

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 65.

*Police Force.*

GENERAL ANNOTATION.

ADMINISTRATION.

The administration of this Chapter was vested in the Minister for Police at the date of its preparation for inclusion.

The present administration may be ascertained by reference to the most recent Determination of Titles and Responsibilities of Ministers made under Section 148(1) of the Constitution.

References in or in relation to this Chapter to—

“the Departmental Head”—should be read as references to the Secretary for Police;

“the Department”—should be read as references to the Department of Police.

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<sup>1</sup>As the Orders and General Instructions, and the Determinations (e.g., under Section 19) dealing with conditions of service and related matters, are being constantly changed and revised, and so are of little or no practical use unless completely up-to-date, they are not included in this up-dating.

<sup>2</sup>Subsidiary legislation has not been up-dated.



INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 65.

*Police Force Act.*

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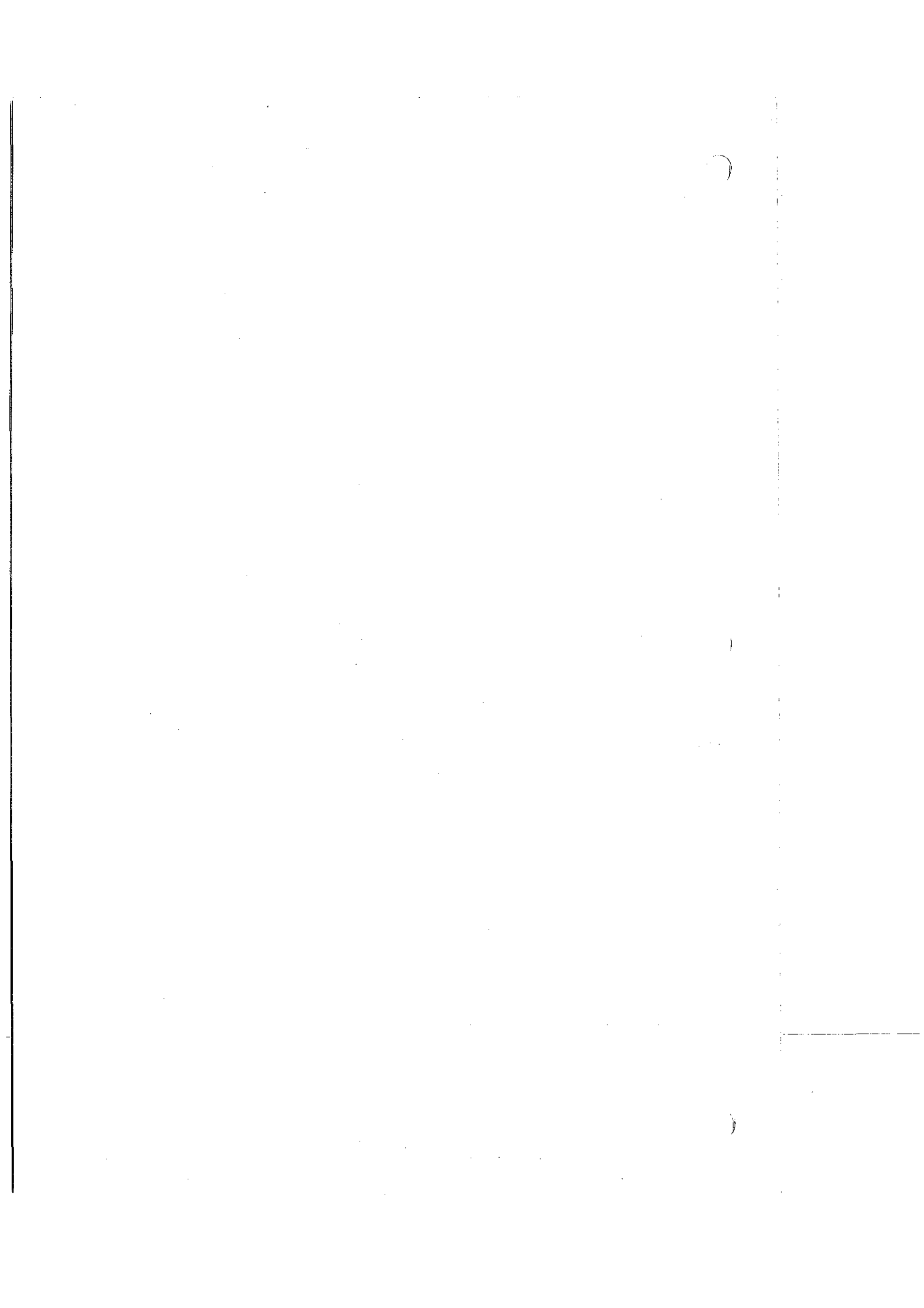
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INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 65.

*Police Force Act.*

Being an Act for the regulation of the Royal Papua New Guinea Constabulary.

PART I—PRELIMINARY.

1. Interpretation.

(1) In this Act, unless the contrary intention appears—

“Branch” means a Branch of the Force;

“classification” means the arrangement of members and ranks in classes, and includes the allotment to members or ranks of salaries or limits of salary according to the value of the work;

“the Commandant” means the Commandant of the Royal Papua New Guinea Constabulary;

“the Commissioner” means the Commissioner of Police and in relation to any power or function of the Commissioner of Police includes the Deputy Commissioner exercising or performing the power or function by virtue of Section 8;

“determination” means a determination notified in the *Police Gazette*;

“disciplinary offence” means an offence declared by this Act to be a disciplinary offence;

“exempt member” means a member in relation to whom a declaration is in force under Section 15;

“family”, in relation to a member, means—

(a) a wife; and

(b) children under the age of 16 years who are wholly dependent on and maintained by the member; and

(c) subject to Subsection (2), relatives who are wholly dependent on and maintained by the member in such circumstances that, in the opinion of the Commissioner, they should be regarded as forming part of the member's family;

“the Force” means the Royal Papua New Guinea Constabulary;

“former Force” means—

(a) the Armed Constabulary established under the pre-Independence *Constabulary Ordinance* of 1908 of the former Territory of Papua; or

(b) the Royal Papuan Constabulary established under the pre-Independence *Royal Papuan Constabulary Act*, 1939 of the former Territory of Papua; or

- (c) the New Guinea Police Force established under the pre-Independence *Police Force Ordinance* 1922 of the former Territory of New Guinea; or
- (d) the New Guinea Police Force established under the pre-Independence *Police Force Act* 1930 of the former Territory of New Guinea; or
- (e) the Royal Papua and New Guinea Constabulary established under the pre-Independence *Royal Papua and New Guinea Constabulary Act* 1955; or
- (f) the Royal Papua and New Guinea Constabulary established under the pre-Independence *Royal Papua and New Guinea Constabulary Act* 1965;

"holiday" means a day appointed by or under Section 114 to be a holiday in the Regular Constabulary Branch of the Force;

"home Subdistrict", in relation to a member or the wife of a member, means the Subdistrict within which the principal home or family ties of the member or the wife, as the case may be, are, in the opinion of the Commissioner, established;

"pay" means standard salary and any prescribed allowances in the nature of salary;

"Police Appeal Tribunal" means a Police Appeal Tribunal constituted under Section 47;

"the Police Appeal Tribunal", in relation to an appeal under Division IV.7, means the Police Appeal Tribunal to which an appeal is referred for determination in accordance with Section 47;

"the *Police Gazette*" means the *Papua New Guinea Police Gazette* published under Section 152;

"Police Promotions Selection Board", in relation to the promotion of—

(a) a commissioned officer—means the Police Promotions Selection (Commissioned Officers) Board; and

(b) any other member—means the Police Promotions Selection (Other Ranks) Board,

constituted by Section 37;

"the regulations" means any regulations made under this Act;

"the repealed Act" means the pre-Independence *Royal Papua and New Guinea Constabulary Act* 1965;

"Reserve Constabulary" means the Reserve Constabulary Branch of the Force;

"reservist" means a member of the Reserve Constabulary;

"this Act" includes the regulations;

"unattached member" means a member of the Regular Constabulary Branch who is not holding a rank in that Branch;

"wife" does not include a wife of a polygamous marriage by custom entered into after the date of appointment of the member.

(2) For the purposes of Subsection (1), where the Commissioner determines that a relative of a member of the Force (other than a wife or a child under the age of 16 years)

who is wholly dependent on and maintained by the member should not be regarded, for the purposes of this Act, as being a member of the family of the member, the member may appeal to a Board constituted by—

- (a) a member of the Force appointed by the Commissioner; and
- (b) an officer of the Division of District Administration of the Department of the Prime Minister and Development Administration; and
- (c) a member of the Force, nominated by the industrial organization registered under the *Industrial Organizations Act* to which the largest number of members of the Force belong,

the decision of which is final<sup>1</sup>.

(3) All periods that were counted as service of a person in the Force established under the repealed Act for any period under the repealed Act shall be counted as service for the equivalent purpose under this Act.

## 2. Application.

This Act applies to and in relation to members of the Force whether inside or outside the territorial limits of the country.

## PART II.—COMPOSITION AND ADMINISTRATION OF THE FORCE.

### 3. Composition of Force.

(1) The Force, which shall be known as the Royal Papua New Guinea Constabulary, shall consist, subject to this Act, of the Commandant, the Commissioner of Police, and such other commissioned officers, Cadet Officers, non-commissioned officers, constables, reservists and Special Constables as are appointed under this Act.

(2) The Force is divided into the following branches—

- (a) the Regular Constabulary Branch; and
- (b) the Field Constabulary Branch; and
- (c) the Reserve Constabulary Branch.

### 4. Commandant.

(1) The Governor-General in person is the Commandant of the Royal Papua New Guinea Constabulary.

(2) The Commandant has no power of command, control or direction of the force.

### 5. Vesting of powers of members of the Force.

(1) Where he thinks it for any special reason desirable, the Commissioner may, by written notice, vest in a person, or in members of a class of persons, some or all of the powers, functions, duties and responsibilities of a member of the Force under any law.

(2) A person to whom Subsection (1) applies shall be deemed, in relation to the powers, functions, duties and responsibilities vested in him under that subsection, to be a member of the force.

<sup>1</sup>But see Constitution, Section 155.

PART III.—THE COMMISSIONER OF POLICE.

6. Appointment of Commissioner.

- (1) An office of Commissioner of Police is hereby established.
- (2) The Commissioner shall be appointed in accordance with Section 193 (*appointments to certain offices*) of the Constitution.
- (3) The terms and conditions of appointment of the Commissioner are as determined by the Head of State, acting on advice.

7. Preservation of rights.

- (1) In this section, "existing and accruing rights" means rights (if any) in respect of—
  - (a) leave of absence on the ground of illness; and
  - (b) furlough, or pay in lieu of furlough (including pay to dependants or personal representatives on the death of the member).
- (2) If a member of the Force is appointed to be the Commissioner, his service as Commissioner shall, for the purpose of determining his existing and accruing rights, be counted as service in the Force.
- (3) Section 79 applies to and in relation to the office of Commissioner as if it had been specifically referred to in that section.

8. Absence, etc., of the Commissioner.<sup>1</sup>

When the Commissioner is absent from the country or is for any reason unable to perform the duties of his office, or where there is a vacancy in the office of the Commissioner, the Deputy Commissioner has and may exercise and perform, during the period of absence or inability, or of the vacancy, as the case may be, all the powers and functions of the Commissioner.

9. Declaration of office.

The Commissioner or a person acting as the Commissioner<sup>1</sup> shall, before entering on the duties of his office, make, before the Chief Justice or a Judge, the Declaration of Office.

10. Reports.

The Commissioner shall furnish to the National Executive Council through the Minister reports or recommendations on all matters required to be dealt with by the Minister under this Act or referred to the Commissioner by the Minister.

(Amended by No. 23 of 1976, s. 1.)

11. Powers of Commissioner.

- (1) For the purposes of carrying out his duties and functions under this Act, the Commissioner may—
  - (a) enter any premises occupied or used by the Force; and
  - (b) summon any person whose evidence is likely to be material to the determination of any subject of inspection, inquiry or investigation being conducted by the Commissioner; and
  - (c) take evidence on oath or affirmation, and for that purpose administer oaths or affirmations; and

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<sup>1</sup>But compare Constitution, Section 193.

(d) require any person to produce documents in his possession or subject to his control.

(2) A person who knowingly makes any false or misleading statement in any evidence before the Commissioner is guilty of an offence.

Penalty: A fine not exceeding K40.00.

(3) A member of the Force or an officer of the Public Service who neglects or fails, without reasonable excuse (proof of which is on him), to attend in obedience to a summons under Subsection (1), or to be sworn or affirmed or to answer questions or produce documents relevant to the subject of an inspection, inquiry or investigation when required to do so under that subsection, is guilty of an offence.

Penalty: A fine not exceeding K40.00.

(4) A person other than a member of the Force or an officer of the Public Service who, after payment or tender of reasonable expenses, neglects or fails, without reasonable excuse (proof of which is on him) to attend in obedience to a summons under Subsection (1) or to be sworn or affirmed or to answer questions or produce documents relevant to the subject of an inspection, inquiry or investigation when required to do so under that subsection, is guilty of an offence.

Penalty: A fine not exceeding K40.00.

(5) This section does not make any person compellable to answer any question that might tend to criminate him.

#### 12. Annual report.

(1) The Commissioner shall furnish to the National Executive Council through the Minister, at least once in every year, a report—

- (a) on the condition and efficiency of the Force; and
- (b) on the activities of the Commissioner,

setting out—

- (c) any changes that have been made; and
- (d) any further measures that are necessary—
  - (i) for improving the working of the Force; and
  - (ii) especially for ensuring efficiency and economy in the Force or in any section of it.

(Amended by No. 23 of 1976, s. 2.)

(2) In the report, the Commissioner shall draw attention to any breaches or evasions of this Act that have come to his notice.

#### 13. Delegation.

The Commissioner may delegate in writing all or any of his powers and functions under this Act (except this power of delegation).

(Amended by No. 23 of 1976, s. 3.)

### PART IV.—REGULAR CONSTABULARY.

#### Division 1.—Preliminary.

#### 14. Interpretation of Part IV.

In this Part, unless the contrary intention appears, "member of the Regular Constabulary Branch" does not include the Commissioner.

**15. Exempt members.**

(1) Except as is otherwise specifically provided, the provisions of this Part (other than Divisions 2, 3 and 4) do not apply to or in relation to a member of the regular Constabulary Branch, or a class of members of that Branch to whom or to which the Commissioner, by notice in the *Police Gazette*, declares that the provisions of this Part do not apply.

(2) The Commissioner may determine the rates of payment and the conditions of employment of a member of the Regular Constabulary Branch or a class of members of that Branch, to whom or to which a declaration under Subsection (1) applies.

(3) The powers of the Commissioner under this section may be exercised only after consultation with the Public Services Commission and subject to any directions of the Head of State, acting on advice.

*Division 2.—Ranks.***16. Ranks of the Regular Constabulary.**

(1) Subject to Subsections (2) and (3), the ranks of members of the Regular Constabulary Branch and the order of their precedence and seniority are as follows:—

Commissioner.

Deputy Commissioner.

Assistant Commissioner.

{Senior Superintendent.

{Officer-in-Charge Reserve Constabulary.

Superintendent.

{Inspector (First Class).

{Chaplain.

{Inspector (Second Class).

{Scientific Officer.

{Bandmaster.

Inspector (Third Class).

{Sub-Inspector.

{Assistant Bandmaster.

Assistant Police Inspector.

Cadet Officer.

Sergeant (First Class).

Sergeant (Second Class).

Sergeant (Third Class).

Constable (Senior).

Constable (First Class).

Constable.

Probationary Constable.

(2) After consultation with the Public Services Commission, the Commissioner may, by notice in the *Police Gazette*—

(a) create an additional rank and declare its order of precedence and seniority; or

(b) abolish a rank; or

(c) alter the designation of a rank.

(3) On publication of a notice under Subsection (2), Subsection (1) shall be deemed to be amended—

(a) by the addition of the name of a rank that has been created, in the declared order of precedence and seniority; or

(b) by the omission of a rank that has been abolished; or

(c) by the alteration of the designation of a rank,

as the case requires.

(4) Where a rank is abolished under Subsection (2)(b), all members of the Regular Constabulary Branch holding that rank immediately before the abolition become unattached members with the same salary classifications as they had immediately before the abolition.

#### **17. Commissioned ranks.**

(1) Subject to Subsection (2), the following ranks in the Force are the commissioned ranks, and a member of the Regular Constabulary Branch holding one of those ranks is a commissioned officer :—

Commissioner.

Deputy Commissioner.

Assistant Commissioner.

Senior Superintendent.

Officer-in-Charge Reserve Constabulary.

Superintendent.

Inspector (First Class).

Chaplain.

Inspector (Second Class).

Scientific Officer.

Bandmaster.

Inspector (Third Class).

Sub-Inspector.

Assistant Bandmaster.

Assistant Police Inspector.

(2) After consultation with the Public Services Commission, the Commissioner may, in a notice under Section 16(2), vary the Commissioned ranks prescribed by Subsection (1), and thereupon Subsection (1) shall be deemed to be amended accordingly.

#### **18. Brevet rank.**

Notwithstanding this Act, the Commissioner may appoint any member of the Force to hold honorary brevet rank with a precedence greater than that of his substantive rank, but no such brevet rank affects seniority under this Act.

**19. Classification, etc., of ranks.**

(1) After consultation with the Public Services Commission, the Commissioner, may, by notice in the *Police Gazette*—

- (a) determine the classification of and the qualifications for a rank in the Regular Constabulary Branch; or
- (b) raise the classification of a rank; or
- (c) lower the classification of a rank; or
- (d) alter the qualifications for a rank.

(2) The date of effect of the raising of the classification of a rank under Subsection (1)(b) is as determined by the Commissioner, after consultation with the Public Services Commission.

**20. Seniority.**

(1) A member of the Regular Constabulary Branch has seniority according to his rank.

(2) Subject to Subsections (4) and (5), a member of the Regular Constabulary Branch has seniority over other members of his own rank according to the date of his promotion or appointment to that rank.

(3) Subject to Subsections (4) and (5), where the promotions or appointments of two or more members of the Regular Constabulary Branch to the same rank were made on the same date, their relative seniorities are as fixed by the Commissioner.

(4) Members of the Regular Constabulary Branch of the rank of Probationary Constable and members of the rank of Constable who have passed the final recruit examination on the same occasion have seniorities in their respective ranks—

- (a) over all members who have not passed that examination; and
- (b) as between themselves, in accordance with the order of their respective passes in that examination.

(5) Where two or more members of the rank of Probationary Constable, or two or more members of the rank of Constable have the same level of pass in the same final recruit training examination, their relative seniorities are as fixed by the Commissioner.

*Division 3.—Establishments.***21. Establishments.**

(1) Subject to this section, the Commissioner after consultation with the Public Services Commission, may, by notice in the *Police Gazette*, determine the establishment of each rank in the Regular Constabulary Branch.

(2) For the purposes of a determination under Subsection (1) the Commissioner, after consultation with the Public Services Commission, may treat the ranks of—

- (a) Constable (First Class); and
- (b) Constable; and
- (c) Probationary Constable,

or any two of them, as a single rank.

(3) A determination under this section does not have effect so as to reduce the establishment of a rank, or a group of ranks, below the number of serving members in that rank or group of ranks at the time of the determination.



## Division 4.—Qualifications for Rank.

## 22. Qualifications.

A person shall not be appointed, promoted or transferred to a rank in the Regular Constabulary Branch unless he possesses the qualifications determined by the Commissioner for the rank under Section 19.

## 23. Examinations for appointment, promotion, etc.

(1) For the purpose of ascertaining whether a person possesses the qualifications determined for appointment, promotion or transfer to a rank in the Regular Constabulary Branch, the Commissioner may—

- (a) hold, or authorize the holding of; and
- (b) determine conditions of entry for; and
- (c) appoint examiners for the purposes of,

such examinations as he thinks proper.

(2) The Commissioner shall, by notice in the *Police Gazette*, give adequate notice of an examination under Subsection (1).

## 24. Requirement of courses of training, etc.

(1) In relation to a rank in the Regular Constabulary Branch, the Commissioner may determine that—

- (a) the rank is a rank the occupant of which is required to undergo a course of training for the purpose of enabling him to perform duties that require professional, technical or other knowledge; and
- (b) a member of the Regular Constabulary Branch who has completed the course of training to the satisfaction of the Commissioner is entitled to be promoted in accordance with this section to such rank as is specified by the Commissioner in relation to the first-mentioned rank.

