpose of being made accessible via the internet.

Whilst it is intended that this version accurately reflects the current law, users should refer to the authoritative texts in case of doubt. Enquiries may be addressed to the Attorney General at Essex House, Jamestown  
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Visit our [LAWS page](#) to understand the St. Helena legal system and the legal status of this version of the Ordinance.

This version contains a consolidation of the following laws—

	Page
<b>POLICE FORCE ORDINANCE</b>	<b>3</b>
Ordinance 4 of 1975 .. in force 10 October 1975	
Amended by Ordinances:	
7 of 1985	
22 of 1987	
23 of 1987	
9 of 1994	
2 of 2001	
Gazette Notice no. 63 of 1 July 2011	
<b>POLICE REGULATIONS – Section 49</b>	<b>21</b>
Legal Notice 10 of 2000	
Amended by L.N. 11/2000	
Amended by L.N. 11/2003	
<b>POLICE (DISCIPLINE) REGULATIONS – Section 49</b>	<b>38</b>
Legal Notice 17 of 1976	
Amended by L.N. 10/2000	

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<sup>1</sup> These contact details may change during 2011 or early in 2012. In case of difficulty, email [shgwebsite@sainthelena.gov.sh](mailto:shgwebsite@sainthelena.gov.sh) or telephone (+290) 2470.

**COLONIAL POLICE LONG SERVICE MEDAL REGULATIONS 42**

Legal Notice 1 of 1973

**COLONIAL SPECIAL CONSTABULARY MEDAL REGULATIONS 44**

Legal Notice 25 of 1957

## **CHAPTER 132**

### **POLICE FORCE ORDINANCE**

#### **ARRANGEMENT OF SECTIONS**

##### **PART I PRELIMINARY**

###### **SECTION**

1. Short title
2. Interpretation
3. Continuance of service

##### **PART II CONSTITUTION AND APPOINTMENTS**

4. Constitution and maintenance of Force
5. Appointment of Chief of Police
6. Appointment of Deputy Chief of Police
7. Power of Chief of Police to delegate authority
8. Affirmation on appointment
9. Requisites for appointment
10. Probation and term of service
11. Dismissal during probation
12. Discharge or dismissal from Force
13. Warrant Card
14. Training of members of Force
15. Uniform, clothing and equipment
16. Status of members of Force
17. Every Police Officer to be a constable
18. General powers of Police Officers
19. Liability for service on Ascension Island
20. Motor vehicles for use of Force

##### **PART III RECRUITMENT OF SPECIAL CONSTABLES**

21. Engagement of special constables
22. Powers of special constables
23. Clothing etc. of special constables
24. Neglect, etc. by special constables
25. Termination of services of special constables

##### **PART IV DUTIES AND POWERS OF MEMBERS OF THE FORCE**

26. Duties of the Force
27. *Repealed by Ord. 22 of 1987*
28. Power of searching persons on or about ships or aircraft
29. Chief of Police may designate lock-ups

- 30. Police protection by Justices' Warrant
- 31. Summonses
- 32. Proof of service of process
- 33. Dispersal of assembly and offences relating thereto
- 34. Power to prevent congestion in public place
- 35. Power to control traffic
- 36. Power to regulate traffic
- 36A. Removal of motor vehicle
- 37. Assaulting police officer, obstruction, etc

PART V  
DISPOSAL OF STOLEN OR UNCLAIMED PROPERTY  
IN CUSTODY OF POLICE

- 38. Disposition or detention of property alleged to be stolen etc
- 39. Power to detain and sell unclaimed property
- 40. Advertisement of property to be sold
- 41. Effect of other law

PART VI  
OFFENCES, SENTENCING AND APPEALS

- 42. Inciting rioting in Police Force
- 43. Police officers to obey lawful orders
- 44. Hearing and determination of charge or complaint in Police disciplinary proceedings
- 45. Appeals to the Governor
- 46. Collection of fines by stoppages
- 47. Interdiction
- 48. Members of Force to return arms and equipment

PART VII  
MISCELLANEOUS

- 49. Power to make regulations
- 50. Right of officer to prosecute police cases
- 51. Rewards and gratuities
- 52. Powers of Chief of Police to make standing orders
- 53. Power to take finger-prints, photographs, etc.
- 54. Member of Force not to engage in private business
- 55. Members of Force not to be members of political society or union
- 56. Causing disaffection among members of Force
- 57. Offence of making false report of commission of offence, etc
- 58. Impersonation etc
- 59. Non-exemption from ordinary course of law

## CHAPTER 132

## POLICE FORCE ORDINANCE

*(Ordinances 4 of 1975, 7 of 1985, 22 of 1987,  
23 of 1987, 9 of 1994 and 2 of 2001)*

AN ORDINANCE TO MAKE PROVISION FOR THE POLICE FORCE IN ST. HELENA.

**Commencement**

*[10 October 1975]*

PART I  
PRELIMINARY**Short title**

1. This Ordinance may be cited as the Police Force Ordinance.

**Interpretation**

2. In this Ordinance, unless the context otherwise requires—  
“**Chief of Police**” means the officer appointed under section 5 of this Ordinance to command the Force<sup>2</sup>;  
“**constable**” means a police officer below the rank of sergeant but excluding a police cadet;  
“**Force**” means the St. Helena Police Force for which provision is made by this Ordinance;  
“**function**” includes powers and duties;  
“**Gazetted Police Officer**” means any police officer of and above the rank of Assistant Superintendent;  
“**Justice**” means a Justice of the Peace or Magistrate;  
“**police cadet**” means a member of the Force who has not attained the age of eighteen years;  
“**police officer**” includes any member of the Police Force, male or female, having the powers of a constable, and includes a special constable, where the context so admits, but does not include a police cadet;  
“**Police Welfare Fund**” means the fund established under section 51(3);  
“**public place**” includes any highway and any other premises or place to which at the material time the public have or are permitted to have access, whether on payment or otherwise.

**Continuance of service**

3. Any person who, on the date of the commencement of this Ordinance, is serving in the Police Force of St. Helena shall be deemed to be employed under the provisions of this Ordinance without any break in his service as a police officer.

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<sup>2</sup> Gazette Notice No. 63 of 1 July 2011: Title changed to Director of Police

This e-version of the text is not authoritative for use in court.

PART II  
CONSTITUTION AND APPOINTMENTS

**Constitution and maintenance of Force**

4. (1) The Force shall be constituted and maintained in accordance with the provisions of this Ordinance and with Headquarters in St. Helena.

(2) The Force shall consist of a Chief of Police, and as many other police officers and police cadets as the Governor may from time to time appoint.

(3) The costs and expenses of constituting and of maintaining the Force shall be charged on the general revenues of St. Helena to such amounts and in such proportions as may from time to time by annual vote or otherwise be voted by the Legislative Council or be granted by other lawful authority.

**Appointment of Chief of Police**

5. The Governor shall appoint some fit and proper person to be Chief of Police, who, subject to the general order of the Governor, shall have the sole command and superintendence of the Police Force and shall be responsible to the Governor for the proper expenditure and use of all public funds and property specially appropriated by the Legislative Council for the service thereof.

**Appointment of Deputy Chief of Police**

6. The Governor may appoint a member of the Force to be next to the Chief of Police in rank and command and to act as his deputy as required and to have the same powers as the Chief of Police when performing that function. Such appointment may be temporary.

**Power of Chief of Police to delegate authority**

7. (1) Where by any law, the Chief of Police is designated by rank to perform functions, he may, subject to the approval of the Governor, and unless by law he is expressly prohibited from so doing, depute any member of the Force by name to perform such functions on his behalf (except this power of delegation) and subject to such conditions, exceptions, and qualifications as the Governor may direct and thereupon, or from the date specified by the Chief of Police, the person deputed shall perform such functions subject as aforesaid.

(2) Notice of any delegation made under subsection (1) shall be published forthwith in the *Gazette*.

**Affirmation on appointment**

8. A person appointed to a post in the Police Force under this Ordinance shall not be capable of holding the said office until he takes and subscribes an affirmation as set out in Form I of the Schedule to this Ordinance.

**Requisites for appointment**

9. A person shall not be appointed to the Force unless he is of sound constitution, able-bodied, and above the age of—

(a) in the case of police cadets, sixteen years;

(b) in the case of all other officers, eighteen years, and of good character and able to read and write English.

### **Probation and term of service**

**10. (1)** Every member of the Force shall on appointment by the Governor serve a period of two years on probation or such longer or shorter period as may be required by the Governor.

**(2)** Subject to the provisions of sections 11 and 12—

(a) any member of the Force may continue to serve in the Force until he has attained the age of sixty years; and

(b) on reaching the age of sixty years, he may apply for continuance of his service beyond that age.

**(3)** An application made under subsection (2)(b) may be granted by the Governor only if such continuance is recommended by the Chief of Police:

Provided that the continuance so granted shall not exceed five years.

**(4)** Any reference in the foregoing provisions of this section to a period of probation shall not apply to a police officer whose first appointment in the Force was that of a Gazetted Police Officer, without prejudice however to the terms upon which that officer was appointed.

### **Dismissal during probation**

**11.** During the period of probation, the services of any constable or police cadet may be dispensed with at any time if the Chief of Police with the concurrence of the Governor considers that he is not fitted, physically or mentally, to perform the duties of his office or that he is not likely to become an efficient and well-conducted police officer; if at the end of the period his services have not been dispensed with, he shall be confirmed in his appointment.

### **Discharge or dismissal from Force**

**12.** Any member of the Force below the rank of Gazetted Officer may at any time during the period of his employment in the Force—

(a) be discharged, when he—

(i) has been pronounced by a medical officer to be physically or mentally unfit for further service; or

(ii) has been generally inefficient in the discharge of his duties and it is in the public interest that he should cease to perform his duties as a police officer; or

(iii) has applied for his discharge, or has been permitted by the Chief of Police to resign;

(b) be dismissed—

(i) when offending against the provisions of this Ordinance; or

(ii) if he has been convicted of any criminal offence before any court of law exercising criminal jurisdiction whether within or outside St. Helena.

### **Warrant card**

**13.** A warrant card shall be issued to every police officer and shall be evidence of his appointment under this Ordinance.

