

POLICE SERVICE ACT, 2006

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A BILL

for

**AN ACT TO REPEAL THE POLICE ACT TO PROVIDE NEW PROVISIONS
RELATING TO THE CONSTITUTION, ORGANIZATION, FUNCTIONS,
AND POWERS OF THE ROYAL BAHAMAS POLICE SERVICE, TO ESTABLISH
A COMPLAINTS AUTHORITY AND FOR PROVISIONS AND MATTERS
CONNECTED THERETO.**

Enacted by the Parliament of The Bahamas.

PART I

PRELIMINARY

- Short title and commencement.** 1.(1) This Act may be cited as the Police Service Act, 2006.
(2) This Act shall come into force on such date as the Minister may by notice appoint in the Gazette.
- Interpretation.** 2. In this Act -
“Commissioner” means the Commissioner of Police;
Aconstitution@ means the number of police officers, reserve police officers, and police civilians authorised in each rank or grade as may be determined by Parliament under section 11 of this Act;
“contracted officer” means an officer of or below the rank of sergeant other than an officer of the Police Reserve;
“member of the Service” means any police officer, reserve police officer or police civilian employed under this Act;
“Minister” means the Minister responsible for the police;
ANational Security Council@ (NSC) means the Council referred to in section 3 and as constituted under the Defence Act;
“police civilian” means any member of the Royal Bahamas Police Service who does not have police powers;
“police officer” means any member of the Royal Bahamas Police
- Ch. 211.**

Service under section 11 of this Act who has police

powers;

“police station” means any place appointed by the

Commissioner to be a police station;

“Reserve” means the Royal Bahamas Police Reserve

maintained under Part VIII of this Act;

“reserve police officer” means an officer of the Reserve;

“Schedule” means a schedule to this Act;

“Service” means the Royal Bahamas Police Service

established under section 4 of this Act.

PART II

FUNCTIONS AND ACCOUNTABILITY

- | | |
|----------------------|---|
| General | 3. Without prejudice to the duties specified in section 8 (1) of |
| duties of | the Defence Act, the National Security Council shall, in consultation with the |
| the NSC. | Commissioner, be responsible for generally securing the maintenance of an |
| Ch. 211. | adequate and efficient police service for The Bahamas so as to ensure the effective |
| | preservation of law and order. |
| Establishment | 4.(1) The existing Royal Bahamas Police Force for The |
| of Police | Commonwealth of The Bahamas shall be deemed to constitute The Royal |
| Service. | Bahamas Police Service which is hereby established for the purposes of this Act. |
| | (2) Every person who immediately before the commencement of |
| | this Act held or was acting in the office of member of the Royal Bahamas Police |
| | Force shall, as from the commencement of this Act, continue to hold or act in the |
| | like office in the Royal Bahamas Police Service. |
| | (3) Any reference to the Royal Bahamas Police Force or to any |
| | member thereof in the Constitution or in any other written law in force |

immediately before the commencement of this Act shall, from the commencement of this Act, be read and construed as references to the Royal Bahamas Police Service or to a member thereof, respectively.

- Functions.** 5.(1) The Service shall be employed in and throughout The Commonwealth of The Bahamas for the maintenance of law and order, the preservation of peace, the prevention, detection and investigation of crime, the apprehension of offenders and the enforcement of all laws with which it is charged.
- (2) In performing the Services functions, all members of the Service shall at all times act within the laws of The Commonwealth of The Bahamas and shall also observe and respect the fundamental rights and freedoms of the individual as laid down in the Constitution.
- Office of Commissioner.** 6.(1) The Commissioner shall be responsible for the operational direction and control of the Service and shall be ex-officio Provost Marshall.
- (2) The Commissioner shall provide the Minister, on request, with verbal or written reports, as required, on any matter within the Commissioners responsibilities as defined in this Act.
- (3) Any Commissioner who retires, by virtue of length of service, and receives retired pay or gratuity shall retain his commission and title and thereafter be addressed as ACommissioner of Police, ARetired. @
- Duties of Deputy Commissioner and Assistant Commissioners.** 7. (1) Save as may be otherwise provided by the Constitution, any act or function which may lawfully be done, ordered or performed by the Commissioner may with his authority be done, ordered or performed by the Deputy Commissioner or any Assistant Commissioner.
- (2) **Subject to subsection (1), the Commissioner shall take into account the projected expenditure allocations for the following year.**
- Commissioners Policing Plan.** 8.(1) Before the beginning of each year the Commissioner shall, prepare for the Minister a plan setting out the proposed arrangements for the

policing of The Bahamas during that year (which plan shall be referred to as the Commissioners Policing Plan).

- (2) The Commissioners Policing Plan shall include a statement of the Services priorities for the year, of the financial and human resources expected to be available, and of the proposed broad allocation of those resources, and shall give particulars of -
- (a) the Services objectives including any objectives agreed in advance with the Minister;
 - (b) the Services performance targets including any such targets agreed in advance with the Minister.

- Reporting performance.** 9.(1) Within three months after the end of each year the Commissioner shall prepare for the Minister a report relating to the policing of The Bahamas for that year which shall be referred to as the Commissioners Annual Report **and such Report shall be subject to the approval of the Minister.**
- (2) A Commissioners Annual Report issued for any year under this section shall include an assessment of the extent to which the Commissioners Policing Plan for that year issued under section 8 has been carried out.
- (3) The Minister shall cause a copy of the Commissioner=s Annual Report to be laid on the table of both Houses of Parliament.

PART III

CONSTITUTION AND ORGANISATION

- Organisation of the Service.** 10.(1) The Service shall be organised for operational purposes as determined by the Commissioner.
- (2) The administrative arrangements required to support police operations shall be determined by the Commissioner after consultation with the Minister.

- Constitution of the Service.** 11.(1) The Service shall consist of such numbers of police officers, reserve police officers and police civilians in the ranks and grades specified in the First Schedule to this Act or as may from time to time be authorised by Parliament.
- (2) The Governor-General acting in accordance with the advice of the Public Service Commission may appoint to the service such number of persons of or over the age of eighteen years as he may deem fit for the purpose of receiving special training in duties in the Service; and every person so appointed is in this Act referred to as a recruit.
- (3) When authorising the establishment of the Service, Parliament shall take account of the organisation of the Service under subsection (1) and the number of police officers, reserve police officers and police civilians that the Commissioner considers necessary for operational efficiency and effectiveness.
- (4) No change shall be made in the Service establishment without the authority of Parliament.
- Deployment of the Service.** 12.(1) Police officers, reserve police officers and police civilians shall be deployed amongst the various police stations and headquarters in such numbers respectively as the Commissioner may from time to time direct.
- (2) Where the Commissioner proposes to transfer a police officer, or a police civilian to another island, the Commissioner shall except where the exigencies of the Service do not permit, give not less than thirty days notice to the police officer, or police civilian who is to be transferred.
- Power to amend Schedules.** 13. The Minister may, by Order, amend any of the Schedules to this Act.
- Commissioners Service Orders.** 14.(1) The Commissioner may issue operational and administrative orders to be called Commissioners Service Orders, consistent with the provisions of this Act and any regulations made thereunder, for the general control, direction and information of the Service.

(2) The Force Standing Orders and amendments existing prior to the coming into force of this Act shall continue in force until such time as the new Commissioners Service Orders have been made under this section.

PART IV

APPOINTMENTS AND CONDITIONS OF SERVICE

Appointment, removal and disciplinary control of police officers. 15. The power to make appointments to any office in the Service, including the offices of Commissioner and Deputy Commissioner, and to remove and to exercise disciplinary control over any person holding or acting in any such office shall be exercised in all respects in accordance with Articles 119, 120 and 121 of the Constitution.

Appointment of contracted officers. 16.(1) Subject to the provisions of this Act and any regulations made thereunder, a contracted officer shall be appointed initially for a period of two years.

(2) If at any time during this period the officer shall exhibit tendencies which render it in any way doubtful that he is likely to become fit for confirmation in his appointment these shall at once be drawn to his attention in writing by the Commissioner and he shall be given such assistance as may be possible to enable him to correct his faults.

(3) Subject to subsection (2) a contracted officer_s employment may be terminated at any time during this period if, in the opinion of the Commissioner, the contracted officer is not likely to become an efficient officer.

Warrant card. 17. A warrant card in such form as may be prescribed by the Minister, signed by the Comissioner or an officer authorised by the Commissioner for that purpose, shall be issued to every police officer and shall be evidence of the individuals appointment under this Act.

Oaths and their administration. 18.(1) Every member of the Service shall, on appointment, take and subscribe to the oath or affirmation of office set out in the Second Schedule to this Act.

(2) The Commissioner and Deputy Commissioner shall take such oaths before the Governor-General. Every other member of the Service shall take the oath prescribed before the Commissioner or other person designated by the Commissioner.

Re-engagement. 19.(1) Subject to the satisfactory completion of the period required under section 16 of this Act, a contracted officer may be re-engaged for a period not exceeding five years or such lesser period as the Commissioner may determine and thereafter, for successive periods not exceeding five years until the completion of thirty years or the attainment of the age of fifty years, whichever is the sooner.

(2) Nothing in subsection (1) shall prevent the re-engagement of any officer mentioned in that subsection successively from year to year for a period not exceeding a total of ten years after the completion of thirty years or the attainment of fifty years, whichever is the sooner.

(3) Before any officer may be re-engaged under this section he shall be declared mentally and physically fit, by the police surgeon appointed under section 20(1), to carry out the duties of a police officer and shall sign a re-engagement paper as set out in the Third Schedule to this Act.