(2) A member of the Regular Constabulary Branch who has completed, to the satisfaction of the Commissioner, a course of training referred to in Subsection (1)(a) shall be promoted to the rank specified under Subsection (1)(b) as soon as possible after a vacancy occurs in that rank.

(3) Where two or more members of the Regular Constabulary Branch complete at the same time a course of training referred to in Subsection (1)(a), their promotions under Subsection (2) shall be made in accordance with their respective seniorities determined in accordance with Section 20.

(4) Until a member of the Regular Constabulary Branch who is entitled to promotion under Subsection (2) is promoted he—

- (a) is an unattached member having the designation appropriate to a member holding the rank to which he is entitled to be promoted; and
- (b) shall, for the purposes of salary and of transfer to another rank, be deemed to be the holder of such a rank.

*Division 5.—Appointments, Promotions, etc.*

*Subdivision A.—General.*

**25. Appointment of members.**

(1) A person may be appointed to be a member of the Force in accordance with this Act.

(2) A person shall not be appointed to the Force unless—

(a) he provides evidence to the satisfaction of the Commissioner as to—

(i) his health and physical fitness; and

(ii) his possession of qualifications that will enable him to perform the duties of the rank to which he is to be appointed; and

(iii) his age; and

(iv) his good character; and

(b) he makes and subscribes, in the prescribed manner, the oath or affirmation in Schedule 1.

(3) A married woman is eligible for appointment to the Force only subject to Division 9.

**26. Probation.**

(1) Except as is otherwise provided in this section, every appointment to the Regular Constabulary Branch is probationary until confirmed.

(2) The period of probation is 12 months, but for any case or class of cases the period may be extended by the Commissioner for a further period not exceeding 12 months.

(3) The services in the Force of a probationer may be dispensed with by the Commissioner at any time during the period of probation.

(4) The Commissioner may dispense with, or shorten, the period of probation where he thinks it expedient or desirable in the interest of the Force to do so.

(5) A member may be required to undergo a course of training before confirmation of appointment, and in any such case the period of probation may be extended until the completion of the course of training.

(5A) The Commissioner may, by notice in the National Gazette, declare that the period of attendance at a course of training or a part of a course of training specified in the notice, shall not be taken into account in calculating the period of probation. (*Added by No. 23 of 1976, s. 4.*)

(6) At the expiration of the period of probation the Commissioner may confirm or annul the appointment.

**27. Re-appointment of members retired on account of mental or bodily infirmity.**

(1) This section applies to a person—

(a) who has been retired from the Force under this Act or the repealed Act on account of mental or bodily infirmity, and

(b) who, after having been so retired, is to be appointed under this Division as a member of the Force by reason of having recovered his health and physical fitness.

(2) A person to whom this section applies shall be appointed—

(a) subject to Subsection (3), to the Force without probation; and

(b) to such rank in the Force as the Commissioner directs.

(3) Where a person to whom this section applies was, immediately before his retirement, a probationer under Section 33 of the repealed Act, or under Section 26, he

may be appointed to the Force on probation for such period as the Commissioner directs, but the period shall not exceed the balance of the period of probation remaining to be served immediately before his retirement.

(4) Where the period of probation being served by a person to whom this section applies immediately before his retirement had not been extended under Section 33 of the repealed Act or under Section 26, any period of probation under Subsection (3) may be extended by the Commissioner for a further period not exceeding 12 months.

(5) Section 26(3), (5) and (6) applies to and in relation to a person referred to in Subsection (4).

(6) The Commissioner may accept the report of the medical examination of a person to whom this section applies made under Section 58 of the *Public Officers Superannuation Act* as evidence of the health and physical fitness of that person for the purposes of Section 25(2)(a)(i).

(7) In the calculation for the purposes of Sections 63, 81 and 82 of the period of service of a person to whom this section applies, he shall, in addition to the period actually served by him since he was last appointed to the Force, be deemed to have served for such period, not exceeding the period of his service before his retirement, as the Commissioner determines.

**28. Re-appointment of persons who have resigned from the Force to become candidates at elections.**

(1) Where the Commissioner is satisfied that—

(a) a person who was a member of the Force—

(i) resigned or retired from the Force in order to become a candidate for election as a member of the Parliament; and

(ii) was a candidate at the election; and

(iii) failed to be elected; and

(b) the resignation or retirement took effect not earlier than one month before the date on which nominations for the elections closed,

the Commissioner may, on application by the person within two months after the declaration of the result of the election, re-appoint him to the Force under this section, in a rank equivalent to the rank that he held immediately before his resignation or retirement.

(2) A person may be re-appointed under this section without being required to undergo any medical examination.

(3) If the Commissioner thinks it desirable, a person may be re-appointed under this section without probation.

(4) A person re-appointed under this section shall be deemed to have continued in the Force as if he had not resigned or retired but had been on leave without pay during the period from the day on which his resignation or retirement became effective to and including the day immediately preceding the day on which he was re-appointed.

(5) The period referred to in Subsection (4) shall, for all purposes, be deemed to form part of the member's period of service.

**29. Filling of vacancies by promotion.**

(1) Where a vacancy occurs in the Regular Constabulary Branch and in the opinion of—

- (a) the Commissioner; or
- (b) in the case of a vacancy in a rank of Assistant Commissioner or above—the Head of State, acting on advice,

the vacancy could suitably be filled by the transfer or promotion of a member, the Commissioner or the Head of State, acting on advice, as the case may be, may, in his discretion, transfer or promote, in accordance with Subdivision B, a member of that Branch to fill the vacancy.

(2) Before a promotion is made to a rank of Assistant Commissioner or above, the Commissioner shall, by notice in the *Police Gazette*, invite members of the Regular Constabulary Branch to apply for the promotion.

(3) Before a promotion is made to a rank below the rank of Assistant Commissioner, the Commissioner shall—

- (a) refer the matter to the Police Promotions Selection Board; and
- (b) give notice in the *Police Gazette* that it is intended that a meeting of the Board be held on a certain date and at a certain place to consider the matter.

**30. Recruitment.**

(1) The Commissioner may, by notice published in the *Police Gazette* or elsewhere, invite persons to apply for appointment to the Regular Constabulary Branch.

(2) The Commissioner shall specify in the notice—

- (a) the rank or ranks in respect of which applications for appointment are invited; and
- (b) the salaries, or limits of salaries, that will be applicable on appointment; and
- (c) where applicable—
  - (i) the age limits for appointment; and
  - (ii) the qualifications required to be possessed for appointment and the period (if any) within which the qualifications or any of them must have been obtained; and
  - (iii) the date on which persons who obtain or have obtained the required qualifications during a period specified for the purposes of Subparagraph (ii) will cease to be qualified for appointment by virtue of those qualifications; and
  - (iv) that only males or only females will be appointed, or that males or females will be appointed in particular proportions; and
- (d) the manner of ascertaining the order in which offers of appointment will be made; and
- (e) the date by which applications are required to be made; and
- (f) such other matters (if any), not inconsistent with this Act, as the Commissioner thinks desirable.

(3) A vacancy in the Regular Constabulary Branch shall not be filled from outside the Branch unless the Commissioner certifies that, to the best of his knowledge, there is not a member of the Branch who is—

- (a) available for promotion or transfer to the vacancy; and
- (b) willing to be promoted or transferred on the conditions applicable to the vacancy; and
- (c) as capable of performing the duties of the rank concerned as the proposed appointee.

**31. Filling of vacancies after advertisement.**

(1) If the Commissioner is of opinion that a vacancy in the Regular Constabulary Branch should be filled and is unable to certify that the vacancy could suitably be filled by the transfer or promotion of a member of the Branch, he may, in his discretion, direct that applications be invited to fill the vacancy from both within and outside the Force.

(2) Where an application referred to in Subsection (1) is received from a member of the Force and in the opinion of—

- (a) the Commissioner; or
- (b) in the case of a vacancy in the rank of Deputy Commissioner or Assistant Commissioner—the Head of State, acting on advice,

the vacancy could suitably be filled by the transfer or promotion of a member of the Force, the Commissioner or the Head of State, acting on advice, as the case may be, shall transfer or promote, in accordance with Subdivision B, a member to fill the vacancy.

**32. Filling of vacancies from outside the Force.**

Subject to Section 31(2), where applications are received under that section and—

- (a) the Commissioner; or
- (b) in the case of a vacancy in the rank of Assistant Commissioner or above—the Head of State, acting on advice,

is of opinion that the vacancy should be filled by an appointment from outside the Force, the Commissioner or the Head of State, acting on advice, as the case may be, may make an appointment from outside the Force.

**33. Permission to decline promotion or transfer.**

(1) The Commissioner may permit a member of the Force to decline a promotion or offer of transfer without prejudice to any claim that the member might have to promotion or transfer at some later date.

(2) Where the Commissioner makes an order directing the transfer of a member of the Force to other duties not involving a reduction in pay, or to another part of the country, the member shall comply with the order.

**Subdivision B.—Promotions.**

**34. Qualifications for promotion.**

(1) In this section, "efficiency" means special qualifications and aptitude for the discharge of the duties of the rank to be filled, together with merit, diligence and good conduct.

(2) Notwithstanding Subsection (1), "efficiency" includes in relation to promotions to such senior ranks in the Force as are prescribed, special qualifications and aptitude not only for the discharge of the duties of the rank to be filled but also for the discharge of the duties of ranks of higher status.

(3) In the selection of a member of the Regular Constabulary Branch for promotion, consideration shall be given firstly to the relative efficiency, and in the event of equality of efficiency of two or more members, to the relative seniority of members of the Branch available for promotion to the vacancy.

### 35. Promotions to Deputy Commissioner and Assistant Commissioner.

Promotions to the ranks of Deputy Commissioner and Assistant Commissioner shall be made by the Head of State, acting on advice, and are not subject to Section 37.

### 36. Promotions after certain courses of training.

Promotions under Section 24 shall be made by the Commissioner, and are not subject to Section 37.

### 37. Promotions through Police Promotions Selection Boards.

(1) This section applies to promotions other than promotions referred to in Sections 35 and 36.

(2) For the purposes of this section, there shall be—

(a) a Police Promotions Selection (Commissioned Officers) Board, which shall deal with promotions to commissioned ranks; and

(b) a Police Promotions Selection (Other Ranks) Board, which shall deal with promotions to other ranks.

(3) A Police Promotions Selection Board shall consist of—

(a) a Chairman appointed by the Minister by notice in the *Police Gazette*, and

(b) a member of the Force, of a rank not inferior to that to which the promotion is to be made, nominated by the Commissioner; and

(c) subject to this section, a member of the Force, of a rank not inferior to that to which the promotion is to be made, nominated by the appropriate organization (if any) registered under the *Industrial Organizations Act*.

(4) Subject to Subsection (5), the appropriate organization for the purposes of Subsection (3)(c) is the organization to membership of which a member of the Regular Constabulary Branch who holds the rank to which the promotion is to be made would be entitled by virtue of his holding that rank.

(5) Where there is more than one appropriate organization within the meaning of Subsection (4), the appropriate organization for the purposes of Subsection (3)(c) is the organization the membership of which includes—

(a) where the promotion is to be made to a rank of commissioned officer—the largest number of commissioned officers of the Force; and

(b) in any other case—the largest number of members of the Force other than commissioned officers.

(6) The Chairman and the members of a Police Promotions Selection Board are not, while acting as such, subject to direction or control by any person or authority under this Act.

(7) The Chairman and the members of a Police Promotions Selection Board hold office on such terms and conditions as are prescribed.

(8) Before taking up the duties of their offices, the Chairman and the members of a Police Promotions Selection Board shall take the prescribed oath or make the prescribed affirmation.

(9) The oath or affirmation of a Chairman shall be administered by the Minister or by a person authorized by him for the purpose, and the oath or affirmation of a member shall be administered by the Chairman of the Police Promotions Selection Board concerned.

(10) The Police Promotions Selection Board shall—

(a) consider all members of the Regular Constabulary Branch who are qualified for promotion to the vacancy; and

(b) make a recommendation to the Commissioner in accordance with this section as to the filling of the vacancy.

(11) Where he refers to a Police Promotions Selection Board the matter of promotion to a rank below the rank of Assistant Commissioner, the Commissioner shall give or cause to be given to the Board all files, reports and documents, and any other information, relevant to all members of the Regular Constabulary Branch who are qualified for promotion to the vacancy.

(12) The Police Promotions Selection Board shall make full inquiries, without regard to legal forms or solemnities, into the matter of the filling of the vacancy.

(13) On receipt of a recommendation under Subsection (10), the Commissioner shall—

(a) accept the recommendation and take action accordingly; or

(b) refer the matter, together with his reasons for not accepting the recommendation, back to the Police Promotions Selection Board concerned for reconsideration and a further recommendation.

(14) On receipt of a recommendation under Subsection (13)(b) the Commissioner shall—

(a) accept the recommendation and take action accordingly; or

(b) refer the matter for decision by the Head of State, acting on advice, as Commandant.

(15) The decision of the Commandant under Subsection (14)(b) is final<sup>1</sup> and shall be implemented by the Commissioner.

*Division 6.—Salaries and Allowances.*

**38. Salaries.**

(1) Members of the Regular Constabulary Branch shall be paid annual salaries in accordance with such fixed amounts or scales as are determined for each rank by the Commissioner, after consultation with the Public Services Commission and subject to any general directions of the Head of State, acting on advice.

(2) The salary payable to a member of the Regular Constabulary Branch on his appointment to the Force is the salary, within the limits of salary determined under Subsection (1) for the rank to which he is to be appointed, as the Commissioner, after consultation with the Public Services Commission, determines.

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<sup>1</sup> But see Constitution, Section 155.

**39. Allowances.**

(1) Members of the Regular Constabulary Branch shall be paid such allowances, at such rates, in such cases and subject to such conditions as are determined by the Commissioner, after consultation with the Public Services Commission and subject to any general directions of the Head of State, acting on advice.

(2) A determination under Subsection (1) may apply to all or any members of the Branch or to a rank or ranks.

**40. Deductions from pay.**

Deductions may be made from the pay of members of the Regular Constabulary Branch—

(a) as determined by the Minister, in relation to a member of the Branch or a class of members of the Branch, for any service provided by the State; and

(b) as determined by the Minister, in respect of any debt due by a member of the Branch on account of any expense incurred by the State in relation to the member or his family; and

(c) in accordance with Section 116.

**41. Increments.**

(1) Where a scale of rates of salary determined under Section 38 is applicable in relation to a member of the Regular Constabulary Branch, the member shall, subject to this section, be paid increments of salary in accordance with that scale.

(2) A member of the Regular Constabulary Branch is not entitled to receive an increment of salary until he has received salary without the increment for not less than 12 months.

(3) If, having regard to the conduct, diligence, efficiency and attendance for duty of a member of the Regular Constabulary Branch during the period after which he is entitled to receive an increment of salary, the Commissioner, or a commissioned officer authorized by the Commissioner for the purpose, is of opinion that the member should not immediately receive the increment, the Commissioner or the authorized officer, as the case may be, may, by written order, direct that the increment be not paid until the expiration of such period as he thinks proper.

(4) A member in relation to whom the Commissioner or a Commissioned officer has made an order under Subsection (3) may request the Commissioner to reconsider the direction, for reasons stated in the request, and the Commissioner may, after such inquiry as he thinks proper, confirm, annul or vary the order.

**42. Conditions of advancement.**

(1) The Commissioner may—

(a) determine that a member of the Regular Constabulary Branch occupying a specified rank shall, on compliance with the specified conditions, be paid salary at the specified rate, being a rate not exceeding the maximum salary of that rank; and

(b) determine that a member of the Regular Constabulary Branch shall not be paid salary at a rate exceeding the specified rate unless he has complied with the specified conditions.

(2) A determination under Subsection (1) has effect notwithstanding Section 41.



*Division 7.—Discipline.*

Subdivision A.—Definition of Disciplinary Offences.

**43. Disciplinary offences.**

A member of the Regular Constabulary Branch who—

- (a) commits a breach of this Act; or
- (b) wilfully disobeys or disregards a lawful order made or given by a person having authority to make or give it; or
- (c) is negligent or careless in the discharge of his duties; or
- (d) is inefficient or incompetent from causes within his own control; or
- (e) uses intoxicating liquors or drugs to excess; or
- (f) solicits or accepts a fee, reward, gratuity or gift in connexion with the discharge of his official duties (other than his official remuneration); or
- (g) is guilty of disgraceful or improper conduct in his official capacity or otherwise; or
- (h) having made or subscribed an oath or affirmation in the form in Schedule 1, does or says anything in violation of that oath or affirmation,

is guilty of a disciplinary offence and is liable to be dealt with and punished under this Division.

Subdivision B.—Minor Offences.

**44. Dealing with minor offences.**

If the Commissioner, or a commissioned officer authorized by the Commissioner to deal with minor offences, has reason to believe that a member of the Regular Constabulary Branch has committed a disciplinary offence that, in his opinion, would properly be dealt with under this section, he may call on the member for an explanation as to the alleged offence, and if, on consideration of the explanation, he is of opinion that the offence has been committed, he may impose a penalty specified in Section 45.

**45. Penalties.**

(1) Any of the following penalties may be imposed under this Subdivision :—

- (a) a caution; or
- (b) a reprimand; or
- (c) a fine not exceeding K2.00; or
- (d) confinement to barracks for a period not exceeding 14 days and, in the case of a Constable or Probationary Constable, with or without extra drill as prescribed<sup>1</sup>; or
- (e) forfeiture of not more than one month's pay.

(2) The penalties specified in Subsection (1)(d) and (e) shall not be imposed on a commissioned officer.

(3) A penalty imposed under this section by a commissioned officer other than the Commissioner shall be reported to the Commissioner immediately.

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<sup>1</sup> But see Constitution, Section 42.

(4) Where a fine, or a penalty involving loss of pay in excess of K4.00, is imposed under this section by a commissioned officer other than the Commissioner, the member of the Regular Constabulary Branch affected may appeal to the Commissioner within 48 hours after the notification to the member of the punishment.

(5) On an appeal under Subsection (4), the Commissioner may confirm or annul the punishment, and his decision is final<sup>1</sup>.

(6) A penalty imposed under Subsection (1)(c) or (e) shall not be put into execution until confirmed by the Commissioner.

(7) The Commissioner may direct that a penalty imposed under Subsection (1)(d) by a specified rank of commissioned officer shall not be put into execution until confirmed by him.

(8) The power conferred on the Commissioner by this section to confirm a penalty shall be deemed to include the power to vary the penalty in any way not inconsistent with this Act.

Subdivision C.—Serious Offences.

**46. Dealing with serious offences.**

(1) Where there is reason to believe that a member of the Regular Constabulary Branch has committed a disciplinary offence other than an offence that may be dealt with under Subdivision B, the provisions of this section apply.

(2) The member may be charged by the Commissioner or by a commissioned officer authorized by the Commissioner to lay charges under this Subdivision.

(3) On a charge being laid against a member of the Regular Constabulary Branch, he shall—

(a) be promptly furnished with a copy of the charge, which shall, if he so desires, be explained to him by the officer-in-charge; and

(b) be invited—

(i) to reply promptly, stating whether he admits or denies the truth of the charge; and

(ii) to give any explanation that he desires to give in regard to it,

and if a reply is not given by the member within 14 days after his receipt of the charge he may be deemed to have denied the truth of the charge<sup>2</sup>.

(4) If, after considering reports relating to the offence and charge, the reply and explanation (if any) of the member charged and any further report that he thinks necessary, the Commissioner is of opinion that the charge has been sustained, he may—

(a) fine the member a sum not exceeding K40.00; or

(b) reduce the member's salary; or

(c) reduce the member to a rank having a lower classification, and to a salary within that classification; or

(d) in addition to or instead of imposing a punishment specified in Paragraph (c), transfer the member to other duties or to some other locality; or

<sup>1</sup> But see Constitution, Section 155.

<sup>2</sup> Compare *Public Service Act*, Section 68(4), which assumes an admission of guilt.

