

## CHAPTER 167

### POLICE 1961-50

This Act came into operation on 16th October, 1961.

#### Amended by:

|                 |                |                |
|-----------------|----------------|----------------|
| <i>1965-46</i>  | <i>1978-30</i> | <i>1989-24</i> |
| <i>1966-25</i>  | <i>1979-25</i> | <i>1992-17</i> |
| <i>1966-32</i>  | <i>1979-32</i> | <i>1995-3</i>  |
| <i>1967-61</i>  | <i>1981-21</i> | <i>1996-4</i>  |
| <i>1968-28</i>  | <i>1982-4</i>  | <i>1998-13</i> |
| <i>1975-1</i>   | <i>1982-12</i> | <i>1999-20</i> |
| <i>1975-32</i>  | <i>1983-45</i> | <i>2007-9</i>  |
| <i>1967/168</i> | <i>1989-13</i> |                |

#### Law Revision Orders

*The following Law Revision Order or Orders authorized the insertion and removal of pages as the case may be under the Law Revision Act Cap.2 now repealed:*

|      |      |      |
|------|------|------|
| 1978 | 1991 | 1998 |
| 1985 | 1995 | 2007 |

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#### Guide to symbols in historical notes:

- indicates an amendment made by an Act

/ indicates an amendment made by statutory instrument



## **CHAPTER 167**

### **POLICE 1961-50**

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**BARBADOS****POLICE  
1961-50**

*An Act to amend and consolidate the Acts of Barbados relating to the Police Force.*

[Commencement: 16th October, 1961]

**Short title**

1. This Act may be cited as the *Police Act*.

**PART I  
PRELIMINARY****Interpretation**

2. For the purposes of this Act, the expression  
“Commissioner” means the Commissioner of Police;  
“constable” means a member of the Police Force below the rank of Sergeant;  
[1998-13]

“the Force” or “the Police Force” means the Royal Barbados Police Force as constituted and maintained under this Act;

[1966-25]

“gazetted police officer” means the Commissioner, the Deputy Commissioner or any Assistant Commissioner or Superintendent of Police;

[1965-46]

“police area” means a police area as defined in the regulations;

“regulations” means the regulations relating to the Force made under the authority of this Act and of the *Police Act, 1908*,\* and for the time being in force;

\*[*The Police Act, 1908-2, was repealed by this Act, with certain savings. See Act 1961-50, section 83.*]

“special constable” includes officers, subordinate officers and special constables of the Special Constabulary;

“Special Constabulary” means the Force of Barbados Special Constabulary constituted under section 71;

“subordinate police officer” means a member of the Police Force of the rank of Station Sergeant or Sergeant;

[1998-13]

“Superintendent” includes Senior Superintendent and Assistant Superintendent;

“Traffic Warden” means a person appointed as such for the purposes of Part XIIA.

[1989-13]

## PART II

## DESIGNATION, OBJECTS AND CONSTITUTION OF FORCE

[Reference should also be made to the Constitution, section 96.]

**Designation of the Force**

3. The Force established in and for Barbados and in respect of which provision was made under the *Police Act, 1908*,\* shall continue to be maintained under this Act and shall be designated as the Royal Barbados Police Force.

\*[Act 1908-2.]

**Primary objects of the Force**

4. The Force shall be primarily employed for
- (a) the maintenance of law and order;
  - (b) the preservation of peace;
  - (c) the protection of life and property;
  - (d) the prevention and detection of crime; and
  - (e) the enforcement of all laws and regulations with which it is charged.

[1966-25]

**Employment of Force as a military Force**

5.(1) In the event of war or in the case of actual or apprehended invasion of Barbados, the Governor-General may by proclamation published in the *Official Gazette* direct that the Force, or any part thereof, shall be employed on military duties in defence of Barbados, and such Force or part thereof shall be liable to be so employed from the date specified in such proclamation until such date as the Governor-General may by a like proclamation direct.

(2) The provisions of the *Defence Act*, Cap. 159 relating to discipline apply to every member of the Force who is employed on military duties, except that upon

the trial of such a member the sentence of a court-martial shall not be executed unless confirmed by the Governor-General

- (a) references to “Her Majesty” or “Secretary of State” shall be construed as references to the Governor-General;
  - (b) a sentence of a court-martial upon the trial of a member of the Force shall not be carried into execution unless confirmed by the Governor-General.
- (3) Members of the Force who are employed on military duties shall hold, in addition to their police ranks under this Act, such military ranks as may be determined by regulations made by the Governor-General.
- (4) Subject to subsection (2), the Governor-General may make regulations for the control, administration and equipment of the Force or the part thereof serving as a military force and generally for giving effect to this section and may by such regulations modify or amend the provisions of this Act other than this section.
- (5) Subject to any such regulations and to subsection (2), members of the Force who are employed on military duties shall continue to be subject to this Act.

### **Composition of the Force**

**6.** The Force shall consist of a Commissioner, a Deputy Commissioner and such number of Assistant Commissioners, Superintendents, Inspectors, subordinate police officers and constables respectively as does not exceed the number provided by any order made under section 2 of the *Civil Establishment Act*, Cap. 21: but the members of the Force at 16th October, 1961, shall continue to be members of the Force and shall be subject to this Act.

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[1965-46; 1978-30]

### **Women members of the Force**

**7.(1)** Notwithstanding the provisions of any law to the contrary, women shall be eligible for appointment as members of the Force and, subject to

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subsection (2) and to any order made thereunder, the provisions of this Act and of the regulations shall apply to female members of the Force.

(2) The Minister may by order provide that any provisions of this Act shall not apply to all or any female members of the Force.

(3) An order made under subsection (2) shall be of no effect until it has been laid before Parliament and approved by a resolution of each House.

### **Duties of Commissioner**

8. The Commissioner of Police shall have the command and superintendence of the Force, and shall be responsible to the Governor-General for the efficient administration and government of the Force and for the proper expenditure of all public moneys appropriated for the service thereof.

### **Duties of Deputy Commissioner**

9. The Deputy Commissioner of Police shall act as assistant to the Commissioner in the performance of his duties in respect of the Force and may, during the absence or incapacity of the Commissioner or when so authorised by him, do or suffer any act or thing which may by law be done or suffered by the Commissioner.

### **Duties of Assistant Commissioners and Superintendents**

10. Subject to this Act and to the regulations, the duties of every Assistant Commissioner and Superintendent of the Force shall be such as may from time to time be determined by the Commissioner.

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[1965-46]

**Gazetted police officers to be Justices of the Peace**

**11.** The Commissioner, the Deputy Commissioner and every Assistant Commissioner and Superintendent of Police shall be *ex officio* Justices of the Peace in and for Barbados and shall take the oath of such Justice.

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[1965-46]

**Appointment and duties of Inspectors**

**12.(1)** The Governor-General may, from time to time as occasion may require, appoint fit and proper persons to be Inspectors.

(2) Subject to this Act and to the regulations, the Inspectors shall perform such duties as devolve upon them under the regulations relating to the Force and such other duties as may be determined by the Commissioner.

**Appointment of subordinate officers and enlistment of constables**

**13.** Subject to the *Constitution*, to this Act and to the regulations, the Governor-General may from time to time appoint as subordinate police officers and enlist as constables such fit and proper persons as occasion may require, and every person so appointed or enlisted shall perform such duties as the Commissioner may from time to time determine.

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[1967/168]

**Oath of office**

**14.(1)** Every member of the Force shall, on his appointment or enlistment, take and subscribe the oath set out in Form A in the *Schedule*.

(2) Such oath shall be taken by the Commissioner and Deputy Commissioner before the Governor-General and by every other member of the Force before the Commissioner or a Justice of the Peace.