(4) The period for which every contracted officer shall be engaged to serve shall not include periods of absence from duty on account of desertion or imprisonment for misconduct.

Medical specialist. 20.(1) A duly qualified medical practitioner of The Bahamas appointed by the Ministry of Health shall be police surgeon appointed to the Service.

(2) The Ministry of Health may from time to time assign any other registered health professional to render treatment to any member of the

Service.

- Medical treatment of police officers.** 21. Every police officer or police civilian requiring medical treatment shall be treated as may be directed by the police surgeon whose duty it shall be to ensure that the necessary medical and surgical attendance are provided free of charge at any hospital managed by the Public Hospitals Authority or any government owned health facility.
- Discharge of contracted police officers at the end of engagement.** 22.(1) Every contracted officer upon completion of the period for which he shall have been engaged to serve, shall be entitled to a certificate of discharge.
- (2) Where such officer expresses his wish not to be re-engaged in accordance with regulation 24 of the Police Service Commission Regulations, he shall receive a certificate of discharge no later than two weeks after the expiration of his contract.
- (3) Subject to subsection (2) every contracted officer shall until he receives a certificate of discharge remain subject to all provisions of this Act and the regulations made thereunder.
- (4) The discharge certificate shall be signed by the Commissioner or Deputy Commissioner and shall serve as evidence of a contracted officers discharge from the Service.
- Discharge of police officers during engagement.** 23. Subject to the provisions of the Constitution, a police officer of or above the rank of inspector may be discharged by the Governor-General acting in accordance with the advice of the Police Service Commission, and a contracted officer may be discharged by the Commissioner when -
- (a) is pronounced by a medical board to be mentally or physically unfit;
 - (b) has been sentenced to dismissal for misconduct; or
 - (c) is considered by the Commissioner unlikely to become or has ceased to be an efficient police officer or for any other reason his discharge

is deemed necessary in the public interest.

- Extension of service.** 24. Any contracted officer whose period of service expires during a state of war, insurrection, hostility or other emergency may be retained and his services extended for such period as the Governor-General may direct.
- Members ceasing to belong to the Service to give up arms, equipment, etc.** 25. When a police officer ceases for any reason to belong to the Service all powers and authorities vested in that individual shall immediately cease, and he shall deliver over to such person and at such time as may be ordered by the Commissioner all arms, ammunition, accoutrements, clothing, appointments and other equipment which may have been supplied by the Service by virtue of and for the execution of his office.
- Loss of equipment.** 26. Any police officer who pawns, sells, loses by negligence, spoils or makes away with the whole or any portion of his arms, clothing, accoutrements, appointments or any government property whatsoever shall, in addition to any other punishments, be liable to make good the amount of such damage or loss by stoppages from his salary, allowance or other emoluments.
- Engaging in trade or business.** 27. No police officer or police civilian shall, while he holds such appointment, engage in any private business, trade or other commercial activity without the consent in writing of the Commissioner.
- Staff Associations.** 28. The Police Staff Association established under the **Royal Bahamas Police Staff Association** Act 1997, shall continue to represent the interests of police officers.
- Police officer not to join prohibited Associations.** 29.(1) It shall not be lawful for any police officer to be or become a member of any prohibited association.
 (2) If any police officer becomes a member of any prohibited association after it has become a prohibited association under the provisions of paragraph (d) of section 30 of this Act, such police officer of the association and every officer of the association who is knowingly a party to the admission, enrolment or continuance of membership of such police officer to or in the

association, shall be liable on summary conviction to a fine of four hundred dollars for each offence.

- Prohibited association defined.** 30. For the purposes of this Part of this Act a prohibited association means -
- (a) any trade union or any body or association affiliated to a trade union; or
 - (b) any body or association the object or one of the objects of which is to control or influence conditions of employment in any trade or profession; or
 - (c) any body or association the object or one of the objects of which is to control or influence the pay, pensions or conditions of service of the members of the Service, other than any body or association which may be constituted and regulated by regulations made under this Act;
 - (d) anybody or association declared by the Minister to be a prohibited association on the grounds that the aims or activities of such body or association are calculated to promote feelings of ill-will and hostility between different classes of races or to be subversive of good discipline on the part of a member of the Service.
- Prohibition of police officer receiving benefits from prohibited associations.** 31.(1) It shall not be lawful for any prohibited association to permit any police officer to receive any benefit financial or otherwise from the association or for any such association to receive any money from a police officer.
- (2) If there shall be any contravention of the provisions of this section, the police officer, the association and every officer of the association who is knowingly a party to such contravention shall be liable, on summary conviction,

to a fine of four hundred dollars for each offence.

Non-derogation of Act No. 7 of 1997.

32. Nothing in this Part shall derogate from the provisions of the Royal Bahamas Police Staff Association Act, 1997.

PART V

POWERS AND DUTIES OF POLICE OFFICERS

Powers and status of police officers.

33.(1) Every police officer shall have all powers, authorities, privileges and immunities and be liable to such duties and responsibilities as constables now have or hereafter may be invested with, either by common law, or by virtue of any Act now or hereafter to be in force in The Bahamas, or as may be directed and imposed by any regulations made under this Act:

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

(2) A police officer shall perform such duties as the Commissioner may direct.

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

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

Power to arrest person

34. Subject to section 103 of the Penal Code Act and without prejudice to the powers of arrest conferred upon a police officer by any law, it

seen committing an offence. shall be lawful for any police officer, and for any person whom that officer may call to his assistance, to arrest without warrant any person seen by the officer committing an offence against any law and who, when asked by such police officer so to do, refuses to give his name and address or gives a name and address which the officer believes to be false.

Return of goods or articles to persons acquitted. 35. Where criminal proceedings are not instituted against a person searched or such person is discharged or acquitted by a court, any weapon, substance or other article seized shall be returned to the person provided it is lawful for that person to possess the article.

Power to carry firearms and ammunition. 36. It shall be lawful for members of the Service to be issued with and carry such firearms and ammunition as the Commissioner may direct.

Power to take intimate samples. 37.(1) Except as provided by this section, an intimate sample may not be taken from a person without the appropriate consent.

(2) Consent to the taking of an intimate sample must be given in writing.

(3) An intimate sample may be taken from a person without the appropriate consent if -

- (a) he is in police detention or is being held in custody by the police on the authority of a court; and
- (b) authorised by a Magistrate.

(4) A Magistrate may only give an authorisation under subsection (3) if he has reasonable grounds -

- (a) for suspecting the involvement of the person from which the sample is to be taken in an indictable offence; and
- (b) for believing that the sample will tend to confirm or

disprove his involvement.

(5) A Magistrate shall give an authorisation in writing.

(6) Where -

- (a) an authorisation has been given; and
- (b) it is proposed that a intimate sample shall be taken in pursuance of the authorisation, the police officer shall inform the person from whom the sample is to be taken
 -
 - (i) of the giving of the authorisation; and
 - (ii) of the grounds for giving it.

(7) Where an intimate sample is taken from a person -

- (a) the authorisation by virtue of which it was taken; or
- (b) the fact that the appropriate consent was not given;
shall be recorded as soon as is practicable after the sample is taken.

(8) Where an intimate sample is taken from a person detained at a police station, the matters required to be recorded by subsection (7) shall be recorded in his detention record.

(9) An intimate sample other than a sample of urine or saliva, may only be taken from a person by a registered medical practitioner.

(10) For the purposes of this section medical practitioner includes -

- (a) a medical technician;
- (b) a medical technologist;
- (c) a medical office assistant;
- (d) a nurse;
- (e) an emergency medical technician; and
- (f) a phlebotomist.

- Power to take non-intimate samples.**
- 38.(1) Except as provided by this section, a non-intimate sample may not be taken from a person without the appropriate consent.
- (2) Consent to the taking of a non-intimate sample must be given in writing.
- (3) A non-intimate sample may be taken from a person without the appropriate consent if -
- (a) he is in police detention or is being held in custody by the police on the authority of a court; and
 - (b) any police officer designated by the Commissioner authorises it to be taken without the appropriate consent.
- (4) An officer may only give an authorisation under subsection (3) if he has reasonable grounds -
- (a) for suspecting the involvement of the person from which the sample is to be taken in an indictable offence; and
 - (b) for believing that the sample will tend to confirm or disprove his involvement.
- (5) An officer may give an authorisation under subsection (3) orally or in writing but, if he gives it orally, he shall confirm it in writing as soon as is practicable.
- (6) Where -
- (a) an authorisation has been given; and
 - (b) it is proposed that a non-intimate sample shall be taken in pursuance of the authorisation, an officer shall inform the person from whom the sample is to be taken -
- (i) of the giving of the authorisation; and

(ii) of the grounds for giving it.

(7) The duty imposed by subsection (6)(b)(ii) above includes a duty to state the nature of the offence in which it is suspected that the person from whom the sample is to be taken has been involved.

(8) Where a non-intimate sample is taken from a person by virtue of subsection (3) -

- (a) the authorisation by virtue of which it was taken; and
 - (b) the grounds for giving the authorisation,
- shall be recorded as soon as is practicable after the sample is taken.

(9) If a non-intimate sample is taken from a person at a police station, the matters required to be recorded by subsection (8) shall be recorded in his detention record.

Destruction

of samples.

39.(1) Where -

- (a) samples are taken from a person in connection with the investigation of an offence; and
 - (b) he is cleared of that offence,
- the samples must be destroyed as soon as is practicable after the conclusion of the proceedings.