- (e) in the case of a commissioned officer—impose a penalty referred to in Subsection 45(1)(a)(b) or (e); or
- (f) in the case of a member other than a commissioned officer—impose a penalty referred to in Section 45(1)(a), (b), (d) or (e); or
- (g) in the case of a member who is a commissioned officer—recommend to the Minister that the member be dismissed from the Force; or
- (h) in the case of a member other than a commissioned officer—dismiss the member from the Force.

(5) The Commissioner shall notify the member of a punishment imposed on him or a recommendation made concerning him under Subsection (4) and where the punishment is other than the imposition of a fine not exceeding K4.00 or a penalty involving loss of pay not exceeding K4.00, the member may, within the prescribed time, appeal to a Police Appeal Tribunal constituted under Subdivision D.

#### Subdivision D.—Police Appeal Tribunals.

#### 47. Constitution, etc., of Police Appeal Tribunals.

(1) For the purposes of this Division, the Minister shall from time to time constitute such Police Appeal Tribunals as he thinks necessary.

(2) A Police Appeal Tribunal shall consist of a Judge or Magistrate Grade IV. appointed by the Judicial and Legal Services Commission by notice in the *Police Gazette*.

(3) The regulations may provide for the method of reference to a Police Appeal Tribunal of an appeal under this Division.

#### 48. Appeals.

(1) An appeal under this Division may be made on the ground of innocence of the offence or excessive severity of the punishment.

(2) The Police Appeal Tribunal may confirm, annul or vary the decision appealed against and if the Tribunal varies the decision it may—

- (a) impose a punishment specified in Section 46(4)(a), (b), (c), (d), (e) or (f); or
- (b) recommend to the Commissioner that the member of the Regular Constabulary Branch concerned be dismissed from the Force.

(3) Except where the Police Appeal Tribunal recommends that a member of the Regular Constabulary Branch be dismissed from the Force, its decision is final<sup>1</sup>.

(4) In deciding an appeal made on the ground of excessive severity of the punishment, the Police Appeal Tribunal shall take into consideration the previous record of the member of the Regular Constabulary Branch concerned.

(5) Where, under this section, the Police Appeal Tribunal recommends to the Commissioner that a member of the Regular Constabulary Branch be dismissed from the Force, the Commissioner may—

- (a) impose a punishment specified in Section 46(4)(a), (b), (c), (d) or (e); or
- (b) dismiss the member from the Force.

<sup>1</sup> But see Constitution, Section 155.

(6) Before imposing a punishment under Subsection (5), the Commissioner shall consider—

- (a) the reports relating to the offence and the charge; and
- (b) the reply and explanation (if any) of the member charged; and
- (c) the evidence (if any) given before the Police Appeal Tribunal; and
- (d) the recommendation of the Tribunal.

**49. Powers of Police Appeal Tribunal.**

(1) A Police Appeal Tribunal may—

- (a) summon any person whose evidence is likely to be material to the consideration of any question that the Tribunal has to determine under this Act; and
- (b) administer an oath or affirmation to any person summoned by it or appearing voluntarily before it; and
- (c) require any person to produce documents in his possession or subject to his control.

(2) A person who knowingly makes a false or misleading statement in any evidence before the Police Appeal Tribunal is guilty of an offence.

Penalty: A fine not exceeding K40.00.

(3) A member of the Force or an officer of the Public Service who neglects or fails, without reasonable excuse (proof of which is on him), to attend in obedience to a summons under Subsection (1), or to be sworn or affirmed or to answer questions or produce a document, when required to do so under that subsection, is guilty of an offence.

Penalty: A fine not exceeding K40.00.

(4) A person other than a member of the Force or an officer of the Public Service who, after payment or tender of reasonable expenses, neglects or fails, without reasonable excuse (proof of which is on him) to attend in obedience to a summons under Subsection (1), or to be sworn or affirmed or to answer questions or to produce a document, when required to do so under that subsection, is guilty of an offence.

Penalty: A fine not exceeding K40.00.

(5) This section does not make any person compellable to answer any question that might tend to criminate him.

**50. Proceedings before Police Appeal Tribunals.**

(1) On the hearing by a Police Appeal Tribunal in relation to a charge against him, a member of the Regular Constabulary Branch is entitled to be represented by a lawyer or agent, who may examine witnesses and address the Tribunal on his behalf.

(2) The charging authority may also be represented at any such hearing by a lawyer or agent.

(3) The Police Appeal Tribunal shall make a thorough investigation without regard to legal forms or solemnities or the rules of evidence, and may inform itself on any matter in such manner as it thinks proper.

(4) If the Police Appeal Tribunal is of the opinion that the appellant had no reasonable grounds for appeal or that the appeal was frivolous or vexatious, it may recommend to the Commissioner that the appellant be required to pay such sum, not exceeding the cost of the hearing of the appeal, as the Tribunal thinks proper.

(5) The Commissioner may order an appellant to pay a sum recommended under Subsection (4) or such less amount as he thinks proper, and the sum so ordered to be paid is recoverable in the same manner as fines for breaches of this Act.

**51. Proceedings where member charged or witness in remote locality.**

(1) Where it appears to the Police Appeal Tribunal that it is undesirable, by reason of—

- (a) the member charged being stationed in a remote locality; or
- (b) expense, inconvenience or delay,

to require a member of the Regular Constabulary Branch who has been charged under this Division or a witness, to attend before it to give evidence, the Tribunal may, by written order, appoint a fit and proper person to take the evidence of the member or witness.

(2) A person appointed under Subsection (1) shall take the evidence of the member or witness on oath or affirmation, and for that purpose has all the powers, immunities and privileges of a Police Appeal Tribunal.

(3) Any party to the appeal who is entitled to be represented before the Police Appeal Tribunal is entitled to be represented before a person taking evidence under this section.

(4) Evidence taken under this section shall be certified under the hand of the person taking it and forwarded to the Police Appeal Tribunal, and shall be considered by it in connexion with the matter before the Tribunal.

**52. Proceedings on appeal generally.**

(1) Where a charge against a member of the Regular Constabulary Branch is dealt with by a Police Appeal Tribunal—

- (a) a copy of all documents intended to be used at the appeal shall, where practicable, be furnished to the member at least seven days before the appeal is heard; and
- (b) the appeal shall be heard in private unless the Tribunal otherwise determines.

(2) Where the Police Appeal Tribunal upholds an appeal, it may recommend that the reasonable expenses as specified in the recommendation, or any part of those expenses incurred by the member of the Regular Constabulary Branch concerned in meeting the charges or prosecuting the appeal, be paid and if approved by the Commissioner the amount may be paid to the member.

Subdivision E.—Miscellaneous.

**53. Suspension.**

(1) Where—

- (a) an offence or suspected offence is such; or
- (b) the circumstances in which it is committed are such,

that the member of the Regular Constabulary Branch concerned should not continue in the performance of his duty, the Commissioner may suspend the member from duty.

(2) Suspension may be effected before, at the time of or after the laying of the charge, and may be lifted by the Commissioner.

(3) Where the charge is not sustained, the suspension shall be lifted immediately on a finding to that effect.

**54. Pay during suspension.**

Where a member of the Regular Constabulary Branch has been suspended in connexion with a charge of an offence under this Act, he is entitled to receive his pay during the period of suspension unless he absconds or the Commissioner orders otherwise.

**55. Deduction of fines, etc., from pay.**

(1) Where a fine or pecuniary penalty is imposed on a member of the Regular Constabulary Branch under this Act, the amount of the fine or penalty may be deducted from the pay of the member.

(2) A deduction under Subsection (1) shall be made by instalments each not exceeding 25% of the pay payable from time to time to the member.

(3) All fines and penalties imposed and recovered under this Act shall be paid into the Consolidated Revenue Fund.

**56. Procedure where address of member unknown.**

(1) In the event of the address of a member of the Regular Constabulary Branch being unknown, all notices, orders or communications to or for the member may be posted to the last-known address of the member, and compliance with this subsection is sufficient service on the member of any such notice, order or communication.

(2) Where—

(a) a notice, order or communication posted to a member in accordance with Subsection (1)—

(i) relates to a charge made against him; and

(ii) asks whether he admits the truth of the charge; and

(b) no answer is received by the authority giving the notice, order or communication within a reasonable time specified in it,

the member shall be deemed to have denied the truth of the charge, and it may be dealt with in his absence.

**57. Member charged with criminal offence.**

(1) Where a member of the Regular Constabulary Branch is charged with having committed an offence against a law, he may be suspended by the Commissioner or by a commissioned officer authorized by the Commissioner for the purpose.

(2) If the member of the Regular Constabulary Branch concerned is convicted of the charge by a court of competent jurisdiction the court shall, in addition to any punishment that it may otherwise impose, recommend that the member be or not be—

(a) dismissed from the Force; or

(b) reduced to a specified lower rank; or

(c) reduced in salary,

as the court thinks appropriate.

(3) Where a recommendation is made under Subsection (2) that a punishment be imposed on a member of the Regular Constabulary Branch the Commissioner may, subject to Section 61, impose the recommended punishment, or any lesser punishment referred to in that subsection, summarily and without regard to the procedure prescribed by this Act for dealing with disciplinary offences.

(4) Unless the Commissioner otherwise directs, a member of the Regular Constabulary Branch who is suspended or dismissed under this section shall not receive any pay from the date on which, or for the period during which, he ceased to perform the duties of his position.

(5) The Commissioner or a commissioned officer authorized by the Commissioner for the purpose may at any time remove the suspension of a member of the Regular Constabulary Branch who is suspended under this section.

(6) This section does not prevent a member of the Regular Constabulary Branch being dealt with under some other provision of this Act, but a member of the Branch shall not be punished under this Act twice in respect of the same offence or matter.

**58. Re-appointment, etc., of certain convicted persons.**

(1) This section applies where—

(a) a person has been dismissed from the Force or reduced to a lower rank or to a lower salary under Section 57 (or the equivalent provision of any earlier Act); and

(b) subsequently—

(i) the conviction is quashed; or

(ii) he receives a pardon; or

(iii) the conviction is otherwise nullified; or

(iv) he is released from prison as a result of an inquiry into the conviction.

(2) A person to whom this section applies may be re-appointed to the Force or re-instated in the Force by the Commissioner—

(a) in the rank equivalent to the rank which he held immediately before his dismissal or reduction in rank; or

(b) in the case of a person who has been reduced in salary alone, and subject to Subsection (8)—at the rate of salary to which he was entitled immediately before his reduction in salary.

(3) A person may be re-appointed under this section without being required to undergo any medical examination.

(4) A person may be re-appointed under this section without probation if the Commissioner thinks it desirable to do so.

(5) A person re-appointed under this section shall be deemed to have continued in the Force as if he had not been dismissed but had been on leave of absence without pay during the period from the day on which his dismissal became effective to and including the day on which he was re-appointed.

(6) The period referred to in Subsection (5) forms part of the member's period of service for all purposes.

(7) A person re-instated in rank under this section has the same seniority in the rank in which he is re-instated and is entitled to the same salary as if he had not been reduced in rank.

(8) A person re-instated in salary under this section is entitled to the same salary as if he had not been reduced in salary.

**59. Strikes.**

(1) A member of the Regular Constabulary Branch who aids, abets, foments or takes part in a strike that—

(a) interferes with or prevents; or

(b) is intended or calculated to interfere with or prevent,

the carrying on of any part of the duties or functions of the Force, or of the public services or utilities of the country, or who attempts to do so, shall be deemed to have committed an illegal action against the peace and good order of the country.

(2) A member of the Regular Constabulary Branch adjudged by the Commissioner, after investigation and hearing, to be guilty of any action referred to in Subsection (1) may, subject to Section 61, be summarily dismissed by the Commissioner from the Force, without regard to the procedure prescribed in this Act for dealing with disciplinary offences.

**60. Appeal to Commissioner.**

(1) Where no other provision is made for an appeal from the conviction of, or from a punishment imposed on, a member of the Regular Constabulary Branch under this Division, the member may appeal to the Commissioner, who may confirm, annul or vary the conviction or punishment.

(2) Subsection (1) does not apply in respect of any action taken under Section 57 or 59.

**61. Dismissal.**

Where, under this Division, the dismissal of a member of the Regular Constabulary Branch is recommended to the Commissioner, and in the case of a recommendation for the dismissal of a commissioned officer, the dismissal has been approved by the Minister, the Commissioner may dismiss the member or may impose such lesser penalty prescribed by this Act for the offence as he thinks proper.

*Division 8.—Leave.*

*Subdivision A.—General.*

**62. Right to leave.**

A member of the Regular Constabulary Branch is entitled to the grant of leave in accordance with this Division.

**63. Recreation leave.**

Subject to such conditions as are prescribed, the Commissioner may grant to a member of the Regular Constabulary Branch leave of absence for recreation at the rate of 24 days per year, exclusive of Sundays and holidays.

**64. Intervals at which recreation leave to be taken.**

Subject to this Act, leave of absence for recreation under Section 63 accrues when the member has completed a period of—

(a) 52 weeks commencing from the date on which he first commenced duty in the country after his appointment; or



(b) 48 weeks commencing on the date on which he returned to duty at the expiration of his last recreation leave or furlough, as the case may be.

**65. Order of granting recreation leave.**

(1) Where recreation leave is arranged by roster, the officer-in-charge, or another member of the Regular Constabulary Branch appointed by the Commissioner for the purpose, shall, within one month before the date fixed for the commencement of leave of a member of the Regular Constabulary Branch, report to the Commissioner—

(a) as to the periods of the member's absence from duty for any cause—

(i) since his last period of recreation leave; or

(ii) if no previous recreation leave has been granted—since the date of his appointment; and

(b) as to whether the leave can be granted from the proposed date without detriment to the work of the Force.

(2) Where recreation leave is not arranged by roster, an application shall be submitted by the member of the Regular Constabulary Branch wishing to take recreation leave, through the officer-in-charge who shall, within one month before the date from which leave is proposed to be taken, report to the Commissioner—

(a) as to the periods of the member's absence from duty for any cause—

(i) since his last period of recreation leave; or

(ii) if no previous recreation leave has been granted—since the date of his appointment; and

(b) as to whether the leave can be granted from the proposed date without detriment to the work of the Force.

(3) The Commissioner may direct a member of the Regular Constabulary Branch to take, at such time as is convenient to the working of the Force, recreation leave due to him whether or not application for leave has been made by the member.

**66. Deductions from recreation leave.**

(1) Where a member of the Regular Constabulary Branch has, during the period since his last period of recreation leave, or, if no previous recreation leave has been granted, since the date of his appointment, been absent from duty for more than 51 working days, the period of recreation leave which may be granted to the member shall, subject to this section, be reduced by one-twelfth of the period of leave of absence to which the member is entitled under Section 63 for each 26 working days (other than the first 26 working days) on which the member has been absent from duty during that period.

(2) Where a member of the Regular Constabulary Branch has, during the period first referred to in Subsection (1), been absent on leave granted under Section 69, 70, 77 or 78, the period for which he was so absent from duty shall not be taken into account for purposes of Subsection (1).

**67. Recreation leave to be taken annually.**

(1) Whenever practicable, the Commissioner shall, at the request of the member, cause such arrangements to be made as will ensure that each member of the Regular Constabulary Branch may be granted leave of absence annually for recreation as soon as practicable after it accrues.

(2) Unless the Commissioner otherwise directs, recreation leave shall not be allowed to accumulate in respect of a period of service of more than three years.

**68. Special leave.**

(1) Subject to Subsections (2) and (3), the Commissioner may, on sufficient cause being shown, grant to a member of the Regular Constabulary Branch special leave of absence.

(2) Subject to Subsection (3), leave of absence granted to a member under Subsection (1) is without pay, or shall be deducted from any recreation leave due or subsequently accruing to the member, as the Commissioner directs.

(3) Where—

(a) the Commissioner has directed that leave of absence under this section be deducted from recreation leave due or subsequently accruing to the member; and

(b) the member resigns, retires or is retired or dismissed from the Force before a period of recreation leave, greater than or equal to the period of the leave of absence granted to him under this section, is granted to the member,

a sum equivalent to the pay paid to the member for so much of the period of the leave of absence under this section as cannot be deducted from his recreation leave is a debt owed by the member to the State, and shall be—

(c) deducted from any money due to the member by the State; or

(d) paid by the member to the State.

**69. Emergency leave.**

The Commissioner may grant to a member of the Regular Constabulary Branch leave of absence on full pay, for a period not exceeding three days in any period of 12 months, for urgent personal reasons.

**70. Sick leave.**

(1) In case of illness, the Commissioner may grant to a member of the Regular Constabulary Branch leave of absence, to be designated sick leave, for a period not exceeding 12 months, in accordance with this section and Section 71.

(2) Where a member of the Regular Constabulary Branch who has received sick leave for 12 months is not so far recovered as to be able to resume his duties, the Commissioner may grant to the member further sick leave for a period not exceeding six months.

(3) No salary or allowance shall be paid to a member during any further sick leave granted under Subsection (2).

(4) If at the expiration of any further leave granted under this section the member is unable to resume his duties, the Commissioner may retire him from the Force.

(5) Sick leave shall not be reckoned as, or included in, recreation leave or furlough.

**71. Amount of sick leave, etc.**

(1) In this section, "working week" means  $36\frac{1}{2}$  working hours.

(2) Sick leave may be granted to a member of the Regular Constabulary Branch in accordance with this section.

(3) The basis for determining the leave which may be granted shall be ascertained by crediting the member with the following cumulative periods of leave:—

	Leave on full pay.	Leave on half pay.
	<i>Working weeks.</i>	<i>Working weeks.</i>
On date of appointment	2	2
On completion of 12 months' service	2	2
On completion of each additional 12 months' service	2	2

(4) In the event of the retirement of a member on the ground of invalidity, the retirement shall not, except with the consent of the member, be effected earlier than the date on which the member's credit of leave on pay is exhausted, but—

- (a) the continuous period for which a member may be granted sick leave on pay immediately before the retirement shall not exceed 12 months; and
- (b) no further credit of sick leave accrues to a member after the date of the decision to retire him; and
- (c) a member is not entitled to sick leave extending beyond the day immediately preceding—
  - (i) in the case of a male member, his 65th birthday; or
  - (ii) in the case of a female member, her 60th birthday.

(5) Subject to Subsection (6), if a member falls sick while on recreation leave or furlough and produces at the time a satisfactory medical certificate, the Commissioner may grant him, at a time convenient to the Force, additional leave equivalent to the period of sickness falling within the scheduled period of leave, and the absence shall, subject to the availability of sick leave credits, be recorded as sick leave.

(6) A member shall not be granted sick leave under Subsection (5) unless the medical certificate indicates—

- (a) that during the currency of the certificate the member would be unfit for duty; and
- (b) that the unfitness for duty would continue for a greater period than four days.

(7) Where—

- (a) a member of the Regular Constabulary Branch is granted a period of sick leave such that his credits of sick leave on full pay will not extend to the full period; and
- (b) the member has credits of sick leave on half pay available,

he may elect, subject to such conditions as are approved by the Commissioner, to convert some or all of his credits of sick leave on half pay to sick leave on full pay to such extent as is necessary to cover all or part of the period of leave.

**72. Health of member making him a danger to others.**

(1) If the Commissioner has reason to believe that a member of the Regular Constabulary Branch is in such a state of health as to make him a danger to his fellow members or to the public, the Commissioner may require the member—

- (a) to obtain and furnish a report as to his condition from a medical practitioner; or
- (b) to submit himself at the expense of the State for examination by a medical practitioner named by the Commissioner.

(2) On receipt of a medical report under Subsection (1), the Commissioner may direct the member to absent himself from his duties for a specified period, or, if he is already on leave, to continue on leave for a specified period, and that period shall be counted as sick leave.

**73. Leave: infectious disease contacts.**

(1) On a report by a medical practitioner that, by reason of contact with a person suffering from an infectious disease and through the operation of restrictions imposed by or under any law in respect of the disease, a member of the Regular Constabulary Branch is unable to attend for duty, the Commissioner may grant to the member leave of absence.

(2) Leave of absence granted under this section may be counted as sick leave or, at the option of the member, the whole or any portion of the leave may be deducted from recreation leave.

(3) Leave of absence shall not be granted under this section for a period beyond the earliest date at which, having regard to the restrictions imposed by law, it would be practicable for the member to resume duty.

**74. Illness due to misconduct.**

(1) A member of the Regular Constabulary Branch shall not be granted sick leave with pay on account of physical disability or ill-health caused by his misconduct, or in a case of absence from duty without sufficient cause.