**Status of members of the Force**

**15.** Every person for the time being serving in the Force shall be deemed a member of the Force, and shall have and enjoy all the rights, powers, authorities, privileges and immunities conferred on a member of the Force by any law for the time being in force.

**Every member of the Force to be a constable**

**16.** Every member of the Force shall have all such rights, powers, authorities, privileges and immunities, and be liable to all such duties and responsibilities, as any constable duly appointed now has or is subject to either by common law or by virtue of any law which now is or may hereafter be in force in Barbados.

**General powers of member of the Force**

**17.** Where in any enactment powers are conferred upon any member of the Force of a certain rank, such powers may lawfully be exercised by any member of the Force of any higher rank.

**Distribution of the Force**

**18.** The members of the Force shall be distributed among the various police areas as the Commissioner shall from time to time determine.

**PART III****DUTIES OF THE FORCE****General duties of the Force**

**19.** It shall be the duty of all members of the Force

- (a) to preserve the peace and prevent and detect crime and other contraventions of the law;

- (b) to apprehend and bring before a magistrate persons found committing any offence rendering them liable to arrest without a warrant or whom they may reasonably suspect of having committed any such offence or who may be charged by any person with having committed any such offence;
- (c) to charge or cause to be charged before a magistrate and to prosecute persons reasonably suspected of having committed offences in the following cases
  - (i) in all cases of offences where it is in the opinion of a gazetted police officer desirable in the public interest that the prosecution should be undertaken by the Force; and
  - (ii) in any other case where an order to that effect is made by the Director of Public Prosecutions or the Commissioner;  
*[1967/168]*
- (d) to serve and execute at any time (including Sundays) all warrants which they may be directed by competent authority to serve or execute;  
*[1978-30]*
- (e) to keep order in and within the precincts and in the vicinity of all courts during all sittings of such courts;
- (f) to repress internal disturbances;
- (g) to defend Barbados against external aggression when called out for such purpose under section 5; and
- (h) generally to do and perform all the duties appertaining to the office of a constable.

**Power of arrest without warrant**

**20.(1)** It shall be lawful for any member of the Force to arrest without a warrant

- (a) any person whom he suspects upon reasonable grounds of having committed an arrestable offence;  
*[1992-17]*
- (b) any person who shall be charged by any other person with committing an aggravated assault in any case in which such member of the force has good reason to believe that such assault has been committed although not within his view, and that by reason of the recent commission of the offence a warrant could not have been obtained for the apprehension of the offender;
- (c) any person who commits a breach of the peace in his presence;
- (d) any person who obstructs or assaults a member of the Force while in the execution of his duty or who has escaped or attempts to escape from lawful custody;
- (e) any person in whose possession anything is found which may reasonably be suspected to be stolen property or who may reasonably be suspected of having committed an offence with reference to such thing;
- (f) any person whom he finds lying or loitering in any highway, yard or other place between the hours of eight o'clock in the evening and five o'clock in the morning and not giving a satisfactory account of himself;
- (g) any person whom he finds in any highway, yard or other place between the hours of eight o'clock in the evening and five o'clock in the morning and whom he suspects upon reasonable grounds of having committed or being about to commit an arrestable offence;  
*[1992-17]*

- (h) any person found between the hours of eight o'clock in the evening and five o'clock in the morning having in his possession without lawful excuse any implement of house-breaking;
- (i) any person for whom he has reasonable cause to believe a warrant of arrest has been issued;
- (j) any person whom he has reasonable cause to suspect has committed any offence rendering him liable to arrest without warrant.

(2) Without prejudice to the powers conferred upon a member of the Force by subsection (1), it shall be lawful for any member of the Force, and for all persons whom he may call to his assistance, to arrest without warrant any person who within view of any such member of the Force commits an offence against any law and whose name and residence are unknown to such member of the Force and cannot at the time be ascertained by him.

(3) Any warrant lawfully issued by a magistrate or Justice of the Peace for apprehending any person charged with an offence may be executed by any member of the Force at any time notwithstanding that the warrant is not in his possession at that time, but the warrant shall, on the demand of the person apprehended, be shown to him as soon as practicable after his arrest.

### **Power to take measurements, photographs and fingerprints**

**21.(1)** It shall be lawful for any gazetted police officer or for any other member of the force who is an Inspector or subordinate police officer to take and record for the purposes of identification the measurements, photographs and fingerprint impressions of all persons who may from time to time be in lawful custody: but where such measurements, photographs and fingerprint impressions are taken of a person who has not previously been convicted of any criminal offence and such person is discharged or acquitted by a court, all records relating to such measurements, photographs and fingerprint impressions shall be forthwith destroyed in the presence of such person if he so desires.

(2) Any person who refuses to submit to the taking and recording of his measurements, photographs or fingerprint impressions shall be taken before a

magistrate who, on being satisfied that such person is in lawful custody, shall make such order as he thinks fit authorising a member of the Force to take the measurements, photographs and fingerprint impressions of such person.

**Additional duties and powers of Force in relation to maintenance of public order, etc.**

22.(1) It shall be the duty of the Force

(a) to control and regulate, in accordance with regulations made under section 23, the movement of persons and vessels in Carlisle Bay or in any port or harbour of Barbados; and

(b) to control and regulate traffic on all highways and public places.

(2) Every member of the Force is hereby required to disperse all mobs in public places and it shall be lawful for any member of the Force to arrest without a warrant any person being in any such mob who refuses to disperse on being required so to do; and any such person shall be liable on conviction by a court of summary jurisdiction to a fine of \$500 or to imprisonment for 6 months.

*[1965-46; 1975-32]*

(3) Without prejudice to any other power conferred upon a member of the Force by this or any other enactment, it shall be lawful for any member of the Force to order any person in any public place to move on and keep on moving; and any person without lawful excuse failing to obey any such order shall be liable on conviction by a court of summary jurisdiction to a fine of \$500 or to imprisonment for 6 months.

*[1975-32]*

**Regulations and rules**

23.(1) The Minister may from time to time make regulations for controlling the movement of persons and vessels in, to and from Carlisle Bay and the Carenage or any other port or harbour of Barbados.

(2) The Commissioner may, subject to the approval of the Minister, make general or special rules for the control and regulation of traffic and otherwise to

prevent obstructions and accidents on the opening of Parliament, on race days, exhibition days, and on the occasion of any meeting, entertainment or function at any place whatsoever when in his opinion accidents or obstructions of the highways are likely to occur.

[1965-46]

(3) All such rules shall, when published in the *Official Gazette*, have the force and effect of law and shall be binding on all persons.

(4) For the purposes of this section and section 22, the expression “vessel” includes any launch, lighter, barge, boat or ship of any description, whether propelled by oars or otherwise.

#### PART IV

#### ENLISTMENT, RESIGNATION, DISMISSAL

[Reference should be made to the Constitution, sections 96, 97 and 98.]

#### **Qualifications of persons enlisting in the Force**

**24.(1)** With respect to the enlistment of constables, the following provisions of this section shall have effect.

(2) No person shall be enlisted who

(a) is less than 19 years of age or more than 30 years of age, unless

(i) he has served previously for at least 2 years with a Police Force;  
or

(ii) he was engaged for at least 3 years as a special constable;

[1996-4]

(b) is not of the required height and chest measurements according to a standard to be fixed from time to time by the Governor-General;

(c) does not satisfactorily pass a medical examination as to his bodily fitness to be held by the Police Medical Officer appointed for that

purpose and, if the Governor-General thinks fit, by another duly qualified medical practitioner;

- (d) does not produce satisfactory proof of good character;
- (e) has not
  - (i) attained passes in at least 3 subjects
    - (A) at general proficiency in the Caribbean Examinations Council examination at grade 1, 2 or 3;
    - (B) at ordinary level at the General Certificate of Education; or
    - (C) in an examination equivalent to those referred to in subparagraphs (A) and (B); or
  - (ii) successfully completed the alternative course of study approved by the Ministry of Education and the Regional Police Training Centre; or

*[This amendment came into operation on 24th January, 2006.]*

*[2007-9]*

- (f) is not a Commonwealth citizen.