(2) Where -

- (a) samples are taken from a person in connection with such an investigation; and
- (b) it is decided that he shall not be prosecuted for the offence and he has not admitted it the samples must be destroyed as soon as is practicable after that decision is taken.

(3) Where -

- (a) samples are taken from a person in connection with the

investigation of an offence; and

- (b) that person is no longer suspected of having committed the offence,

the samples must be destroyed as soon as they have fulfilled the purpose for which they were taken.

Definitions.

40. In sections 39 and 40 of this Act -

“appropriate consent” means -

- (a) in relation to a person who has attained the age of 18 years, the consent of that person;
- (b) in relation to a person who has not attained the age of 18 years but has attained the age of 14 years, the consent of that person and his parent or guardian; and
- (c) in relation to a person who has not attained the age of 14 years, the consent of his parent or guardian;

intimate sample means a sample of blood, semen or any other tissue fluid, urine, saliva or pubic hair, or a swab taken from a person’s body orifices;

“non-intimate” sample means -

- (a) a sample of hair other than pubic hair;
- (b) a sample taken from a nail or from under a nail;
- (c) a swab taken from any part of a person’s body other than body orifice;
- (d) a footprint, tooth impression or any other impression of any part of a person’s body other than a part of his hand.

Power to take

41.(1) A police officer may take and record, for the purposes of identification, measurements, photographs and fingerprint and palm

and fingerprints. impressions of any person in custody.

(2) Where measurements, photographs, fingerprint and palm impressions are taken of a person who has not previously been convicted of a criminal offence and criminal proceedings are not instituted against such a person or such person is discharged or acquitted by a court, all such photographs, fingerprint and palm impressions shall be destroyed.

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

Power to release persons on bail. 42.(1) Where a person is arrested without warrant and charged with an offence in respect of which a magistrate may grant bail, a police officer in charge of a police station may if he considers it prudent release such person on bail, with or without sureties, upon his recognizance to appear at a specified time and date at a magistrates_ court to answer the said charge, and every recognizance so taken shall be as if the same had been taken before a magistrate.

(2) The name, address and occupation of the party and his surety or sureties, if any, entering into such recognizance under subsection (1) together with the condition thereof, and the sums respectively acknowledged shall be entered in a book to be kept for that purpose which shall be laid before the magistrate present at the time and place when and where the party is required to appear.

(3) Where the party under subsection (4) does not appear at the time and place required or within one hour of the expiration of such time, the magistrate may declare the recognizance to be forfeited and enforce payment of the sum thereunder in the manner provided by the Magistrates Act, in the case of recognizances taken under that Act and subject to the provision in the said Act

contained as to cancellation of forfeiture on security being given.

(4) Where a person appears on behalf of the party not appearing, to postpone the hearing of the charge, the magistrate may extend the recognizance to such further time as he shall appoint, and when the matter shall be heard and determined either by the dismissal of the complaint or by binding the party over to answer the matter thereof at the court or other court of justice having jurisdiction of the offence or otherwise, the recognizances for the appearance of the party before the magistrate shall be discharged without fee or reward.

Recognizance to state time for appearance of parties. 43. In every recognizance entered into as referred to under section 42, the time at which the party entering into such recognizance is to appear before a magistrate shall be specified in the condition of such recognizance, to be at the next sitting of such magistrate, and the hour named shall be one at which such magistrate usually sits for the discharge of his magisterial duties.

Power to stop, search or detain on reasonable suspicion. 44. A police officer may if he has reasonable grounds for suspecting that a person possesses stolen or prohibited articles stop, search or detain such person and seize such article.

Search of premises. 45.(1) For the purposes of subsections (1), (2) and (3) it shall be lawful for any police officer without a warrant to enter and search any premises for any property which the police officer has reasonable cause to suspect has been stolen, unlawfully obtained, and to remain there for so long as may be necessary to carry out such search, provided that -

- (a) there is good reason to believe that the delay involved in obtaining a warrant for the purpose would seriously hamper the investigation;
- (b) the authority of a police officer not below the rank of inspector has first been obtained;

(c) except in cases of extreme urgency, the authority at (b)
shall be obtained in writing.

(2) In so far as the power of search conferred by subsection (1)

(b) above relates to premises consisting of two or more separate dwellings, it is limited to a power to search -

- (a) any dwelling in which the arrest took place or in which the person arrested was immediately before his arrest;
and
- (b) any parts of the premises which the occupier of any such dwelling used in common with the occupiers of any other dwelling comprised in the premises.

(3) A police officer conducting a search in accordance with

subsection (1) may enter into and search such premises at any time of day or night and may with or without assistance, after having made known his authority, break, open or otherwise use reasonable force in order to gain entry.

(4) If upon such entry and search as provided for in subsections

(1) and (2) any such property as aforesaid is found, the police officer so entering shall take possession of and secure such property and apprehend and bring before a magistrate any person in or on such premises reasonably suspected of being privy to such property being therein.

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

Power to

46.(1) Subject to section 7 of the Criminal Law (**Measures**) Act,

erect

1991 any police officer in charge of a police station may, if he considers it

barriers and

necessary so to do for the maintenance of law and order or for the prevention and

search vehicles.

detection of crime, cause barriers to be erected or placed in or across any road

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or street or in any public place, in such manner as he may think fit.

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

(3) It shall be lawful for any police officer to search such vehicle referred to in subsection (2) for any property which the police officer has reasonable cause to suspect has been stolen, unlawfully obtained or prohibited restricted under any other Act.

(4) No police officer shall be liable for any loss or damage resulting to any vehicle or for any injury to the driver of such vehicle failing to obey any police officer acting under the provisions of this section.

**Search of
a person.**

47.(1) A police officer may search an arrested person if the police officer has reasonable grounds for believing that the arrested person may present a danger to himself or others.

(2) Police officer shall also have power in any such case to search the arrested person for anything which he might use to assist him to escape from lawful custody; or which might be evidence relating to an offence.

(3) The power to search conferred by subsection (2) above is only a power to search to the extent that is reasonably required for the purpose of discovering any such thing or any such evidence.

(4) The powers conferred by this section to search a person are not to be construed as authorising a police officer to require a person to remove any of his clothing in public.

(5) A police officer may not search a person in the exercise of the

power conferred by subsection (2) unless he has reasonable grounds for believing that the person to be searched may have concealed on him anything for which a search is permitted under that subsection.

(6) A police officer searching a person in the exercise of the power conferred by subsection (1) above may seize and retain anything he finds, if he has reasonable grounds for believing that the person searched might use it to cause physical injury to himself or to any other person.

Execution of warrants. 48.(1) All warrants issued by a judge, magistrate or justice of the peace shall be addressed to each and all police officers and all such officers shall have the right, power and authority to execute every such warrant.

(2) Where any action shall be brought against a police officer in relation to any act performed in obedience to a lawfully issued warrant, such police officer shall be entitled to a verdict in his favour and shall receive costs.

Power to arrest without possession of an existing warrant. 49. Any warrant lawfully issued by a judge, magistrate, justice of the peace for the arrest of any person may be executed by any police officer at any time notwithstanding that the warrant is not in such officers possession at the time of arrest, provided that if the person arrested demands to be shown the warrant this is done as soon as practicable.

Power to search vessels and aircraft 50.(1) Any police officer may board any vessel or aircraft at any place within The Bahamas and, if such officer has reasonable grounds for suspicion, may search with any assistance any or every part of such vessel or aircraft for -

- (a) any property stolen or unlawfully obtained;
- (b) any uncustomed property;
- (c) any article prohibited from being imported or exported.

(2) Any police officer having entered any vessel or aircraft under subsection (1) may, after demand and refusal of keys, break open any door or receptacle for the purpose of the search.

- (3) Any police officer searching any vessel or aircraft under this section may seize any property or article aforesaid and may arrest any person in whose possession such property or article is found.
- (4) Any police officer may pursue and arrest any person in the act of conveying any property or article as aforesaid away from such vessel or aircraft, whether such person has landed or not, and may seize such property or article so conveyed or found in his or her possession.
- Power to commandeer vehicle, aircraft or boat in emergency.** 51.(1) Any police officer may in the case of an emergency commandeer any vehicle, aircraft, boat or other small craft for the purpose of giving such assistance as may be possible, provided that adequate compensation shall, on demand of the owner of such vehicle, aircraft or boat, or other small craft, be paid to him by or on behalf of the Commissioner.
- (2) Any owner as in subsection (1) who is aggrieved by the refusal to pay such compensation or by the amount paid may appeal to the Supreme Court.
- Power to conduct criminal proceedings.** 52. Subject to any directions from the Director of Public Prosecutions, any police officer is empowered to conduct prosecution proceedings in a magistrates court.
- Police officers invested with powers of customs officers.** 53. Every police officer is invested with all the powers of a customs officer to prevent smuggling and shall be entitled to the same immunity as a customs officer.
- Police officers invested with powers of immigration** 54. Every police officer is invested with all the powers of an Immigration officer under the Immigration Act.

officers.

Members of the Service may act as goalers.

55. Every police officer stationed in the Family Islands shall act as gaolers when thereunto required by the Family Island Administrator of the district or a justice of the peace of the district within which they are so stationed.

Police station to be lockup.

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

Duty of the Service to regulate traffic.

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

Duty to assist lay visitors.

58. Every police officer has a duty to provide all reasonable and lawful assistance to any lay visitor acting in accordance with any regulation made under section 111 of this Act.

PART VI

OFFENCES

Unlawful possession of uniform, etc.