(2) Where the Commissioner desires to satisfy himself as to the cause of a disability or illness of a member of the Regular Constabulary Branch, he may—

- (a) require the member to present himself for examination by a medical officer of the Public Service at a stated time; or
- (b) make such arrangements as are necessary for his examination by a medical officer.

(3) The member may, if he thinks fit, arrange for the presence of a private medical practitioner at an examination under Subsection (2), if such a course is practicable.

(4) If the medical report is not favourable to the member, or if the member is not available for examination at the appointed time the cost of the examination, or of the visit of the medical officer, as the case may be, shall be debited to the member.

**75. Accidents on duty.**

(1) Notwithstanding this Act, where a member of the Regular Constabulary Branch sustains physical injury in the execution of his duty and the Commissioner is satisfied that the injury is not attributable to his wilful misconduct—

- (a) the Commissioner may grant leave of absence on full pay to the member for a period not exceeding three months; and

(b) if, at the end of that period, it is shown to the satisfaction of the Commissioner that the injured member is unable to resume duty, he may grant further leave of absence on such conditions as he thinks justified in the circumstances.

(2) The State may pay such transport, medical and hospital expenses bona fide incurred in consequence of the injury as the Commissioner thinks reasonable.

(3) Leave granted under this section shall not be counted as sick leave.

(4) This section does not derogate any rights that a member of the Regular Constabulary Branch has under any law relating to compensation to employees of the State for injuries suffered in the course of their employment, but a member is not entitled to receive benefits under this section and that law at the same time.

**76. Leave without pay.**

(1) The Commissioner may grant to a member of the Regular Constabulary Branch leave of absence without pay—

(a) where the leave of absence is for the purpose of enabling the member to pursue a course of study, or to undertake research work related to the duties of his position—for a period not exceeding three years; or

(b) where the leave of absence is for any other purpose—for a period not exceeding 12 months.

(2) The period during which a member of the Regular Constabulary Branch is absent on leave granted under this section shall not be deemed to affect the continuity of his service but, unless otherwise determined by the Commissioner, shall not be counted for any purpose as part of his period of service.

**77. Leave to attend arbitration proceedings.**

(1) The Commissioner may grant leave of absence with pay to not more than two representatives of an organization within the meaning of the *Industrial Organizations Act* for the purpose of attending proceedings under that Act.

(2) The Commissioner may grant leave of absence without pay, for such periods as are prescribed, to representatives of an organization referred to in Subsection (1) for the purpose of the preparation of evidence for submission on behalf of the organization in any proceedings referred to in that subsection.

(3) The periods during which a member of the Regular Constabulary Branch is absent on leave granted under Subsection (2) shall, for such purposes as are prescribed, be counted as part of the member's period of service.

**78. Leave for defence purposes.**

(1) The Commissioner may grant leave of absence to a member of the Regular Constabulary Branch—

(a) to enable him to engage in such service as is prescribed in the Defence Force, a United Nations Force or any other prescribed force; or

(b) to enable him to engage in work or employment that is in the interests of the defence or public safety of Papua New Guinea.

(2) Leave granted under this section is subject to such terms and conditions as are prescribed.

(3) The period during which a member of the Regular Constabulary Branch is absent on leave granted under this section shall be counted as part of his period of service.

**79. Leave to serve under other Acts.**

(1) If a member of the Regular Constabulary Branch is appointed to an office provided under an Act other than this Act, the Commissioner may, on application by the member, grant leave of absence without pay for a period not exceeding the period for which he is necessarily unavailable for employment in the Force in consequence of the appointment.

(2) Unless the Commissioner directs otherwise, the period during which a member of the Regular Constabulary Branch is absent on leave under Subsection (1) shall be counted as part of his period of service.

(3) Where a member of the Regular Constabulary Branch is granted leave under this section, his position in the Force becomes vacant on the commencement of the period of the leave, and he is an unattached member during that period.

(4) At the end of a period of leave under this section, an unattached member is, unless he or she has been dismissed for misconduct or has attained the age of 65 years, in the case of a male member, or 60 years in the case of a female member of the Regular Constabulary Branch, entitled to be appointed to a rank in the Force not lower in classification than his or her former rank, after taking into account any variation in the classification of that rank during the period of the member's leave under this section.

(5) Where there is no vacancy to which a member of the Regular Constabulary Branch may suitably be appointed in accordance with Subsection (4), he or she continues as an unattached member at a classification determined in accordance with that subsection until a suitable vacancy occurs.

**80. Leave to serve with other governments, etc.**

(1) On request by—

(a) the United Nations; or

(b) the Government of the United Kingdom, or of Australia or of a State of Australia; or

(c) the South Pacific Commission; or

(d) any other prescribed organization, government or authority,

that the services of a member of the Regular Constabulary Branch be made available to it, the Commissioner may, on application by the member, grant to him or her leave of absence without pay for that purpose for a period not exceeding three years.

(2) Unless the Commissioner directs otherwise, the period during which a member of the Regular Constabulary Branch is absent on leave granted under this section shall not be counted as part of his or her period of service, but does not affect the continuity of his or her service.

(3) If, in the opinion of the Commissioner, it is necessary to fill the position of a member of the Regular Constabulary Branch who is granted leave under this section, the Commissioner may declare the member to be an unattached member.

(4) Where a member is an unattached member by virtue of Subsection (3), he or she is, at the end of a period of leave under this section, entitled, unless he or she has been dismissed for misconduct or has attained the age of 65 years in the case of a male member, or 60 years in the case of a female member, to be appointed to a rank in the Force not

lower in classification than his or her former rank, after taking into account any variation in the classification of that rank during the period of the member's leave under this section.

(5) Where there is no vacancy to which a member of the Regular Constabulary Branch may suitably be appointed in accordance with Subsection (4), he or she continues as an unattached member at a classification determined in accordance with that subsection until a suitable vacancy occurs.

#### 81. Furlough.

(1) Where a member of the Regular Constabulary Branch has served in the Force for at least 15 years, the Commissioner may, from time to time, grant to him leave of absence as furlough, calculated at the rate of—

- (a) nine days on full pay or, in the discretion of the Commissioner, 18 days on half-pay, in respect of each completed year of continuous service that ended on or before 30 June 1977; and
- (b) 12 days on full pay or, in the discretion of the Commissioner, 24 days on half-pay, in respect of each completed year of continuous service that ended on or after 1 July 1977,

in respect of which he has not been granted furlough.

*(Replaced by No. 38 of 1978, s. 1.)*

(2) Where a member of the Regular Constabulary Branch who is eligible for furlough in accordance with this section resigns, retires or is retired from the Force, the Commissioner may authorize payment to him of a sum equivalent to his pay for a period of furlough not exceeding that which he could have been granted on full pay under this section.

(3) On the death of a member of the Regular Constabulary Branch who was eligible at the time of his death for furlough in accordance with this section, or if the Commissioner, after consideration of all the circumstances, directs that the death of a member of the Regular Constabulary Branch who is so eligible be presumed, the Commissioner may authorize payment to his dependents of a sum equivalent to his pay for a period not exceeding the period of furlough that he could have been granted on full pay under this section had he retired or resigned immediately before the date of his death, or, where the Commissioner has directed that his death be presumed, immediately before a date determined by the Commissioner.

(4) Notwithstanding this section, the official conduct record of a member of the Regular Constabulary Branch shall be taken in to consideration in determining whether the whole or any portion of the furlough or pay provided for in this section may be granted.

#### 82. Leave to members not eligible for furlough.

(1) This section relates to retirement—

- (a) in the case of a male member of the Regular Constabulary Branch—at the age of 55 years or upwards; and
- (b) in the case of a female member of the Regular Constabulary Branch—at the age of 50 years or upwards.

(2) Where a member has served in the Force for not less than four years but less than 15 years, the Commissioner may, in his discretion if he thinks fit to do so, grant to the member leave of absence with pay before his retirement calculated at the rate of—

- (a) nine days on full pay, or 18 days on half-pay in respect of each completed year of continuous service that ended on or before 30 June 1977; and

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(b) 12 days on full pay, or 24 days on half-pay in respect of each completed year of continuous service that ended on or after 1 July 1977.

(3) *Repealed by No. 38 of 1978, s. 2.*



(4) Where a member of the Regular Constabulary Branch who is eligible for leave under this section retires or is retired from the Force, the Commissioner may authorize payment to him on retirement of a sum equivalent to his or her pay for a period of leave not exceeding that which he or she could have been granted under this section.

(5) Where a member of the Regular Constabulary Branch who has not attained the age specified in Subsection (1) that is applicable to him or her, and has completed not less than four years' service but less than 15 years' service, retires or is retired from the Force, and satisfies the Commissioner that the retirement is caused by—

- (a) physical injury sustained in the execution of duty; or
- (b) ill-health that is permanent and is not due to misconduct or to causes within his control,

the Commissioner may, notwithstanding this section, authorize payment to him or her of a sum equivalent to his or her pay for a period of leave not exceeding that for which he or she would have been eligible under Subsection (2) if at the date of retirement he or she had attained the age specified in Subsection (1).

(6) Where, before a member of the Regular Constabulary Branch has completed not less than four years' service, but before he has completed 15 years' service and either before or after he or she has attained the age specified in Subsection (1) that is applicable to him or her—

- (a) he or she dies; or
- (b) the Commissioner, after consideration of all the circumstances, directs that his or her death be presumed,

the Commissioner may authorize payment to his or her dependants of a sum equivalent to his or her salary for the period of leave that he or she would have received if he or she had been eligible under Subsection (2) for, and been granted, leave of absence immediately before the date of his or her death, or, where the Commissioner has directed that the death be presumed, immediately before a date determined by the Commissioner.

(7) The official conduct record of a member of the Regular Constabulary Branch shall be taken into account in determining whether the whole or any portion of the leave or pay provided for in this section may be granted.

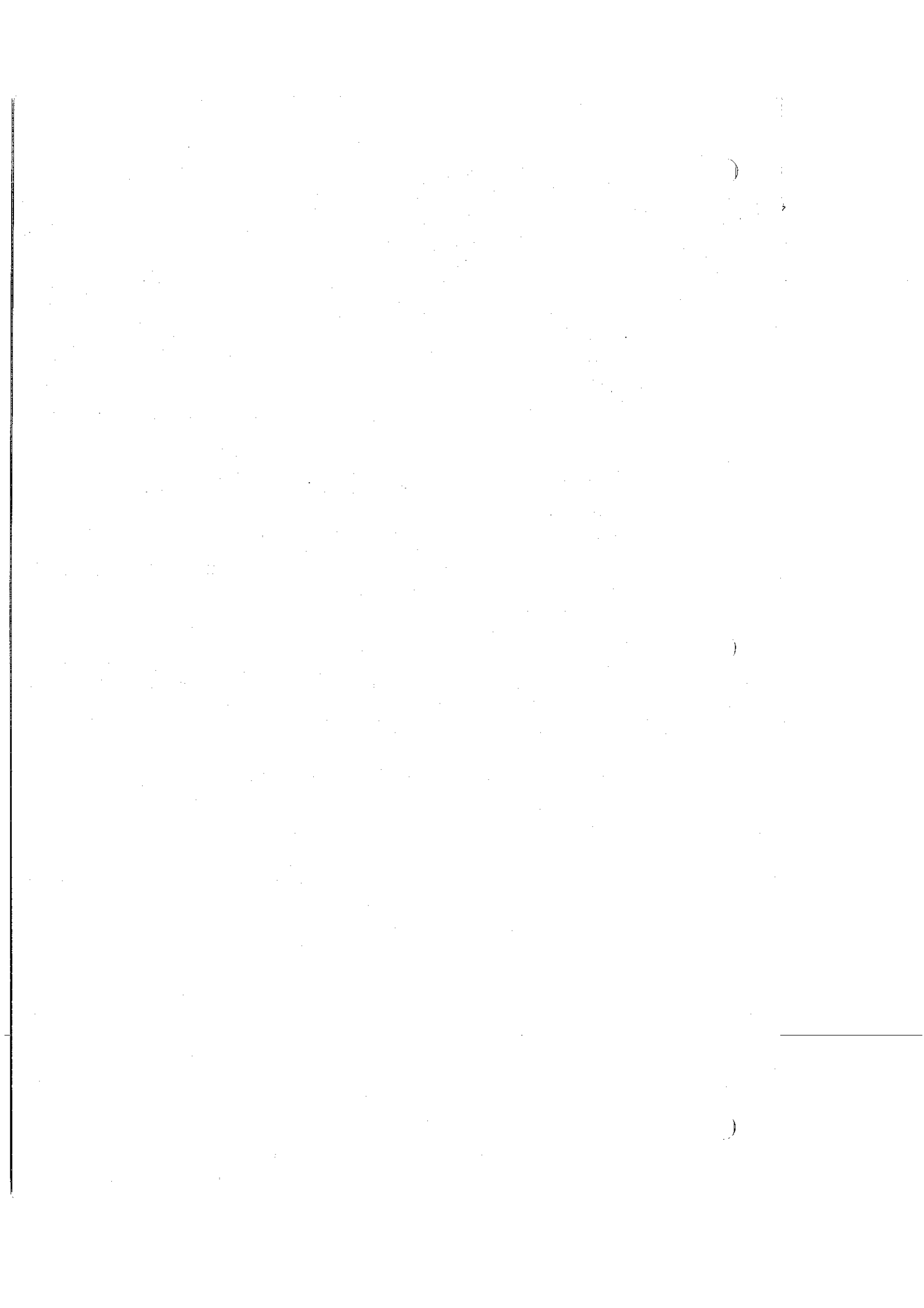
(Amended by No. 38 of 1978, s. 2.)

### 83. Recognition of certain prior service.

(1) In this section, "the Government" includes the former Administration of the Territory of Papua New Guinea or of Papua New Guinea.

(2) This section applies in respect of any service that a member of the Regular Constabulary Branch has had—

- (a) in a former Force; or
- (b) as an Administration Servant under the *Administration Servants Act 1958* (Adopted); or
- (c) as an employee of the Government to whom Administrative Instruction H.1/1951, issued by the former Public Service Commissioner on 19 October, 1951, applied; or
- (d) as an employee of an instrumentality or authority of the Government or on conditions that were, in the opinion of the Commissioner, similar to those of a person referred to in Paragraph (b) or (c); or



- (e) as an employee of an instrumentality or authority of the Government on conditions that were, in the opinion of the Commissioner, similar to those of employees of the Public Service; or
- (f) in any other capacity approved by the Commissioner, generally or in a particular case, as Government service for the purposes of this section,

or continuous service in more than one of those categories, being service that is continuous with service to which Section 81 or 82 applies. (*Amended by No. 23 of 1976, s. 6.*)

(3) Any service of a member of the Regular Constabulary Branch to which this section applies shall be taken into account in calculating his entitlements under Section 81 or 82.

#### 84. Resignation or retirement on leave.

(1) Where a member of the Regular Constabulary Branch gives notice of resignation effective from the end of a period of leave of absence to which he is entitled or which he has been granted, the Commissioner may, in his discretion, direct that the resignation be effective from an earlier date, and in that case shall give approval for the payment of salary in lieu of the leave of absence for the period of leave or the residue of the period, as the case may be.

(2) Where a member of the Regular Constabulary Branch gives notice of his intention to retire at the end of a period of leave of absence, the Commissioner may, in his discretion, at any time during that period declare, by notice in the *Police Gazette*, the member to be an unattached member.

#### 85. Pro rata leave, etc.

(1) Where a member of the Regular Constabulary Branch ceases to be a member of that Branch otherwise than by death, the Commissioner may authorize the payment of pay in lieu of any period of recreation leave to which he was entitled immediately before he ceased to be a member.

(2) Where during a period of recreation leave a member of the Regular Constabulary Branch ceases to be a member of the Branch, the Commissioner may revoke the grant as from the date on which the member ceases to be a member and authorize the payment of pay in lieu of the recreation leave for the residue of the period for which it was granted.

(3) Where—

- (a) a member of the Regular Constabulary Branch dies; or
- (b) the Commissioner, after consideration of all the circumstances, directs that the death of a member of the Regular Constabulary Branch be presumed,

the Commissioner may authorize payment to his dependants of pay in lieu of any period of recreation leave to which he was entitled immediately before his death.

(4) Except as provided in Subsection (5), for the purposes of this section a member of the Regular Constabulary Branch shall be credited in respect of any period of service in relation to which entitlement to recreation leave had not as yet accrued, with pro rata recreation leave, calculated to the nearest completed month of that period of service.

(5) Subsection (4) does not apply to a member of the Regular Constabulary Branch who ceases to be a member of that Branch—

- (a) by dismissal for a disciplinary offence, or under Section 57 or 59; or
- (b) because his services are dispensed with under Section 26.

**86. Service of exempt members.**

Service as an exempt member of the Regular Constabulary Branch, that is continuous with permanent service in the Force, shall be deemed to be permanent service in the Force for the purpose of calculating leave of absence that may be granted to a member of the Regular Constabulary Branch for recreation or as furlough, sick leave or leave on the ground of illness.

**87. Total period of leave.**

Except as is otherwise specifically provided by this Act or immediately before the retirement of the member, the total period of leave of absence granted to a member of the Regular Constabulary Branch at any one time shall not exceed 12 months, or such longer period as the Commissioner in any particular cases approves.

Subdivision B.—Leave Fares, etc.

**88. Interpretation of Subdivision B.**

In this Subdivision "the due date" means the date on which a member of the Regular Constabulary Branch becomes entitled to the grant of leave fares under this Subdivision.

**89. Payment of leave fares.**

(1) Subject to this section, the Commissioner shall authorize payment of the cost of fares of a member of the Regular Constabulary Branch and his wife and family (if any) travelling on approved recreation leave, for the specific purpose of enabling the member to spend the major portion of the leave in his home Subdistrict or his wife's home Subdistrict.

(2) Fares under this section shall be granted to a member of the Regular Constabulary Branch—

(a) in the case of leave in his home Subdistrict—for return travel between the station at which he was employed immediately before commencing recreation leave and the administrative headquarters of his home Subdistrict; or

(b) in the case of leave in his wife's home Subdistrict—for return travel between the station at which he was employed immediately before commencing recreation leave and the administrative headquarters of his wife's home Subdistrict, but in that case the amount authorized shall not exceed the cost of the fares referred to in Paragraph (a).

(3) Subject to Subsections (4), (7) and (8), leave fares shall be granted only after a member of the Regular Constabulary Branch has served for a continuous period of two years, commencing from—

(a) the date of his appointment to the Force; or

(b) the date on which he last returned from recreation leave with leave fares granted under any provision other than this section,

whichever is the later date.

(4) A member of the Regular Constabulary Branch who is entitled to leave fares under this section shall make written application in such manner and at such time as the Commissioner directs.

(5) Notwithstanding the due date for leave fares prescribed by Subsection (3), the Commissioner may in his discretion, on application by a member of the Regular Constabulary Branch, authorize the granting or payment of leave fares at any time before the due date where, because of the death of an immediate member of the member's family

or other acceptable grounds, the Commissioner thinks that the application should be granted.

(6) Where fares are granted to a member of the Regular Constabulary Branch under Subsection (5) before the due date, the next entitlement of the member to the grant of fares is not due until two years after the date when it would have otherwise been due.

(7) Notwithstanding the period of two years prescribed by Subsection (3) for entitlement to fares, but subject to Subsection (8), the Commissioner may in his discretion, on application by a member of the Regular Constabulary Branch, authorize the payment of fares after the member has served for a continuous period of one year commencing from the relevant date prescribed by Subsection (3).

(8) Where the granting of payment of fares after one year's service is authorized under Subsection (7), the Commissioner shall authorize payment of half the total cost of return fares of the member of the Regular Constabulary Branch and his wife and family (if any).

(9) If the time of taking recreation leave is delayed beyond the due date by the default or at the request of a member of the Regular Constabulary Branch—

(a) the date on which he returns from leave shall be used for calculating his next entitlement to fares under this section; and

(b) he may be directed to take all recreation leave entitlements accruing to him up to the date of commencing the leave.

(10) If a member of the Regular Constabulary Branch is required to delay taking his leave beyond the due date in order to meet the needs of the Force or the delay was the fault or responsibility of the Force, the due date shall be used for calculating the member's next entitlement to fares.