### **Training of members of Force**

**14.** All members of the Force shall undergo such training courses within or outside St. Helena as the Governor may from time to time direct.

### **Uniform, clothing and equipment**

**15.** Every member of the Force shall be issued with such articles of uniform, clothing and equipment as may be necessary for the effectual discharge of his duties; such articles shall be kept and used in accordance with police regulations.

### **Status of members of Force**

**16.** Every person for the time being serving in the Force shall be deemed a member of the Force and shall have and enjoy all the rights, privileges, powers, authorities and immunities conferred on a member of the Force by any law which is now in force or may hereafter be enacted.

### **Every Police Officer to be a constable**

**17.** Every police officer shall have all such rights, powers, authorities, privileges and immunities and be liable to all such duties and responsibilities, as any constable duly appointed now has or is subject or liable to, either at common law or by virtue of any law which now is or may hereafter be in force in St. Helena.

### **General powers of Police Officers**

**18.** Where by any law, powers are conferred upon police officers of a certain rank, such powers may lawfully be exercised by police officers of any higher rank.

### **Liability for service on Ascension Island**

**19.<sup>3</sup>** Any member of the Force who has attained the age of eighteen years may be required to serve on Ascension Island for such period as may be specified by the Chief of Police.

### **Motor vehicles for use of Force**

**20.** There shall be provided out of funds appropriated by the Legislative Council a sufficient number of motor vehicles to be used by the Police as the exigencies of the service may require and to be distributed throughout St. Helena as the Chief of Police may direct.

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<sup>3</sup> Section 19 amended by Ord. 7 of 1985



PART III  
RECRUITMENT OF SPECIAL CONSTABLES

**Engagement of special constables**

21. (1) The Chief of Police may engage men and women as special constables for full or part time employment with the Police Force when it is necessary to augment the regular Police Force for the preservation of the public peace and the prevention and detection of crime.

(2) The Governor may prescribe the terms and conditions of service of special constables and may prescribe different terms and conditions for different classes of special constables as may be necessary.

(3) The Chief of Police shall issue to each special constable on appointment a notice of appointment as set out in Form II in the Schedule to this Ordinance.

**Powers of special constables**

22. (1) Every special constable shall have the same powers, privileges and protection and shall be liable to perform the same functions and shall be subject to the same penalties and be subject to the same authorities as any other member of the Force.

(2) Every special constable shall have such rank as may be assigned to him by the Chief of Police.

**Clothing etc. of special constables**

23. The Governor may provide at public expense for the issue to special constables of clothing and equipment for the due performance of their functions as special constables.

**Neglect, etc. by special constables**

24. If a special constable, when called upon to serve, refuses or neglects to serve or obey any lawful order or direction given to him for the performance of his duties, he shall be guilty of an offence and be liable on summary conviction to a fine not exceeding £10 and in the case of a second or subsequent conviction to a fine not exceeding £20 or to imprisonment for a term not exceeding one month, unless he satisfies the court that he was prevented by sickness or such other unavoidable cause as in the opinion of the court is a sufficient excuse from so serving or from performing the duties required of him.

**Termination of services of special constables**

25. The Chief of Police may terminate the services of any special constable, and shall forthwith transmit to the special constable concerned, notice thereof in writing as set out in Form III in the Schedule to this Ordinance.

PART IV  
DUTIES AND POWERS OF MEMBERS OF THE FORCE

**Duties of the Force**

26. (1) It shall be the duty of all police officers—

- (a) to preserve the peace and prevent and detect crime and other offences against the law;
- (b) to apprehend and bring before a Justice persons found committing any offence rendering them liable to arrest without warrant, or whom they may reasonably suspect of having committed any such offence;
- (c) to apprehend smugglers or any person offending against any revenue laws, and to seize all goods liable to seizure for any breach of the revenue laws and otherwise to aid in the detection of such offences;
- (d) to stop, search and detain any vessel, (excluding a ship of war or having the status of a ship of war) boat, motor vehicle, cart or other conveyance in or on which there shall be reason to suspect that anything stolen or unlawfully obtained or any smuggled goods may be found, and also any person who may be reasonably suspected of having or conveying in any manner anything stolen or unlawfully obtained or any smuggled goods;
- (e) to summon before the Magistrates' Court and to prosecute persons found committing any offence, or whom they may reasonably suspect of having committed any offence;
- (f) to execute summonses, subpoenas, warrants, commitments and other process issued by the courts;
- (g) to keep order in and within the precincts and in the vicinity of all courts during the sittings of such courts;
- (h) to deal with disturbances of the peace;
- (i) to assist in carrying out any revenue, excise, quarantine, immigration and aliens registration laws;
- (j) to act as an officer and warder of any prison;
- (k) to escort and guard prisoners;
- (l) to perform such other functions as he may be from time to time required to perform by the Governor or under any law, rule or regulation:

Provided that all searches of persons shall be carried out with strict regard to decency and where any person to be searched is a female the search shall only be carried out by another female acting as, or under the direction of, a member of the Force.

(2) For the performance of such duties and functions as prescribed in subsection (1), any police officer may carry arms in accordance with Police Standing Orders or any order issued by the Chief of Police or by the Governor.

27.<sup>4</sup> ....

### **Power of searching persons on or about ships or aircraft**

28. (1) Where a member of the Force has reasonable grounds to believe that any person on board or about to board any ship, (excluding a ship of war or having the status of a ship of war) boat or aircraft within the territorial waters or airspace of St. Helena or any person who has landed from any ship, boat or aircraft (whether or not such person has travelled on that ship, boat or aircraft) has any firearm or uncustomed or prohibited goods about his person he may search such person without warrant and any person may be detained for a period not exceeding six hours for the purpose of being searched.

(2) Any such person as is mentioned in subsection (1) who rescues, destroys or attempts to destroy any goods to prevent seizure, or obstructs any member of the Force in

<sup>4</sup> Section 27 repealed by Ord. 22 of 1987

going, remaining or returning from on board any ship, boat or aircraft or in searching such ship, boat, aircraft or person or otherwise in the execution of his duty, shall be guilty of an offence and be liable on summary conviction to a fine not exceeding £50 or to imprisonment not exceeding six months.

### **Chief of Police may designate lock-ups**

**29.<sup>5</sup> (1)** The Chief of Police may designate any secure place to be a lock-up house for the temporary confinement of persons under arrest.

**(2)** A person under arrest may be detained in a place designated in accordance with subsection (1) until—

*(a)* he is admitted to bail; or

*(b)* if he is not admitted to bail—he can be brought before a Justice of the Peace to be dealt with according to law.

### **Police protection by Justices' Warrant**

**30. (1)** Where any action is brought against any member of the Force for any act done in accordance with the warrant of any Justice of the Peace, that member shall not be responsible for any irregularity in the issuing of such warrant or for any want of jurisdiction of the Justice issuing the same, but may plead the general issue and give such warrant in evidence at the trial; and upon proof that the signature thereto is the hand-writing of the person whose name appears subscribed thereto and such person was reputed to be and acted as a Justice of the Peace and that any act complained of was done in accordance with such warrant, there shall be a verdict for the said member of the Force who shall recover his costs of suit.

**(2)** It shall be the duty of any police officer, if required so to do, in the execution of any warrant to him directed, to produce the same to any person taken into custody thereunder and to permit a copy thereof to be taken by such person or on behalf of such person either at the time of arrest or at any time afterwards so long as the warrant remains in his custody.

### **Summonses**

**31.** Any summons lawfully issued by a Justice or by a Court may be served by any member of the Force at any time.

### **Proof of service of process**

**32.** Notwithstanding anything contained in this or any other law, where any summons or other process of a Court is served by a member of the Force, the service may be proved by endorsement on the original or a copy of the summons or process under the hand of any such person effecting the service, showing the fact, mode and date of the service of such summons or process; and any such person wilfully and corruptly endorsing any false statement on the original or a copy of the summons or other process shall be guilty of an offence and be liable, on summary conviction, to a fine not exceeding £50 or to imprisonment not exceeding six months.

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<sup>5</sup> Section 29 substituted by Ord. 9 of 1994

**Dispersal of assembly and offences relating thereto**

**33. (1)** A police officer may disperse any assembly consisting of three or more persons which he believes on reasonable grounds to be an unlawful assembly, in any street, highway, path or public place and may arrest any person in such assembly refusing or delaying to disperse, or re-assembling after dispersal; and any person so refusing or delaying to disperse or re-assembling shall be guilty of an offence and be liable, on summary conviction, to a fine not exceeding £25 or to imprisonment not exceeding three months.

**(2)** If a person is found in any public place in possession of any object whatsoever which is capable of use as an offensive instrument or weapon which a police officer has reasonable grounds for believing that he is carrying for the purpose of creating a disturbance or that he is likely to use in case of a disturbance arising, such person shall be guilty of an offence and may be taken into custody and shall be liable, on summary conviction, to a fine not exceeding £25 or to imprisonment not exceeding three months.

**(3)** Any person making use of any words or gestures which a police officer has reasonable grounds for believing to be likely to lead to a breach of the peace shall be guilty of an offence and may be taken into custody and shall be liable on summary conviction, to a fine not exceeding £25 or to imprisonment not exceeding three months.

**Power to prevent congestion in public place**

**34.** Any member of the Force may order any person or persons causing an obstruction in any public place or thoroughfare to remove, or cause to be removed, such obstruction and any person failing to obey such order shall be guilty of an offence and shall, on summary conviction, be liable to a fine not exceeding £5 or to imprisonment not exceeding one month.

**Power to control traffic**

**35.** A member of the Force in uniform may control traffic, and any person disobeying any instruction or any signal, whether given orally or by hand or mechanical device, shall be guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding £5 or to imprisonment not exceeding one month.

**Power to regulate traffic**

**36. (1)** Whenever in the opinion of the Chief of Police, a street is liable or likely to be thronged or obstructed, he or any other member of the Force acting under his authority may—

- (a)** direct the route to be observed by motor vehicles or carts which are in use or are being driven or propelled in or near to such streets, or by persons riding or driving any animal in or near to such streets;
- (b)** prevent motor vehicles or carts or persons riding or driving any animal from entering such street;
- (c)** prescribe the lane to be kept by persons riding, driving or walking in any such street;
- (d)** generally do all that is necessary to prevent a congestion of the traffic and provide for the safety and convenience of the public.