*[1967/168]*

### **Period of probation after enlistment**

**25.(1)** During the first 2 years after his enlistment, every constable shall be on probation, and if during such period he is found wanting in any such qualities as are likely to render him a useful member of the Force, his service may forthwith be dispensed with by the Governor-General; at the end of such period, if his services have not been dispensed with his enlistment shall be deemed to have been duly confirmed, but the Governor-General may confirm the enlistment of a constable at any time before the end of such period.

*[1967/168]*

(2) This section shall apply to every person who, having left the Force, may subsequently be re-enlisted therein.

(3) Subsection (1) applies to every special constable enlisted into the Force, except that in the case of a special constable so enlisted the period of probation shall be one year after his enlistment.

*[1996-4]*

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*[1967/168]*

### **Resignation from the Force**

**26.(1)** No constable admitted to serve in the Force shall be at liberty to resign from or leave the Force until the expiration of the period of probation, unless he obtains the permission of the Governor-General so to do.

(2) Any Inspector, subordinate police officer or any constable whose enlistment has been confirmed, who desires to resign from or leave the Force may, subject to subsection (3), obtain his discharge after the expiration of a period of at least 3 months from the date when he gives to the Commissioner notice in writing of his intention so to do.

(3) The Governor-General may require an Inspector, a subordinate police officer or a constable to resign from or leave the Force at any time between the giving of such notice and the expiration of the said period of 3 months and in that case such Inspector, subordinate police officer or constable shall be entitled to his pay to the end of the current month.

(4) The Governor-General may grant permission to any Inspector, subordinate police officer or to any constable whose enlistment has been confirmed to resign from or leave the Force at any time.

*[1967/168]*

### **Members of the Force on resignation, etc., to deliver up all articles supplied**

**27.(1)** Unless specially authorised to do so by regulations, no member of the Force shall be entitled to keep or use for his own private use or benefit any article



whatsoever supplied to him at the public expense, but he shall hold every such article at the order and disposal of the Minister.

(2) Every member of the Force who is dismissed or who resigns from or otherwise leaves the Force shall immediately deliver up to the Commissioner or the person authorised by regulations for that purpose all articles which have been supplied to him at the public expense and which he has not been expressly authorised to keep or use for his private benefit.

(3) Every person who contravenes subsection (2) shall be liable, on conviction by a court of summary jurisdiction, to a fine of \$500 or to imprisonment for 6 months; and it shall be lawful for any Justice of the Peace to issue his warrant to search for and seize all such articles which are required by this section to be, and are not, so delivered up, wherever the same may be found, and to arrest the person in whose possession the same may be found.

[1975-32]

### **Reduction, suspension and dismissal of Inspectors, subordinate police officers and constables**

**28.(1)** Subject to the regulations, the Governor-General may, for inefficiency, reduce any subordinate police officer to a lower grade.

(2) Any Inspector, subordinate police officer or constable who is charged with an offence punishable under any regulations made pursuant to section 33 or punishable on summary conviction or on indictment may be suspended by the Governor-General from the exercise of his duties as a member of the Force until the charge has been finally disposed of, but shall nevertheless remain subject to the discipline of the Force.

(3) Any Inspector, subordinate police officer or constable who has been suspended under subsection (2) shall, during the period of suspension, receive not less than half the pay of his grade together with the other emoluments to which he may be entitled, unless regulations made under this Act prescribe that only a

portion of such other emoluments shall be payable during a period of suspension.

[1989-24]

(4) Where the proceedings do not result in any conviction or punishment against any such member of the Force, he shall be entitled to receive the full amount of his pay and other emoluments which he would have received if he had not been suspended, but where any conviction is recorded, such member of the Force shall not be entitled to any part of his pay or emoluments stopped under this subsection unless the Governor-General otherwise directs.

(5) The Governor-General may at any time dismiss from the Force or dispense with the services of any Inspector, subordinate police officer or constable who may be considered unfit for further service in the Force.

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[1968-28]

**Subordinate police officer or constable absenting himself from duty or resigning, etc.**

**29.(1)** Every subordinate police officer or constable, as the case may be, who—

- (a) absents himself from roll call and from duty for the space of forty-eight hours without lawful excuse; or
- (b) while serving on probation in the Force, resigns from or leaves the Force without the permission of the Governor-General; or
- (c) resigns from or leaves the Force at any time without the permission of the Governor-General or without giving a valid notice of his intention to resign from or leave the Force; or
- (d) resigns from or leaves the Force before the expiration of three months from the date when he has given valid notice of his intention to resign from or leave the Force,

shall be deemed to have illegally resigned from or left the Force and shall be liable, on conviction by a court of summary jurisdiction to a fine of one thousand dollars or to imprisonment for twelve months.

[1975-32]

(2) It shall be sufficient in any charge or complaint for an offence under this section to state that the person proceeded against did illegally resign from or leave the Force, and the onus of proving that any resignation or withdrawal was with the permission of the Governor-General or that a valid notice was given shall be on the person proceeded against.

### **Warrant to arrest person illegally resigning, etc. from the Force**

**30.** Any magistrate, on an information being laid before him on oath by any gazetted police officer that any member of the Force has illegally resigned from or left the Force in contravention of section 29 and that there is reasonable cause to suspect that such member of the Force is concealed in his own premises or on the premises of any other person or is on board any vessel within the limits of the Island, shall grant to such first-mentioned member of the Force a warrant to search with proper assistants the premises or vessel in which the member of the Force is supposed to be concealed and, if found, to arrest him in order that he may be dealt with according to law.

### **Penalty for aiding illegal resignation, etc.**

- 31.** Every person who—
- (a) knowingly aids or assists any member of the Force illegally to resign from or leave the Force;
  - (b) knowingly conceals any member of the Force who has illegally resigned from or left the Force; or
  - (c) knowing that any member of the Force has illegally resigned from or left the Force, aids him to quit the Island,

shall be guilty of an offence and liable, on conviction by a court of summary jurisdiction, to a fine of one thousand dollars or to imprisonment for twelve months.

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[1975-32]

PART V  
DISCIPLINE

*[Reference should also be made to the Constitution, sections 96, 97 and 98.]*

**Punishment for serious offences**

**32.(1)** Any member of the Force who—

- (a) begins, raises, abets, countenances or incites mutiny, or causes or joins in any seditious disturbance amongst the members of the Force; or
- (b) having knowledge of any actual or intended mutiny, rebellion or insurrection, does not without delay give information thereof to a gazetted police officer or to a Justice of the Peace,

shall be guilty of an offence punishable on indictment and on conviction thereof shall be liable to imprisonment for a period of three years.

(2) Any member of the Force who—

- (a) being present at any unlawful assembly does not use his utmost endeavour to suppress the same; or
- (b) assaults a Justice of the Peace or any other member of the Force; or
- (c) without lawful excuse draws or lifts, or offers to draw or lift, any weapon or offers any violence against any Justice of the Peace or other member of the Force; or
- (d) wilfully permits the escape of a prisoner; or
- (e) uses unnecessary violence to or ill-uses any prisoner; or

- (f) pawns, sells, makes away with or wilfully spoils or damages his arms, accoutrements, clothing or any public property,

shall be guilty of an offence and liable, on conviction by a court of summary jurisdiction, to a fine of \$2 000 or to imprisonment for 12 months.