(11) Subject to Subsection (12), payment of fares under this section shall be made only with respect to travel by the most direct route unless otherwise authorized by the Commissioner for reasons of economy, and travel shall be by public transport (other than by taxi).

(12) The State may provide transport, in place of payment of fares, for the whole or any part of the journey to and from the administrative headquarters of the home Subdistrict of a member of the Regular Constabulary Branch or of his wife's home Subdistrict.

(13) Where return fares in accordance with this section are granted at a time later than two years after a member of the Regular Constabulary Branch was last granted recreation leave, he does not lose his accrued leave entitlement.

#### 90. Travelling time.

(1) The Commissioner may grant to a member of the Regular Constabulary Branch in respect of whom the payment of fares has been authorized under Section 89 such travelling time, not exceeding seven days, as he thinks reasonable.

(2) In any special case, the Commissioner may approve such additional travelling time as he thinks proper.

#### *Division 9.—Special Provisions Relating to Married Women<sup>1</sup>*

#### 91. Appointment to the Force.

Subject to Section 193 (*appointments to certain offices*) of the Constitution, a married woman is eligible for appointment as a member of the Regular Constabulary Branch unless

<sup>1</sup>See, also, Constitution, Sections 48 and 55.

the Commissioner certifies that there are special circumstances that make her appointment undesirable.

#### 92. Declaration of heads of families.

Where the Commissioner is satisfied that a married female member of the Regular Constabulary Branch is supporting a husband or family (or both) in such circumstances that she should be regarded as being the head of the family, the Commissioner may declare her to be the head of a family for the purposes of this Division.

#### 93. Marriage.

(1) In this section, "service in the Force" includes all periods that would be taken into account in calculating eligibility for furlough.

(2) A female member of the Regular Constabulary Branch who marries may continue as a member of the Branch after her marriage, unless (in the case of such a member who is not the head of a family for the purposes of this Division) the Commissioner certifies that there are special circumstances that make her continued employment as a member of the Branch undesirable, in which case she shall be retired from the Force<sup>1</sup>.

(3) Where a female member of the Regular Constabulary Branch—

(a) is retired under this section; and

(b) has had not less than five years' service in the Force; and

(c) is not eligible for and has not been granted furlough or pay in lieu of furlough,

she is entitled, on retirement, to payment of an amount in lieu of furlough calculated as follows:—

(d) where her period of service is not less than five years but is less than eight years—an amount equal to her pay for one month; or

(e) where her period of service is not less than eight years but is less than 12 years—an amount equal to her pay for two months; or

(f) where her period of service is not less than 12 years but is less than 20 years—an amount equal to her pay for three months.

#### 94. Retrenchment of certain female members<sup>1</sup>.

(1) In this section, "service in the Force" includes all periods that would be taken into account in calculating eligibility for furlough.

(2) Where in the opinion of the Minister it is desirable to do so because of an oversupply of persons qualified and available for appointment to the Force either generally or in respect of a rank, the Minister may direct that the Commissioner retire from the Force, generally or in that rank, such number or proportion of married female members of the Regular Constabulary Branch as the Minister thinks proper. (*Amended by No. 25 of 1976, Schedule 26.*)

(3) In complying with a direction under Subsection (2), the Commissioner shall make the retirements progressively from the most junior rank to the most senior rank, and within each rank shall retire members of the Regular Constabulary Branch in reverse order of their respective lengths of service in the Force.

<sup>1</sup>But, see Constitution, Sections 193 and Sch. 1.10(4).

(4) This section does not apply to or in relation to a female member of the Regular Constabulary Branch who is a head of a family for the purposes of this Division.

**95. Fares and removal expenses for married female members.**

(1) A married female member of the Regular Constabulary Branch who is the wife of a member of the Branch or of an officer of the Public Service is not entitled to fares or removal expenses under this Act both in her capacity as a member of the Branch and in her capacity as the wife of a member of the Branch or of an officer of the Public Service.

(2) A married female member of the Regular Constabulary Branch who is not the head of a family for the purposes of this Division is not entitled to fares or removal expenses under this Act for her husband or family, but the head of a family is so entitled.

*Division 10.—Retirement.*

**96. Age of retirement.**

(1) Subject to this section, a member of the Regular Constabulary Branch who has attained—

(a) in the case of a male member of the Branch—the age of 55 years; or

(b) in the case of a female member of the Branch—the age of 50 years,

is entitled to retire from the Force if he or she desires to do so, but such a member may, subject to this Act, continue in the Force until he or she attains—

(c) in the case of a male member of the Branch—the age of 65 years; or

(d) in the case of a female member of the Branch—the age of 60 years.

(2) A member of the Regular Constabulary Branch who continues in the Force after he or she has attained the age at which he or she is entitled to retire—

(a) may be retired from the Force at any time before attaining—

(i) in the case of a male member of the Branch—the age of 65 years; or

(ii) in the case of a female member of the Branch—the age of 60 years;  
and

(b) shall retire from the Force on attaining—

(i) in the case of a male member of the Branch—the age of 65 years; or

(ii) in the case of a female member of the Branch—the age of 60 years.

(3) A retirement under Subsection (2)(a) shall be effected by the Commissioner.

(4) Unless the Commissioner otherwise approves, a member of the Regular Constabulary Branch is not entitled to retire from the Force under this section during a period of suspension under Section 53 or 57.

**97. Retirement on account of infirmity or incapacity<sup>1</sup>.**

(1) If a member of the Regular Constabulary Branch appears to the Commissioner, after full investigation of the circumstances, to be, by reason of mental or bodily infirmity or for any other reason, unfit to discharge or incapable of discharging the duties of his position efficiently, the Commissioner may retire him from the Force or transfer him to other duties of equal or lower rank and salary.

<sup>1</sup> But, see Constitution, Section 193.

(2) The retirement or transfer of a member of the Regular Constabulary Branch under this section shall not be deemed to be on account of mental or bodily infirmity unless it is so stated in the instrument effecting the retirement.

(3) A member of the Regular Constabulary Branch retired or transferred under this section may, within the prescribed time, appeal to the Minister against—

(a) his retirement or transfer; and

(b) in the case of retirement, any failure by the Commissioner to state that the retirement was on account of mental or bodily infirmity.

(4) Until the time for appeal has expired and pending the hearing of an appeal, the member of the Regular Constabulary Branch shall be deemed to be on leave without pay, unless he advises the Commissioner that he does not intend to appeal, in which case his retirement or transfer takes effect on the date on which he so advises the Commissioner.

(5) Where the Commissioner refuses to retire a member of the Regular Constabulary Branch under this section, the member may appeal to the Minister.

#### 98. Resignation.

(1) A member of the Regular Constabulary Branch may resign from the Force—

(a) with the written consent of the Commissioner or a person authorized in writing for the purpose by the Commissioner; or

(b) after giving to the Commissioner or a person so authorized three months written notice of his intention to resign.

(2) Unless the Commissioner otherwise approves, a period of suspension under Section 53 or 57 shall not be taken into account when calculating the period of notice required under Subsection (1)(b).

(3) Unless the Commissioner otherwise approves, a member of the Regular Constabulary Branch who resigns from the Force otherwise than in accordance with Subsection (1) is guilty of an offence.

Penalty: A fine not exceeding K100.00 or imprisonment for a term not exceeding three months.

#### *Division 11.—Pensions.*

#### 99. Application of Division 11.

This Division applies to and in relation to members of the Force who have made an election in accordance with Section 7(2) of the *Public Officers Superannuation Act*.

#### 100. Interpretation of Division 11.

For the purposes of this Division—

(a) any period of service as a member of a former Force, being service that is continuous with—

(i) a period of service in the Force; or

(ii) another period of service that is by virtue of this subsection deemed to be service in the Force,

shall be deemed to be service in the Force; and

(b) the annual salary of a member of a former Force during any period during which he was in receipt of both cash wages and rations shall be deemed to be



the annual amount of the cash wages plus the value, as assessed by the Commissioner, of the rations (other than rations supplied in respect of the dependants of the member).

**101. Grant of pensions.**

Subject to this Division, an annual pension is payable to a member of the Regular Constabulary Branch who resigns, retires or is retired—

- (a) after not less than 20 years' continuous service; or
- (b) on the ground of ill-health, certified to by a medical practitioner, after not less than 15 years' continuous service.

**102. Amount of pension.**

(1) Subject to Subsection (2), the amount of a pension payable under this Division to a member of the Regular Constabulary Branch is 25% of the average annual salary received by the member during the three years' continuous service immediately preceding his resignation or retirement.

(2) For the purposes of the calculation of pension, where the annual salary applicable to a rank held by a resigned or retired member of the Regular Constabulary Branch at any time during the three years' continuous service immediately preceding his resignation or retirement is increased under this Act, whether before or after his resignation or retirement, the increase shall be deemed to have applied during the whole of his service in that rank.

**103. Widows' pensions, etc.**

(1) In this section—

"pensioner" means a resigned or retired member of the Regular Constabulary Branch who is in receipt of a pension under this Division;

"widow" means a woman who was a wife, within the meaning of this Act, of a member of the Regular Constabulary Branch or of a pensioner immediately before his death.

(2) Subject to this Division, an annual pension is payable to the widow and dependent children of a serving member of the Regular Constabulary Branch or deceased pensioner.

(3) Subject to Subsections (4) and (5), the amount of a pension payable under Subsection (2) is—

(a) in the case of a widow—50% of—

(i) in the case of the widow of a serving member of the Regular Constabulary Branch—the pension that would have been payable to him had he retired immediately before the date of his death, having had 20 years' continuous service; or

(ii) in the case of the widow of a deceased pensioner—the pension payable under this Division to the pensioner; and

(b) in the case of a dependent child under the age of 16 years—an amount of K12.00 per annum, to be paid in cash or in goods, as decided by the Commissioner.

(4) Where a member of the Regular Constabulary Branch or pensioner dies leaving more than one wife, the amount of a pension payable under Subsection (2) to each wife is

the amount that would have been payable under Subsection (3) had there been only one wife, divided by the number of wives left by the member or pensioner.

(5) A pension payable to a widow under this section ceases on her re-marriage.

(6) For the purpose of the calculation of pension for the purposes of Subsection (3)(a)(i)—

(a) the three years' continuous service immediately before the death of the member of the Regular Constabulary Branch concerned shall be deemed to be the three years' continuous service referred to in Section 102; and

(b) where the member concerned has not had three years' continuous service before his death, his average annual salary during his continuous service shall be deemed to the average annual salary referred to in Section 102.

(7) Where a pensioner marries or has married after his resignation or retirement, pension is not payable on his death to his widow or in respect of a child of the marriage.

#### 104. Assignment, etc., of pension.

A pension under this Division is not capable of being assigned, charged or in any way dealt with, and any purported assignment, charge or dealing with a pension is void and of no effect.

#### 105. Suspension of pension during further service.

A pension payable to a resigned or retired member of the Regular Constabulary Branch under this Division is suspended during any further service by him with—

(a) the Force; or

(b) the Government; or

(c) the Defence Force,

but is not otherwise affected by any employment in which the member engages after his resignation or retirement.

#### 106. Pensions for members dismissed from the Force.

A pension is not payable to a member of the Regular Constabulary Branch who is dismissed from the Force, unless the Minister in a special case otherwise directs, and in that case the pension shall be of such an amount as the Minister, in his discretion, thinks proper, but not exceeding the amount of pension that would have been payable to him under this Division but for his dismissal.

#### 107. Pensions to members of former Police Forces.

(1) In this section, "former Force" does not include the Royal Papua and New Guinea Constabulary established under the pre-Independence *Royal Papua and New Guinea Constabulary Act 1965*.

(2) A person who was, immediately before 1 December 1973 (being the date of commencement of the *Police Force (Interim Arrangements) Act 1973* (Adopted)), entitled to a pension under any provision of the pre-Independence *Royal Papua and New Guinea Constabulary Act 1965* is entitled to a pension under the equivalent provision of this Act, and this Division applies accordingly.

(3) For the purposes of the calculation of pensions payable by virtue of Subsection (2), the person to or in respect of whose services the pension is payable shall be deemed to have been in receipt of pay at the rate applicable from time to time under this Act to—

(a) the rank that is, in the opinion of the Commissioner, the equivalent of the rank that he held; and

(b) the continuous service that he had completed,

immediately before the termination of his services or, where he died while serving, immediately before his death.

(4) Notwithstanding Subsections (2) and (3), where a member of the Regular Constabulary Branch who was a member of a former Force has continuous service—

(a) of not less than 12 nor more than 15 years before his retirement on the ground of ill-health—a pension is payable to or in respect of him at such rate as bears to the pension that would have been payable had he had 15 years' continuous service the same proportion as the number of years of continuous service that he had bears to 15; and

(b) of not less than 12 nor more than 20 years before his retirement on grounds other than ill-health—a pension is payable to or in respect of him at such rate as bears to the pension that would have been payable had he had 20 years' continuous service the same proportion as the number of years of continuous service that he had bears to 20.

#### 108. Pensions in special circumstances.

Where after receiving advice from the Commissioner the Minister is of the opinion that a pension should, for a special reason, be granted to a person, who is—

(a) a former member of the Regular Constabulary Branch; or

(b) a former member of a former Force; or

(c) a dependant of—

(i) a former member of the Regular Constabulary Branch; or

(ii) a former member of a former Force,

and who is not eligible for a pension under the preceding provisions of this Division, the Minister may, in his discretion, direct that he be paid an annual pension of such amount as the Minister thinks proper, not exceeding the maximum amount that would have been payable to him under this Division had he been eligible for a pension under this Division.

#### 109. Imprisonment or insanity of pensioner.

(1) Where a former member of the Regular Constabulary Branch or of a former Force in receipt of a pension is sentenced to imprisonment or detained as a patient in a mental hospital for a period exceeding one month, the Commissioner may cause the pension or any part of the pension payable to him to be paid during the period of imprisonment or detention, in such manner and subject to such conditions as the Commissioner thinks proper, to his wife, or, if his wife is dead, for the benefit of such of his children or the children of his deceased wife as are under the age of 16 years.

(2) Where the widow of a member, or of a former member, of the Regular Constabulary Branch or of a former Force is in receipt of a pension and is sentenced to imprisonment or detained as a patient in a mental hospital for a period exceeding one month, the Commissioner may cause the pension or any part of the pension payable to her to be paid during the period of imprisonment or detention, in such manner and subject to

such conditions as the Commissioner thinks proper, for the benefit of such of the children of the widow or of her deceased husband as are under the age of 16 years.

**110. Payment of pensions.**

A pension under this Division shall be paid in monthly instalments.

*Division 12.—Miscellaneous.*

**111. Acting appointments.**

(1) In Subsections (3), (4) and (5), a reference to an acting appointment shall be read as a reference to an appointment under Subsection (2), other than the appointment to the rank of Assistant Commissioner or above.

(2) Where a member of the Force is absent from duty or unable to perform the duties of his office, or when there is a vacancy in a rank, the Commissioner may, in accordance with Subdivision IV.5.B, appoint another member of the Force to act in the place of the member during his absence or inability, or appoint a member to fill the vacancy temporarily.

(3) Where the term of an acting appointment of a member of the Regular Constabulary Branch to a higher rank is to exceed or is likely to exceed six months, this section applies to the appointment.

(4) Subject to Subsection (5), Section 37, with the necessary modifications, applies to and in relation to an acting appointment referred to in Subsection (3) as if it were a promotion.

(5) Section 37(10) applies only in relation to members of the Regular Constabulary Branch who are available and who occupy a lower rank than the rank to which the acting appointment is to be made.

**112. Bankrupt members.**

A member of the Regular Constabulary Branch who becomes bankrupt or insolvent or whose estate is sequestrated voluntarily or compulsorily for the benefit of his creditors shall—

- (a) immediately give notice to the Commissioner of the fact; and
- (b) furnish, as and when required to do so by the Commissioner, such information relating to the bankruptcy, insolvency or sequestration as the Commissioner requires.

**113. Attachment of salaries.**

An order for the attachment of the salary, wages or pay of a member of the Regular Constabulary Branch may be made by any court of competent jurisdiction.

**114. Holidays.**

(1) Subject to this section, the following days are holidays in the Regular Constabulary Branch—

- (a) New Year's Day; and
- (b) Good Friday and the following Saturday and Monday; and
- (c) the day appointed under the *Public Holidays Act* to commemorate the anniversary of the birthday of the Sovereign; and

- (d) the day or days appointed under the *Public Holidays Act* to commemorate the attainment by Papua New Guinea of Independent Sovereign Nationhood; and
- (e) Christmas Day and the following day; and
- (f) 23 July to be known as Papua New Guinea Remembrance Day.

(Amended by No. 24 of 1981.)

(2) Whenever a day specified in Subsection (1) (other than the day or a day referred to in Subsection (1)(d)) falls on a Sunday, the following Monday is a holiday.

(3) Whenever Christmas Day falls on a Sunday, the following Monday and Tuesday are holidays.

(4) The Minister may, by notice in the *Police Gazette*, appoint a day or part of a day as a holiday throughout the country or in a part of the country specified in the notice.

(5) Where, in the opinion of the Minister, it is expedient that in a particular year a day that would otherwise be a holiday should not be a holiday, the Minister may, by notice in the *Police Gazette* published not less than one week before that day, declare that the day shall not, in that year, be a holiday.

(6) The Minister may, by notice under Subsection (5), appoint some other day to be a holiday in place of the day referred to in that subsection.

(7) The Commissioner may require a member of the Regular Constabulary Branch to work in the public interest for the whole or a part of a holiday.

#### 115. Outside employment.

(1) Except with the permission of the Commissioner, which may at any time be withdrawn, a member of the Regular Constabulary Branch shall not—

- (a) accept or continue to hold an office in or under the Government or any public or municipal corporation; or
- (b) accept or continue to hold or discharge the duties of, or be employed in, a paid office in connexion with any banking, insurance, agricultural, mining, mercantile or other commercial business, whether carried on by a corporation, a firm or an individual; or
- (c) engage in or undertake any such business as principal or agent; or
- (d) engage or continue in the private practice of a profession or trade; or
- (e) accept or engage in remunerative employment otherwise than in connexion with his duties in the Force.

(2) Subject to the succeeding provisions of this section, Subsection (1) does not prevent a member of the Regular Constabulary Branch from becoming a member or shareholder only of an incorporated company or of a company or society of persons registered under a law of the country or elsewhere, but a member of the Branch shall not take part in the conduct of the business of the company or society otherwise than by the exercise of his right to vote as a member or shareholder.

(3) Except with the written consent of the Commissioner, a member of the Regular Constabulary Branch shall not, personally or by his agent—

- (a) hold shares in a company or society of persons operating in the country; or
- (b) acquire land in the country, other than land on which a building is, or is to be erected that is to be occupied by him as a residence or as a dwelling-house for occasional use by him.

(4) For the purposes of Subsection (3), the wife of a member of the Regular Constabulary Branch shall be deemed to be the agent of her husband.

(5) Subsection (3) does not operate so as to prevent a member of the Regular Constabulary Branch from acquiring customary land by devolution.

**116. Supply of food issues, etc.**

(1) Where the Commissioner so directs, the Government shall issue to a member of the Regular Constabulary Branch or to his family (if any), food and other issues in accordance with a scale determined by the Minister, not being less in quality and quantity than the scale prescribed under the *Native Employment Act 1958* (Adopted).

(2) If the Commissioner so directs, where any food or other issues is or are issued to a member of the Regular Constabulary Branch under Subsection (1), there shall be deducted from the salary payable to the member such amount as is determined by the Minister in respect of the food or issues.

(3) Unless a member of the Regular Constabulary Branch otherwise requests, no issue or deduction under this section shall be made in respect of any period of leave of absence (other than sick leave).

**PART V.—FIELD CONSTABULARY.**

**117. Provincial Commissioners, etc., to be commissioned officers of Field Constabulary.**

(1) Provincial Commissioners, Deputy Provincial Commissioners, District Officers, Assistant District Officers and Patrol Officers are, by virtue of their offices and while holding their offices, commissioned officers of the Field Constabulary.

(2) Assistant Patrol Officers and Trainee Patrol Officers are, by virtue of their offices and while holding their offices, Cadet Officers of the Field Constabulary.