**(2)** If any person disregards or fails to obey any reasonable order of the Chief of Police or any other member of the Force acting under his authority given with the object of carrying

out the provisions of this section, he shall be guilty of an offence and be liable, on summary conviction, to a fine not exceeding £5 or to imprisonment not exceeding one month.

### **Removal of motor vehicle**

**36A.<sup>6</sup> (1)** A police officer may remove to a convenient place of safety any motor vehicle or other property found unattended in any public place, the removal of which such officer reasonably believes to be necessary or desirable—

- (a) for preventing the obstruction of any highway; or
- (b) in order to protect such vehicle (or anything therein or thereon) or property from any danger of theft or damage, whether or not such danger is an immediate one.

**(2)** Subsection (1) applies to any vehicle or property in the possession, custody or control of a person arrested as if such property had been found unattended.

### **Assaulting police officer, obstruction, etc.**

**37.<sup>7</sup>** Any person who assaults or resists any police officer acting in the execution of his duty, or aids or incites any person so to assault or resist, or who, by the giving of false information with intent to defeat or delay the ends of justice, wilfully misleads or attempts to mislead any such officer, shall be guilty of an offence and liable on summary conviction to imprisonment not exceeding six months or a fine not exceeding £50 or to both such imprisonment and fine.

## PART V DISPOSAL OF STOLEN OR UNCLAIMED PROPERTY IN CUSTODY OF POLICE

### **Disposition or detention of property alleged to be stolen etc**

**38. (1)** If any goods or money alleged to be stolen or fraudulently obtained are in the custody of any member of the Force by virtue of any warrant of a Justice or in prosecution of any charge of any offence in regard to the obtaining thereof, and the person charged with stealing or obtaining possession as aforesaid cannot be found, or has been summarily convicted or discharged, or has been tried and acquitted, or has been tried and found guilty, the Magistrates' Court may make an order for the delivery of such goods or money to the party who appears to be the rightful owner thereof, or when the owner cannot be ascertained, then if such goods are of a perishable nature, may make such order with respect to such perishable goods as the Court shall think fit, but if the goods are not of a perishable nature, the Court may order such goods to be detained in the custody of the Chief of Police to be dealt with as hereinafter provided.

**(2)** An order made under subsection (1) shall not be a bar to the right of any person to take any action at law to establish his ownership or right to such goods or money, on condition however that such action shall be commenced within twelve months next after such order is made.

<sup>6</sup> Section 36A inserted by Ord. 23 of 1987

<sup>7</sup> Section 37 amended by Ord. 22 of 1987

**Power to detain and sell unclaimed property**

**39.** Where any goods or money found or otherwise taken charge of by any member of the Force, or alleged to be stolen or unlawfully obtained, and of which the owner is unknown are by order of the Magistrates' Court, or otherwise, delivered to the Chief of Police, such goods or money after the expiration of six calendar months during which no owner shall have appeared to claim the same, may be sold or disposed of by the Chief of Police or under his order in writing and the proceeds of such sale or such money shall be paid forthwith to the Consolidated Fund.

**Advertisement of property to be sold**

**40.** All goods sold as aforesaid shall be sold by public auction and the Chief of Police shall cause details of the items to be sold to be published and an advertisement giving notice of such sale and containing also a statement of all bank notes, coins and monies, plate, jewellery or other valuable property (if any) so ordered to be disposed of as aforesaid, shall be inserted in some public newspaper or a Government notice published in St. Helena one month at least before the day of the sale and shall again be inserted in such newspaper or Government notice not more than one week before the said day of sale.

**Effect of other law**

**41.** This part of this Ordinance shall be read and construed together with section 226 of the Criminal Procedure Ordinance.<sup>8</sup>

PART VI  
OFFENCES, SENTENCING AND APPEALS

**Inciting rioting in Police Force**

**42.** Notwithstanding the provisions of any Ordinance to the contrary any member of the Force who initiates, abets, countenances or incites rioting in the Force shall be guilty of an offence and be liable on summary conviction to a term of imprisonment not exceeding eighteen months or on conviction by the Supreme Court to a term of imprisonment not exceeding five years, and any person so convicted shall be dismissed from the Force with effect from the date of such conviction and shall forfeit all retirement benefits to which he would otherwise be entitled.

**Police officers to obey lawful orders**

**43.** Every member of the Force shall obey all lawful orders of his superior officers, whether given orally or in writing, and shall obey and conform to police regulations and standing orders made under this Ordinance.

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<sup>8</sup> Cap. 23

**Hearing and determination of charge or complaint in Police disciplinary proceedings**

**44. (1)** When any member of the Force other than a Gazetted Police Officer is charged with a breach of any disciplinary regulations made under this Ordinance, any Gazetted Police Officer may hear and determine the charge or complaint and may, if he finds such member of the Force guilty, impose any one of the following sentences—

- (a) caution or reprimand;
- (b) suspension, deferment or stoppage of increment;
- (c) a fine not exceeding fourteen days' pay;
- (d) reduction of rank,

and couple with such sentence any recommendation he may have regarding dismissal from the Force:

Provided that any punishment imposed under paragraphs (b), (c) and (d) shall not become effective until confirmed by the Governor.

**(2)** Where such member of the Force is found guilty of a charge or complaint which is heard by a Gazetted Police Officer other than the Chief of Police, the record of the proceedings shall be sent to the Chief of Police, who may, after giving the officer or cadet the opportunity of being heard—

- (a) return the proceedings for the taking of further evidence; or
- (b) quash the proceedings and re-hear the charge or complaint himself and on such re-hearing he may take further evidence; or
- (c) reverse or vary the findings; or
- (d) confirm the punishment if such punishment is that under subsection (1)(a); or
- (e) where the punishment is that under subsection (1)(b), (c) or (d), recommend to the Governor that the punishment be confirmed.

**(3)** For the purposes of this part of this Ordinance a Gazetted Police Officer shall have the same powers in respect of securing and compelling the attendance of witnesses and their examination upon oath and otherwise as are conferred upon a Justice of the Peace under the Magistrates' Court Ordinance.

**Appeals to the Governor**

**45. (1)** Where any such member of the Force is dissatisfied with a decision given by the Chief of Police, he may, within fourteen days after such decision has been communicated to him, appeal therefrom to the Governor.

**(2)** Where any such member of the Force is dissatisfied with the decision of a Gazetted Police Officer other than the Chief of Police, he may within fourteen days after such decision has been communicated to him appeal to the Chief of Police; and if he is dissatisfied with the decision of the Chief of Police he may appeal to the Governor therefrom within fourteen days after the decision of the Chief of Police has been communicated to him.

**(3)** The Governor after considering any appeal made under this section and the notes of evidence and statements and any other documents submitted to him, shall—

- (a) allow the appeal; or
- (b) dismiss the appeal; or
- (c) vary the punishment by substituting some other punishment which the Gazetted Police Officer might have imposed.

**(4)** All punishment by the Chief of Police under section 44 of this Ordinance, shall within seven days after such decision be communicated to the Governor for consideration of the punishment.

(5) Every such application for consideration of punishment under this section shall be in writing; the decision of the Governor in such an appeal and such an application shall be final.

### **Collection of fines by stoppages**

**46. (1)** All fines imposed on members of the Force for offences against disciplinary regulations made under section 44(1)(c) shall be recovered, at the direction of the Governor, by stoppages from the offender's pay due at the time of committing such offence and thereafter accruing due.

(2) The amount of stoppage in respect of the fine aforesaid shall be at the discretion of the Gazetted Police Officer authorised to impose fines, but in no case exceeding one-fifth of the monthly pay of the offender and whenever more than one stoppage is in force against the same person, so much only of his pay shall be stopped as shall leave him a residue of at least four-fifths of his monthly rate of pay.

### **Interdiction**

**47. (1)** If in any case the Chief of Police considers that the public interest requires that any member of the Force (hereinafter in this section referred to as "person") should cease to exercise the functions of his office instantly, he may interdict such person from the exercise of such functions provided that disciplinary or criminal proceedings are being instituted or are about to be instituted against such person.

(2) A person who has been interdicted under this section shall be allowed to receive such proportion of his pay, not being less than one-half, as the Chief of Police shall, in every such case, direct.

(3) If the proceedings against such person do not result in his dismissal or other punishment, he shall be entitled to the full amount of the pay which he would have received had he not been interdicted.

### **Members of Force to return arms and equipment**

**48. (1)** Every member of the Force who by resignation, dismissal, discharge or otherwise leaves the police force, shall, before leaving, deliver up each and every article of uniform, clothing, arms, accoutrements and other Government property which may be in his possession.

(2) Any person neglecting so to deliver up such property shall be liable on summary conviction to a fine not exceeding £25 or to imprisonment not exceeding three months, and in addition thereto shall be liable to pay the value of the property not delivered up which value shall be ascertained by the Court, which may thereupon make an order for payment.

## **PART VII MISCELLANEOUS**

### **Power to make regulations**

**49. (1)** The Governor may make regulations relating to all or any of the following matters, that is to say—

- (a) the description and issue of arms, accoutrements, badges of rank, uniforms and necessities to be supplied to the Force;

This e-version of the text is not authoritative for use in court.



- (b) the leave of absence which may be granted to members of the Force;
  - (c) generally, for the good government of the Force and all such matters as may, from time to time be deemed expedient for rendering the Force efficient in the discharge of its duties and for securing proper discipline therein.
- (2) All such regulations shall come into operation upon publication of notice thereof in the *Gazette*.

### **Right of officer to prosecute police cases**

**50.** When any member of the Force lays any information or makes complaint against any person, the Chief of Police or any member of the Force deputed by him may appear before the Magistrates' Court trying or enquiring into the matter of the said information or complaint and shall have the same privileges as to addressing the Court and as to examining the witnesses summoned in the said matter as the member of the Force who laid the information or made the complaint would have had.