59. Any person, who, without lawful authority, wears, carries or is otherwise found in possession of any article of uniform or equipment calculated to mislead members of the public to believe that such person is a police officer or is otherwise wearing, carrying or in possession of such article under the authority of this Act shall be liable on summary conviction to a fine of one thousand dollars or imprisonment to a term of six months or to both such fine and imprisonment.

Abusing police officer while in the

60. Any person who abuses, resists, improperly or unduly impedes or assaults any police officer appointed under this Act while in the execution of his duty as a police officer, shall be guilty of an offence and shall be liable on summary conviction to a fine of one thousand dollars or to

execution imprisonment for a term of twelve months.

of his duties.

- Offences** 61. Any police officer who -
- triable by** (a) mutinies or being cognizant of any mutiny or sedition
the courts against the Service does not use his utmost endeavour
mutiny, etc. to suppress such mutiny or sedition; or
- (b) being cognizant of any intended mutiny or sedition
against the Service delays in giving or fails to give
information thereof to his superior officer,
shall be guilty of an offence punishable on indictment
and liable to imprisonment for a term not exceeding
three years.
- Other offences** 62. Any police officer who -
- triable by** (a) being present at any assemblage tending to riot does
the courts. not use his utmost endeavour to suppress such
assemblage; or
- (b) strikes or offers violence to, or draws or lifts, or offers
to draw or lift any weapon against a justice of the
peace or his superior officer while such superior officer
is acting in the execution of his duty; or
- (c) wilfully permits the escape of a prisoner; or
- (d) uses unnecessary violence to, or ill-treats any prisoner;
or
- (e) pawns, sells or misappropriates his arms, ammunition,
accoutrements, clothing or appointments supplied to
him, or any other government property; or
- (f) deserts; or
- (g) persuades, procures or assists, or attempts to persuade,

procure or assist any police officer to desert; or

(h) knowing that any police officer has deserted or intends to desert does not without delay inform a superior officer of such desertion or intended desertion, shall be guilty of a summary offence, punishable on conviction before a stipendiary and circuit magistrate or circuit justice with a fine not exceeding one thousand dollars or imprisonment for a period not exceeding six months or to both fine and imprisonment:

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

Inducement to commit breach of discipline. 63. If any person causes or attempts to cause or does any act calculated to cause disaffection amongst the members of the Service or induces, or attempts to induce, or does any act calculated to induce, any police officer to withhold his services or to commit breaches of discipline, he shall be liable on conviction on trial upon information to imprisonment for two years or on summary conviction to imprisonment for one year or to a fine of seven hundred and fifty dollars or to both such imprisonment and fine, and in either case if he is a police officer, shall forfeit all pension rights and be disqualified from being a police officer.

PART VII

INSPECTION AND REVIEW

Appointment and functions of Internal

64.(1) The Deputy Commissioner shall be the Internal Inspector of the Service.

(2) The Deputy Commissioner shall inspect and review each

Inspector. Branch and division of the Service and shall provide the Commissioner, on request with verbal or written reports on such inspections.

(3) For the purpose of the discharge of his functions as internal inspector the Deputy Commissioner shall have power to request from any member of the Service any information, document or material relevant to the Service.

(4) Subject to subsection (2) the Deputy Commissioner shall as soon as possible after the end of each year prepare a report relating to internal inspection and review of the service for submission to the Commissioner.

(5) Nothing in subsection (4) shall prevent the Deputy Commissioner from submitting a report on any matter at any stage of the inspection process where a delay in submitting the report should be against the public interest.

(6) The Deputy Commissioner shall where necessary collaborate with the external inspector appointed under section 65 for the purpose of furthering police efficiency and effectiveness.

Appointment and functions 65.(1) The Governor-General may appoint a duly qualified External Inspector to the Service.

of External Inspector. (2) The External Inspector shall inspect, and report to the Minister on the efficiency and effectiveness of, the police service.

(3) The External Inspector shall carry out such other duties for the purpose of furthering police efficiency and effectiveness as the Minister may from time to time direct.

(4) The External Inspector shall in each year submit to the Minister a report in such form as the Minister may direct, and the Minister shall lay a copy of that report before Parliament.

(5) Nothing in subsection (4) shall prevent the External Inspector from submitting a report on any matter at any stage of the inspection process where a delay in submitting the report would be against the public interest.

(6) The External Inspector may be paid such salary and allowances as the Minister may determine.

PART VIII

POLICE RESERVE

- Continuation of the Police Reserve.** 66. The existing Royal Bahamas Police Reserve shall continue to be maintained under the provisions of this Act to assist the Service in discharging the functions described in section 5.
- Establishment of the Reserve.** 67. The Police Reserve shall consist of such members of reserve officers in the ranks specified in the First Schedule to this Act, as may from time to time be authorised.
- Appointment of police reservists.** 68. **Police Reserve** officers below the rank of inspector shall be appointed by the Commissioner. Reserve officers in the rank of Inspector and above shall be appointed by the Minister, acting with the advice of the Police Service Commission.
- Promotion and dismissal.** 69. **Police Reserve** officers of and above the rank of inspector may be promoted and dismissed by the Minister acting in accordance with the advice of the Police Service Commission and reserve police officer below the rank of inspector may be promoted and dismissed by the Commissioner.
- Powers and duties of police reservists.** 70.(1) A member of the Reserve while on duty shall have, exercise and enjoy the same powers, authorities, advantages and immunities as a police officer in the Service and shall undertake the same duties, responsibilities and be subject to the same discipline.
- (2) **Police Reserve** officers shall attend such periods of training and perform such police duties as the Commissioner may from time to time direct.

PART IX

APPOINTMENT OF COMMUNITY PEACE OFFICERS

- Appointment and discharge of community peace officers.** 71.(1) The Commissioner may appoint in each district of The Bahamas such number of community peace officers in The Bahamas as shall from time to time be deemed necessary.
- (2) No person shall be appointed as a Community Peace officer who -
- (a) is under thirty years or over sixty years of age;
 - (b) is physically unfit to discharge his duties.
- (3) A Community Peace officer shall be appointed for one year at a time.
- (4) A community peace may be discharged by the Commissioner where he -
- (a) is pronounced by the police surgeon to be mentally or physically unfit; or
 - (b) is considered by the Commissioner unlikely to become or has ceased to be an efficient public officer or for any other reason his discharge is deemed necessary in the public interest.
- Duties of community peace officers.** 72(1) It shall be the duty of all persons appointed as community peace officers under this Part of this Act -
- (a) to protect person and property;
 - (b) to preserve the public peace;
 - (c) to prevent or suppress crime; and
 - (d) to promote community participation in the prevention of crime.

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

Training. 73. Community peace officers shall attend such periods of training and perform such duties as the Commissioner may from time to time direct.

Savings. 74.(1) Local constables appointed before the commencement of this Act shall be deemed to have been appointed and shall continue to serve under this Act and the services of such local constables shall be deemed to be in continuation of their services under any Act for the purposes of any Act relating to pension or gratuity.

(2) Special Constables and District Constables appointed before the commencement of this Act shall be deemed to have been appointed under section 71 and shall continue to serve under this Act as community peace officers.

PART X

POLICE CADETS

Continuation of police cadets. 75.(1) The existing body of police cadets shall continue to be maintained under the provisions of this Act and all cadets appointed and serving prior to the commencement of this Act shall be deemed to have been appointed under this Act.

(2) The terms of appointment, training, education and conditions of service for police cadets shall be in accordance with Regulations made under this Act.

Appointment and control of 76.(1) The Commissioner may, with the approval of the Minister, appoint such number of persons of or over the age of sixteen as he may deem

of police cadets. fit, for the purposes of receiving special training in police duties, and every person so appointed shall be referred to as a Police Cadet.

(2) The Commissioner shall be responsible for the direction and control of police cadets.

PART XI

POLICE CIVILIANS

Transfer of public officers. 77.(1) Every pensionable officer transferred to the Royal Bahamas Police Force before the commencement of this Act shall be deemed to be transferred from service under the Government to the Police Service -

(a) for a period extending from the date of the commencement of this Act to the date on which the officer accepts permanent employment with the Police Service under the provisions of section 78; or

(b) on such date as may be determined by the Minister.

(2) Nothing in subsection (1) shall be deemed to preclude an officer, deemed to be transferred under subsection (1), from applying at any time during such period as aforesaid, for a transfer to service under the Government in accordance with the terms and conditions of service attached to the appointment held by such officer at the commencement of this Act and, on such application being made, the same consideration shall be given thereto as if the applicant had continued to be in the service under the Government.

(3) During such period as aforesaid every such officer shall be so employed by the Police Service that his remuneration and conditions of service are not less favourable than those which are attached to the appointment under the Government held by such officer at the commencement of this Act or which would have become attached to such appointment, during such period as aforesaid, had such officer continued in the service under the Government but, for the purposes of

pension and gratuity, such period of service with the Police Service shall be deemed to be service under the Government.

Offer of permanent employment to public officers.

78.(1) Within the period referred to in section 77, the Police Service may offer to any public officer transferred to the Police Service under that section permanent employment with the Police Service at a remuneration and on terms and conditions not less favourable than those which are attached to the service under the Government held by such officer at the commencement of this Act or which would have become attached to such appointment, during such period as aforesaid, had such officer continued in the Service of the Government.

(2) Every public officer who accepts permanent employment with the Police Service offered to him under subsection (1) shall, for all purposes be deemed to have ceased to be in the service under the Government and to have entered into service with the Police Service on the date of his acceptance.

(3) Every public officer who -

- (a) having been offered permanent employment with the Police Service under subsection (1), refuses to accept such employment; or
- (b) has not been offered permanent employment with the Police Service under subsection (1);

may at the expiration of the period referred to in section 77 be transferred from the service of the Police Service back to the service under the Government.