**118. Withdrawal of police powers.**

The Minister may, by written notice to an officer declared to be a commissioned officer or Cadet Officer of the Field Constabulary by Section 117, withdraw the powers conferred on him by this Act in relation to the whole of the country, or to the part of the country specified in the notice.

**PART VI.—RESERVE CONSTABULARY.**

**119. Strength of Reserve Constabulary.**

The Reserve Constabulary shall consist of such number of reservists as is fixed by the Minister by notice in the *Police Gazette*.

**120. Oath or affirmation of office.**

A person appointed to the Reserve Constabulary shall take an oath or make an affirmation in the form in Schedule 2.

**121. Ranks of the Reserve Constabulary.**

The ranks of reservists and their order of precedence in the Force are as prescribed.

**122. Appointment and promotion.**

The Commissioner may appoint or promote a person to such rank in the Reserve Constabulary as he thinks proper.

**123. Conditions of service.**

The conditions of service of a reservist are as the Commissioner directs or as are prescribed.

**124. Pay and allowances.**

(1) Subject to any general directions of the Head of State, acting on advice, the pay and allowances (if any) of reservists are as determined by the Commissioner, after consultation with the Public Services Commission.

(2) A determination under Subsection (1) may provide for pay and allowances at different rates for different classes of reservists.

**125. Discipline.**

(1) Subject to this section, Division IV.7 applies to and in relation to a reservist, when acting as such, as if he were a member of the Regular Constabulary Branch.

(2) The Commissioner may suspend a reservist, and after inquiry—

(a) dismiss or discharge him; or

(b) dispense with his services; or

(c) terminate his appointment; or

(d) direct that he be prosecuted or dealt with under this Act.

(3) Unless the Commissioner otherwise orders, pay and allowances shall not be allowed to a reservist during a period of suspension under Subsection (2).

**126. Dispensing with services.**

The Commissioner may dispense with the services of a reservist.

**127. Powers, etc., of reservists.**

A reservist, when acting as such, has all the powers and functions of a member of the Regular Constabulary Branch.

**128. Uniforms, etc.,**

A reservist may be issued with such arms, accoutrements, badges and uniforms, and in such quantities, as are prescribed.

**129. Workers' compensation.**

(1) For the purposes of the *Workers' Compensation Act* a reservist, when acting as such, shall be deemed to be an employee of the State and a worker within the meaning of the definition of "worker" in Section 1 of that Act.

(2) Subject to Subsection (3), for the purposes of Section 20 of the *Workers' Compensation Act*, the wages of a reservist shall be deemed to be his total earnings, including any pay and allowances under this Act.

(3) Section 2 of the *Workers' Compensation Act* applies to the calculation of the wages of a reservist.

PART VII.—SPECIAL CONSTABLES.

**130. Appointment of Special Constables.**

Where it appears to the Commissioner, a Magistrate Grade IV. or an officer authorized for the purpose by the Commissioner, desirable for a special reason, he may appoint such Special Constables as he thinks necessary.

**131. Conditions of service.**

(1) Subject to any general directions of the Head of State, acting on advice, the salary and allowances (if any) of Special Constables are as determined by the Commissioner after consultation with the Public Services Commission.

(2) Subject to this section, Division IV.7 applies to and in relation to a Special Constable as if he were a member of the Regular Constabulary Branch.

(3) The Commissioner may suspend a Special Constable, and after inquiry—

- (a) dismiss or discharge him; or
- (b) dispense with his services; or
- (c) terminate his appointment; or
- (d) direct that he be prosecuted or dealt with under this Act.

(4) Unless the Commissioner otherwise orders, pay shall not be allowed to a Special Constable during a period of suspension.

**132. Dispensing with services.**

The Commissioner may dispense with the services of a member of the Special Constabulary.

PART VIII.—OFFENCES GENERALLY.

**133. Misrepresentation by applicants for appointment.**

A person who makes a false representation in applying for appointment as a member of the Force is guilty of an offence.

Penalty: A fine not exceeding K100.00 or imprisonment for a term not exceeding three months.

**134. Inducing neglect of duty.**

A person who induces or attempts to induce a member of the Force to neglect or omit to perform a duty is guilty of an offence.

Penalty: A fine not exceeding K100.00 or imprisonment for a term not exceeding three months.

**135. Causing disaffection.**

(1) Subject to Subsection (2), a person who—

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

is guilty of an offence.

Penalty: Imprisonment for a term not exceeding five years.



(2) Subsection (1) does not apply to or in relation to a person who, in good faith—

- (a) points out, or endeavours to point out, errors or defects in, or desirable alterations or improvements to, laws, regulations or working conditions governing members of the Force; or
- (b) induces members of the Force to attempt to procure by lawful means the alteration of any of the laws, regulations or working conditions governing members of the Force.

**136. Unauthorized possession of arms, etc., of Force.**

A person other than a member of the Force, who, without lawful excuse—

- (a) has in his possession any arms, accoutrement, badge or uniform or part of a uniform of the Force; or
- (b) assumes the description or designation of, or falsely pretends or represents himself to be, a member of the Force,

is guilty of an offence.

Penalty: A fine not exceeding K100.00 or imprisonment for a term not exceeding three months.

**137. Unauthorized wearing of police uniforms, etc.**

A person, not being a member of the Force, who—

- (a) wears a uniform of the Force; or
- (b) unlawfully wears a colourable imitation of a uniform of the Force,

is guilty of an offence.

Penalty: A fine not exceeding K100.00, or imprisonment for a term not exceeding three months.

**138. Unlawful supply, etc. of police uniforms.**

A person who unlawfully—

- (a) sells or supplies to another person; or
- (b) employs or induces a person, not being a member of the Force, to wear,

a uniform of the Force, or a colourable imitation of a uniform of the Force, is guilty of an offence.

Penalty: A fine not exceeding K200.00 or imprisonment for a term not exceeding six months.

**PART IX.—MISCELLANEOUS.**

**139. Powers, duties, rights and liabilities of members of the Force.**

Members of the Force have the same powers, duties, rights and liabilities as Constables under the underlying law, except so far as they are modified by or under an Act.

**140. Protection of members of Force.**

Where an action is brought against a member of the Force for an act done in obedience to a warrant or order of a magistrate or justice, or of a commissioned officer of the Force having authority over the member—

(a) the member is not responsible for—

(i) irregularities in the issue of the warrant or order; or

(ii) want of jurisdiction in the magistrate, justice or commissioned officer who issued it; and

(b) on production of the warrant or order and proof that—

(i) the person is reputed to be, and acts as, a magistrate, justice or commissioned officer of the Force, possessing jurisdiction in the case, and, in the case of a commissioned officer, has authority over the member executing the warrant or order; and

(ii) the act complained of was done in obedience to the warrant or order,  
a verdict shall be returned for the member of the Force concerned and he shall be awarded the costs of suit.

**141. Secrecy of records.**

(1) Notwithstanding any other law, the Commissioner shall not make available to any person, not being a member of the Force or of a Police Promotions Selection Board or a Police Appeal Tribunal—

(a) any official record kept by the Force; or

(b) any information obtained by a member of the Force in his official capacity,

that the Commissioner thinks should be privileged, unless for some special reason he thinks it proper to make it available, or on the order of a court of competent jurisdiction.

(2) This section does not affect the operation of Section 37 of the *Public Finances (Control and Audit) Act*.

**142. Valour Medal. (Repealed by No. 34 of 1981, s. 1.)**

**143. Certificate of Commendation.**

The Commissioner may award a Certificate of Commendation to a member of the Force (including a member of the Field Constabulary or the Reserve Constabulary, a Special Constable or a person to whom Section 5 applies) for conduct that is of special merit.

**144. Long Service Stars. (Repealed by No. 34 of 1981, s. 1.)**

**145. Badges.**

The prescribed badges or other distinguishing marks or articles may be provided for members of the Force, and a person who wears or bears about him any such badge or other distinguishing mark or article shall, until the contrary is proved, be deemed to be a member of the Force.

**146. Execution of process of courts.**

Subject to any other law, a member shall execute all process and serve all summonses and warrants relating to criminal matters and, on behalf of the State, to matters to which the State is a party.

**147. Deduction of fines, etc., from pay.**

A fine or penalty imposed on a member of the Force under this Act may, in addition to any other mode of recovery allowed by law, be deducted from his pay.

**148. Cessation of membership.**

When a member of the Force ceases to be a member, or the powers conferred on an officer by virtue of this Act are withdrawn under Section 118—

- (a) all authority vested in him as a member of the Force; and
- (b) all appointments conferred on him in his capacity as a member of the Force; and
- (c) all offices held by him in his capacity as a member of the Force,

cease and determine in respect of the whole of the country or, where powers are withdrawn under Section 118 in relation to a part only of the country, then in respect of that part.

**149. Charges for certain special services.**

(1) Subject to Subsection (2), the Commissioner may make a charge on any person or body who requests the services of members of the Force if, in the opinion of the Commissioner, the services supplied are additional to services required to be rendered in the ordinary course of the functions of the Force.

(2) Notwithstanding Subsection (1), no extra charge shall be made where police services are required to deal with an emergency.

**150. Unclaimed property.**

(1) Where any property that has lawfully come into the possession of a member of the Force by virtue of his office—

- (a) remains unclaimed for a period of six months; or
- (b) is a perishable article; or

(c) is of such a nature that its custody involves unreasonable expense or inconvenience,

the Commissioner may direct that it be sold by public auction.

(2) Where property has been sold under this section, the Minister may direct the payment of a reasonable reward out of the proceeds of the sale to any person, other than a member of the Force, by whom, or as a result of information or assistance voluntarily given by whom, the property came into the possession of a member of the Force.

(3) Subject to Subsection (2), the net proceeds received from the sale of any property under this section shall be paid to the Public Account in trust for the person entitled to the property.

(4) Notwithstanding this section, where any money or other item of personal property that has been found by a person and delivered to a member of the Force as such, has remained unclaimed for a period of six months, the Commissioner may, in his discretion, authorize the return of the money or property to the person who so delivered it.

#### 151. Rewards, etc.

The Head of State, acting on advice, may grant a reward or gratuity to a member of the Force whom he thinks deserving of it, or in the event of his death to his relatives, and money so granted shall be paid out of the Consolidated Revenue Fund.

#### 152. Police Gazette.

(1) There shall be a *Papua New Guinea Police Gazette*, which shall be published at least monthly.

(2) There shall be published in the *Police Gazette*—

(a) all regulations made under this Act; and

(b) all appointments made under this Act; and

(c) any other matter or thing that is required to be so published by or under this or any other Act, or by direction of the Commissioner.

(3) All courts, Judges and persons acting judicially shall take judicial notice of any act, matter or thing of which publication in the *Police Gazette* is directed by or under an Act, when so published.

#### 153. Orders and general instructions.

(1) The Commissioner may issue orders and general instructions relating to the organization, discipline, efficiency and training of the Force.

(2) Orders and general instructions issued by the Commissioner under Subsection (1) may be—

(a) of general application; or

(b) limited to a class or classes of members or to a part of the country.

#### 154. Additional powers of Commissioner.

Where there is no provision, or no sufficient provision, in this Act in respect of any matter or thing that is necessary or desirable to give effect to this Act, the Commissioner may, with the approval of the Head of State, acting on advice, specify in what manner and form the want of provision or insufficient provision shall be supplied.

155. Regulations.

(1) The Head of State, acting on advice, may make regulations, not inconsistent with this Act, prescribing all matters that by this Act are required or permitted to be prescribed or that are necessary and convenient to be prescribed for carrying out or giving effect to this Act, and in particular for providing for—

(a) enrolment in the Force; and

(b) the discipline of the Force; and

(c) the relationship between, and the relative functions and spheres of authority of, the Regular Constabulary Branch, the Field Constabulary Branch and the Reserve Constabulary Branch.

(2) The regulations may provide for the insurance of a member or his goods.

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SCHEDULES.

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SCHEDULE 1.

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Sec. 25.

OATH AND AFFIRMATION OF OFFICE OF MEMBERS OF FORCE.

*Oath.*

I, \_\_\_\_\_, do swear that I will well and truly serve the Independent State of Papua New Guinea and its People in the office of member of the Royal Papua New Guinea Constabulary without favour or affection, malice or ill-will, from this day until I am discharged from that office, and that I will seek and cause the peace to be kept and preserved, and will prevent, to the best of my power, all offences against the peace, and that, while I continue to hold that office, I will, to the best of my skill and knowledge, discharge all the duties of it faithfully according to law.

So help me God!

*Affirmation.*

I, \_\_\_\_\_, do solemnly and sincerely affirm and declare that I will well and truly serve the Independent State of Papua New Guinea and its People in the office of member of the Royal Papua New Guinea Constabulary without favour or affection, malice or ill-will, from this day until I am discharged from that office, and that I will seek and cause the peace to be kept and preserved, and will prevent, to the best of my power, all offences against the peace, and that, while I continue to hold that office, I will, to the best of my skill and knowledge, discharge all the duties of it faithfully according to law.

SCHEDULE 2.

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Sec. 120.

OATH AND AFFIRMATION OF OFFICE OF RESERVISTS.

*Oath.*

I, \_\_\_\_\_, do swear that I will well and truly serve the Independent State of Papua New Guinea and its People in the office of reservist of the Royal Papua New Guinea Constabulary without favour or affection, malice or ill-will, from this day until I am discharged from that office, and that I will seek and cause the peace to be kept and preserved, and that I will prevent, to the best of my power, all offences against the peace whilst I am acting in that office, and that, while I continue to hold that office, I will to the best of my skill and knowledge, discharge all the duties of it faithfully according to law.

So help me God!

*Affirmation.*

I, \_\_\_\_\_, do solemnly and sincerely promise and declare that I will well and truly serve the Independent State of Papua New Guinea and its People in the office of reservist of the Royal Papua New Guinea Constabulary without favour or affection, malice or ill-will, from this day until I am discharged from that office, and that I will seek and cause the peace to be kept and preserved, and that I will prevent to the best of my power all offences against the peace whilst I am acting in that office, and that, while I continue to hold that office, I will, to the best of my skill and knowledge, discharge all the duties of it faithfully according to law.

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INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 65.

*Police Force Regulation.*

ARRANGEMENT OF SECTIONS.

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2. Appointment of members of former Forces.
3. Oath and affirmation of office.

*Division 2.—Promotion, etc.*

4. Prescribed senior ranks.
5. Gazettal of promotions.
6. Salary on promotion or transfer.
7. Police Promotions Selection Boards.

*Division 3.—Discipline.*

8. Extra drill.
9. Appeal against punishment in case of serious offences.
10. Date of hearing of appeal.
11. Duties of Commissioner as to appeals.
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"furniture and effects".
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*Police Force*

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INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 65.

*Police Force Regulation.*

MADE under the *Police Force Act.*

PART I.—THE REGULAR CONSTABULARY.

*Division 1.—Appointment.*

**1. Physical standards.**

The Commissioner may from time to time lay down the physical standards required to be met by applicants for appointment to the Regular Constabulary Branch, and may waive compliance with those standards in any particular case.

**2. Appointment of members of former Forces.**

An applicant for appointment to the Regular Constabulary Branch who at any time before his application held non-commissioned rank in a former Force may be appointed to that Branch—

- (a) in a rank that is, in the opinion of the Commissioner, the equivalent of that rank; or
- (b) in such lower rank as the Commissioner approves.

**3. Oath and affirmation of office.**

An oath or affirmation under Section 25(2)(b) of the Act shall be made and subscribed before—

- (a) the Commissioner; or
- (b) a commissioned officer, or a member of a class of commissioned officers, approved by the Commissioner for the purpose.

*Division 2.—Promotion, etc.*

**4. Prescribed senior ranks.**

For the purposes of Section 34(2) of the Act, the following ranks are prescribed senior ranks :—

- Deputy Commissioner.
- Assistant Commissioner.
- Senior Superintendent.
- Superintendent.
- Inspector (First Class).
- Inspector (Second Class).
- Inspector (Third Class).

**5. Gazettal of promotions.**

Notification of a promotion under Section 24 of the Act or under Subdivision IV.5.B of the Act shall be published in the *Police Gazette*.

**6. Salary on promotion or transfer.**

(1) Subject to Subsection (2), the salary to be paid to a member of the Regular Constabulary Branch on promotion or transfer shall not, unless otherwise approved by the Commissioner, exceed the minimum salary of the rank to which he is transferred or promoted.

(2) Subject to Subsection (3), where a member of the Regular Constabulary Branch—

(a) is transferred or promoted; and

(b) was immediately before the promotion or transfer in receipt of salary above the minimum salary fixed for the rank to which he is transferred or promoted,

his promotion or transfer shall, unless otherwise approved by the Commissioner, be effected without reduction in salary.

(3) In the case of a transfer, the member of the Regular Constabulary Branch shall not be paid salary in excess of the maximum salary of the rank to which he is transferred.

(4) The Commissioner may direct that a member of the Regular Constabulary Branch who is promoted or transferred with salary at or exceeding the minimum salary of the rank to which he is promoted or transferred is not eligible for incremental advancement in salary until a date to be fixed by the Commissioner, not being later than the date on which he would have been eligible for incremental advancement in salary if he had been promoted or transferred at the minimum salary of the rank according to age.

**7. Police Promotions Selection Boards.**

(1) In this section, "group of promotions" means some or all of the promotions that, in the opinion of the Chairman of the relevant Police Promotions Selection Board, ultimately arise from or relate to another single promotion or set of promotions and accordingly should be dealt with by the Board without change of membership.

(2) The oath or affirmation by the Chairman and members of Police Promotions Appeal Boards referred to in Section 37(8) of the Act shall be in Form 1.

(3) A member of the Force shall not act as Chairman or a member of a Police Promotions Selection Board in any case in which he is, in relation to the promotion or group of promotions in question, a member referred to in Section 37(10) of the Act.

(4) A member of the Force shall be granted leave of absence from his normal duties without loss of pay while acting as a member of a Police Promotions Selection Board.

(5) The Chairman of the Police Promotions Selection (Commissioned Officers) Board and the Chairman of the Police Promotions Selection (other Ranks) Board may be removed from office at any time by the Head of State, acting on advice.

(6) The nomination of a member of a Police Promotions Selection Board referred to in Section 37(3)(b) of the Act shall be expressed to relate to a single promotion or a group of promotions as determined under Subsection (7) and, except with the consent of the Head of State, acting on advice, the member holds office until the promotion or group of promotions is finalized in accordance with Section 37 of the Act.

(7) Before a nomination of a member of a Police Promotions Selection Board referred to in Section 37(3)(b) of the Act is made, the Chairman of the relevant Police Promotions Selection Board shall determine whether the nomination is to relate to the hearing of a single promotion or to a group of promotions.

*Division 3.—Discipline.*

**8. Extra drill.**

Subject to Sections 45 and 46 of the Act, extra drill may be imposed on a member of the Regular Constabulary Branch found to be guilty of a disciplinary offence as follows :—

- (a) a member confined to barracks for a period not exceeding 14 days may be required to perform extra drill on not more than two-thirds of the number of days of the confinement; and
- (b) extra drill shall not be performed on a Sunday; and
- (c) a member may be required to perform extra drill for not more than—
  - (i) two hours in the morning; and
  - (ii) one hour in the afternoon,with an interval of 10 minutes between any two consecutive half-hours of drill; and
- (d) extra drill shall not be performed during any meal break; and
- (e) the member physically directing and superintending the performance of extra drill shall—
  - (i) ensure that a member on whom extra drill has been imposed is at all times during the performance of extra drill, fit to perform the extra drill; and
  - (ii) stop the performance of extra drill by a member if he is of the opinion that the member is unfit to continue to perform the extra drill; and
- (f) extra drill shall not be carried out in double time; and
- (g) a member required to perform extra drill—
  - (i) may be required to perform the drill with or without arms at the discretion of the member physically directing and superintending the performance of the drill; and
  - (ii) shall not be required to wear equipment of the nature of a pack or haversack or such.

**9. Appeal against punishment in case of serious offences.**

(1) An appeal by a member of the Regular Constabulary Branch under Section 46 of the Act shall be made in writing in Form 2.

(2) An appeal shall be—

- (a) forwarded to the Commissioner; and
- (b) lodged or posted not later than seven days from the date on which the appellant received notice of his punishment.

(3) Subject to Subsection (4), no action shall be taken on an appeal that is not lodged or posted within the time specified in Subsection (2).