[1975-32]

### **Disciplinary Code**

**32A.(1)** There is hereby established a Police Force Disciplinary Code, in this Act referred to as the “Disciplinary Code”, which is as follows:

#### *Disciplinary Code*

- (a) *discreditable conduct*: a member of the Force shall not act in a disorderly manner or in any manner prejudicial to discipline or act in a manner that is reasonably likely to bring discredit to the reputation of the Force;
- (b) *misconduct towards another officer*: a member of the Force shall not
- (i) engage in oppressive or tyrannical conduct towards another member of the Force;
  - (ii) use obscene, abusive or insulting language to any member of the Force,
  - (iii) wilfully or negligently make any false complaint or statement against any member of the Force;
  - (iv) assault a member of the Force; or
  - (v) improperly withhold any report or allegation made against a member of the Force;
- (c) *disobedience to orders*: a member of the Force shall not disobey or without good and sufficient cause omit or neglect to carry out a lawful order, written or otherwise;

- (d) *neglect of duty*: a member of the Force shall not
- (i) neglect, or without good and sufficient cause omit, promptly and diligently, to attend to or do anything which it is his duty as a member of the Force to do;
  - (ii) idle or gossip while on duty;
  - (iii) fail to work the beat of that officer in accordance with orders, or leave the beat, point or other place of duty to which the officer has been ordered without due permission or sufficient cause or, having left the place of duty for an authorised purpose, fail to return thereto without undue delay;
  - (iv) by carelessness or neglect permit a prisoner to escape;
  - (v) fail, when knowing where any offender is to be found, to report or to make due exertion for making him amendable to justice;
  - (vi) fail to report any matter which it is the duty of that officer to report;
  - (vii) fail to report anything that the officer knows concerning a criminal charge, or fail to disclose any evidence which the officer or any person within the knowledge of the officer can give for or against any prisoner or defendant to a criminal charge; or
  - (viii) omit to make any necessary entry in any official document or book;
- (e) *falsehood or prevarication*: a member of the Force shall not
- (i) knowingly or through neglect make any false, misleading or inaccurate oral or written statement or entry in any record or document made, kept or required for police purposes;
  - (ii) either wilfully and without proper authority or through lack of due care destroy or mutilate any record or document made, kept or required for police purposes;

- (iii) without good and sufficient cause destroy, mutilate, alter or erase any entry in any record or document; or
  - (iv) knowingly or through neglect make any false, misleading or inaccurate statement in connection with the appointment of that officer to the Police Force;
- (f) *improper disclosure of information*: a member of the Force shall not
- (i) divulge any matter which it is his duty to keep secret;
  - (ii) give notice, directly or indirectly to any person against whom any warrant or summons has been or is about to be issued, except in the lawful execution of such warrant or service of such summons;
  - (iii) without proper authority communicate to the public, press, or to any authorised person any matter connected with the Force;
  - (iv) without proper authority show any person outside the Force any book or written or printed document, the property of the Crown;
  - (v) make any anonymous communication to the Cabinet or any member thereof, or to the Police Service Commission or any member thereof, or to the Commissioner or to any gazetted officer;
  - (vi) improperly solicit the opinion of any member of the Cabinet with regard to any matter concerning the Force; or
  - (vii) sign or circulate any petition or statement addressed to any person or authority with regard to any matter concerning the Force except through the proper channel for correspondence or in accordance with the Rules of the Police Association;
- (g) *meeting without authorisation*: a member of the Force shall not call or attend any unauthorised meeting to discuss any matter concerning the Force;

- (h) *abuse of authority*: a member of the Force shall not
- (i) treat any person with whom he may be brought into contact in the execution of his duty in an oppressive manner;
  - (ii) without good and sufficient cause conduct a search or require a person to submit to any test or procedure, or make any unlawful or unnecessary arrest;
  - (iii) use any unnecessary violence towards any prisoner or any other person with whom the officer may be brought into contact in the execution of his duty, or improperly threaten that person with violence; or
  - (iv) be abusive or uncivil to any member of the public;
- (i) *malingering*: a member of the Force shall not feign or exaggerate any sickness or injury with a view to evading duty;
- (j) *absence without leave or being late for duty*: a member of the Force shall not
- (i) without reasonable excuse be absent without leave from parade, court or any other duty; or
  - (ii) without reasonable excuse be late for parade, court or any duty;
- (k) *improper dress or untidiness*: a member of the Force shall not
- (i) without reasonable excuse, while on duty or while off duty, but wearing uniform in a public place; or
  - (ii) without reasonable excuse, while wearing civilian clothing in the administration section of any police station, department or building,
- be improperly dressed or be untidy in appearance;



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- (l) *damage to clothing or other articles supplied*: a member of the Force shall not
- (i) wilfully or by carelessness cause any waste, loss or damage to any article of clothing or equipment or to any book, document or other property supplied by the Government issued to, used by or entrusted to the care of that officer; or
  - (ii) fail to report as soon as is reasonably practicable any loss or damage to any such property issued to, or used by him or entrusted to the care of that officer;
- (m) *drunkenness*: a member of the Force shall not, by being under the influence of drink, render himself unfit for duties which he is or will be required to perform or which he ought reasonably to foresee that he will have to perform;
- (n) *drinking on duty or soliciting drink*: a member of the Force shall not
- (i) without the consent of his superior officer drink or receive from any other person, any intoxicating liquor while he is on duty; or
  - (ii) demand, or endeavour to persuade any person to give him or to purchase or obtain for him, any intoxicating liquor while on duty;
- (o) *entering licensed premises*: a member of the Force shall not without good and sufficient cause,
- (i) while on duty; or
  - (ii) while off duty but wearing uniform,
- enter any premises licensed under the *Liquor Licences Act*, Cap. 182, or any premises where liquor is stored or distributed or any place in respect of which a licence or permit has been granted in pursuance of the law relating to betting and gaming or regulating places of entertainment;
- (p) *lending or borrowing or accepting presents*: a member of the Force shall not lend money to any member of the Force who is superior in

rank or borrow money or accept any present from any member of the Force who is inferior in rank;

- (q) *criminal conduct*: a member of the Force shall be regarded as having engaged in criminal conduct if he has been found guilty by a court of law of a criminal offence;
- (r) *being an accessory to a disciplinary offence*: a member of the Force shall not connive at, or shall not knowingly be an accessory to, any offence against discipline; or
- (s) *neglect of health*: a member of the Force shall not without good and sufficient cause neglect to carry out any instruction of a police medical officer or other medical practitioner or, while absent from duty on account of sickness, commit any act or adopt any conduct calculated to retard the return of that officer to duty.

(2) A member of the Force who is in breach of the Disciplinary Code commits an offence against discipline.

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[1998-13]

### **Disciplinary regulations**

**33.(1)** Subject to sections 34 and 35, the Commissioner may, with the approval of the Governor-General, from time to time make regulations for the discipline of subordinate police officers and constables.

(2) Regulations made under subsection (1) may provide for all or any of the following matters

- (a) *[Repealed by 1998-13;]*
- (b) the trial of offences against discipline by any officer to whom power to discipline has been delegated under section 97 of the *Constitution*; [1967/168]
- (c) the procedure to be followed on the trial or enquiry into offences against discipline;

(d) [Repealed by 1998-13.]

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[1998-13]

### **Penalties for breach of Disciplinary Code**

**34.(1)** Subject to section 97 of the *Constitution*, the penalties that may be imposed by

- (a) the Commissioner for breach of the Disciplinary Code are:
  - (i) a fine of \$300;
  - (ii) stopping of leave at the Commissioner's discretion;
  - (iii) reprimand or severe reprimand;
  - (iv) suspension, deferment or withholding of an increment; or
  - (v) punishment drill for any number of days not exceeding 14; or
- (b) any other officer to whom power to discipline has been delegated are:
  - (i) stopping of leave at the discretion of the officer;
  - (ii) punishment drill for any number of days not exceeding 7; or
  - (iii) reprimand or severe reprimand.