Pensions.

79.(1) The Minister may grant to any police civilian, in respect of his employment with the Service, pensions, gratuities or other like allowances at the rate prescribed by and in accordance with the provisions of the Pensions Act as if reference in that Act to the Governor-General, the public service and a public officer were references to the Police Service acting with the approval of the Minister, service in the Police Service and such employee respectively.

(2) For the purpose of subsection (1) reference to the service of

an employee of the Police Service includes any continuous period of service of that employee with the public service immediately prior to his service with the Police Service

(3) The provisions, gratuities or other like allowances which are payable under subsection (1) shall be charged on and paid out of the Consolidated Fund.

PART XII

POLICE COMPLAINTS

Appointment of Inspectorate. 80.(1) The Minister shall appoint a body of persons to be known as the Police Complaints Inspectorate (hereinafter referred to as the Inspectorate@) who shall undertake such functions as are prescribed by this Act.

(2) The Fourth Schedule shall have effect with respect to the appointment of members of the Inspectorate.

Functions of the Inspectorate. 81. The functions of the Inspectorate are to -

- (a) review the investigation and determination of a complaint by the Complaints and Corruption Branch, established under this Act so as to ensure that the investigation is conducted impartially;
- (b) report to the Minister from time to time, or at his request; and
- (c) review reports from the Complaints and Corruption Branch in accordance with Part IV.

Powers of Inspectorate. 82.(1) For the purpose of the discharge of their functions the Inspectorate has the power -

- (a) to request any information, documents or things with respect to a complaint from -
- (i) the Commissioner;

- (ii) the Branch;
 - (iii) any person making a complaint;
 - (iv) any member of the Service against whom the complaint was made; or
 - (v) any other person who in the opinion of the Inspectorate may be able to assist;
- (b) in the case of a review of a complaint to -
- (i) request all or any of the parties concerned as well as witnesses to appear before the Inspectorate;
 - (ii) request such information, documents or things as it deems necessary to review the complaint.

(2) The Inspectorate may also give such guidance to the Complaints and Corruption Branch referred to in section 83 as may be necessary to ensure thoroughness and impartiality.

- The Complaints and Corruption Branch.**
- 83.(1) The Commissioner shall continue to maintain for the purposes of this Act, a unit of the Police Service to be known as the Complaints and Corruption Branch, in this Act referred to as @the Branch@.
- (2) The Branch shall be charged with the responsibility for -
- (a) investigating complaints made by members of the public against members of the Service and referred to it by the Inspectorate;
 - (b) submitting to the Inspectorate and to the Commissioner -
 - (i) at the end of every month, a progress report on the work undertaken by the Branch;
 - (ii) a final report on all investigations; and - (c) such other duties as the Minister may assign to it from

time to time.

(3) Every investigation of a complaint against members of the Service shall be completed within six months from the time when the matter of such complaint arose or within such time as is reasonably practicable having regard to the circumstances.

(4) The Branch shall be headed by a police officer of the rank no lower than that of Assistant Superintendent save that where a complaint is made against an officer of a higher rank than that held by the Head of the Branch, the Commissioner shall appoint an officer of a rank senior to that of the officer against whom the complaint is made to investigate the complaint.

(5) The Commissioner shall ensure that the Branch is supplied with sufficient staff and facilities to receive, record and investigate complaints.

PART XIII

FINANCIAL PROVISIONS

Increments of salary of certain police officers. 84.(1) Subject to the provisions of this section, the decision whether to grant, defer or withhold any increment of salary of any police officer of or above the rank of inspector shall be made by the Governor-General acting in accordance with the advice of the Police Service Commission, and the Governor-General, acting in accordance with the advice of the Police Service Commission, shall, in each such case, decide whether the efficiency and responsibility of such officer in the performance of his duties merit the granting of the increment.

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

Service Commission, may advance such officer in such scale to such higher incremental point

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

Increments of salary of contracted officer. 85.(1) Subject to the provisions of this section, the decision whether to grant, defer or withhold any increment of salary of any contracted police officer shall be made by the Commissioner and the Commissioner shall in each such case decide whether the efficiency and responsibility of such officer or constable in the performance of this duties merit the granting of the increment.

(2) The Commissioner may in his discretion -

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

(3) When the award of an increment has been deferred the

Commissioner may at a later date grant the increment as from the incremental date, in which case the arrears of salary due shall be paid to the person concerned.

(4) When an increment has been withheld for a period of less than one year the person concerned shall be entitled to draw the increased salary as from the date following the close of the period for which such increment has been withheld, and shall be eligible for a further increment on the next incremental date.

(5) When an increment has been withheld for one year the person

concerned shall be eligible for one increment only on the next incremental date.

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

Pension status of certain police officers. 86. Without prejudice to the provisions of this Part, pensions granted to police officers of the rank of inspector or above shall be granted in accordance with the Pensions Act.

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Pension for contracted officers. 87.(1) The Governor-General, acting in accordance with the advice of the Public Service Commission, may grant to a contracted officer -

- (a) who has completed thirty years of service as mentioned in subsection (2) of section 19 of this Act, being continuous good and efficient service, a pension of one-half of his salary at the time together with a gratuity equal to one year=s salary;
- (b) who has attained the age of fifty years as mentioned in subsection (2) of section 19 aforesaid without at the time having completed thirty years of service as aforesaid, a pension at the rate of one-six-hundredth of his salary at that time in respect of each completed month of such service.

(2) Any pension, gratuity or other allowance granted under this Act shall be computed in accordance with the provisions in force at the actual date of a police officers retirement.

Gratuities. 88. Where any police officer, having completed not less than ten years of continuous service, retires from the Service at an age other than that at which or in circumstances other than those in which he may be granted a pension

in respect of such service, the Governor-General, acting in accordance with the advice of the Police Service Commission, may grant to such officer, in respect of each year of such service, a gratuity amounting to four percentum of his salary at the date of his retirement.

Pensions, etc., to be paid out of Consolidated Fund.

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

Pensions, etc., not of right.

90.(1) No police officer shall have an absolute right to compensation for a pension, gratuity, or other allowance, nor shall anything in this Part affect the right of the Governor-General or the Commissioner of Police to dismiss any police officer at any time and without compensation.

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

Circumstances in which pension may be granted.

91.(1) No pension or other allowance, shall be granted under this Part -

(a) to any police officer except in one of the following cases -

(i) on or after attaining the age of fifty years; or

(ii) on medical evidence, to the satisfaction of the Minister, that he is incapable of discharging his duties efficiently by reason of any infirmity of body, and that such infirmity is likely to be permanent and of mind;

(iii) on retirement from the Service in the public interest as provided in this Part; or

- (b) to any person except on his retirement from public service in circumstances in which he is eligible for pension, gratuity or other allowance under any law or regulations which are applicable to such public service, and where such person ceased to be a police officer for the purpose of entering public service.
- (2) Where any police officer re-engaged after the completion of thirty years of service or the attainment of fifty years of age as mentioned in subsection (1) of this section, has been awarded a pension pursuant to this section, he shall be entitled to receive the full salary and allowances appropriate to his rank and standing in the Service, and no deduction shall be made from such salary or allowance on account of the award of such pension.
- Compulsory retirement.** 92. It shall be lawful for the Commissioner of Police to require a police officer to retire from the Service -
- (a) at any time after he attains the age of fifty years; or
 - (b) with the approval of the Minister, at any time after he attains the age of forty-five years.
- Pensions, etc., not to be assignable.** 93. A pension, gratuity, or other allowance, granted under this Part shall not be assignable or transferable except for the purpose of satisfying -
- (a) a debt due to the Government; or
 - (b) an order of any court for the payment of periodical sums of money towards the maintenance of the wife, or former wife, or minor child, of the police officer to whom the pension, gratuity, or other allowance has been granted,
- and shall not be liable to be attached, sequestered, or levied upon, for or in respect of any debt or claim whatever except a debt due to the Government.
- Pensions, etc.,** 94.(1) Where any police officer to whom a pension or other

may cease on conviction. allowance has been granted under this Part is sentenced to death or a term of imprisonment by any competent court for any offence, such pension or allowance shall, if the Minister so directs, cease as from such date as the Minister determines.

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

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

(3) Where a pension or other allowance ceases, or a gratuity is not paid, by reason of this section, it shall be lawful for the Minister to direct all or any part of the moneys to which such person would have been entitled by way of pension, gratuity, or allowance, but for the provisions of this section to be paid, or applied.

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

Pensions and benefits to dependents when a 95.(1) Where a police officer dies as a result of an injury received during the course of his employment, it shall be lawful for the Governor-General acting in accordance with the advice of the Public Service Commission to award to the dependents of such deceased police officer, in such proportions as may be

police officer advised, a sum equal to two years salary which such deceased police officer was
dies as receiving at the date of his death.

