

CHAPTER 166

PARISH CONSTABLES

1900-4

This Act came into operation on 1st December, 1900.

Amended by:

1948-23

1967/168

Guide to symbols in historical notes:

- indicates an amendment made by an Act

/ indicates an amendment made by statutory instrument

CHAPTER 166

**PARISH CONSTABLES
1900-4**

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SCHEDULE

Certificate of Appointment

**BARBADOS****PARISH CONSTABLES**

1900-4

An Act to consolidate and amend the Acts of this Island relating to Parish Constables.

[Commencement: 1st December, 1900]

Short title

1. This Act may be cited as the Parish Constables Act.

Interpretation

2. For the purposes of this Act, the expression—
“Commissioner” means the Commissioner of Police;
“constable” means parish constable.

Appointment and dismissal of parish constables

- 3.(1) The Governor-General may from time to time on the recommendation of the Commissioner appoint fit and proper persons to serve as constables for the several parishes or for this Island and may dismiss such persons from the office of constable.

- (2) Constables when so appointed shall be subject to the authority and control of the Commissioner.
- (3) No person shall be recommended by the Commissioner for appointment unless—
- (a) he is twenty-one years of age; and
 - (b) he produces satisfactory proof of good character for energy, ability and honesty.
- (4) The person so appointed shall be enrolled by the Commissioner or a magistrate of the district, subject to the following conditions—
- (a) he shall take and subscribe the oath of allegiance and the official oath;
and
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 - (b) he shall produce a certificate of appointment in the form contained in the Schedule signed by the Governor-General.
- (5) No person shall, under a penalty of twenty-four dollars, act as a constable until he has been enrolled.

Constable's staff

4. Every constable shall, on appointment, be provided with a staff at the public expense, which he shall deliver up to the Commissioner within two days after vacating the office of constable, under a penalty of five dollars.

Suspension

5. The Commissioner is hereby authorised to suspend any such constable from his office for any dereliction or neglect of duty and to report such suspension to the Governor-General, who may dismiss or reinstate such constable.

Vacation of office

- 6.(1) Any constable who goes to reside in any parish other than that for which he was appointed as constable shall vacate his office.

- (2) Any constable may resign his office by giving seven days' notice in writing to the Commissioner of his intention so to do.
- (3) Any constable may be called upon by the Governor-General to retire at any time after attaining the age of sixty years.

Notification of change of residence

7. Every constable shall, under a penalty of five dollars, give notice to the police sergeant or other person in charge of the district police station within three days after removal, of any change of residence either to another place in the same parish or to another parish.

Neglect of duty

8. Any constable who wilfully neglects the duties of his office shall be liable for each offence to a penalty of twenty-four dollars.

Remuneration

9.(1) Every constable shall, in all cases in which he executes any writ, summons or other process, be entitled to such fees as may be prescribed by regulations and shall be invested with all powers, authorities and immunities incident and belonging to the office of constable generally in the district for which he is appointed.

(2) Nothing in subsection (1) shall be construed to extend to or require the attendance of any constable at the Supreme Court unless specially summoned thereto.

(3) Subject to subsection (4), every constable shall be entitled to be paid such fees as may be prescribed by regulations for each case in which he legally apprehends any offender or conveys to prison any offender who has been legally apprehended by another person and for each day subsequent to the day of apprehension and conveyance of, or of information against, any offender, on

which he properly attends in his capacity as a constable at a magistrate's court or at the Supreme Court to give evidence against any offender.

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(4) No constable shall be entitled to be paid for the services specified in subsection (3) when the information is dismissed unless from any special circumstances connected with the case the court sees fit to return him for payment.

(5) Where a constable conveys an offender to prison, such offender having been apprehended by another person and handed over to the constable to be conveyed to prison, and the offender is subsequently discharged for want of prosecution or the information is dismissed on the merits, then the person so handing over the prisoner to the constable shall be liable to pay the constable such fee as may be prescribed by regulations for each offender so conveyed, which fee may be recovered on the complaint of the constable before a magistrate in a summary manner.