(2) No advance in pay except an additional or special increment that is subject to good character or conduct shall be deferred, suspended or withheld by reason only of the infliction of a fine.

(3) The punishment of a fine shall not be imposed for the offence specified in paragraph (q) of the "Disciplinary Code".

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[1998-13]

**Hearing of charges**

**35.** Where a subordinate police officer or a constable

- (a) commits an offence against discipline; or
- (b) is charged with any contravention of this Act,

an officer to whom power to discipline has been delegated under section 97 of the *Constitution* shall have the same powers in respect of securing and compelling the attendance of witnesses and their examination at the hearing in respect of the offence or the charge as are conferred upon a magistrate under the *Magistrate's Courts Act*, Cap. 116A.

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[1998-13]

**PART VI****OFFENCES IN PORTS AND HARBOURS**

[1979-25]

**Interpretation**

**36.** For the purposes of this Part, the expression

“master” means any person in charge of a vessel;

“vessel” has the meaning assigned to it by subsection (4) of section 23.

**Special duties of Police**

**37.** In addition to their duties as constables under this Act, it shall be the special duty of the Police

- (a) to prevent crime and disorder in Carlisle Bay and in any port or harbour of Barbados;

[1979-25]

- (b) to prevent persons from boarding or holding or clinging on to any vessel without the permission of the master of the vessel and if necessary to remove any such person from and out of any vessel;
- (c) to enforce the provisions of any law relating to
  - (i) the regulation of the harbour;
  - (ii) quarantine; and
  - (iii) immigration;
- (d) to detect and prevent contraventions of the revenue and customs laws.

### **Offences in ports and harbours**

**38.(1)** Any person who in Carlisle Bay or in any port or harbour of Barbados

- (a) boards, or holds or clings on to, any vessel without the permission of the master; or
- (b) makes use of any obscene, indecent, profane or insulting language; or
- (c) makes or causes to be made any disturbance,

shall be guilty of an offence and, on conviction by a court of summary jurisdiction, shall be liable to a fine of \$500 or to imprisonment for 6 months.

[1975-32]

(2) Any member of the Force may without a warrant arrest any person who in his presence commits an offence under this section.

### **Additional powers of Police**

**39.** It shall be lawful for any member of the Force who is in command of any police vessel

- (a) to board, with all necessary assistance, any vessel in Carlisle Bay or in any port, harbour, roadstead or river; and
- (b) to remain on board any such vessel for such reasonable time as he thinks necessary; and

- (c) if he has reasonable ground to suspect that there is on board any such vessel any property stolen or unlawfully obtained, or any article prohibited to be exported or imported, to search, with such assistance as he thinks necessary, any part of such vessel and, after demand and refusal of the keys, to break open any receptacle; and
- (d) upon discovery of any property which he may reasonably suspect to have been stolen or unlawfully obtained or any article prohibited to be imported or exported, to take such property, article or articles, and the person in whose possession they are found, before any magistrate to be dealt with according to law; and
- (e) to pursue and detain any person in the act of conveying any such property or article away from any such vessel, whether he has landed or not, together with any property or article so being conveyed or found in his possession.

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[1979-25]

#### PART VII

40. *[Repealed by 1983-45.]*

41. *[Repealed by 1983-45.]*

#### PART VIII

#### THE POLICE BAND

#### **Apprentices and members of the Police Band**

**42.(1)** Notwithstanding anything in this Act, persons between the ages of 16 years and 19 years may, on application to the Commissioner of Police, be engaged as apprentices for the Police Band.

(2) Where the Commissioner of Police is satisfied that an applicant who is under the age of 18 years is willing to serve as an apprentice, the Commissioner shall obtain the consent of

- (a) the applicant's father, if he is in Barbados and is found;
- (b) the applicant's mother, if she is in Barbados and the father's consent cannot be obtained;
- (c) the applicant's guardian, if the consent of neither parent can be obtained; or
- (d) one of the magistrates for District "A", if the consent of neither parent nor guardian can be obtained.

[1998-13]

(3) An apprentice is bound to serve faithfully for the period specified in subsection (5).

(4) An apprentice

- (a) is subject to the orders and control of the Commissioner and the gazetted police officer in charge of the Band, in this Part referred to as the "Director of Music"; and
- (b) is, for insubordination, disobedience or neglect of duty, liable to such punishment or penalty as may be prescribed by the Commissioner with the approval of the Governor-General.

(5) Subject to subsection (6), the period of apprenticeship is 5 years.

(6) Where an apprentice is, in the opinion of the Director of Music, qualified for duty as a bandsman or bandswoman, the apprentice may, with the approval of the Commissioner, notwithstanding that the term of apprenticeship has not expired, be enrolled as a constable in the Police Force; and shall be deemed to have been enlisted as a constable from the date of enrolment.

(7) Upon enrolment under subsection (6) apprenticeship, unless previously terminated by lapse of time, terminates.

(8) An apprentice shall be deemed to be on probation during the first 2 years of his apprenticeship.

(9) Where during the 2 years mentioned in subsection (8) an apprentice is found wanting in any quality as is likely to make the apprentice a useful member of the Police Force as a bandsman or bandswoman, or in any other capacity, the Commissioner may forthwith dispense with the apprentice's services.

(10) The Commissioner may, with the approval of the Governor-General, make regulations respecting the employment and discipline of apprentices.

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[1982-12; 1998-13]

### **Disposal of fees for services of Police Band**

**43.** Whenever any fees received by the Commissioner for the services of the Police Band are paid into the Consolidated Fund pursuant to any regulations made under this Act, the Accountant-General shall pay a sum amounting to two-thirds of such fees to the Commissioner who shall cause such sum to be divided between the Director of Music and the other members of the Band in such manner as may be prescribed by regulations.

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[1967-61]

## **PART IX**

### **POLICE ASSOCIATION AND RESTRICTION OF ACTIVITIES OF FORCE**

#### **Interpretation**

**44.** For the purposes of this Part, the expression "unauthorised association" means

- (a) any trade union as defined by the *Trade Unions Act*, Cap. 361, whether or not the union is registered or incorporated;



- (b) any league or association or body of persons, whether registered or not, which has for its objects, or one of its objects, the promotion of feelings of ill-will and hostility between different classes or races;
- (c) any other association, society or club, any of the objects of which may be subversive of good discipline on the part of a member of the Force and which the Commissioner, with the approval of the Governor-General, declares to be an unauthorised association.

### **Constitution of Police Association**

**45.(1)** For the purpose of enabling Inspectors, subordinate police officers and constables of the Force to consider and bring to the notice of the Commissioner and the Governor-General matters affecting their general welfare and efficiency, there shall be established an organisation to be called the Police Association which shall act through a Central Committee as provided by rules made under this Act.

(2) No representation shall be made by the Police Association in relation to any question of discipline, promotion, transfer, posting, leave or any other matter in so far as it affects individual cases.

(3) The Police Association shall be entirely independent of and unassociated with any body outside the Force, other than a Police Association within the West Indies, Guyana or British Honduras.

### **Rules of Police Association**

**46.(1)** The Commissioner acting after consultation with the Police Association, may, with the approval of the Governor-General, make rules for the constitution and management of the Police Association and for any matter relating thereto.

(2) The rules contained in the Second Schedule to the *Police Act, 1961*,\* shall have effect as if made under subsection (1) and may from time to time be amended

or revoked by the Commissioner acting after consultation with the Police Association and with the approval of the Governor-General.

*\*[These rules contained in the Police Act, 1961, 1961-50, Second Schedule, are not printed with these Laws of Barbados.]*

### **Members of the Force not to join unauthorised associations**

**47.(1)** It shall not be lawful for any member of the Force to be or to become a member of any unauthorised association.