- a result of** (2) In addition to subsection (1), where a member of the service
injuries dies as a result of injuries received -
- received, or** (a) in the actual discharge of duty; and
- disease.** (b) in circumstances in which the injury is not wholly or mainly due to, or seriously aggravated by, his own serious and culpable negligence or misconduct; and
- (c) on account of circumstances specifically attributable to the nature of his duty, while in the Service, it shall be lawful for the Governor-General to grant -
- (i) if the police officer leaves a **widow**,
a pension, while unmarried at a rate not exceeding one-fourth of his annual pay at the date of injury;
- (ii) if the deceased police officer leaves **a widow** to whom a pension is granted under paragraph (i) and a child or children, a pension in respect of each child, until such child attains the age of eighteen years, of an amount not exceeding one-eighth of the salary at the date of the injury;
- (iii) if the deceased police officer leaves a child or children, but does not leave **a widow** or no pension is granted to the **widow**, a pension in respect of each child, until such child attains the age of eighteen years, of double the amount specified in paragraph (ii);
- (iv) if the deceased police officer leaves a child or

- children and a widow to whom a pension is granted under paragraph (i), and the widow subsequently dies, a pension in respect of each child, as from the date of the death of the widow and until such child attains the age of eighteen years, of double the amount specified in paragraph (ii);
- (v) if the deceased police officer does not leave a widow, or if no pension is granted to the police officer=s widow, and if the police officer=s mother or where the mother is dead, the police officer=s father, was wholly or mainly dependent on the police officer for support, a pension to the mother, without adequate means of support, or where the mother is dead, the police officer=s father, while without adequate means of support, of an amount not exceeding the pension which might have been granted to a police officer=s widow;
- (vi) if the deceased police officer leaves a widow to whom a pension is granted under this section and mother, or where the mother is dead, a father, who was wholly or mainly dependent on the police officer at the time of his death, a pension to the mother, or, where the mother is dead, the father, while without adequate means of support, of an amount not exceeding one-half the amount which might have been granted

under paragraph (v);

- (vii) in any case which in the opinion of the Minister is one of hardship, a gratuity to any person or persons to whom a pension may be granted in accordance with the provisions of this section so, however, that such gratuity or, where more than one gratuity is granted, the aggregate of such gratuities shall not exceed a sum equal to one year's pay of such police officer at the date of the injury:

Provided that -

- (a) a pension shall not be payable under this subsection at any time in respect of more than six children, and where there are more than six children, in respect of whom, but for this proviso, a pension would be payable, then the amount payable in respect of six children shall be divided equally among all such children during the period in which there are more than six children under the age of eighteen years;
- (b) in the case of a pension granted to the mother of a deceased police officer under either paragraph (v) or paragraph (vi) such pension shall be paid only, if the mother is a widow at the time of the grant of the pension and subsequently

remarries, such pension shall cease as

from the date of remarriage;

(c) a pension granted to a child under this section shall cease upon the marriage of such child under the age of eighteen years;

(d) in the case of a pension granted to the father of a deceased police officer under either paragraph (v) or paragraph (vi), if it appears to the Minister, at any time that the father is adequately provided for with other means of support such pension shall cease as from such date as the

Minister may determine;

(e) notwithstanding that a pension to a child of a deceased police officer should cease when such child attains the age of

eighteen years, if such child was incapacitated at the time of the deceased police officer's death and was wholly or mainly dependent on **the police officer**

the Minister may, in his discretion, grant,

or, as the case may be, authorize the

continued payment after attainment of

the age of eighteen years of, a pension in

respect of such child, during the period

of incapacity or for such period as the

Minister may, in his discretion,

determine and the Minister may, in his discretion, increase or reduce the amount of pension payable in respect of such child, to such amount as the Minister thinks fit.

(3) In this section a reference to Awidow@ includes a reference to Awidower@.

(4) The child of any police officer killed in the line of duty shall be entitled to free tertiary education at The College of The Bahamas or at an institution approved by Government.

(5) The dependent of any police officer killed in the line of duty shall be entitled to free medical care at any Government medical facility or other institution, local or abroad, approved by Government.

(6) Without prejudice to the foregoing, the Government may grant any combination of benefits to any dependent of a police officer killed in the line of duty before the commencement of this Act.

(7) For the purpose of this section unless the contrary intention appears -

(a) the word child includes -

(i) a posthumous child;

(ii) a child of the family, a child deemed to be a

child of the family or a child born out of

wedlock before the date of the injury and

wholly or mainly dependent upon the deceased

police officer for support; and

(iii) an adopted child, adopted in a manner

recognized by law, before the date of the injury

and wholly or mainly dependent upon the

deceased police officer for support;

- (b) references to a police officer being injured in the circumstances detailed in paragraphs (a), (b) and (c) of subsection (1) and to the date on which an injury is sustained shall respectively be construed as including references to his contracting a disease to which he is exposed specifically by the nature of his duty, not being a disease wholly or mainly due to, or seriously aggravated by, his own serious and culpable negligence or misconduct and to the date on which contracted.

(8) For the purposes of paragraph 2(a) a police officer who dies as a result of injuries received while travelling by air in pursuance of official instructions shall be deemed to have died in the circumstances detailed in paragraphs (a) and (c) of subsection (1):

Provided that in such a case and if paragraph (b) of subsection (1) is also satisfied, the rates of pension described in paragraphs (i) and (ii) of that subsection shall be increased by one-half.

(9) The Minister may take into account in such manner and to such extent as he may think fit against any award made under this section -

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

and he may withhold or reduce the award accordingly.

(10) Nothing in this section shall authorize the making of an award where the date on which an injury is sustained is more than seven years prior to the date of the police officers death.

(11) For the purposes of this section -

A dependant@ means a person -

- (a) who is under the age of eighteen years; or
- (b) who having attained the age of eighteen but not twenty-five years, is either receiving full-time instruction at a educational establishment or undergoing training for a trade, profession or vocation in such circumstances that he is required to devote the whole of his time to that training; or
- (c) whose earning capacity is impaired through illness or disability of the mind or body.

Gratuity for injury during the course of employment. 96.(1) Any police officer who on the recommendation of a medical board ceases to be a member of the Service on account of ill-health (not occasioned by his own fault or misconduct) or on account of injury suffered during the course of his employment as a member of the Service, or who has been discharged under the provisions of section 23(c) of this Act, and whose conduct, in the opinion of the Governor-General acting in accordance with the advice of the Police Service Commission, has been satisfactory may be granted in lieu of the gratuity provided for by section 88 of this Act, a pension in respect of every completed year of service amounting to one-seventy-fifth of the annual salary which such police officer shall have been receiving at the time of his ceasing to be a member of the Service as aforesaid; and provided that when the injury received by such officer in the opinion of the medical board has resulted in or is likely to result in permanent total disablement, such police officer shall be entitled to receive the full amount of the pension for which he would have been eligible had

he ceased to be a member of the Service after thirty (30) years good and efficient service and in addition to receive as compensation a sum equal to twelve (12) months salary:

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

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

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

- (2) in the case of any injury not specified in paragraph (a) of this subsection, the compensation payable shall be

such percentage of the compensation payable in the case of permanent total disablement as is proportionate to the loss of earning capacity caused by the injury.

Such loss of earning capacity shall be determined by the medical board whose decision shall be final.

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

No deduction for injury during course of duty.

97. No deductions shall be made from the salary of any police officer while on sick leave as a result of injuries sustained during the course of his duty.

Fines, etc., to be deducted.

98. Fines, penalties, forfeitures and stoppages imposed under this Act upon any member of the Service for any offence under this Act or for any offence against police discipline enumerated in the regulations under this Act, shall be enforced by deducting the amount from any salary, allowances or emoluments due, or which may become due, to the offender.

Pay not to accrue during absence without leave.

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

Payments from the

100. There shall be payable out of the Consolidated Fund -

(a) the charges and expenses incurred in obtaining fit and

Consolidated**Fund.**

proper persons for the Service;

- (b) the travelling expenses to and from and within The Bahamas of the inspectors and other members of the Service or other persons employed or in any way connected with the Service or engaged in the Service;
- (c) the necessary outlay on arms, ammunition, accoutrements, clothing and other appurtenances in the opinion of the Minister proper for the use of the Service, and a sum for the purchase of instruments and music for a band;
- (d) rewards to members of the Service for zeal and efficiency in the discharging of their duties;
- (e) rewards for the detection and prevention of crime;
- (f) rewards for bravery;
- (g) expenses of and incidental to the apprehension, arrest, transportation and maintenance of persons charged with criminal offences;
- (h) all other charges and expenses incurred in carrying this Act into effect.

Death or

101. Where a police officer proceeding by a route approved by

injury

the Minister at the commencement or termination of his service therein, or of a

owing to

period of secondment, duty leave, or leave therefrom, dies or is permanently

war

injured as the result of damage to the vessel, aircraft, or vehicle, in which he is

conditions.

travelling, or of any act of violence directed against such vessel, aircraft, or

vehicle, and the Minister is satisfied that such damage or act is attributable to

circumstances arising out of any war, such police officer shall be deemed to have

died or to have been injured (as the case may be) as the result of injuries received -

- (a) in the actual discharge of his duty; and

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

Forfeitures 102.(1) No forfeiture of the pay of any member of the Service shall be imposed unless authorised by this Act, or some other enactment and no deduction from such pay shall be made unless so authorised.

provisions. (2) Regulations shall not authorise the making of any penal deduction, that is to say, a deduction to be made by reason of the commission of any offence or other wrongful act or in consequence of any negligence.

(3) Subsections (1) and (2) shall not prevent the making of regulations providing for the imposition of any forfeiture authorised by this Act or the making of any deduction so authorised, or for the time at which sums may be deducted from pay to give effect to authorised deductions or the manner in which amounts may be so deducted in order to recover any fine imposed in pursuance of this Act, or as to the appropriation of any such sum or a amount when deducted, or of providing for the determination of questions relating to forfeitures or deductions.

(4) Notwithstanding that forfeiture of pay of an officer for any period has been ordered in pursuance of this Act, he shall remain in receipt of pay, but the amount received for that period may be recovered from him by deduction from pay.