(6) The Minister shall make regulations prescribing the fees to be paid to every constable and such regulations shall, when approved by Parliament and published in the *Official Gazette*, have the same effect as if the same were herein set forth and enacted.

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Payment of fees

10.(1) Each magistrate shall give to each constable a certificate of the cases in which the constable has been engaged in apprehending and conveying, or conveying, as the case may be, offenders to prison, and the number of days on which he has been required to attend and has so attended at the magistrate's court to give evidence against offenders and in respect of which he is entitled to be paid for the same, and of all other fees allowed by this Act which such constable is entitled to receive under this Act.

(2) The Registrar shall give a certificate to each constable of the number of days which the constable has been required to be in attendance and has attended to give evidence at the Supreme Court and in respect of which he is entitled to be paid for the same.

(3) The clerks for each magisterial district shall, upon presentation of such certificates given either by the magistrate or the Registrar, pay out of the fees and fines of their office the respective amounts appearing due thereon to the constables and shall at the next monthly accounting to the Accountant-General for the fees and fines received by them return the certificates to the Accountant-General who shall allow the sums so paid to the constables.

Enrolment as special constables under the Police Act

11.(1) The Commissioner is hereby authorised, with the sanction of the Governor-General, to summon and enrol constables appointed under this Act as special constables under the *Police Act*, Cap. 167.

(2) Any constable who, without lawful excuse, refuses or neglects in pursuance of subsection (1) to attend and be enrolled as a special constable shall be liable to a penalty of forty-eight dollars.

(3) The constables so enrolled shall be considered to all intents and purposes as belonging to the Police Force and shall be subject to the rules, regulations and orders for the good government of the Police Force, and to all the provisions of the Police Act relating to the discipline, punishment, powers and immunities of the regular members of the Police Force.

(4) The remuneration of constables enrolled as special constables shall be according to a scale to be settled by the Minister, and shall be paid from moneys voted for the purpose by Parliament.

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Protection of constables executing process

12. Where any action is brought against any constable for any act done in obedience to the writ or warrant of any magistrate, such constable shall not be

responsible for any irregularity in the issuing of such warrant or writ or for any want of jurisdiction in the magistrate issuing the same, and such constable may plead the general issue and give such writ or warrant in evidence and upon producing such writ or warrant and proving that the signature thereto is the handwriting of the person whose name appears subscribed thereto and that such person is reputed to be and acts as a magistrate for the district and that the act complained of was done in obedience to such writ or warrant, the jury or court which tries the issue shall find a verdict for such constable, who shall recover his costs of suit.

Rules and regulations

13. It shall be lawful for the Commissioner with the approval of the Governor-General to make and ordain such rules and regulations, and from time to time with the like approval to alter, add to, vary or annul the same, as may be found necessary or deemed expedient for the good ordering and government of the constables, who shall be made duly acquainted with the same and shall conform themselves thereto.

Assaulting and obstructing constables

14.(1) Any person who assaults, obstructs or resists any constable in the execution of his duty or any person acting in aid of such constable or who aids or incites any person so to assault, obstruct or resist shall be liable on conviction before a magistrate to be imprisoned for six months or to pay a fine of forty-eight dollars.

(2) Where the magistrate is of opinion that the offence is a fit subject for a prosecution by indictment, he shall commit the offender to take his trial before the High Court.

Recovery of penalties

15. All offences and penalties under this Act, where not otherwise provided for, shall be prosecuted and recovered in a summary manner before a magistrate, on the information of any person.

Practical directions for guidance of constables

16. The Commissioner shall prepare and issue to constables printed copies of this Act and of practical directions for their guidance in the execution of the office of constable.

SCHEDULE*(s. 3(4)(b))**Certificate of Appointment*

I, _____ Governor-General of Barbados, hereby certify that
_____ of _____ has been appointed by me to the office
of Constable for the parish [or Island] of _____

Dated this _____ day of _____ 19 _____ .

Governor-General.