(2) Any member of the Force who contravenes subsection (1) shall be liable to be dismissed from the Force and to forfeit all rights to any pension or gratuity or other allowance.

### **Prohibition of members of the Force receiving benefits from unauthorised association**

**48.(1)** It shall not be lawful for any unauthorised association to permit any member of the Force to receive any benefit, financial or otherwise, from such association or for any such association to receive any money from a member of the Force.

(2) Upon the contravention of this section, the member of the Force, and every member of the association who is knowingly a party to such contravention, shall be liable, on conviction by a court of summary jurisdiction, to a fine of five hundred dollars.

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[1975-32]

### **Members of Force not to engage in trade or business**

**49.** A member of the Force shall not engage in any private business or trade without the consent of the Governor-General signified in writing under the hand of the Commissioner.

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PART X  
MISCELLANEOUS

**Members of the Force to be clothed and equipped at public expense**

**50.** Every member of the Force shall be furnished with a suitable uniform and shall be clothed and equipped at the public expense in such manner as may from time to time be prescribed by regulations:

Provided that an allowance in lieu of uniform may be paid to gazetted police officers who shall then provide their own uniforms.

**Hospital accommodation and medical attention**

**51.(1)** The Minister may—

- (a) provide hospital accommodation and medical and dental treatment for the members of the Force as he thinks fit;
- (b) cause medicine, food, attendance and other necessaries to be supplied to sick members of the Force in hospital.

(2) Where any member of the Force is incapacitated for duty by his own misconduct, the Governor-General may order that he forfeits the whole or any part of his salary or pay for the period during which he is so incapacitated.

**Reward Fund for meritorious service**

**52.(1)** All fines imposed on members of the Force shall be paid over to the Accountant-General and placed by him in the Savings Bank to the credit of a fund to be called the “ Police Reward Fund ” and the Minister may apply this fund, and the interest thereon, in making special rewards to the members of the Force (except gazetted police officers) who have rendered exceptional, dangerous or arduous service and in making contributions to the cost of welfare facilities for the members of the Force on the recommendation of the Commissioner.

(2) The Commissioner shall keep an account of the receipts and disbursements of the fund, and such fund shall be subject to audit by the Auditor-General.

(3) Whenever under any Act of this Island or under any other enactment having the force of law in this Island a fine, penalty or forfeiture imposed on any person on conviction or any portion thereof is made payable to any person, such fine, penalty or forfeiture or such portion thereof shall, when such latter person is a member of the Police Force, be paid into the Police Reward Fund.

### **Funeral expenses to be paid out of revenues of Island**

**53.**(1) The funeral expenses of all members of the Police Force, except gazetted police officers, dying whilst in the Force shall be paid out of the Consolidated Fund.

(2) The funeral expenses payable under subsection (1) shall be such amount as the Minister determines.

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[1975-1]

### **No deduction from pay of any constable for debts to be made**

**54.**(1) Save as hereinafter provided, it shall not be lawful for the Commissioner or for the Accountant-General to deduct from the salary payable to any subordinate police officer or constable any amount on account of any order, charge or incumbrance which may have been given, made or created by such subordinate police officer or constable on his salary or allowance; nor shall any salary or allowance of a subordinate police officer or constable be liable to be attached, seized or taken in execution by any process of law or in any other manner whatsoever, nor shall any such salary or allowance or any part thereof be paid to any person other than such subordinate police officer or constable except in case of the illness, absence or other incapacity of any such subordinate police officer or constable, when it shall be lawful for the Commissioner or for the Accountant-General to pay the salary due to such subordinate police officer or constable to any agent duly authorised by him in writing to receive the same.

(2) Subsection (1) shall not be construed to apply to any penalties or stoppages incurred by any subordinate police officer or constable under this Act or under any regulations.

(3) All fines or penalties inflicted upon any Inspector, subordinate police officer or constable under this Act or under the regulations shall be retained from his pay by the deduction of not more than half the amount which may be due to him on any day of payment until the whole be paid and shall be paid to the credit of the Police Reward Fund.

(4) Any bribe or gift of money coming into the possession of any member of the Force and the value of any goods given as a bribe to any such member shall be paid to the credit of the Police Reward Fund.

#### **Articles supplied by Crown not to be taken for debt**

**55.** No articles supplied to any member of the Force at the public expense shall on any pretence whatsoever be seized, taken or attached for the debt of any member of the Force.

#### **Actions against members of the Force for acts done in obedience to writs, etc.**

**56.** When any action is brought against any member of the Force for any act done in obedience to the writ or warrant of any Judge or magistrate, such member of the Force shall not be responsible for any irregularity in the issuing of such writ or warrant or for any want of jurisdiction in the Judge or magistrate issuing the same, and such member of the Force may plead the general issue and give such writ or warrant in evidence; and upon producing such writ or warrant, duly signed by a Judge or magistrate and proving that the act complained of was done in obedience to such writ or warrant, the jury or court trying the issue shall find a verdict for such member of the Force, who shall recover his costs of suit.

**Exemptions of members of Force**

**57.** Every member of the Force is hereby exempted from serving on any juries or inquests.

**Unclaimed articles**

**58.(1)** Where any property has come into the possession of the Force in connection with their investigation of a suspected offence or under section 30 of the *Pawnbrokers Act*, Cap. 315, a court of summary jurisdiction may, on application either by a member of the Force or by a claimant of the property, make an order for the delivery of the property to the person appearing to the court to be the owner thereof or, if the owner cannot be ascertained, make such order with respect to the property as the court may think fit.

(2) An order under this section shall not affect the right of any person to take, within six months from the date of the order, legal proceedings for the recovery of any property delivered by virtue of the order against any person in possession of the same, but on the expiration of such period of six months the right shall cease.

(3) All property which has come into the possession of the Force under the circumstances mentioned in subsection (1) and all property which has otherwise come into the possession of the Force in respect of which the owner has not been ascertained and no order of a court has been made, 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 the possession of the Force;
- (b) when such property consists of money, the same shall be dealt with in all respects as hereinafter provided with regard to the proceeds of sales hereby authorised after it has remained in the possession of the Force for three months;

(c) in the case of any other property the same may be publicly sold at auction as soon as may be after it has remained in the possession of the Force for three months and has been advertised for such sale in two issues of the *Official Gazette* and in not more than—

- (i) two issues of a weekly newspaper, and
- (ii) three issues of any other newspaper having a circulation in the Island.

[1966-32]

(4) The proceeds of sales hereby authorised shall, after deduction of expenses, be paid forthwith to the credit of the Police Reward Fund.

(5) Notwithstanding subsections (3) and (4), the property found by any person other than a police officer not being otherwise provided for by any 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 remained in the possession of the Force for 3 months.

(5A) In the event of the property found being of a nature which necessitates its sale under paragraph (a) of subsection (3) and the proceeds of the sale having been paid to the credit of the Police Reward Fund, upon the expiration of 3 months after such property came into the possession of the Force, such proceeds after deduction of the expenses of sale may be paid by the Accountant-General to the finder on his claiming the same provided that the proceeds have not been claimed by the real owner.

(6) Before any property deposited with the Force, or the proceeds thereof, is delivered to the real owner, a remuneration to the finder shall be paid by such owner, the amount of such remuneration to be determined by the Commissioner with reference to the character and value of the property, but not exceeding 15 cents in the dollar on the value thereof.

[1965-46]

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

(8) Nothing in this section shall be deemed to compel the Commissioner or any member of the Force to sell or deliver up possession of anything required for the purposes of any trial or other proceedings before such trial or other proceedings is or are completed.