(5) Any amount authorised to be deducted from the pay of an officer may be deducted from any balance (whether or not representing pay) which may be due to him as an officer and references in this Act to the making of deductions from pay shall be construed accordingly and the whole or any part of any sum forfeited from an offenders pay may be recovered by deduction from any

such balance.

- Enforcement of maintenance and affiliation orders by deduction from pay.**
- 103.(1) Where any court in The Bahamas has made an order against any person (in this section referred to as the defendant) for the payment of any periodical or other sums specified in the order for or in respect of -
- (a) the maintenance of his child; or
 - (b) any costs incurred in obtaining the order; or
 - (c) any costs incurred in proceedings on appeal against, or for the variation, revocation or revival of, any such order,
- and the defendant is an officer of the Service then (whether or not he was an officer when the said order was made) the court may order such sum to be deducted from the pay of the defendant and appropriated in or towards satisfaction of the payment due under the order.
- (2) Where to the knowledge of the court making any such order as aforesaid, or an order varying, revoking, or reviving any such order, the defendant is an officer of the Service, the court shall send a copy of the order to the Commissioner.
- (3) Where such an order as is mentioned in subsection (1) has been made by a court of a Commonwealth country outside The Bahamas, the order shall have like effect as if it were made by a court within the jurisdiction of The Bahamas:
- Provided the court is satisfied that the defendant has had reasonable opportunity of appearing in person, or has appeared by a duly authorised legal representative, to defend the case before the court by which the order was made.
- (4) The court may by order vary or revoke any order previously made under this section.
- (5) In this section -
- (a) references to an order made by a court in The Bahamas

include references to an order registered in or confirmed by such a court under the provisions of any law which makes provision for the enforcement in The Bahamas of maintenance orders made outside The Bahamas; references to a child include, in relation to an order made in proceedings in connection with the dissolution or annulment of a marriage, references to a person who would have been the child of the defendant if the marriage had subsisted;

- (b) references to a child of a person include references to a child of his wife, and to a child born out of wedlock or adopted child and in this paragraph adopted child means a child adopted (whether alone or jointly) in pursuance of an adoption order made under the

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Adoption Act.

Establishment of Welfare Fund. 104.(1) All fines imposed under the provisions of this Act or any regulation made thereunder for any offence against discipline shall be paid to the Consolidated Fund to be placed to the credit of the Welfare Fund.

(2) No payment shall be made from the Welfare Fund except upon the authority of the Commissioner.

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

- (a) assistance to the wives or families of deceased members of the Service of or below the rank of inspector, or to any such members discharged from the Service as medically unfit for further service;
- (b) contributions towards prizes to be given at athletic meetings and similar events organised by or for the

benefit of the Service;

- (c) payments to members of the Service below the rank of inspector as rewards for meritorious acts of service in the execution of duty, if such payments are not met from the revenue of The Bahamas;
- (d) expenditure for the benefit and advancement of authorised recreation and sport and other branches of police activity organised within the Service.

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

(5) The percentage of fees requested to be paid to the Commissioner for the engagement of police officers for private work shall be paid into the Welfare Fund.

Private use of police. 105.(1) The Commissioner may on application by any person, hereafter in this section called the applicant, station a police officer for duty at such place and for such period as the Commissioner may approve and thereupon and for the period aforesaid the applicant shall pay to the Commissioner when required to do so the cost, calculated in accordance with the rates from time to time specified in regulations made pursuant to this Act .

(2) The Commissioner may on application by any person, permit the Band of the Bahamas Police Service to undertake a private engagement at such place and for such period as the Commissioner may approve and thereupon and for the period aforesaid the applicant shall pay to the Commissioner when required to do so the cost calculated in accordance with the rates from time to time specified in regulations made pursuant to this Act:

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

- (3) Any amount due from an applicant under the provisions for this section shall be a debt due from the applicant to the Government.
- (4) All monies received for the private engagement of the Band shall be paid to the Consolidated Fund to be placed to the credit of the Band Fund.
- (5) All monies received for the private engagement of a member of the Service shall be paid in accordance with regulations made pursuant to this Act.
- (6) No payment shall be made from the Band Fund except upon the authority of the Commissioner.

(7) Payments from the Band Fund shall be used for matters concerning or connected with the exigencies of the Band.

Accounts and audit. 106.(1) The Commissioner shall keep proper accounts and other records in relation to the Welfare Fund or any fund established under this Act and shall prepare annually a statement of accounts in a form satisfactory to the Minister of Finance.

(2) The accounts of the Commissioner shall be audited by an auditor appointed annually by the Minister and approved by the Minister of Finance.

(3) Nothing in this Act shall prevent the Auditor-General from carrying out any functions of auditing or reporting on the accounts of the Commissioner and for that purpose the Auditor-General shall be entitled to have access to all books, records, returns and reports relating to such accounts.

Annual report. 107.(1) The Commissioner shall, in each year submit to the Minister a report containing -

- (a) an account of his transactions throughout the preceding financial year in such detail as the Minister may direct; and
- (b) a statement of the accounts of the Commissioner

audited in accordance with section 105.

(2) The Minister shall cause a copy of the report together with a copy of the auditors report to be laid before both Houses of Parliament and such reports shall be published in one newspaper published and circulating in The Bahamas.

**Disposal of
found and
unclaimed
property.**

108.(1) All property which has come into the possession of the Service in respect of which the owner has not been ascertained and no order of a competent court has been made with respect thereto shall be dealt with as follows -

- (a) when such property is a perishable article or its custody involves unreasonable expense or inconvenience the same may be sold as soon as convenient after it has come into possession of the Service;
- (b) when such property consist of money, the same shall be dealt with in all respects as is hereinafter provided with regard to the proceeds of sales hereby authorised after it has remained in the possession of the Service for six months and has been advertised for fourteen days.

(2) The proceeds of all sales hereby authorised shall, after deduction of expenses, be paid forthwith to the Consolidated Fund and placed to the credit of the Welfare Fund:

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

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

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

PART XIV

SERVICE OUTSIDE THE BAHAMAS

- | | |
|--|---|
| Governor-Generals power to send police officers to neighbouring territories. | 109. The Governor-General, may on the application of the Government of a neighbouring territory, order such number of police officers as he may think fit to proceed for service to such territory, subject nevertheless to his first being satisfied that the full cost of providing such police officers for service in that territory, including the salaries of such officers while so serving, will be defrayed by the Government of that territory. |
| Discipline, duties and powers of officers from neighbouring territory arriving in | <p>110. Whenever any police officers from the Police Force of a neighbouring territory are present in The Bahamas in respect to an application made by the Minister for the purpose of assisting the Service in a temporary emergency, the following provisions shall have effect with regard to such officers -</p> <p>(a) they shall be under the orders of their own officers present with them, if any, subject, however, to the</p> |

The Bahamas.

control of the senior officer present whether he be a member of the Service or of the Police Force of the neighbouring territory;

- (b) they shall have and may exercise the powers and shall be liable to perform the duties of police officers or equivalent rank in the Service and shall for those purposes be deemed to be members of the Service;
- (c) the provisions of any Act or other law affecting the discipline, punishment, terms and conditions of service of such officers whilst serving in such neighbouring territory shall, so far as circumstances admit, be applied in The Bahamas as if such Act or other law were part of the general law of The Bahamas:

Provided that -

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

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

A neighbouring territory means any territory which the Minister may, by notice publish in the Gazette, declare to be a neighbouring territory for the purpose of this Part:

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

Overseas training. 111. The Minister may order that any police officer or police civilian, shall proceed to any place outside The Bahamas for the purpose of undergoing instructions or training or for duty or employment.

PART XV

MISCELLANEOUS

Regulations. 112. (1) The Minister may make regulations for the carrying out of the objects of this Act and, without limiting the generality of the foregoing may make regulations -

- (a) to establish Police Consultative Committees in communities throughout The Bahamas to assist the Service in obtaining the views of the public;;
- (b) to establish panels of lay visitors in communities throughout The Bahamas to visit and examine where people are detained by police;;

- (c) relating to the appointment, dismissal and promotion, leave, resignation and discipline of police civilians;
- (d) relating to the detention, treatment, questioning and identification of persons detained by the Police;
- (e) relating to internal arrangements for inspection and review within the Service, the qualification of inspections and to external arrangements for inspection and review;
- (f) for the establishment of the police cadet programme;
- (g) to enable and encourage the efficient and effective operation and administration of the Service;
- (h) qualifications of persons seeking enlistment;
- (i) forms of certificates of appointment and other forms to be used under this Act;
- (j) conditions of service, leave and weekly rest days;
- (k) conditions under which police officers may be provided for private purposes;
- (l) taking of measurements, photographs and fingerprints of persons in lawful custody;
- (m) public and private performances by the Band;
- (n) administration of the Police Welfare Fund;
- (o) appointment, promotion, leave, resignation, release, dismissal and re-engagement of reserve police officers,
- (p) the establishment of stores for arms and ammunition deposited by the public and the regulation thereof including the imposition of fees, the destruction of any ammunition which is or is likely to become dangerous and the destruction, sale or other disposal of any

firearm which is abandoned or in respect of which the fees have not been paid for any period exceeding two years;

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

(2) The Governor General may make regulations under this Act with respect to all or any of the following matters that is to say, the terms of service, promotion, transfer, resignation and such other matters concerning police officers as may seem to him necessary.

Apprehension of deserters. 113.(1) Upon reasonable suspicion that any person is a deserter any police officer may apprehend him without a warrant and forthwith bring him before a court having jurisdiction in the place wherein he was found which may deal with the suspected deserter or remit him to a court having jurisdiction in the place in which he has deserted.