### **Rewards and gratuities**

**51. (1)** Subject to subsection (2) the Chief of Police may, either on his own initiative or on the recommendation of the Chief Justice or the Magistrates' Court grant out of funds which may be provided for such purpose by the Legislative Council monetary awards and gratuities to members of the Force (including Special Constables) for or in respect of—

- (a) wounds or injuries received on service or otherwise in the course of duty;
- (b) any of the following acts of bravery—
  - (i) saving or attempting to save life;
  - (ii) saving or attempting to save property from loss by fire, theft, shipwreck, or in any other circumstances attended by danger;
- (c) valuable intelligence acquired by personal risk, hardship or unusual skill;
- (d) any other special or meritorious service.

(2) A monetary award or gratuity exceeding £10 shall not be granted without the approval of the Governor.

(3) If any funds are provided by the Legislative Council for the purpose mentioned in subsection (1), the said funds shall be styled the Police Welfare Fund.

### **Powers of Chief of Police to make standing orders**

**52.** The Chief of Police acting in his discretion but subject to any regulations or directions made or given by the Governor, may make such standing orders as he may think fit and proper for the good order and welfare of the Force and such Orders shall be binding upon all members of the Force, and without prejudice to the generality of the foregoing, such Orders shall provide for the following matters—

- (a) the duties to be performed by members of the Force and matters for their guidance in the discharge of their duties;
- (b) the training of the Force;
- (c) the issue of arms, ammunition, accoutrements, uniforms and other necessities to be supplied to members of the Force;
- (d) the qualifications of persons who may be appointed in the Force, the form and method of their appointment, their general government with respect to their classification and rank, the services required of them and their conduct in the performance thereof;

- (e) the organisation and administration and training of the members of the Force;
- (f) general police duties;
- (g) the management and government of police offices, barracks and stations;
- (h) the management and government of cells and lock-up rooms and of persons confined therein;
- (i) the distribution, posting and removal of members of the Force from station to station and in the place or places in which they reside;
- (j) duties of members of the Force in connection with civil disturbances.

### **Power to take finger-prints, photographs, etc.**

**53.** It shall be lawful for any member of the Force to take the photograph, finger-prints, weight and measurements—

- (a) of any person who has been arrested under the powers conferred by this or any other law; and
- (b) of any person who has been convicted of any offence:

Provided that, if any such person who has not previously been convicted of any offence shall have been photographed and measured, be acquitted upon his trial or the charge against him be withdrawn, all photographs (both negatives and copies) finger print impressions and records of weight or measurement so taken shall be forthwith destroyed or handed over to such person.

### **Member of Force not to engage in private business**

**54.** A member of the Force shall not, while he or she holds such appointment, engage in any private business or trade, without the consent of the Governor.

### **Members of Force not to be members of political society or union**

**55. (1)**<sup>9</sup> Members of the Force shall not, except with the express approval of the Governor be members of, or have any connection whatsoever with any political society either within or without St. Helena.

**(2)** Any member of the Force who commits a breach of the provisions of this section shall be liable to immediate dismissal from the Force.

### **Causing disaffection among members of Force**

**56.** If any person causes or attempts to cause, or does any act calculated to cause disaffection amongst the members of the Force, or induces, or attempts to induce, or does any act calculated to induce any member of the Force to withhold his services or to commit breaches of discipline, he shall be guilty of an offence and shall be liable on summary conviction to a fine of £200 or to imprisonment not exceeding two years or to both.

### **Offence of making false report of commission of offence, etc**

**57.** Any person who knowingly—

- (a) makes or causes to be made to any member of the Force a false report of the commission of any offence; or

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<sup>9</sup> Section 55(1) amended by Ord. 2 of 2001

(b) misleads any member of the Force by giving false information or by making false statements or accusations,  
shall be guilty of an offence and shall be liable on summary conviction to a fine of £50 and to imprisonment for six months.

### **Impersonation etc**

**58. (1)** Any person who with intent to deceive impersonates a member of the Force, or makes any statement or does any act calculated falsely to suggest that he is such member, shall be guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding £100 or to both such imprisonment and fine.

**(2)** Any person who, not being a member of the Force, wears any article of police uniform in circumstances where it gives him an appearance so nearly resembling that of a member of the Force as to be calculated to deceive shall be guilty of an offence and liable on summary conviction to a fine not exceeding £100.

**(3)** Any person who, not being a member of the Force, has in his possession any article of police uniform shall, unless he proves that he obtained possession of that article lawfully and has possession of it for a lawful purpose, be guilty of an offence and liable on summary conviction to a fine not exceeding £25.

**(4)** In this section “**article of police uniform**” means any article of uniform or any distinctive badge or mark or document of identification usually issued to members of the Force or anything having the appearance of such an article badge mark or document.

### **Non-exemption from ordinary course of law**

**59.** Nothing in this Ordinance shall be construed as exempting any member of the Force from being proceeded against in the ordinary course of law, when accused of any offence punishable under any other law in force in St. Helena.

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## **SCHEDULE**

### **FORM I**

*(Section 8)*

I ..... do hereby solemnly and sincerely affirm that I will well and truly serve our Sovereign Lady the Queen in the office of ..... without favour or affection, malice or ill-will, and that I will cause Her Majesty’s peace to be kept and preserved, and that I will prevent to the utmost of my power all offences against the same. AND that as long as I continue to hold the said office, or any other office in the St. Helena Police Force, I will to the best of my skill and knowledge discharge all the duties thereof faithfully according to law.

..... (Signature)

I certify that the foregoing affirmation was taken and signed in my presence.

This ..... day of ....., 20.....

.....  
Justice of the Peace.

FORM II

(Section 21(3))

To .....

I, the undersigned Chief of Police, do under the powers conferred on me by section 21 of the Police Force Ordinance, hereby appoint you to be a Special Constable for St. Helena for the period of ..... from the date hereof or until further notice.

Dated this ..... day of ....., 20.....

.....  
Chief of Police

FORM III

(Section 25)

**NOTICE TO TERMINATE APPOINTMENT OF SPECIAL CONSTABLE**

To .....  
of .....

I, the undersigned, Chief of Police, do in exercise of the powers conferred on me by section 25 of the Police Force Ordinance, hereby give you notice that your appointment as a special constable made on the ..... day of ....., 20..... is terminated with effect from the date hereof

Your form of appointment, clothing and equipment must be delivered to the officer in charge of ..... police station within seven days of the date of the service of this notice.

Dated this ..... day of ....., 20.....

.....  
Chief of Police

## **POLICE REGULATIONS**

### ARRANGEMENT OF REGULATIONS

#### PART 1 PRELIMINARY

1. Short title
2. Interpretation

#### PART 2 GOVERNMENT

##### ***Division 1*** **Organisation**

3. Authorised Establishment
4. Ranks
5. Business interests

##### ***Division 2*** **Appointment and retirement**

6. Qualifications for appointment to the Force
7. Retirement and resignation

##### ***Division 3*** **Personal records**

8. Personal records to be kept of members of the Force
9. Transfer of personal records
10. Personal record of member leaving the Force
11. Fingerprints

#### PART 3 DUTY, OVERTIME AND LEAVE

12. Duty to carry out lawful orders
13. Work not required to be performed
14. Normal daily period of duty
- 14A. Variable shift arrangements
15. Rostering of duties
16. Overtime
17. Public holidays and rest days for lower ranks
18. Public holidays and monthly leave days for higher ranks
19. Annual leave
20. Sick leave
21. Confinement leave

PART 4  
PAY

- 22. Rates of pay
- 23. Temporary salary
- 24. Pay during sick leave
- 25. Calculation of monthly, weekly and daily pay

PART 5  
ALLOWANCES AND OTHER EMOLUMENTS

- 26. Restriction on payment of allowances
- 27. Restriction on payments for private employment of police
- 28. Plain clothes allowances
- 29. Refreshment
- 30. Motor vehicle allowances
- 31. Promotion examination allowances
- 32. Continuation of allowances when member is ill
- 33. Allowances in respect of periods of suspension

PART 6  
UNIFORM AND EQUIPMENT

- 34. Issue of uniform and equipment
- 35. Re-issue of uniform and equipment
- 36. Ownership of uniform and equipment
- 37. Replacement of uniform and equipment

PART 7  
PROMOTION

- 38. Promotions Board
  - 39. Qualification for promotion
  - 40. Holding of examinations
  - 41. Period of probation for constable promoted to sergeant
  - 42. Temporary promotion
  - 43. Seeking influence prohibited
- FIRST SCHEDULE: Annual leave

**POLICE REGULATIONS**

*(Legal Notices 10 of 2000, 11 of 2000 and 11 of 2003)*

**Commencement**

*[1 September 2000]*

**PART 1  
PRELIMINARY****Short title**

1. These regulations may be cited as the Police Regulations.

**Interpretation**

2. (1) In these regulations—  
“**Board**” means the Promotions Board established by regulation 38;  
“**Discipline Regulations**” means the Police (Discipline) Regulations 1976;  
“**overtime**” has the meaning specified in regulation 16.  
(2) Nothing in these regulations authorises pay or allowances payable to a person to be reduced retrospectively.

**PART 2  
GOVERNMENT*****Division 1*  
Organisation****Authorised establishment**

3. The authorised establishment of the several ranks of the Force and any change to that establishment is subject to the approval of the Governor but the establishment shall be sufficient to provide for the carrying out of police duties under responsible supervision.

**Ranks**

4. The ranks of the Force are to be known by the following designations—  
(a) chief of police;  
(b) assistant superintendent of police;  
(c) inspector;  
(d) sergeant;  
(e) constable;  
(f) cadet.

**Business interests precluding appointment to the Force**

5. (1) Save in so far as the Governor may consent, at the request of the candidate concerned, a person is not eligible for appointment to the Force if he is currently engaged in any private business or trade.

(2) A member of the force shall not engage in any private business or trade without the written consent of the Governor first being obtained.