(4) Where the Commissioner is satisfied that, owing to the location of the member of the Regular Constabulary Branch, it is not or it was not practicable for the member to lodge or post an appeal within the time specified in Subsection (2), the Commissioner may, before or after the expiration of the period specified in Subsection (2), extend the time for such period as in the circumstances he thinks necessary.

(5) The appellant shall forward with his appeal a statement of the names of any witnesses he desires to be in attendance at the hearing of the appeal.

**10. Date of hearing of appeal.**

(1) The Police Appeal Tribunal shall—

(a) fix a date for the hearing of the appeal; and

(b) promptly notify the Commissioner and the appellant or his lawyer or agent of the date fixed.

(2) The date fixed for the hearing of an appeal shall not be less than 14 days after the date of the notice to the Commissioner under Subsection (1).

**11. Duties of Commissioner as to appeals.**

(1) On receipt of an appeal lodged or posted in accordance with Section 9, the Commissioner shall promptly forward the appeal to the Police Appeal Tribunal.

(2) On receipt of notice of the date fixed for the hearing of an appeal, the Commissioner shall promptly make arrangements for the attendance of witnesses.

(3) Where practicable the Commissioner shall, at least seven days before the date fixed for the hearing of the appeal, furnish to the appellant, or to his lawyer or agent, copies of all documents intended to be used in the hearing of the appeal.

**12. Notification of findings.**

(1) Where the Police Appeal Tribunal considers that a member of the Regular Constabulary Branch should be dismissed, it shall forward its recommendation to the Head of State or the Commissioner, as the case requires.

(2) Where the Police Appeal Tribunal considers that a member of the Regular Constabulary Branch should be dealt with otherwise than by dismissal, it shall notify the Commissioner of the punishment imposed, and the Commissioner shall promptly inform the member of the decision of the Tribunal.

*Division 4.—Leave.*

**13. Sick leave.**

(1) Subject to Subsection (2), an application for leave of absence on the ground of illness shall be supported, to the satisfaction of the Commissioner, by the certificate of a medical practitioner or other evidence of the illness.

(2) The Commissioner may grant to a member of the Regular Constabulary Branch leave of absence on the ground of illness without production of a medical certificate or other evidence, to the extent of four days in each year commencing on the date on which the officer was last credited with an amount of sick leave.

(3) Where a member of the Regular Constabulary Branch who has been absent on account of illness for a continuous period of three months applies for further leave, he shall be examined by a medical practitioner approved by the Commissioner before an extension of sick leave may be granted.

(4) If a member of the Regular Constabulary Branch is absent from duty on account of illness and the period of his absence has extended beyond three months, he shall not be permitted to resume duty until a medical practitioner approved by the Commissioner has certified that he is fit to resume duty.

**14. Arbitration leave.**

(1) In this section, "benefit or liability" means a benefit or liability that is provided for by the Act, this Regulation or a determination.

(2) The periods of leave that may be granted to a representative of an organization under Section 77(2) of the Act shall not exceed three months in any period of 12 months.

(3) A purpose of a benefit or liability, or a contingent benefit or liability, that is dependant on completion of a period of service is a prescribed purpose for the purposes of Section 77(3) of the Act.

**15. Leave for defence purposes.**

(1) For the purposes of Section 78(1)(a) of the Act, prescribed services are—

(a) service in time of war as a member of the Defence Force or of another force referred to in that paragraph; and

(b) service as a member of a part of the Defence Force or another force referred to in that paragraph, that has been allotted for duty in an area in which the forces of the United Nations are engaged in warlike operations.

(2) Leave of absence to enable a member of the Regular Constabulary Branch to engage in a service referred to in Subsection (1) shall be granted to the member—

(a) on full salary for the first 14 days; and

(b) without pay for the remainder of the period, for which the member is granted leave of absence.

**PART II.—FARES, REMOVAL EXPENSES, ETC.**

**16. Interpretation of Part II.**

(1) In this Part, "furniture and effects" includes—

(a) all items of normal household furniture and effects, including the usual contents of outhouses; and

(b) a reasonable number in each case of bicycles, garden tools, sewing machines and radios and other such items; and

(c) a reasonable number of domestic pets.

(2) Notwithstanding Subsection (1), the Commissioner may approve that, in certain circumstances or for the purposes of certain provisions of this Part, or both, or in a particular case, certain items are or are not furniture and effects within the meaning of this section.

(3) In the case of a dispute as to what are furniture and effects within the meaning of this section, the decision of the Commissioner is final<sup>1</sup>.

**17. Fares of appointees.**

(1) Subject to this Part, where a person resident in the country is appointed to the Force, the Commissioner shall pay the fare of the appointee from his place of residence to the place of his employment.

(2) Subject to this Part, where a person resident in a place outside the country is appointed to the Force, the Commissioner may pay the whole or part of the fare of the appointee from his place of residence to the place of his employment.

<sup>1</sup> But, see Constitution, Section 155.

**18. Fares of wives and families of appointees.**

(1) Subject to this Regulation, where a married person resident within the country is appointed to the Force, the Commissioner may, subject to such conditions as he approves—

- (a) pay the fares of the appointee's wife and family (if any) from his place of residence to the place of his employment; and
- (b) at the request of the appointee undertake and bear the cost of the removal of the appointee's furniture and effects, up to a maximum of 2t, from his place of residence to the place of his employment.

(2) Subject to this Part, where a married person resident in a place outside the country is appointed to the Force, the Commissioner may pay the whole or part of the fares and costs referred to in Subsection (1) in accordance with that subsection.

**19. Transfer expenses.**

(1) Subject to this section, a member transferred from one locality to another at his own request shall bear the whole cost of his removal unless the Commissioner otherwise directs.

(2) Where a member is transferred—

- (a) in the interests of the Force or in the ordinary course of promotion; or
- (b) on account of illness, due to causes over which the member has no control; or
- (c) on account of having served at a remote locality for at least two years or such shorter period as the Commissioner in any particular case approves,

the Commissioner shall pay the actual cost of transfer of—

- (d) the member; and
- (e) subject to such conditions as he approves, the member's wife and family (if any).

(3) In a case to which Subsection (2) applies, the Commissioner shall, subject to such conditions as he approves, undertake and bear the cost of the removal of the member's furniture and effects to the place to which the member is transferred.

(4) Where the cost of removal of the furniture and effects of a member is borne by the Commissioner under Subsection (3), there shall be paid to the member, on account of any accelerated depreciation to such of the furniture and effects as is approved by the Commissioner by reason of such removal, an amount calculated as follows :—

Value of furniture and effects.	Amount payable. K
Not more than K200.00	10.00
More than K200.00 but not more than K500.00	20.00
More than K500.00 but not more than K1 000.00	30.00
More than K1 000.00	50.00

**20. Insurance of furniture and effects.**

(1) This section applies in relation to furniture and effects removed at the expense of the Commissioner under this Part.

(2) Subject to compliance as far as is practicable with such conditions (whether in relation to packing, inspection, notice or otherwise) as are reasonably required by the

Commissioner, the Commissioner is liable for any loss or damage, including breakages, to furniture and effects referred to in Subsection (1).

(3) The maximum amount of liability of the Commissioner under this section is K8 000.00, for which no premium or other charge is payable by the owner of the furniture or effects.

(4) The cover provided by this section applies—

(a) from the time when the delivery of the goods is accepted by the remover; and

(b) during the time when the goods are in transit or store; and

(c) until the time when the goods are delivered to a residence or other place specified in writing by the member for the purpose.

(5) This section does not prevent a member from taking out, at his own expense, additional insurance to cover loss, damage or breakage over and above the amount of the liability of the Commissioner under this section.

(6) This section does not make the Commissioner liable for any loss, damage or breakage caused by the act, omission, neglect or default of the member, his wife, a member of his family or his agent.

(7) This section does not limit the liability of the Commissioner for any loss, damage or breakage caused by the act, omission, neglect or default of the Commissioner or an officer, employee or agent of the Commissioner.

PART III.—DUTIES, ETC.

**21. Members to be acquainted with Act, etc.**

(1) A member in charge of an establishment shall keep sufficient copies of the Act, this Regulation and all determinations, orders and instructions to enable members working under his direction to have ready access to them.

(2) All members shall acquaint themselves with the provisions of the Act, this Regulation and any orders or general instructions given by the Commissioner under Section 153 of the Act.

**22. Subordination of members.**

(1) Every member shall obey promptly all instructions given to him by any member under whose immediate control or supervision he is placed.

(2) If a member thinks that he has any ground of complaint arising out of an instruction, or from any other cause, he may appeal, through his immediate superior, to the Commissioner, who shall consider the appeal and advise the member of his decision.

(3) Whether or not he has appealed, or intends to appeal, under this section a member shall, as far as possible, obey any instruction that is given to him until it is countermanded by competent authority.

**23. Performance of duties, etc.**

A member shall—

(a) promptly and correctly carry out all duties appertaining to his office; and

(b) in due course and at proper times, comply with and give effect to all laws, regulations and instructions applying to or in relation to, or made or issued for his guidance in the performance of, his duties, including any orders and instructions under Section 153 of the Act.

**24. Hours of duty.**

The normal hours of duty of a member shall be 73½ hours per fortnight, during such hours of attendance as are fixed in relation to him by the Commissioner.

**25. Duty outside normal hours.**

Whenever so required a member shall perform duty outside his normal hours of attendance in order to meet the exigencies of the Force.

**26. Absence without leave.**

(1) A member shall not be absent from duty without authorized leave unless reasonable cause is shown.

(2) If a member is prevented by illness or other emergency from attending duty, he shall, as soon as possible—

(a) advise his superior of the circumstances; and

(b) furnish any further particulars the superior considers necessary.

(3) Without prejudice to any other action that may be taken for a breach of the Act or this Regulation, where the absence from duty of a member has not been sanctioned he shall not receive pay for the period of his absence.

**27. Attendance as witness before a court.**

(1) A member summoned as a witness before a court shall immediately advise his superior.

(2) A member required as a witness on behalf of the State—

(a) is not entitled to receive any witness's fee; and

(b) shall be granted leave with pay for the period during which he is necessarily absent from duty.

(3) Where a member is obliged to incur expense, by reason of his attendance as a witness on behalf of the State, the State shall reimburse him the expense to such extent as the Commissioner approves.

(4) A member required as a witness before a court otherwise than as a witness on behalf of the State shall be granted leave but, unless otherwise determined by the Commissioner, the leave shall be without pay and the member may retain any fees and allowances received by him as a witness.

**28. Attendance as witness in arbitration proceedings.**

(1) A member summoned or called as a witness in proceedings under the *Industrial Relations Act* shall immediately advise the Commissioner.

(2) Subject to Subsection (3), a member shall be granted leave of absence on full pay for the period during which he was necessarily absent from duty.

(3) Subsection (2) applies only to—

(a) a member summoned to attend on behalf of the Force or the State; and

(b) members summoned on behalf of an organization where a member of the Arbitration Tribunal certifies that the attendance was desirable for the proper presentation of the case by an organization.



**29. Accounting procedures, etc.**

In the matter of accounts and the collection and payment of public moneys, members shall conform strictly to the *Public Finances (Control and Audit) Act*, and the regulations and instructions made under that Act.

**30. Authority to contract.**

Unless duly authorized a member shall not—

- (a) incur any liability or enter into any contract on behalf of the Force or the State; or
- (b) alter the terms or conditions of any approved contract,

or purport or attempt to do so.

**31. Medical examinations.**

A member shall submit himself to medical examination whenever required by the Commissioner.

**32. Report of excessive use of liquor or drugs.**

If a member observes that a member under his supervision is unfit to perform his duties properly by reason of over-indulgence in intoxicating liquor or drugs, he shall—

- (a) suspend him from duty; and
- (b) immediately report the matter to his immediate superior.

**33. Misuse of official information, and public comment.**

(1) A member shall not—

- (a) use for any purpose, other than the discharge of his official duties, information gained by or conveyed to him through his connexion with the Force; or
- (b) except with the consent of the Commissioner, publicly comment on administrative action by, or on the administration of, the Force.

(2) Subsection (1)(b) does not prevent a member from publicly commenting on civic affairs.

**34. Secrecy of information<sup>1</sup>.**

Except in the course of official duty, a member shall not divulge, directly or indirectly—

- (a) any information concerning public business; or
- (b) any matters of which he has knowledge officially.

**35. Outside influence.**

A member shall not—

- (a) seek the influence or interest of any person in order to obtain promotion, transfer or other advantage within the Force; or
- (b) supply to another member, for use for any such purpose, certificates or testimonials relating to official capacity or performance of official duties.

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<sup>1</sup> See, also, Constitution, Section 46.

**36. Solicitation or acceptance of gifts, etc.**

(1) Subject to Subsection (2), a member shall not, directly or indirectly, solicit or accept gifts or presents from a member of the public interested, directly or indirectly, in a matter connected with his duties or in which the Force is interested.

(2) Subsection (1) does not prevent the acceptance by a member, with the consent of the Commissioner—

(a) of a public testimonial, presented—

(i) on retirement from the Force; or

(ii) on removal from the locality in which he has been employed; or

(b) a presentation from fellow-members or from organizations within the meaning of the *Industrial Organizations Act*.

(3) A member shall not demand or, except with the approval of the Commissioner or as authorized by law, receive for his own use a fee, reward, gratuity or remuneration of any kind, other than his official remuneration, for service performed by him, whether in or out of working hours, in or in connexion with the Force.

**37. Borrowing and lending.**

(1) A member shall not, whether as principal or agent, enter into a monetary transaction with another member by which any interest or other return in money or kind is charged or paid.

(2) A member shall not borrow any money from any of his subordinates.

**38. Care of State property, etc.**

A member of the Force is responsible for the careful use and preservation of—

(a) all property of the State in his possession, custody or care, or occupied by him; and

(b) all property issued to him under Section 50.

**39. Return of issued articles.**

A person who ceases to be a member of the Force shall, within 14 days after ceasing to be a member, deliver in good order and condition (fair wear and tear excepted) to a commissioned officer of the Force the items issued under this Part that—

(a) were in his possession on the day on which he ceased to be a member; and

(b) are directed by the Commissioner to be returned.

**PART IV.—RESERVISTS.****40. Ranks of Reserve Constabulary.**

The ranks of the Reserve Constabulary Branch and their order of precedence and seniority within that Branch are as follows :—

Reserve Sergeant (First Class).

Reserve Sergeant (Second Class).

Reserve Sergeant (Third Class).

Reserve Constable (Senior).

Reserve Constable (First Class).

Reserve Constable.

**41. Relationship between Regular and Reserve Constabulary.**

(1) Subject to Subsection (2), a rank of the Reserve Constabulary has precedence immediately below the similar rank in the Regular Constabulary Branch.

(2) The rank of Reserve Constable has precedence immediately below the rank of Probationary Constable in the Regular Constabulary Branch.

(3) The functions and spheres of authority of the Reserve Constabulary Branch are the same as the Regular Constabulary Branch.

(4) Each reservist is subordinate to—

(a) the same authorities as is a member of similar rank in the Regular Constabulary Branch; and

(b) a reservist of superior rank to himself.

(5) Unless otherwise directed by the Commissioner, a reservist has no authority over a member of the Regular Constabulary Branch.

(6) Unless otherwise directed by the Commissioner, the senior reservist in any place is responsible to the senior member of the Regular Constabulary Branch in that place.

**42. Training periods.**

Reservists of all ranks shall complete a training course of six months' duration, consisting of one period of two hours training per week.

**43. Hours of duty.**

Subject to Section 44, on completing the training course prescribed in Section 42 to the satisfaction of the Commissioner, reservists shall continue to be employed on reserve police duties of one period of two hours per week, or as directed by the Commissioner.

**44. Call for duty.**

The Commissioner, or a commissioned officer authorized by him for the purpose, may direct a reservist to attend for duty—

(a) during an emergency; or

(b) at a time when the Commissioner or the commissioned officer is satisfied that circumstances warrant such attendance,

and a reservist so directed shall remain on duty until released by the Commissioner or the commissioned officer.

**45. Resignation.**

(1) A reservist may resign from the Force by giving to the Commissioner one month's written notice of his intention to do so.

(2) The Commissioner may consent, in writing, to the resignation of a reservist within a lesser period than that prescribed by Subsection (1).

PART V.—MISCELLANEOUS.

**46. Form, etc., of Valour Medal.**

The Royal Papua New Guinea Constabulary Valour Medal created by Section 142 of the Act—

(a) shall be of bronze, bearing—

(i) on the obverse side—a bird of paradise, a scroll inscribed with the words "Royal Papua New Guinea Constabulary" and inside the top circumference the words "Police Valour Medal"; and

(ii) on the reverse side—two palm trees with the words "For Bravery" inscribed in the centre; and

(b) shall be hung from a straight clasp on a ribbon having green borders, a centre blue stripe and red stripes on either side of the centre blue stripe; and

(c) shall be worn immediately after all decorations or medals awarded by the Queen and Head of State.

**47. Identity cards.**

(1) Each member of the Regular Constabulary Branch, and such reservists, members of the Field Constabulary Branch and Special Constables as the Commissioner approves, shall be issued with an identity card in Form 3.

(2) While he remains a member of the Force, a member shall not part with possession of the identity card issued to him under Subsection (1).

(3) When acting in the course of his duty, a member of the Force shall, on the reasonable request of any person, produce his identity card for inspection.

(4) Except for the purpose of Subsection (5), a person other than a member of the Force shall not have or retain an identity card in his possession.

(5) A person who finds an identity card shall promptly deliver it to a commissioned officer of the Force.

**48. Air insurance cover.**

(1) Subject to Subsection (9), where a member travels by air on official duty and suffers death or permanent and total incapacity as a result, the State is liable in accordance with this section.

(2) The amount of the liability of the State under this section is an amount, not being less than K4 000.00 nor more than K30 000.00, determined by the Head of State, acting on advice, on receipt of a report by a Committee of Inquiry appointed by the Commissioner.

(3) The amount of the liability of the State under Subsection (2) is reduced by any ticket insurance entitlement or by any payment in the nature of insurance due or received from the airline concerned or by arrangement with it.

(4) In the case of the death of a member, the State is not liable under this section where there are no dependants of the member surviving him.

(5) In the case of the death of a member leaving dependants, the amount payable under this section shall be apportioned between the dependants of the member in such manner as is fixed by the Head of State, acting on advice.

(6) Any amount that would otherwise be payable under this section shall be reduced by the amount of any damages received from the owner or operator of the aircraft involved.

(7) Where damages are received from the owner or operator of the aircraft involved after payment has been made under this section, the amount by which the payment would otherwise have been reduced under this section may be recovered as a debt by the State from the person receiving the damages.

(8) Any payment made under this section is in addition to and not in substitution for or reduction of any liability of the State under the *Workers' Compensation Act*, or otherwise.

(9) This section does not apply to a member travelling in his own aircraft.

**49. Appeals against retirement, etc.**

For the purposes of Section 97(3) of the Act, the prescribed time is 28 days or such further period as the Minister, in any special case allows, after notice of the retirement or transfer is given to the member concerned.

**50. Issue and use of uniform, arms, etc.**

(1) The Commissioner may direct that a member of the Regular Constabulary Branch shall be issued with and may use free of charge and in such quantities as the Commissioner thinks necessary—

- (a) all or any of the uniforms, badges, buttons, clothing and necessaries specified for his rank in Schedule 2; and
- (b) all or any of the arms, accoutrements, ammunition, equipment and other articles specified in Schedule 3.

(2) The Commissioner may authorize the issue to and use by—

- (a) members of the Field Constabulary Branch; and
- (b) reservists; and
- (c) Special Constables,

of such of the items provided for by Subsection (1) as he directs.

(3) Where a member of the Reserve Constabulary is authorized under this section to use a uniform, the uniform shall have red cloth colour patches with the words "Reserve Constabulary" attached to each sleeve.

SCHEDULES.

SCHEDULE 1.

PAPUA NEW GUINEA.

*Police Force Act.*

Act, Sec. 37(8).

Form 1.

Reg., Sec. 7(2).

OATH AND AFFIRMATION OF OFFICE OF CHAIRMAN AND MEMBERS OF POLICE PROMOTIONS SELECTION BOARDS.