(2) Every police officer who shall absent himself from duty without leave for not less than thirty consecutive days without satisfactory explanation, shall be held to have vacated his position automatically.

Arrest of members of the Service. 114. Any member of the Service charged with any offence under this Act or the regulations made thereunder may be arrested and confined until he can be brought before the Commissioner for the charge to be investigated.

Family Island Administrator to have power by this Act given to officers of the rank of inspector or above:

of senior police officers. Provided that such powers and authorities shall not be exercised at any time when an officer of or above the rank of inspector is present within the District.

Accommodation. 116. The Minister may assign for the use of the Service such

dation.

buildings as may be available and may make such further provision for accommodation as necessary. The Commissioner may assign any such accommodation to any police officer or police civilian and may require him or her to reside therein.

Canteens.

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

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

(3) All monies received for the sale of goods under this section shall be paid to the Consolidated Fund to be placed to the Credit of the Canteen Fund.

(4) No payment shall be made from the Canteen Fund except upon the authority of the Commissioner.

(5) Payment from the Canteen Fund shall be used for the purposes of establishing and maintaining police messes.

Funeral**expenses.**

118.(1) The funeral expenses of all members of the Police Service, dying whilst in the execution of their duties shall be paid by the Government of The Bahamas.

(2) All expenses payable under subsection (1) shall be paid out of the Consolidated Fund.

Legal Aid.

119. Where a police officer is charged before a Court with an offence arising out of or in the course of the execution of his duty and the Attorney-General is satisfied that such officer acted in good faith in the execution of his duty, such officer shall be granted legal aid **as approved by Cabinet** in the

conduct of his defence.

Partisanship. 120. Every member of the Service shall avoid public expression of political and sectarian opinions and shall bear themselves with strict impartiality in all matters.

**Award of
of medals.** 121. The Governor-General may, on the advice of the Minister after consultation with the Commissioner, award a medal of good service to any civilian who was instrumental in the detection and prevention of crime.

Repeal of 122. The Police Act is hereby repealed.

Ch. 205.

**Transitional
provisions.** 123. Nothing in this Act relating to the age of retirement shall affect any person who was appointed to the Royal Bahamas Police Force prior to the 1st day of October, 1996.

FIRST SCHEDULE

(section 11)

CLASSIFICATION OF OFFICERS IN THE POLICE SERVICE

Police Officers

- Commissioner
- Deputy Commissioner
- Assistant Commissioner
- Chief Superintendent
- Superintendent
- Assistant Superintendent
- Chief Inspector
- Inspector
- Sergeant
- Corporal
- Constable
- Recruit

Reserves

- Reserve Commandant
- Reserve Assistant Superintendent
- Reserve Inspector

Reserve Sergeant
 Reserve Corporal
 Reserve Constable

Police Civilians

SECOND SCHEDULE

(section 18)

POLICE OFFICERS

Oaths*/Affirmation* on appointment

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

(a) I _____ do swear*/do solemnly and sincerely affirm* that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, Her Heirs and Successors, according to law. So help me God.

(b) I _____ do swear*/do 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 while I shall continue to hold the said office I will, to the best of my skill and knowledge, discharge all the duties thereof faithfully according to law. So help me God.H

* Delete whichever is inapplicable.

H Delete in case of affirmation.

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

POLICE CIVILIANS

Oath*/affirmation* of office and secrecy I, _____ do swear*/do solemnly and sincerely affirm* that I will well and truly serve in the office of _____ without favour of affection, malice or ill will and that while I shall continue to hold the same office I will, to the best of my skill and knowledge, discharge all duties thereof faithfully according to law and will not, without due authority in that behalf, in any manner whatsoever publish or communicate any facts or information being facts or expressions of opinion based on such facts that come to my knowledge by reason of my being the holder of such office. So help me God.H

* Delete whichever is in applicable

H Delete in case of affirmation

THIRD SCHEDULE

(section 19)

Re-engagement paper

I _____ do hereby engage (or re-engage) to enter (continue) a
 under the Police Service Act for _____
 years from the _____ day of _____ 20_____
 next under and subject to the provisions of the Police Service Act and of any regulations made
 thereunder.

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

Signature

FOURTH SCHEDULE**(Section 80)****POLICE COMPLAINTS**

- Constitution and qualifications for appointment to Inspectorate.** 1.(1) The Inspectorate shall consist of five persons appointed by the Governor General who shall possess the qualifications which the Governor General deems necessary for the performance of the functions assigned to him by this Act, save however, that at least one member shall have at least five years standing as an attorney- at-law, or be a person who has retired from the Police Service at a rank of Chief Superintendent or above.
- (2) No person is qualified to be appointed to the Inspectorate who -
- (a) is a member of -
 - (i) the Senate;
 - (ii) the House of Assembly; and
 - (iii) a local government authority.
 - (b) was at any time during the five years preceding appointment -
 - (i) a member of the Senate;
 - (ii) a member of the House of Assembly;
 - (iii) a member of a local government authority; or
 - (iv) a candidate for election to membership of a local government authority;
 - (c) is a member of the Service, or was, at any time during the five years preceding appointment, a member of the Service;
 - (d) is an undischarged bankrupt;
 - (e) has at any time been convicted of an offence involving dishonesty or moral turpitude.
- Remuneration.** 2.(1) A member of the Inspectorate may be paid such remuneration

as is fixed by the Governor-General acting on the advice of the Minister.

(2) Remuneration paid to any member of the Inspectorate under subsection (1), shall be a charge on the Consolidated Fund.

Tenure of service. 3. The appointment of a member of the Inspectorate shall subject to the provisions of this Act, be for a period not exceeding three years.

Absence of members. 4. Where a member of the Inspectorate is absent or unable to perform his duties, the Governor-General may appoint another person to act in the place of such person.

General. 5.(1) A member of the Inspectorate General may at any time resign his office by instrument in writing addressed to the Governor-General.

Resignation of the members of the Inspectorate. (2) A resignation under this section takes effect from the date of receipt of the instrument of resignation by the Governor-General.

Revocation of appointment. 6. The Governor-General may, at any time revoke the appointment of a member of the Inspectorate if satisfied that the person -

- (a) has, without reasonable excuse, failed to carry out his duties for a continuous period of three months;
- (b) is incapacitated physically or mentally, to such an extent as to impair his ability to perform his duties, or is otherwise unable or unfit to perform his duties;
- (c) has become a person who would be disqualified for appointment pursuant to paragraph 2.

Gazetting. 7. The first appointment to the Inspectorate and every subsequent appointment or change in membership of the Inspectorate shall be published in the Gazette.

Inspectorate Funds. 8. The funds of the Inspectorate shall consist of such sums as are appropriated to him by Parliament from time to time.

Independence. 9. Subject to the provisions of the Constitution relating to the powers of the Police Service Commission, the Inspectorate is not subject to the directions or control of any other person in the exercise of his powers.

of the

Inspectorate

Rules.

10. Subject to the provisions of this Act, the Inspectorate may make rules respecting the manner in which reviews are conducted before him, and for any other matters pertinent to his functions.

OBJECTS AND REASONS

The purpose of this Bill is to repeal the Police Act and to provide new provisions relating to the Police Service.

Clause 1 of the Bill provides for the short title of the Bill.

Clause 2 of the Bill defines certain terms used in the legislation. Part II of the Bill provides for the functions of the Police Service, the duties of the Commissioner, Deputy and Assistant Commissioner. New provisions include a Commissioner_s Policy Plan which sets out the proposed arrangements for the policing of The Bahamas during each year. Also, the preparation of a Commissioner_s Annual Report which is submitted to the Minister.

Part III of the Bill provides for the constitution and organization of the Service. Clause 3 of the Bill empowers the National Security Council, in consultation with the Commissioner, with the general duty of securing the maintenance of an adequate and efficient service so as to ensure the effective preservation of law and order.

Part IV of the Bill provides for the appointment and conditions of service of members of the Service.

Part V of the Bill provides for the powers and duties of police officers.

Such powers include the power to search on arrest, power to take intimate and non-intimate samples, power to take photographs and fingerprints, power to release persons on bail, power to enter and search, power to stop and search.

Part VI of the Bill provides for certain offences under the Act.

Part VII of the Bill provides for the continuation of the Police Reserve.

Part IX of the Bill provides for the appointment of district and special constables and the duties of such constables.

Part X of the Bill provides for the continuation of the programme of Police Cadets.

Part XI of the Bill provides for the establishment of police civilians and the transfer of public officers to the Service.

Part XII of the Bill provides for the appointment of a Police Complaints Inspector General who shall be responsible for reviewing and monitoring complaints relating to the conduct of any police office.

Part XIII of the Bill contains the financial provisions relating to the Service. Pension provisions for police officers, their dependants when an officer dies as a result of inquiries received while in the discharge of his duties. Deductions from pay for maintenance of wives and children, deductions for payments of civil penalties.

Part XIV of the Bill makes provision for the Police Service to render service outside The Bahamas to neighbouring territories.

Part XV of the Bill contains miscellaneous provisions relating to offences under the Bill, payments from the Consolidated Fund, private use of the Police, the payment of legal expenses for officers and the payment of funeral expenses for officers who die in the line of duty.

The First Schedule of the Bill contains the classification of officers in the Public Service.

The Second Schedule of the Bill contains the oath of appointment.

The Third Schedule of the Bill contains the provisions relating to the re-engagement paper.

The Fourth Schedule of the Bill contains provisions relating to the appointment and functions of the Inspector General.