## *Division 2*

### **Appointment and retirement**

#### **Qualifications for appointment to the Force**

6. (1) A candidate for appointment to the Force—
- (a) shall produce satisfactory references as to character, and, if he has served in any other Police Force, in the armed Forces, in the civil service or as a seaman, produce satisfactory proof of his good conduct while so serving; and
  - (b) shall, except in respect of an application for appointment as a cadet, have attained the age of 18 years; and
  - (c) shall be certified by a medical officer approved by the Governor to be—
    - (i) in good health; and
    - (ii) of sound constitution; and
    - (iii) fitted both physically and mentally to perform the duties on which he will be employed after appointment; and
  - (d) shall, if a candidate for appointment in the rank of constable, satisfy the Chief of Police that he is sufficiently educated by passing a written or oral examination in reading, writing and simple arithmetic, or an examination of a higher standard, as may be prescribed by the Chief of Police; and
  - (e) shall, if a candidate for appointment in the rank of sergeant or inspector, be qualified for promotion to such rank; and
  - (f) shall give such information as may be required as to his previous history or employment or any other matter relating to his appointment to the Force; and
  - (g) shall be given a notice in terms approved by the Governor drawing attention to the conditions of service in the Force.

(2) In assessing the suitability of a candidate who has passed an examination in accordance with subregulation (1)(d), the Chief of Police shall appoint suitable members from within the Force to be members of an interviewing panel for the purpose of interviewing potential candidates.

#### **Retirement and resignation**

7. (1) Subject to subregulation (2), a member of the Force can not retire or resign from the Force unless the Member gives to the Chief of Police—

- (a) a month's written notice of the member's intention to retire or resign; or
- (b) such shorter period of notice as the Chief of Police may accept.

(2) While a member is suspended in respect of an alleged breach of the Discipline Regulations the member can not, without the consent of the Chief of Police—

- (a) give notice for the purposes of subregulation (1); or
- (b) retire in pursuance of such a notice previously given.



***Division 3***  
**Personal records**

**Personal records to be kept of members of the Force**

**8. (1)** The Chief of Police must ensure that there is kept a personal record of each member of the Force.

**(2)** Subject to subregulation (3), the personal record must contain—

- (a)* a personal description of the member; and
- (b)* particulars of the member's place and date of birth; and
- (c)* particulars of the member's marriage (if any) and of his children (if any); and
- (d)* a record of the service of the member (if any) in any branch of Her Majesty's military forces, or in the civil service; and
- (e)* a record of the member's service (if any) in any other Police Force; and
- (f)* a record of whether the member passed or failed to pass any qualifying examination at which he was a candidate; and
- (g)* a record of the member's service in the Force including particulars of—
  - (i)* promotions;
  - (ii)* postings;
  - (iii)* removals;
  - (iv)* injuries received;
  - (v)* periods of illness;
  - (vi)* commendations;
  - (vii)* rewards;
  - (viii)* punishments other than cautions;
  - (ix)* the date the member ceased to be a member of the Force with the reason, cause or manner.

**(3)** If the member so requests—

- (a)* a punishment of a fine or of a reprimand must be expunged from the member's record after 3 years service free from punishment other than a caution; and
  - (b)* any other punishment must be expunged after 5 years service free from punishment other than a caution.
- (4)** If a member so requests he is entitled to inspect his personal record.

**Transfer of personal records**

**9.** If a member of the Force transfers to another Police Force the member's personal record shall be transferred to that other Force.

**Personal record of member leaving Force**

**10. (1)** If a member of the Force ceases to be a member of the Force, the member shall be given a certificate showing—

- (a)* his rank on ceasing to be a member of the Force and setting out the period of the member's service in the Force; and
- (b)* the reason, cause or manner of the member leaving the Force.

**(2)** If the member was required to resign or was dismissed, the certificate must not contain any description of the circumstances in which the member was required to resign or was dismissed.

(3) The Chief of Police may append to the certificate any recommendation that he feels justified in giving, such as that the member's conduct was exemplary, very good or good.

(4) If a member of the Force ceases to be such a member his personal record shall be kept until the person concerned reaches the age of sixty years and shall then be destroyed.

### **Fingerprints**

11. (1) Each member of the Force shall in accordance with the directions of the Chief of Police have his fingerprints taken.

(2) Fingerprints of members of the Force taken in accordance with subregulation (1) shall be kept separate from the fingerprints of persons whose fingerprints have been taken otherwise than in accordance with that subregulation.

(3) The fingerprints of a member of the Force taken in accordance with subregulation (1) and all copies and records of them shall be destroyed on the member ceasing to be a member of the Force.

## **PART 3**

### **DUTY, OVERTIME AND LEAVE**

#### **Duty to carry out lawful orders**

12. Each member of the Force shall—

- (a) carry out all lawful orders; and
- (b) at all times punctually and promptly perform all appointed duties; and
- (c) at all times punctually and promptly attend to all matters within the scope of the member's office.

#### **Work not required to be performed**

13. A member of the Force shall not be required to perform any work which the Governor has advised the Chief of Police is, in the opinion of the Governor, work not properly required to be performed by the police.

#### **Normal daily period of duty**

14. (1) This regulation applies to each member of the Force below the rank of Inspector, who has not been assigned to specific duties by the Chief of Police.

(2) The normal daily tour of duty (including the period of refreshment referred to in subregulation (3)) of a member of the Force to whom this regulation applies is 8 hours.

(3) As far as the exigencies of duty permit—

- (a) the normal daily period of duty is to be performed in one tour of duty; and
- (b) an interval of 30 minutes is to be allowed for refreshment.

(4) If a member—

- (a) is required to perform his normal daily period of duty in more than one tour of duty; and
  - (b) does not travel to and from his home between tours,
- an interval for refreshment and rest is to be normally included at the beginning or end of one of those tours.

(5) In this Part “**daily**”, in relation to members of the Force, means a period of 24 hours commencing at such time or times as the Chief of Police may fix. The Chief of Police may fix different times in relation to different groups of members.

### **Variable shift arrangements**

**14A. (1)** This regulation applies to every member of the Force below the rank of Inspector.

(2) The Chief of Police may bring into operation variable shift arrangements.

(3) Variable shift arrangements must provide; as respects members for whom they are in operation—

- (a) for hours of duty equivalent to those resulting from the application of regulations 14(2) and 17(2); and
- (b) for annual leave equivalent to that resulting from the application of regulation 19(1) and the First Schedule.

### **Rostering of duties**

**15. (1)** The Chief of Police shall in accordance with this regulation compile duty rosters for members of the Force below the rank of Inspector.

(2) In these regulations—

- (a) a reference to a rostered rest day is to be construed, in relation to a member of the Force who is required to do duty on that day, as a reference to a day which according to the duty roster was, immediately before the member was so required to do duty, to have been a rest day for the member; and
- (b) a day off granted *in lieu* of a rostered rest day is to be treated as a rostered rest day.

(3) A roster referred to in subregulation (1) must be compiled—

- (a) at intervals not exceeding 3 months; and
- (b) not later than one month before the date on which it is to come into force.

(4) A roster must set out, for the 3 months following the date on which it is to come into force, in relation to each member of the Force to which it relates—

- (a) his rest days; and
- (b) those days, being public holidays, on which the member may be required to do duty; and
- (c) the times at which the member's scheduled daily periods of duty are to begin and end.

(5) Subject to subregulation (6), a duty roster shall make provision for—

- (a) an interval of not less than 8 hours between the ending of each of a member's daily periods of duty and the beginning of the next; and
- (b) an interval between each of his rostered rest days not exceeding 7 days,

unless the Chief of Police determines otherwise.

(6) Where, owing to the exigencies of duty, it is necessary to alter a duty roster, the officer responsible for making the alteration shall endeavour, so far as practicable, to avoid requiring a member to do an additional daily period of duty such that the condition in subregulation (5)(a) would not be satisfied.

## Overtime

**16. (1)** Subject to, and in accordance with, the provisions of this regulation a member of the Force below the rank of Inspector is to be compensated in respect of time for which the member—

- (a) remains on duty after the member's tour of duty ends; or
- (b) is recalled between two tours of duty,

(in these regulations referred to as "overtime").

**(2)** A member is not to be compensated for overtime for which he received an allowance or time off under regulation 17.

**(3)** Subject to subregulation (6), a member of the Force, from the rank of sergeant and below, is to be granted an allowance in respect of each week at the rate of a twenty fourth of a day's pay for each completed period of 15 minutes of overtime worked by the member on any occasion during that week

**(4)** If such a member—

- (a) before the expiry of a pay period, elects in respect of specified overtime worked by the member during the weeks ending within that period, to be granted in lieu of an allowance time off subject to and in accordance with subregulation (5); and
- (b) in accordance with the election receives time off in respect of the overtime,

no allowance in respect the overtime is payable under subregulation (3).

**(5)** Subject to the exigencies of duty, if by virtue of an election under subregulation (4) time off fails to be granted to a member in respect of overtime worked by the member in any week then within such time (not exceeding 3 months) after that week as the Chief of Police may fix, he must grant to the member time off—

- (a) equal, subject to subregulation (6), to the period of that overtime worked by the member during that week; and
- (b) for each completed 45 minutes of such overtime, an additional 15 minutes off.

**(6)** For the purpose of subregulations (3) and (5), no account shall be taken of any period of less than 30 minutes of overtime worked on any occasion.

**(7)** For the purpose of this regulation—

**"a day's pay"** means the member's pay for the week in question divided by 5;

**"member recalled to duty"** does not include a member who is only warned to be in readiness for duty if required;

**"pay period"** means the period for which, in pursuance of regulation 25, a member is paid;

**"week"** means the period of 7 days beginning with such day as is fixed by the Chief of Police.

## Public holidays and rest days for lower ranks

**17. (1)** This regulation applies to every member of the Force below the rank of Inspector.

**(2)** Subject to the following provisions of this regulation, a member shall, so far as the exigencies of duty permit—

- (a) be allowed a day's leave on each public holiday; and
- (b) be granted rest days at the rate of 2 rest days in respect of each week.

**(3)** A member, if required to do duty on a day that is a rostered rest day, shall be granted—

- (a) an allowance at the appropriate rate; or
- (b) another rest day in lieu of the rostered rest day.

**(4)** A member required to do duty on a day that is a public holiday shall be granted—

- (a) if the public holiday is rostered as a working day – an allowance at the appropriate rate; or
  - (b) if the public holiday is rostered as a rest day – an allowance at the appropriate rate and a day off *in lieu*.
- (5) The appropriate rate for rest day and public holiday is one sixteenth of a day's pay for each completed 15 minutes of duty on that day.
- (6) If at a member's request a member works on a day that is a public holiday or a rostered rest day the member is not to be treated for the purposes of this regulation as having been required to do duty on that day but is to be granted another day off *in lieu* of that day which is to be treated as a public holiday or a rostered rest day as the case may be.