*Oath.*

I, \_\_\_\_\_, do swear that I will well and truly serve the Independent State of Papua New Guinea and its People as Chairman (or Member) of the Police Promotions Selection ((Commissioned

**Police Force**

Officers) or (Other Ranks), as the case may be) Board constituted under the *Police Force Act*, and that I will perform the duties and exercise the powers imposed or conferred on me as such Chairman (or Member) without fear or favour, affection or ill-will.

So help me God!

*Affirmation.*

I, \_\_\_\_\_, do solemnly and sincerely promise and declare that I will well and truly serve the Independent State of Papua New Guinea and its People as Chairman (or Member) of the Police Promotions Selection ((Commissioned Officers) or (Other Ranks), as the case may be) Board constituted under the *Police Force Act* and that I will perform the duties and exercise the powers imposed or conferred on me as such Chairman (or Member) without fear or favour, affection or ill-will.

PAPUA NEW GUINEA.

*Police Force Act.*

Act, Sec. 46(5).

Form 2.

Reg., Sec. 9(1).

NOTICE OF APPEAL IN CASE OF SERIOUS OFFENCES.

The Commissioner of Police,  
Royal Papua New Guinea Constabulary.

I appeal on the ground (or grounds) specified below in respect of the charge laid against me on 19 \_\_\_\_\_, under Section \_\_\_\_\_ of the *Police Force Act*.

Grounds:—

(Insert the grounds of appeal: i.e., either "innocence of the charge" or "excessive severity of the punishment", or both of those grounds. No other ground of appeal will be recognized.)

Dated \_\_\_\_\_, 19 \_\_\_\_\_.

(Signature of Appellant.)

(Official designation of Appellant.)

(Address of Appellant.)

PAPUA NEW GUINEA.

*Police Force Act.*

Reg., Sec. 47(1).

Form 3.

ROYAL PAPUA NEW GUINEA CONSTABULARY

IDENTITY CARD.

This is to certify that \_\_\_\_\_ is a member of the Royal Papua New Guinea Constabulary.

Signature of Holder

( \_\_\_\_\_ )  
Photograph of  
Member.

Any person finding this card is asked to deliver it to a Commissioned Officer of this Force.

( \_\_\_\_\_ )

Penalty for impersonation: A fine not exceeding K100.00 or imprisonment for a term not exceeding three months.

Card No.

Date issued :

Commissioner of Police.

SCHEDULE 2.

Reg., Sec. 50(1)(a).

UNIFORMS, ETC.

*Items applicable to all Members of the Regular Constabulary.*

Head-dress badge comprising chromed brass wreath surrounding crown and bird of paradise with the words "Royal Papua New Guinea Constabulary".

Shoulder patches comprising a blue cloth shield with National Emblem and the words "Police" and "Royal Papua New Guinea Constabulary" worn at top of each shirt sleeve.

Buttons of chromed brass, 17 mm in diameter comprising wreath surrounding crown and bird of paradise.

*Items applicable to Senior Officers of the Regular Constabulary of Chief Inspector Rank and above.*

Belt, leather, dark blue  
Gorgetts  
Safari Uniform, blue

*Items applicable to all Officers of the Regular Constabulary of Sub Inspector Rank and above.*

Name tag

*Items applicable to all Male Members of the Regular Constabulary.*

Belt, leather black  
Beret  
Boots, leather, black  
Buckle, chromed brass  
Garter flash, red  
Garters, navy blue  
Medal ribbons  
Medals  
Pullover, navy blue  
Shirt, blue  
Shorts, navy blue  
Stocking, navy blue

*Items applicable to Sergeant Majors and to Higher Ranks of the Regular Constabulary (Male Members only).*

Belt, Sam Browne, black  
Cap, cover, blue, waterproof  
Epaulettes, black  
Raincoat, blue, waterproof  
Shoes, leather, black  
Socks, navy blue, short  
Trousers, navy blue

*Items applicable to Ranks of the Regular Constabulary below Sergeant Major (Male Members only).*

Lanyard and whistle  
Numeral tags  
Raincoat, parka, blue, waterproof

*Items applicable to Motor Cycle Traffic Police (Male Members only).*

Breeches  
Gauntlets, white drill  
Leggings, black, leather  
Rainsuit, light blue, waterproof  
Safety helmet, white with visor and 'Police' signs front and rear

*Items applicable to all Female Members of the Regular Constabulary.*

Belt, leather, dark blue  
 Blouse, light blue  
 Buckle, chromed  
 Hat, navy blue, with red and blue band  
 Medal ribbons  
 Medals  
 Numeral tags  
 Pullover, navy blue  
 Raincoat, parka, blue, waterproof  
 Shoulder bag, black leather  
 Shoes, black leather  
 Skirt, navy blue  
 Socks, navy blue  
 Whistle

*Items applicable to Members of the Regular Constabulary for Riot Drill Order.*

Belt, waist working  
 Field jacket and trousers, blue  
 Helmet  
 Respirator

*Items applicable to Members of the Regular Constabulary below the Rank of Sergeant Major performing duty as a Dog Handler at Dog Units and Carpenters or Electricians.*

Hat, working  
 Shirts, khaki  
 Shorts, khaki

*Items applicable to Members of the Regular Constabulary performing duty as a Caterer.*

Male Members	Aprons, white
	Shirts, white
	Shorts, white
Female Members	Aprons, white
	Dress, overall, white

*Items applicable to Members of the Regular Constabulary performing Band duties.*

Ammunition belt, webbing  
 Badges of rank, chrome, metal  
 Chain, metal  
 Cummerbund, red cotton  
 Cummerbund, silk scarlet  
 Lap Lap, light blue, with bird of paradise motif  
 Sandals, royal blue  
 Spats, white, highland  
 Sulu and jumber, black and red

*Items applicable to Particular Ranks of the Regular Constabulary.*

Commandant	Cap, peaked, navy blue, with black peak bearing two rows of silver oakleaf braid with checkered navy blue and white braid band.
	Gorget, silver oakleaf, sholder badges comprising crossed batons on red background surrounded by laurel wreath, surmounted by one chromed brass police star with chromed brass crown above.



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Commissioner	Cap, peaked, navy blue, with black peak bearing two rows of silver oakleaf braid with checkered navy blue and white braid band. Gorgetts, silver oakleaf, shoulder badges comprising crossed batons on red background surrounded by laurel wreath surmounted by one chromed brass crown.
Deputy Commissioner	Cap, peaked, navy blue, with black peak bearing one row of silver oakleaf braid with checkered navy blue and white braid band. Gorgetts, silver oakleaf, shoulder badges comprising crossed batons on red background surrounded by laurel wreath surmounted by two chromed brass police stars in line.
Assistant Commissioner	Cap, peaked, navy blue, with black peak bearing one row of silver oakleaf braid with checkered navy blue and white braid band. Gorgetts, silver oakleaf, shoulder badges comprising crossed batons on red background surrounded by laurel wreath.
Commander	Cap, peaked, navy blue with black peak bearing a silver embroidered band 20 mm wide with checked navy blue and white braid band. Gorgetts, silver Russia braid, shoulder badges comprising chromed brass crown with red velvet background over three chromed brass police stars set in line.
Chief Superintendent	Cap, peaked, navy blue, with black peak bearing a silver embroidered band 20mm wide with checkered navy blue and white braid band. Gorgetts, silver Russia braid, shoulder badges comprising chromed brass crown with red velvet background over two chromed brass police stars.
Superintendent	Cap, peaked, navy blue, with black peak bearing a silver embroidered band 20mm wide and checkered navy blue and white braid band. Gorgetts, silver Russia braid, shoulder badges comprising chromed brass crown with a red velvet background over one chromed brass police star.
Chief Inspector	Cap, peaked, navy blue, with black peak bearing a silver embroidered band 20mm wide with checkered navy blue and white braid band. Gorgetts, silver Russia braid, shoulder badges comprising chromed brass crown with red velvet background.
Chaplain	Cap, peaked, navy blue, with black peak, with checkered navy blue and white braid band. Shoulder badges comprising chromed brass Maltese Cross.
Senior Inspector	Cap, peaked, navy blue, with black peak with checkered navy blue and white braid band. Shoulder badges comprising three chromed brass police stars set in a triangle.
Inspector	Cap, peaked, navy blue, with black peak and checkered navy blue and white braid band. Shoulder badges comprising three chromed brass police stars set in line.
Female Officers	Hat, navy blue, women police with checkered navy blue and white braid band. Shoulder badges applicable to rank.
Sub Inspector	Cap, peaked, navy blue, with black peak and checkered navy blue and white braid band. Shoulder badges comprising two chromed brass police stars.
Sergeant Major	Cap, peaked, navy blue, with black peak and checkered navy blue and white braid band. Arm badges comprising large embroidered cloth crown.
Senior Sergeant	Arm badges comprising three embroidered cloth chevrons below a small embroidered cloth crown.
Sergeant	Arm badges comprising three embroidered cloth chevrons.
Senior Constable	Arm badges comprising two embroidered cloth chevrons.
First Constable	Arm badges comprising one embroidered cloth chevron."
<i>(Replaced by No. 18 of 1981, amended by No. 1 of 1983.)</i>	

SCHEDULE 3.

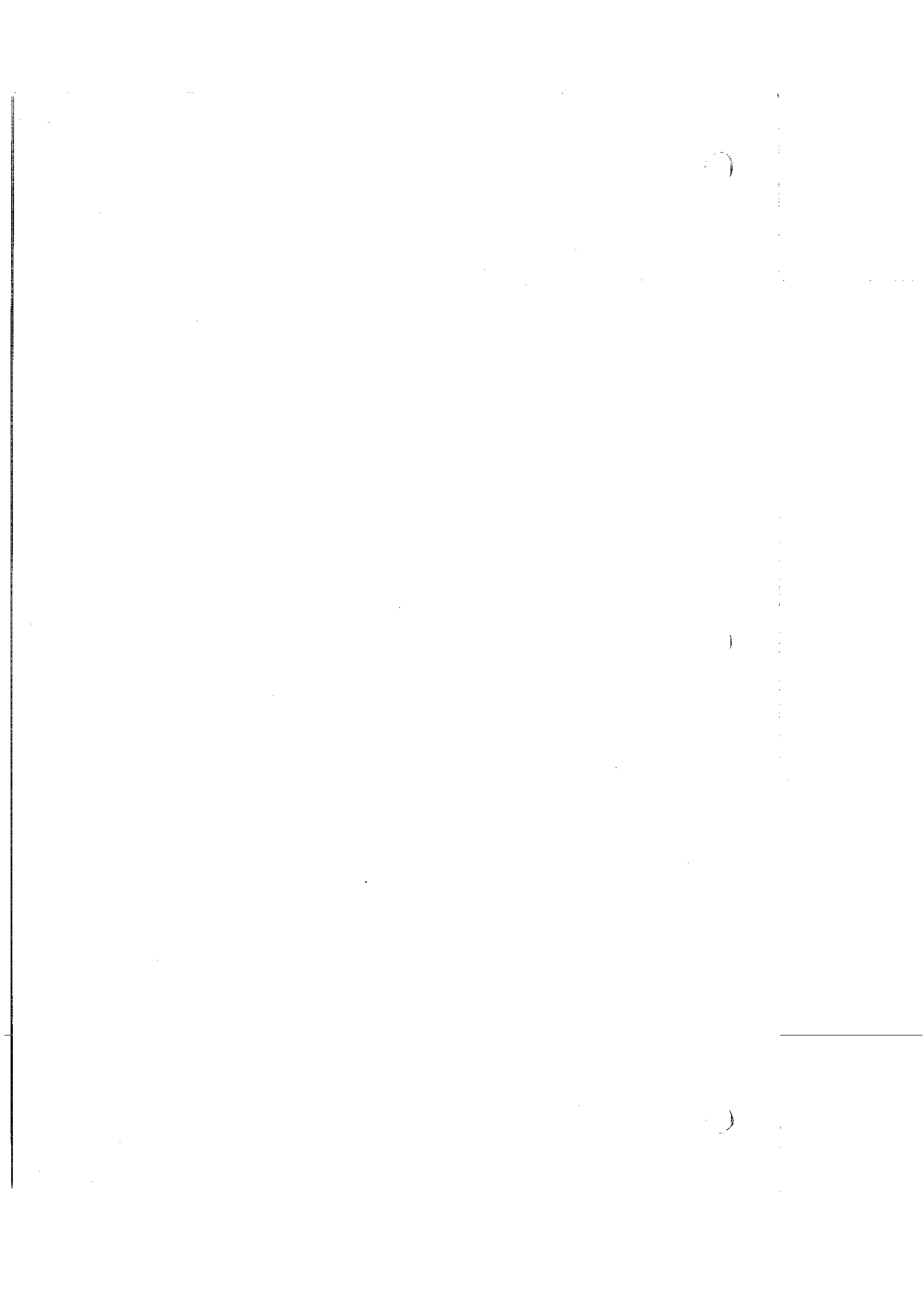
Reg., Sec. 50(1)(b).

ARMS, ACCOUTREMENTS AND AMMUNITION, ETC.

Baton.  
Torch, electric.  
Handcuffs and keys.  
Revolver.  
Holster, revolver, and lanyard.  
Ammunition, revolver.  
Whistle and lanyard.  
Rifle, .303 SMLE Mark III.  
Pull-through.  
Oil bottle.  
Bayonet and scabbard, SMLE pattern.  
Sling, rifle, leather brown.  
Frog, black, leather.  
Pack, web, with supporting straps.  
Haversack, web, with supporting straps.  
Waterbottle, with strap and carrier, leather, black.  
No. 4 Rifle. .303 inches.  
Pistol Smith & Wesson. .38 inches.  
AR 15 Colt Police Rifle. 5.56 millimetres.  
Winchester 1200 Shotgun.  
Remington 870 Shotgun.  
Webley/Greener Shotgun.  
Federal 1.5 metres. Gas Gun.  
Webley Schemuly 1.5 Anti Riot Gun.  
Grenade CS L3A1.  
Grenade Blast.  
Cartridge CS L1A3.  
Rubber Baton Round 1.5 inches.  
Rubber Multi Baton Round 1.5 inches.  
Flare Parachute Illuminating L3A2.  
Flare Signal Red.  
Flare Signal Green.  
Long Baton Wood and Plastic.  
Shield Steel.  
Shield Polycarbonate.  
Riot Helmet H/K pattern W/O Visor.  
Respirator M17 and M17 A7.  
Loudhailer.  
Camera.  
Tape recorder—cassette.  
Binoculars.

Torches.  
Chemical Mace.  
CS Generator—Pepper Fog.  
SA 45 Non-Lethal. Hand Weapon.  
Gas Billy (baton discharges CS powder).  
Chemical Mace Batons.  
Field Uniform. Jacket and Trousers.  
Ferret Liquid Tear Gas Cartridges.  
(Amended by No. 9 of 1979.)

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INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 65.

*Police Force.*

SUBSIDIARY LEGISLATION<sup>1</sup>.

1. Act, Section 21(1)—Establishment of ranks in Regular Constabulary.

<i>Rank.</i>	<i>Establishment.</i>
Commissioner	1
Deputy Commissioner	1
Assistant Commissioner	4
Senior Superintendent	10
Superintendent	20
Inspector (First Class)	30
Chaplain	3
Inspector (Second Class)	82
Inspector (Third Class)	69
Sub-Inspector	115
Cadet Officer	175
Sergeant (First Class)	39
Sergeant (Second Class)	83
Sergeant (Third Class)	202
Senior Constable	575
Constable (First Class)	3956
Constable	499
Probationary Constable	500
TOTAL:	5864.

2. Act, Section 23(2)—Notice of examination.

Omitted, as being of transitory and specialized interest only.

3. Act, Section 29(2)—Advertisement of vacancies.

Omitted, as being of transitory and specialized interest only.

4. Act, Section 29(3)—Notification of meetings of Police Promotions Selection Committee.

Omitted, as being of transitory and specialized interest only.

5. Act, Section 30(1)—Recruitment notices.

Omitted, as being of transitory and specialized interest only.

6. Act, Section 114—Public Holidays.

Since the subsidiary legislation under this section consists of the appointment or substitution of public holidays and is done from year to year, no point is seen in reprinting such subsidiary legislation before the effective date.

<sup>1</sup> See, also, footnote 3 on p. 1.

7. Act, Section 119—Establishment of Reserve Constabulary.

1 000 reservists.

8. Act, Section 154—Determination.

Police Association of Papua New Guinea an approved association<sup>1</sup> insofar as promotion to the rank of Inspector (First Class), Superintendent and Senior Superintendent is concerned until such time as an organization is formed to represent them<sup>2</sup> or until determination revoked.

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<sup>1</sup> Presumably this relates to Act, Section 37(3)(d), which does not, however, provide for "approved associations", nor does it confer a discretion on the Commissioner.

<sup>2</sup> This determination was made on 31 July 1975. However, a Senior Police Officers' Guild, originally representing members holding the confirmed ranks of Inspector First Class, Superintendent Third Class, Superintendent Second Class and Superintendent First Class, had already been registered under the pre-Independence *Industrial Organizations Act* 1962 on 10 February 1969: see *Industrial Organizations*, Chapter 173, p. 58.

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 65.

**Police Force.**

APPENDIX 1.

SOURCE OF THE POLICE FORCE ACT.

Part A.—Previous Legislation.

*Police Force (Interim Arrangements) Act 1973 (No. 86 of 1973)*

as amended by—

*Police Force (Amendment) Act 1975 (No. 16 of 1975)*

*Police Force (Holidays) Act 1975 (No. 35 of 1975)*

*Statute Law Revision (Independence) Act 1975 (No. 92 of 1975)*

*Police Force (Amendment) (No. 2) Act 1976 (No. 23 of 1976)*

*Statute Law Revision (Transfer of Powers) Act 1976 (No. 25 of 1976)*

*Police Force (Furlough) Act 1978 (No. 38 of 1978)*

*Police Force (Interim Arrangements) (Holidays) Act 1980 (No. 12 of 1980)*

*Police Force (Interim Arrangements) (Holiday) Act 1981 (No. 24 of 1981)*

*Police Force (Medals Discontinuance) Act 1981 (No. 34 of 1981).*

Part B.—Cross References.

Section, etc., in Revised Edition.	Previous Reference <sup>1</sup> .	Section, etc., in Revised Edition.	Previous Reference <sup>1</sup> .
1	6,107(1), 167	22	26
2	4	23	27
3	7	24	28
4	8	25	30
5	10	26	32
6	11, and Constitution, Section 193.	27	33
7	12	28	34
8	13	29	35
9	14	30	36
10	15	31	37
11	16	32	38
12	17	33	39
13	18	34	41
14	19	35	42
15	29	36	43
16	20	37	44
17	21	38	46
18	22	39	47
19	23	40	48
20	24	41	49
21	25	42	50
		43	80

<sup>1</sup>Unless otherwise indicated, references are to the Act set out in Part A.

Part B.—Cross References—*continued.*

Section, etc., in Revised Edition,	Previous Reference.	Section, etc., in Revised Edition.	Previous Reference.
44	81	101	108
45	82	102	109
46	83	103	110
47	84	104	111
48	85	105	112
49	86	106	113
50	87	107	114
51	88	108	115
52	89	109	116
53	90	110	117
54	91	111	40, 45
55	92	112	118
56	93	113	119
57	94	114	120
58	95	115	121
59	96	116	122
60	97	117	123
61	98	118	124
62	51	119	125
63	52	120	126
64	53	121	127
65	54	122	128
66	55	123	129
67	56	124	130
68	57	125	131
69	58	126	132
70	59	127	133
71	60	128	134
72	61	129	135
73	62	130	136
74	63	131	137
75	64	132	138
76	65	133	145
77	66	134	146
78	67	135	147
79	68	136	148
80	69	137	150
81	70	138	151
82	71	139	154
83	72	140	153
84	73	141	156
85	74	142 (Rep.)	141
86	75	143	142
87	76	144(Rep.)	143
88	77	145	152
89	78	146	144
90	79	147	139
91	99	148	149
92	100	149	158
93	101	150	155
94	102	151	140
95	103	152	159
96	104	153	157
97	105	154	161
98	31	155	160
99	106	Schedule 1	Third Schedule
100	107(2), (3)	Schedule 2	Fifth Schedule



APPENDIX 2.

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SOURCE OF THE POLICE FORCE REGULATION.

Previous Legislation.

Police Force Regulation

as amended by—

Police Force (Amendment) Regulation (Statutory Instrument No. 1 of 1983)