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[1968-28; 1975-32]

### **Disposal of other goods**

**58A.(1)** Where any property comes into the possession of the Force other than in the manner set out in section 58 the Commissioner shall cause the property to be publicly sold at auction as soon as may be after it has remained in the possession of the Force for one month and has been advertised for such sale in one issue of the *Official Gazette* and one issue of a newspaper having a circulation in Barbados.

(2) The proceeds of sale shall be applied first in satisfaction of the expenses of the sale and secondly in payment of any dues or charges owing to the Crown, and the surplus, if any, shall be paid to the owner of the property on his application for the same within one year after the date of sale but otherwise shall be paid into the Consolidated Fund.

(3) Where property offered for sale pursuant to this section is not sold or cannot be sold for a sum sufficient to pay the expenses of sale and any charges or expenses due to the Crown, then the Commissioner may dispose of the property in such manner as he thinks fit.

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[1995-3]

### **Common reputation sufficient evidence of policeman's right to act as such**

**59.** If any question arises as to the right of any member of the Force to hold or execute any office in the Force, common reputation shall to all intents and purposes be deemed and held to be sufficient evidence of such right, and it



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shall not be necessary to produce any appointment or any oath, affidavit or other document or matter whatsoever in proof of such right.

### **Endorsement and execution of warrants**

**60.(1)** Where a warrant of arrest issued by a judge, magistrate or Justice of the Peace is delivered or given to a member of the Force, such member shall, if time permits, show or deliver it to the superior police officer under whose immediate command he then is; and that superior officer shall, if necessary, nominate and appoint by endorsement thereon such one or more members of the Force under his orders as he thinks proper to execute that warrant.

(2) Every member of the Force whose name is endorsed on a warrant in pursuance of subsection (1), shall each have the same rights, powers and authorities for and in execution of that warrant as if it had been originally directed to him expressly by name.

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[1978-30]

### **Delivery up of articles supplied to deceased members of the Force**

**61.(1)** When any member of the Force dies, his next-of-kin, executor or other representative, or the person in whose house he dies, being possessed of any articles which have been supplied to such member of the Force for the execution of his office, shall, after being notified so to do by any gazetted officer, deliver up to the person appointed by the Commissioner for that purpose all articles whatsoever which may have been supplied at the public expense to, or which may have been in the possession of, such member of the Force for the execution of his office at the time of his death and which such member of the Force has not been expressly authorised to keep for his private benefit.

(2) Any person who contravenes subsection (1) shall be liable, on conviction by a court of summary jurisdiction, to a fine of \$500 or to imprisonment for 6 months.

[1975-32]

(3) It shall be lawful for any Justice of the Peace to issue his warrant to search for and seize all such articles which are not so delivered over, wherever the same may be found, and to arrest the person in whose possession they may be found.

PART XI  
OFFENCES

**Penalty for assaulting, obstructing, etc., members of Force in the execution of their duty**

**62.** Any person who

- (a) assaults, obstructs or resists; or
- (b) uses any abusive or insulting language to; or
- (c) aids or incites any person to assault, obstruct or resist,

any member of the Force in the execution of his duty or any person acting in aid of any such member of the Force shall be liable on conviction by a court of summary jurisdiction to a fine of \$1 000 or to imprisonment for 12 months: but if the magistrate is of the opinion that the matter is a fit subject for a prosecution by indictment, he shall commit the offender to stand trial at the High Court sitting for the trial of criminal offences.

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[1975-32]

**62A.** *[Repealed by 1992-17.]*

**Penalty for improper possession of police arms and clothing**

**63.** Any person

- (a) who, not being a member of the Force, has in his possession any arms, ammunition accoutrements, appointments or articles of clothing supplied to any member of the Force and cannot satisfactorily account for his possession thereof;

- (b) who knowingly purchases or obtains, or solicits or entices any member of the Force to sell or dispose of any arms, ammunition, clothes or other articles of public property or any article provided for the vehicles of the Force,

shall be guilty of an offence.

### **Personation of members of Force**

**64.** Any person, not being a member of the Force, who puts on or assumes, either in whole or in part, the dress, name, designation or description of any member of the Force or any dress, name or designation resembling and intended to resemble the dress, name or designation of any member of the Force, or in any way pretends to be a member of the Force, for the purpose of obtaining admission into any house or other place, or of doing any act which such person would not by law be entitled to do of his own authority, shall be liable, on conviction by a court of summary jurisdiction, to a fine of \$1 000 or to imprisonment for 12 months.

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[1975-32]

### **Penalty on persons causing disaffection**

**65.** Any person who

- (a) causes or attempts to cause, or does any act calculated to cause, disaffection among the members of the Force; or
- (b) induces or attempts to induce, or does any act calculated to induce, any member of the Force to withhold his services or to commit a breach of discipline,

is guilty of an offence and liable

- (i) on conviction on indictment to imprisonment for 2 years; or
- (ii) on summary conviction to a fine of \$1 000 or to imprisonment for 12 months or both,

and if that person is a member of the Force he shall in addition to any penalty imposed under this section forfeit his pension, gratuity or other allowance for which he may be eligible.

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[1975-32]

### **Harbouring Inspector, subordinate police officer or constable**

**66.(1)** Any person who

- (a) knowingly harbours or entertains or either directly or indirectly sells or gives any intoxicating liquor to any Inspector, subordinate police officer or constable when on duty; or
- (b) permits any Inspector, subordinate police officer or constable to abide or remain in his house (except in case of extreme urgency) when on duty; or
- (c) by threats or by offer of money, gifts, spirituous liquors or any other thing, induces or endeavours to induce any Inspector, subordinate police officer or constable to commit a breach of his duty as such or to omit any part of such duty,

shall be liable, on conviction by a court of summary jurisdiction, to a fine of one thousand dollars or to imprisonment for twelve months.

[1975-32]

(2) Where the owner of a still licensed under the *Rum Duty Act*, Cap. 90 or the owner or proprietor of any licensed premises as defined in the *Liquor Licences Act*, Cap. 182 or any person employed in connection with the business of any such owner or proprietor is convicted of an offence under this section, then, in addition to any penalty which may be imposed under subsection (1), the magistrate may order the forfeiture or suspension of the licence held by any such owner of a still or any such owner or proprietor of any licensed premises.

**Perjury on enquiry or trial**

**67.** Any person who, on any enquiry or trial held upon oath under this Act, gives false evidence or takes a false oath shall be guilty of perjury and shall be liable to be indicted and, if convicted, to be punished according to law.

**Refusing to aid member of Force assaulted**

**68.** Any person who, when called upon to aid and assist a member of the Force who, while in the execution of his duty, is assaulted or resisted or in danger of being assaulted or resisted, refuses or neglects to aid and assist accordingly, shall be liable, on conviction by a court of summary jurisdiction, to a fine of five hundred dollars or to imprisonment for six months.

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[1975-32]

**Obtaining admission into Force by fraud**

**69.(1)** Any person who knowingly uses or attempts to pass off any forged or false certificate, testimonial, letter or other document for the purpose of obtaining admission into the Force or who, on applying for enlistment, makes any false answer to any question which is put to him by or on behalf of a gazetted police officer shall be liable, on conviction by a court of summary jurisdiction, to a fine of one thousand dollars or to imprisonment for twelve months.

(2) Any member of the Force may arrest without warrant any person whom he reasonably believes to be guilty of an offence against this section.

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[1975-32]

**General penalty**

**70.** Unless otherwise provided, a person guilty of an offence under this Act shall be liable, on conviction by a court of summary jurisdiction, to a fine of five hundred dollars or to imprisonment for six months.

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[1975-32]

PART XII  
SPECIAL CONSTABLES

**Constitution of Barbados Special Constabulary**

**71.** There shall be constituted a permanent Special Constabulary to be known as the Barbados Special Constabulary.

**Composition of Constabulary**

**72.** The Special Constabulary shall be under the command of the Commissioner and shall consist of so many officers, subordinate officers and special constables and shall be divided into such divisions of so many officers, subordinate officers and special constables as may be prescribed by the Minister.