### Public holidays and monthly leave days for higher ranks

18. (1) Police officers of the rank of inspector and above shall be allowed—
- (a) a day's leave on each public holiday; and
  - (b) the grant in any week of two rest days,
- so far as the exigencies of duty permit.
- (2) A police officer of and above the rank of Inspector who is required to do duty on a rest day or public holiday is to be granted a day's leave *in lieu* of each such day unless the exigencies of duty do not permit such grant, within 12 months.
- (3) In this regulation “**month**” means that period of 28 days beginning with such day as is fixed by the Chief of Police.

### Annual leave

19. (1) Each member of the Force shall be granted annual leave in accordance with the First Schedule to these regulations so far as the exigencies of duty permit.
- (2) The annual leave of a member of the Force is additional to the days upon which he is not required to perform police duties in accordance with—
- (a) regulation 17, in the case of a member below the rank of Inspector; or
  - (b) regulation 18, in the case of a member of and above the rank of Inspector,
- and a member who is below the rank of Inspector, so far as the exigencies of duty permit, is to be allowed to take his annual leave in one period continuous with such days as aforesaid falling within the period in which the member desires to take annual leave.

### Sick leave

20. (1) A member of the Force is not entitled to be absent from duty on account of injury or illness unless a medical officer has certified the member to be unfit for duty.
- (2) Notwithstanding subregulation (1)—
- (a)<sup>10</sup> with the consent of and subject to compliance with any conditions specified by the Chief of Police, a member may be so absent without such certificate of unfitness if the period of unfitness for duty does not exceed 6 days, including any day on which, even if the member were fit to do so, the member would not have been required to perform police duty;
  - (b) if, notwithstanding such certificate of unfitness for duty, a medical officer appointed or approved by the Governor has examined the member and certified

<sup>10</sup> Regulation 20(2)(a) amended by L.N. 11/2003

the member to be fit for duty the member is no longer entitled to be absent from duty.

### Confinement leave

**21. (1) (a)** A member who has been confirmed in her appointment may be granted 12 weeks confinement leave, any balance of which after taking her annual leave shall be at half pay. If an officer has deferred leave to her credit she may, at her option, draw on such leave to reduce the period on half pay.

**(b)** A member who has not been confirmed in her appointment may be granted 12 weeks confinement leave, any balance of which after taking her annual leave shall be without pay.

**(c)** A member who is engaged on temporary terms, shall after ceasing duty in accordance with these regulations, be eligible for payment of salary *in lieu* of such leave as she has earned, but shall not be eligible for confinement leave.

**(2)** The Chief of Police may grant confinement leave to a member whose pregnancy is confirmed by a medical officer. The certificate of a medical officer shall be conclusive and the officer affected must cease work when it is estimated that she is within six weeks of the birth of her child.

**(3)** A member shall apply for confinement leave in accordance with these regulations. In the event that she should fail to do so and subsequently requires medical treatment her actions shall be treated as misconduct with the loss of eligibility for sick leave.

**(4)** A member who falls sick during confinement leave will not be granted sick leave unless she is unable by reason of sickness to resume duty at the end of her confinement leave.

**(5)** The Chief of Police must ensure that records of confinement leave are properly maintained and that full details are entered in the Officer's record of service.

## PART 4 PAY

### Rates of pay

**22. (1)** The rates of pay of members of the Force shall be in accordance with such instructions as shall be issued by the Governor from time to time.

**(2)** In reckoning the service of a member of the Force in any rank for the purposes of the scale of pay—

**(a)** account is to be taken of all the member's service in that rank; and

**(b)** service in a higher rank, on temporary promotion to the higher rank or otherwise is to be treated as if it had been service in that lower rank.

**(3)** In reckoning a member's service in a rank, except where the Chief of Police otherwise directs, no account is to be taken of any previous service in a rank which terminated in the member's reduction in that rank as a punishment, but any previous service in a higher rank which is so terminated is to be treated as if it had been service in the rank to which the member was reduced.

### Temporary salary

**23. (1)** A member of the force of and above the rank of Inspector who is required for a continuous period exceeding 7 days to perform duties normally performed by a member of the Force of a higher rank than his own, otherwise (subject to subregulation (2)) than as the

direct or indirect result of the absence of a member of the Force on a monthly or other leave day granted under regulation 18, is to be paid in respect of that period, other than the first 7 days of the period, at a rate equal to the lowest rate of pay for that higher rank.

(2) If a member of the Force is absent for a continuous period comprising both—

(a) monthly or other leave days granted under regulation 18; and

(b) one or more annual leave days granted under regulation 19,

subregulation (1) has effect as if the entire continuous period of absence were a period of annual leave.

(3) A member of the Force below the rank of Inspector who, in any year, has been required to perform duties normally performed by a member of the Force of a higher rank than his own for 14 complete days is to be paid in respect of each further complete day in that year on which the member is required to perform such duties at a rate equal to the lowest rate of pay to which the member would be entitled on promotion to the higher rank.

(4) Notwithstanding subregulation (3) if a member is entitled to be paid under this subregulation and the higher rank is that of a member of the force of and above the rank of Inspector there is no entitlement to an allowance, or time off, under regulation 16 or 17 in respect of such duties but if in such a case the member is required to do duty on a public holiday or rostered rest day, the member is to be granted a day's leave for each such day.

(5) In this regulation—

“**day**” means, in relation to a member of the Force who is below the rank of Inspector, the member's normal daily period of duty;

“**year**” means a period of 12 months beginning on 1st April.

### **Pay during sick leave**

**24. (1)** Subject to subregulations (2) and (3), if on any relevant day a member of the force has during the period of 12 months ending with that day been on sick leave for 183 days, he ceases for the time being to be entitled to full pay, and becomes entitled to half pay, while on sick leave.

(2) Subject to subregulation (3), if on any relevant day a member of the force has been on sick leave for the whole of the period of 12 months ending with that day, he ceases for the time being to be entitled to any pay while on sick leave.

(3) The Chief of Police may in a particular case determine that for a specified period—

(a) a member who is entitled to half pay while on sick leave is to receive full pay; or

(b) a member who is not entitled to any pay while on sick leave is to receive either full pay or half pay, and may from time to time extend the period.

### **Calculation of monthly, weekly and daily pay**

**25. (1)** A month's pay is to be calculated, for all purposes, at a monthly rate of pay determined by dividing by 12 the annual rate of pay.

(2) A week's pay is to be calculated, for all purposes, at a weekly rate of pay determined by dividing by 52 the annual rate of pay.

(3) A day's pay is to be calculated, except for the purposes of regulations 16 and 17, at a daily rate determined by dividing by 7 the weekly rate of pay, determined in accordance with subregulation (2).

PART 5  
ALLOWANCES AND OTHER EMOLUMENTS

**Restriction on payment of allowances**

**26. (1)** An allowance is not to be paid to a member of the Force except as provided by these regulations, and the amount and conditions of payment of an allowance is as so provided.

**(2)** Nothing in this regulation applies to the reimbursement of expenses incurred by a member of the Force in the execution of the member's duty, being expenses authorised either generally or specifically by the Chief of Police in respect of which no allowance is payable under these regulations.

**Restriction on payments for private employment of police**

**27. (1)** Without prejudice to the generality of this regulation, a member of the Force who is engaged on duty at the request of a person who has agreed to pay the Chief of Police for the member's services is not entitled to any payment for those services except as provided by these regulations and any payment made in pursuance of the agreement is to be made by that person to the Chief of Police.

**(2)** Any payment made to the Chief of Police in pursuance of subregulation (1) shall be deemed to form a part of the Consolidated Fund of the Government of St. Helena.

**Plain clothes allowances**

**28. (1)** A member of the force who is required for a continuous period of not less than a week to do duty in plain clothes shall be paid a plain clothes allowance at such annual rate as shall be determined by the Chief of Police.

**(2)** A member of the Force who is required to perform duties in plain clothes for not less than 40 hours in the aggregate in any period of 6 months is, subject to subregulation (3), to be paid a plain clothes allowance in respect of those duties at the hourly rate to be determined by the Chief of Police.

**(3)** For the purposes of subregulation (2) and the calculation of the aggregate duration of the duties there referred to—

- (a)** if the duties were performed on an occasion falling within such a continuous period of plain clothes duty as is mentioned in subregulation (1), no account is to be taken of those duties;
- (b)** if the duties performed on any occasion lasted less than 4 complete hours, no account is to be taken of those duties;
- (c)** if the duties performed on any occasion lasted for a completed number of hours and a fraction of an hour, no account is to be taken of that fraction.

**(4)** Notwithstanding anything in subregulation (1) or (2), if a member of the Force is provided with overalls when doing duty in plain clothes or for any other reason is, in the opinion of the Chief of Police, put to substantially less or substantially more than the normal expense caused by wearing the member's own clothes, a plain clothes allowance payable to the member under subregulation (1) or (2) shall be paid not at the rate determined under the subregulation in question but at the rate determined by the Chief of Police having regard to the circumstances of the case.



**Refreshment**

**29.** A member of the force below the rank of Inspector who, having been retained on duty beyond his normal daily period of duty or engaged on duty away from his normal place of duty, and by reason of being so retained or engaged, has been unable to obtain a meal in his usual way shall be provided with adequate refreshment as shall be determined by the Chief of Police.

**Motor vehicle allowances**

**30. (1)** An officer who is required by the Chief of Police to use his private vehicle for police purposes may be paid a mileage allowance at the current rate as set by the Government of St Helena.

**(2)** The use of an Officer's private vehicle for police purposes shall be recorded, together with the relevant speedometer reading, in a log book provided for the purpose.

**(3)** Payment vouchers shall be submitted monthly and certified by the officers concerned that the total mileage claimed has been incurred as a result of the use of their particular vehicles for police purposes.

**(4)** No payment will be made for repairs, breakdowns, depreciation or any other charges incurred by an officer in connection with his vehicle.

**(5)** The Chief of Police shall be responsible for ensuring that his own travelling and that of his subordinates is conducted on the most economical lines and that the journeys made are absolutely necessary. An officer shall be personally liable for any unnecessary or excessive expenditure on claims that he has countersigned.

**(6)** A mileage allowance shall not be paid for a routine journey between an officer's home and place of work. However, in special circumstances, such as being required to return to work outside of normal hours, an officer may be paid a mileage allowance.

**Promotion examination allowances**

**31. (1)** A constable who has taken an examination or paper in consequence of which he obtains a pass in the qualifying examination for promotion to the rank of sergeant shall be paid a promotion examination allowance of £25.

**(2)** A constable or sergeant who has taken an examination or paper in consequence of which he obtains a pass in the qualifying examination for promotion to the rank of inspector shall be paid a promotion examination allowance of £25.

**Continuance of allowances when member is ill**

**32.** If a member of the Force, who is regularly in receipt of a plain clothes allowance or any allowance to meet an expense which ceases during his absence from duty, is placed upon the sick list or is on maternity leave, the allowance is to be paid during his absence from duty up to a period of a month, but thereafter, during the remainder of his absence from duty, payment may be suspended at the discretion of the Chief of Police.

**Allowances in respect of periods of suspension**

**33.** The payment of an allowance in respect of a member who has been suspended may be paid or withheld at the discretion of the Chief of Police.

PART 6  
UNIFORM AND EQUIPMENT

**Issue of uniform and equipment**

34. Uniform and equipment shall be issued by the Force free of charge to all members of the Force.

**Re-issue of uniform and equipment**

35. Uniform and equipment handed back to the Force is not to be re-issued to another member of the Force until it has received any necessary cleaning or renovation and is in serviceable condition.

**Ownership of uniform and equipment**

36. Subject to regulation 37, uniform and equipment issued by the Force does not become the property of the member of the Force to whom such uniform and equipment is issued and must be handed back by the member on leaving the Force.

**Replacement of uniform and equipment**

37. If an article of uniform or equipment is replaced by the Force the original article must be handed back unless the member, with the consent of the Chief of Police, buys the article at a price fixed by the Chief of Police or, with his consent, retains it without payment.

PART 7  
PROMOTION

**Promotions Board**

38. There is established a Promotions Board consisting of—
- (a) the Chief of Police; and
  - (b) two other persons, one of whom shall be from the Personnel Department of the St Helena Government.

**Qualification for promotion**

39. (1) A constable is qualified for promotion to the rank of sergeant if he—
- (a) has obtained a pass in the qualifying examination for promotion to the rank of sergeant; and
  - (b) has completed 2 years service; and
  - (c) has completed his probationary service.
- (2) A sergeant is qualified for promotion to the rank of inspector if he—
- (a) has obtained a pass in the qualifying examination for promotion to the rank of inspector; and
  - (b) has completed 2 years' service in the rank of sergeant.
- (3) For the purpose of subregulations (1) and (2) “**examination**” means an examination covering the following subjects—

- (a) criminal law;
  - (b) evidence and procedure in criminal courts;
  - (c) traffic law;
  - (d) general police duties; and
  - (e) managerial competence.
- (4) Promotion from one rank to another shall be by selection by the Promotions Board. Provided, however, that any promotion to grade level 5 and above shall be by selection by the Public Service Commission.

### **Holding of examinations**

40. (1) An examination under this Part shall be held at such time and place as the Board determines.

(2) An examination shall not be held unless the Board has approved the syllabus and conditions of the examination.

(3) When the Board has approved the syllabus and conditions of an examination it must publish a notice specifying—

- (a) the date when it is to be held; and
- (b) the date by which application to enter the examination must be made.

(4) A member of the Force who wishes to enter for an examination must submit his name to the Chief of Police within the time specified in a notice published in accordance with subregulation (3).

### **Period of probation for constable promoted to sergeant**

41. (1) Subject to subregulation (2), a member of the force who is promoted to the rank of sergeant or is qualified by virtue of regulation 39 for promotion to the rank of sergeant, and has been appointed to the force in such rank, shall be on probation in that rank for a period of one year or for such longer period as the Chief of Police may determine in the circumstances of the particular case.

(2) If the Chief of Police considers that a person who is on probation in the rank of sergeant is unlikely to perform the duties of that rank satisfactorily he may reduce him to the rank of constable.

### **Temporary promotion**

42. A member of the force who is required to perform the duties of a higher rank may, even if there is no vacancy for that rank, be promoted temporarily to it. Temporary promotion to the rank of sergeant or inspector shall only be made if the member is qualified for such promotion under regulation 39.

### **Seeking influence prohibited**

43. A police officer must not seek by influence to obtain promotion or other advantage in the service.

**FIRST SCHEDULE****ANNUAL LEAVE****Annual leave entitlement**

- (1) Annual leave is leave for which all officers appointed locally and who are employed full time are eligible.
- (2) An officer is entitled to such annual leave as is provided in these regulations, but it is granted subject to the exigencies of the Service.
- (3) The Chief of Police may cancel any leave granted if it is necessary for the officer to return to duty before the expiry of the leave granted. In such case the unexpired portion of leave may be taken on a subsequent occasion.
- (4) The leave year for all officers eligible for annual leave runs from 1st January to 31st December, irrespective of the date of engagement. Annual leave is taken during the calendar year it is earned and save for leave taken prior to retirement is itself leave earning.

**Rate of annual leave**

- (1)<sup>11</sup> The rates of leave for which officers are eligible annually are set out in the following table—

**Established Officers**

<b>Grade Level</b>	<b>Annual leave in working days</b>
8 – 9	30 days
5 – 7	25 days increased to 30 days after 10 years service
1 – 4	25 days increased to 30 days after 15 years service

**Unestablished Officers**

25 days with entitlement to accumulate up to 65 days.

- (2) Length of service includes for the purpose of these regulations all probationary service.
- (2) In the first calendar year of service an officer shall accumulate leave at the rate of 1.25 working days for each completed month of service. Where this results in a fraction of .25 it shall be ignored, where .5 or .75 it shall count as a whole day. Such leave may be taken as it is earned within the first calendar year.
- (3) Except for officers working on Ascension 10 days leave of the annual entitlement must be taken annually. Any leave, which in terms of this paragraph is required to be taken and is not taken shall be forfeited.

<sup>11</sup> Paragraph (1) substituted by LN 11/2003

**Deferred leave**

- (1) Any balance of leave remaining at the end of a year may be accumulated and treated as deferred leave up to a maximum of 130 days.
- (2) Subject to the exigencies of the service deferred leave may be taken or may be required to be taken—
  - (a) prior to retirement; or
  - (b) in conjunction with annual leave when an officer is taking leave overseas; or
  - (c) in conjunction with other leave under these regulations when an officer would otherwise be on half pay or unpaid leave.

**Annual leave—Ascension Island**

- (1) An officer posted to Ascension may, if he so wishes, accumulate the whole or part his leave entitlement, to be treated as deferred leave on his return to St. Helena, subject to a maximum of 130 days deferred leave.
- (2) Officers locally engaged on Ascension shall take leave in the same manner as officers working on St. Helena.

**Leave on termination**

When the appointment of an officer is terminated on due notice or by tendering salary *in lieu* of notice, the officer shall be eligible for any annual or deferred leave due to him on the termination of his employment. Notice may be given to run concurrently with any leave due to the officer.

**POLICE (DISCIPLINE) REGULATIONS – SECTION 49**

*(Legal Notices 17 of 1976 and 10 of 2000)*

**PART I  
PRELIMINARY****Short title**

1. These regulations may be cited as the Police (Discipline) Regulations.

**Application**

2. These regulations shall not apply to Gazetted Police Officers.

**Interpretation**

3. In these regulations—  
“**Chief of Police**” means the officer appointed under section 5 of the Ordinance to command the Force;  
“**Force**” means the St. Helena Police Force.  
“**the Ordinance**” means the Police Force Ordinance;

**PART II  
OFFENCES AND DISCIPLINE****Kinds of offences and by whom triable**

4. Offences may be of two kinds, namely—
  - (a) offences created by the Ordinance; and
  - (b) disciplinary offences created by this Part of these Regulations.

**Offence created by the Ordinance**

5. The offence created by the Ordinance is to be found in section 42 of the Ordinance and relates to inciting rioting in the Force. This offence is triable only by a Court and the method of trial of such offence and the punishment which may be imposed therefor is such as is prescribed by the said section.

**Disciplinary offences created by these Regulations**

6. Any member of the Police Force commits an offence against discipline if he is guilty of—

- (1) **Discreditable Conduct**, that is to say, if he acts in a disorderly manner or in any manner prejudicial to discipline or likely to bring discredit on the reputation of the Force or of the Police Service.

- (2) **Insubordinate or oppressive conduct**, that is to say, if he—

- (a) is insubordinate by word, act or demeanour; or
- (b) is guilty of oppressive or tyrannical conduct towards an inferior in rank; or
- (c) uses obscene, abusive or insulting language to any member of the Force; or

This e-version of the text is not authoritative for use in court.