**Mode of enrolment**

**73.** A special constable shall be enrolled in the prescribed form by the Commissioner or any officer of the Force not below the rank of Superintendent.

**Period of service**

**74.** Every special constable of the Special Constabulary shall be engaged for a period of three years from the date of his enrolment as a special constable:

Provided that—

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

**Swearing in and form of oath**

**75.** Every special constable on being enrolled shall take an oath in the form set out in Form B in the Schedule.

**Powers, authorities, duties, etc. of special constables**

**76.(1)** Every special constable enrolled under this Act shall while on duty in the capacity of a special constable have, exercise and enjoy all the powers, authorities, privileges and immunities and shall perform all the duties and have all the responsibilities of a member of the Police Force.

(2) Assaulting or obstructing a special constable in the execution of his duty as a special constable shall be punishable as assaulting or obstructing a member of the Police Force is or may be punishable.

(3) A special constable shall be deemed to be on duty in the capacity of a special constable when he is called out for service by the Commissioner and while he is required to be on duty in accordance with any regulations made under this Act.

**Regulations**

**77.(1)** The Minister may make regulations generally for giving effect to this Part and for all or any of the following matters

- (a) the organisation of the Special Constabulary;
- (b) the establishment of different ranks of the Special Constabulary and the precedence and command to be had or exercised by the holders of such ranks;
- (c) the conditions of service, enrolment, promotion, demotion, resignation, dismissal or suspension of members of the Special Constabulary;
- (d) the training of special constables;
- (e) the calling out of special constables for service;

- (f) the discipline and guidance of the Special Constabulary;
- (g) the payment of wages and of travelling allowances and out-of-pocket expenses to special constables and the rates at which and conditions upon which such wages or allowances or both shall be paid to different ranks of special constables;
- (h) medical attention and examination of any special constable who sustains injury whilst on special constabulary duty;
- (i) the grant to special constables who are injured in the execution of their duty as special constables of sick benefit and the conditions upon which and the rates at which such benefit shall be payable to special constables of different ranks;
- (j) the grant to special constables, who consequent upon injuries received in the course of their duty as such are permanently incapacitated from following their normal employment or whose earning power in such employment is impaired, of pensions or gratuities and the conditions upon which and the rates at which such pensions or gratuities may be granted to different ranks of special constables;
- (k) the grant, subject to the following conditions and such other conditions as may be prescribed, at such rates as may be prescribed of a pension or gratuity to the widow and child or children or mother of any special constable who dies as a result of injuries received
  - (i) in the execution of his duty as a special constable; and
  - (ii) without his own default; and
  - (iii) on account of circumstances specially attributable to the nature of his duty;
- (l) supplies, accommodation and uniforms of special constables;
- (m) controlling the use of transport for the carrying out of special constabulary duties.



(2) For the purposes of paragraph (k) of subsection (1) the expression “child” includes a posthumous child.

[1979-32]

(3) All regulations made under this Part shall be subject to negative resolution.

## PART XIIA TRAFFIC WARDENS

[1989-13]

### **Appointment and functions of a Traffic Warden**

**78.(1)** The Commissioner may

- (a) with the approval of the Minister; and
- (b) subject to such conditions as the Minister directs

appoint by instrument in writing, any member of an organization or any other person to be known as a Traffic Warden for the purpose of controlling and regulating traffic.

(2) A Traffic Warden shall, while in the execution of his duty, wear such uniform as the Commissioner, with the approval of the Minister, directs.

(3) Any driver or other person in charge of a vehicle who

- (i) fails to comply with the directions given by a Traffic Warden while on duty; or
- (ii) obstructs a Traffic Warden in the execution of his duty,

is guilty of an offence and is liable on summary conviction to a fine of \$500 or to imprisonment for 3 months.

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[1989-13]

## PART XIII

## GENERAL

**Power to make regulations**

**79.(1)** Subject to the Constitution, the Commissioner may, with the approval of the Minister, make regulations for the good order and government of the Force.

(2) Regulations made under subsection (1) may provide for

- (a) the training of the Force;
- (b) promotion to the various ranks in the Force below the rank of Superintendent;
- (c) the description and issue of arms, ammunition, accoutrements, uniforms and necessaries to be supplied to the Force;
- (d) the management of barracks, stations, cells and lock-up rooms and of persons confined therein;
- (e) the messing of subordinate police officers and constables;
- (f) the taking of measurements, photographs and fingerprint impressions of persons in lawful custody;
- (g) the keeping of records of all persons convicted of any criminal offence in Barbados;
- (h) the due execution of all writs and other processes entrusted to members of the Force for execution;
- (i) the due accounting for all moneys, goods and chattels that may be received by any member of the Force in the execution of any writ or other process;
- (j) deductions from pay for any goods or services supplied from any canteen or grocery of the Force or for any subscriptions or dues to any sports club thereof;

- (k) the fixing of fees for services rendered by members of the Force (including members of the Police Band) and the collection and disposal of such fees; and

[1965-46]

- (l) the general administration of the Force.

[1967/168]

- (3) Regulations made under this section may provide that any of the regulations

- (a) shall not apply to all or any female members of the Force; or

- (b) shall apply only to female members of the Force or to such of them as may be specified.

[1967/168]

### Special allowances

**80.(1)** Such special allowances, pay or increments as may be prescribed by regulations made by the Minister shall, in addition to any other pay prescribed under the *Civil Establishment Act*, Cap. 21 be made to members of the Force in respect of such matters as the Minister may determine.

(2) Except as specified in subsection (3), all allowances, pay or increments payable under subsection (1) shall be paid monthly or at shorter intervals as the Minister may determine from moneys voted for the purposes of this Act by Parliament.

[1967/168; 1999-20]

(3) Notwithstanding section 24 of the *Financial Administration and Audit Act*, Cap. 5, the uniform allowance that is payable to an officer promoted to the Gazetted Rank may be paid as a lump sum.

[1999-20]

**Exercise of Governor-General's functions**

**81.** The Governor-General shall in the exercise of his functions under this Act, except those contained in sections 5, 14, 44 and 46, act in accordance with the advice of the Police Service Commission.

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[1967/168]

*[Note. — The provisions contained in the Police Act, 1961-50, section 82, which permitted certain male members of the Police Force to elect to become subject to the Widows and Orphans Pension Act, 1928, 1928-3, have been omitted. The latter Act is not printed; see now Widows and Children Pensions Act, Cap. 37. ]*

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**SCHEDULE****FORM A***(s. 14)****OATH OF OFFICE TO BE TAKEN BY MEMBERS OF THE FORCE***

I, \_\_\_\_\_, do hereby swear by Almighty God and do hereby solemnly and sincerely affirm that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her Heirs and Successors, and that I will faithfully serve Her Majesty the Queen, Her Heirs and Successors during my service in the Royal Barbados Police Force; that I will subject myself to all Acts, orders and regulations relating to the said Force now in force or which may from time to time be in force and will discharge all the duties of a police officer according to law, without fear or favour, affection or ill-will.

Sworn \_\_\_\_\_ before me this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_ .  
Affirmed

Governor-General/Commissioner.

## FORM B

(s. 75)

*OATH OF OFFICE TO BE TAKEN BY MEMBERS OF THE BARBADOS  
SPECIAL CONSTABULARY*

I, \_\_\_\_\_, do hereby swear by Almighty God and do hereby solemnly and sincerely affirm that I will faithfully serve Her Majesty Queen Elizabeth the Second, Her Heirs and Successors, as Special Constable of the Barbados Special Constabulary.

Sworn \_\_\_\_\_ before me this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_ .  
Affirmed

Governor-General/Commissioner.