- (d) wilfully or negligently makes any false statement or complaint against any member of the Force; or
- (e) assaults any other member of the Force; or
- (f) holds over any complaint or report against any member of the Force.
- (3) **Disobedience to orders**, that is to say, if he disobeys or without good or sufficient cause omits or neglects to carry out any lawful order, written or otherwise, or contravenes any requirement of the Schedule to these Regulations.
- (4) **Neglect of duty**, that is to say, if he—
  - (a) neglects, or without good and sufficient cause omits promptly and diligently to attend to or carry out anything which is his duty as a police officer; or
  - (b) idles or gossips while on duty; or
  - (c) fails to work his beat in accordance with orders, or leaves his beat, point or other place of duty to which he has been ordered, without due permission or sufficient cause; or
  - (d) by carelessness or neglect permits a prisoner to escape; or
  - (e) fails, when knowing where an offender is to be found, to report the same, or to make due exertions for making him amenable to justice; or
  - (f) fails to report any matter which it is his duty to report; or
  - (g) fails to report anything which he knows concerning a criminal charge, or fails to disclose any evidence which he, or any person within his knowledge, can give for or against any prisoner or defendant to a criminal charge; or
  - (h) omits to make any necessary entry in any official document or book; or
  - (i) neglects, or without good and sufficient cause omits to carry out any instructions of a Medical Officer, or while absent from duty on account of sickness is guilty of any act or conduct calculated to retard his recovery and return to duty; or
  - (j) deliberately or carelessly renders himself unfit for duty.
- (5) **Falsehood or prevarication**, that is to say, if he—
  - (a) knowingly makes or signs any false statement in any official document or book; or
  - (b) wilfully or negligently makes any false, misleading or inaccurate statement; or
  - (c) without good and sufficient cause destroys or mutilates any official document or record, or alters or erases any entry therein.
- (6) **Breach of confidence**, that is to say, if he—
  - (a) divulges any matter which it is his duty to keep secret; or
  - (b) gives notice directly or indirectly to any person against whom any warrant or summons has been or is about to be issued, except in the lawful execution of such warrant or service of such summons; or
  - (c) without proper authority communicates to the public press or to any unauthorised person any matter connected with the Force; or
  - (d) without proper authority shows to any person outside the Force any book or written or printed document the property of the Force; or
  - (e) makes any anonymous communication to the Governor or to the Chief of Police or to any superior officer; or
  - (f) without good and sufficient cause, canvasses any member of the Legislative Council with regard to any matter concerning the Force; or
  - (g) signs or circulates any petition or statement with regard to any matter concerning the Force, except through the proper channel of correspondence to the Chief of Police; or
  - (h) calls or attends any unauthorised meeting to discuss any matter concerning the Force.
- (7) **Corrupt practice**, that is to say, if he—

- (a) receives any bribe; or
- (b) fails to account for or to make a prompt and true return of any money or property received by him in his official capacity; or
- (c) directly or indirectly solicits or receives any gratuity, present, subscription, or testimonial without the consent of the Chief of Police; or
- (d) places himself under undue pecuniary obligation to any publican, or any person who holds a licence concerning the granting or renewal of which the Police may have to report or give evidence; or
- (e) improperly uses his character and position as a member of the Force for his or another person's private advantage; or
- (f) in his capacity as a member of the Force writes, signs or gives without the sanction of the Chief of Police any testimonial of character or other recommendation with the object of obtaining employment for any person or of supporting an application for the grant of a licence of any kind; or
- (g) without the sanction of the Chief of Police supports an application for the grant of a licence of any kind.
- (8) ***Unlawful or unnecessary exercise of authority***, that is to say if he—
  - (a) without good and sufficient cause makes any unlawful or unnecessary arrest; or
  - (b) uses any unnecessary violence to any prisoner or other person with whom he may be brought into contact in the execution of his duty; or
  - (c) is uncivil to any member of the public.
- (9) ***Malingering***, that is to say, if he feigns or exaggerates any sickness or injury with a view to evading duty.
- (10) ***Absence without leave or being late for duty***, that is to say, if he without reasonable excuse is absent without leave from or is late for parade, court, or any other duty.
- (11) ***Uncleanliness***, that is to say, if he while on duty or while off duty in uniform in a public place is improperly dressed or is dirty or untidy in his person, clothing or accoutrements.
- (12) ***Damage to clothing or other articles supplied***, that is to say, if he—
  - (a) wilfully or by carelessness causes any waste, loss or damage to any articles of clothing or accoutrement, or to any book, document or any other property of the Police Force served out to him or used by him or entrusted to his care; or
  - (b) fails to report any loss or damage as above however caused.
- (13) ***Unfitness for duty through drink***, that is to say, if he, while on duty, is unfit for duty through drink.
- (14) ***Drinking on duty or soliciting drink***, that is to say, if he—
  - (a) without the consent of his superior officer, drinks or receives from any person any intoxicating liquor while he is on duty; or
  - (b) demands or endeavours to persuade any other person to give him or to purchase or obtain for him any intoxicating liquor whilst he is on duty.
- (15) ***Entering licensed premises***, that is to say, if without permission he enters—
  - (a) while on duty any premises licenced under the liquor licensing laws or any other premises where liquors are stored or distributed when his presence there is not required in the execution of his duty; or
  - (b) any such premises in uniform while off duty.
- (16) ***Lending money*** to any superior or borrowing from or accepting any present from any inferior in rank.

7. Any member of the Police Force also commits an offence against discipline and shall be liable to punishment as provided in the Police Force Ordinance if he is guilty of an



offence for which he is punishable on conviction, whether summarily or on indictment, or if he connives at or is knowingly an accessory to any offence against discipline under this code.

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### **SCHEDULE**

**1.** A police officer shall at all times abstain from any activity which is likely to interfere with the impartial discharge of his duties or which is likely to give rise to the impression amongst members of the public that it may so interfere, and in particular a police officer shall not take any activity in politics other than to have his name registered as an elector for the legislative area in which he is qualified to vote, to act as a proxy for a registered elector, and to vote in any legislative election.

**2.** A place at which a police officer resides shall be subject to the approval of the Chief of Police.

**3.** A police officer shall not wilfully refuse or neglect to discharge any lawful debt.

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**COLONIAL POLICE LONG SERVICE MEDAL REGULATIONS**

*(Legal Notice 1 of 1973)*

***Regulations made by the Governor under Clause Thirteenthly  
of the Royal Warrant 12th November, 1969.***

**Short title**

1. These regulations shall be cited as the Colonial Police Long Service Medal Regulations, 1972.

**Service required**

2. The Colonial Police Long Service Medal will be granted as a reward for long service and good conduct to members of all ranks of the St. Helena Police Force, who have completed 18 years continuous service as hereinafter defined.

A Clasp will also be granted to a recipient of the Medal on his completing twenty-five years' qualifying service, and a further Clasp on completing thirty years' qualifying service. For each Clasp so awarded a small silver rose may be added to the ribbon when worn alone.

**Continuity of service**

3. Service in properly organised Police Forces in other Colonies, Associated States or Territories under Her Majesty's Protection or Administration may be allowed to reckon towards the required period of qualifying service, as may also service which would reckon as qualifying service for the Police Long Service and Good Conduct Medal, if the total period of such service amounts to not less than eighteen years: provided, however, that where service has been rendered in St. Helena and in one or more of the territories defined above, an interval not exceeding twelve months between any two periods of service shall not be regarded as breaking the continuity of such service; provided also that a break in service not exceeding six calendar months in St. Helena or in any one territory as defined above shall not be regarded as breaking the continuity of such service.

Service in Her Majesty's Armed Forces, or Merchant Navy whether on secondment, on recall or when called upon to serve may be allowed to reckon towards the required period of qualifying service, provided that such military or Merchant Navy service interrupted and was continuous with qualifying Police Service.

**Exemplary character**

4. For the purposes of these regulations service shall be reckoned as qualifying service only if it is certified that the character and conduct of the person recommended for the grant of the Medal or Clasp has been exemplary.

The term "**exemplary character**" shall not be held to apply to any member of the Police Force, who during the last 16 years of service, may have been found guilty of insubordination, insobriety, sleeping on duty, or other misconduct incurring reduction in rank or censure by the Governor or Officer Administering the Government.

**Recommendations**

5. Recommendations for the award of the Medal or Clasp shall be submitted by the Officer in charge of the Police Force to the Governor or Officer Administering the Government. The Medal will be awarded on the authority of the Governor or Officer Administering the Government and a notification of such award shall be published in the Government *Gazette*.

**Forfeiture and restoration**

6. (a) A recipient of the Medal or Clasp who is convicted of a criminal offence or is dismissed or removed from the Police Force for misconduct shall forfeit the Medal or Clasp unless the Governor or Officer Administering the Government shall otherwise direct.

(b) A Medal or Clasp so forfeited may be restored to the recipient by the Governor or Officer Administering the Government at his discretion.

(c) A note of forfeiture or restoration shall in every case be published in the Government *Gazette*.

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**THE COLONIAL SPECIAL CONSTABULARY MEDAL REGULATIONS**

*(Legal Notice 25 of 1957)*

Under the authority of Clause 13 of the Royal Warrant dated 1st April, 1957, approving the creation of a medal to be designated “The Colonial Special Constabulary Medal”, I hereby make the following regulations—

**1.** The Colonial Special Constabulary Medal and its Clasps will be granted in accordance with the provisions of the Royal Warrant as a reward for long and meritorious service to a member of the St Helena Special Constabulary who satisfies the following conditions—

- (a) has served continuously and has been in receipt of remuneration for his service by way of salary or allowance, or training or retaining fees, as a Special Constable in any rank for not less than fifteen years in the St. Helena Special Constabulary or for periods amounting in the aggregate to not less than fifteen years service in that and any other Constabulary Force to which the Royal Warrant has been applied:

Provided—

- (a) (i) that no period of service as a whole time member of the permanent staff of such Force or Forces shall count as qualifying service;
- (ii) that he has been recommended by the Chief of Police as willing and competent to discharge the duties of a Special Constable and as having performed such duty as a Special Constable as required of him during the qualifying period of service; and
- (b) (i) where service has been rendered in the Special Constabulary Forces of more than one Colonial Territory as aforesaid an interval not exceeding twelve months between any two periods of service shall not be regarded as breaking the continuity of such service; and
- (ii) a break in service not exceeding six calendar months in any one such Special Constabulary Force shall not be regarded as breaking the continuity of such service;
- (iii) a Clasp will also be granted to a recipient of the Medal on his completing each further ten years’ qualifying service subsequent to the date of completion of the first fifteen years aforesaid.

For each Clasp so awarded a small silver rose emblem may be added to the ribbon when worn alone.

**2.** Recommendations for the award of the Medal shall be submitted annually in the month of January by the Chief of Police to the Governor or Officer Administering the Government. The Medal shall be awarded on the authority of the Governor or Officer Administering the Government and a notification of such award shall be published in the *Government Gazette*.

**3.** A recipient of the Medal or Clasp who is convicted of a criminal offence or is dismissed or removed from the St. Helena Special Constabulary for misconduct shall forfeit the Medal and Clasp unless the Governor or Officer Administering the Government shall otherwise direct.

A Medal or Clasp so forfeited may be restored to the recipient by the Governor at his discretion.

A notice of forfeiture or restoration shall in every case be published in the *Government Gazette*.

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