

THE CONSTABULARY FORCE ACT

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SCHEDULES

THE CONSTABULARY FORCE ACT

[19th December, 1935.]

PART I. *Preliminary*

Cap. 72.	2 of 1985,
Laws	14 of 1994,
20 of 1954,	20 of 1994,
26 of 1958,	23 of 1994,
72 of 1960,	31 of 1995
28 of 1961,	S. 4,
47 of 1961,	11 of 1997,
12 of 1962	12 of 1997,
S. 215.	16 of 1998,
Acts	19 of 2000
27 of 1964,	S. 23,
40 of 1965,	23 of 2002,
11 of 1973,	33 of 2005
39 of 1974,	S. 11,
	2 of 2007.

1. This Act may be cited as the Constabulary Force Act. Short title.
2. In this Act the following expressions have the following meanings— Interpre-
 - “Officer” means all members of the Jamaica Constabulary Force above the rank of Inspector;
 - “Sub-Officer” means any member of the Force above the rank of Police Constable and below that of Assistant Superintendent; 40/1965
S. 2.
 - “the Force” means the Jamaica Constabulary Force.

Constitution of the Force

- 3.—(1) It shall be lawful for the Governor-General to constitute a Police Force which shall be called “The Jamaica Constabulary Force” which shall be partially under Military Organization and Discipline. Governor
General to
constitute
Police Force
and to
appoint
Officers and
Constables
of the Force.
- (2) Subject to the provisions of subsection (3) the Force shall consist of—
 - (a) a Commissioner who shall have the sole operational command and superintendence of the Force; 40/1965
S. 3.
20/1994
S. 2 (b).
 - (b) such number of Deputy Commissioners, Assistant Commissioners, Senior Superintendents, Superintendents, Deputy Superintendents, Assistant Superintendents, Inspectors, Sergeants, Corporals, Acting Corporals and Police Constables as the Minister may

from time to time determine,
and the order of rank and command of the members of the Force shall, subject as aforesaid, be the order in which they are set forth.

20/1994
S. 2(c)

(2A) The Minister may give to the Commissioner directions as to the policy to be followed by the Force.

40/1965
S. 3.

(3) The Minister may by order from time to time establish ranks other than those specified in subsection (2) and below that of Assistant Superintendent and the Commissioner shall determine the command and duties of members of the Force in the ranks so established.

28/1961
S. 3.

(4) Every Officer shall have power—

- (a) to make or cause to be made the proclamation under the Riot Act;
- (b) to swear other members of the Force, district constables and special constables to informations and to issue summonses thereon, but nothing in this section shall authorize any Officer to issue any search warrant or warrant on information for the arrest of any person;
- (c) to administer the oath specified in section 4;
- (d) to swear other members of the Force, any district constable and any special constable to affidavits of service of any summons or subpoena,

as fully and effectually as if such Officer were one of Her Majesty's Justices of the Peace for the parish in which such power is exercised, and such Officer in the execution of this power shall be entitled to all the immunities, privileges and protection conferred on Justices in the same way and to the same extent as if such Officer were a Justice.

(5) Every member of the Force shall have, in every parish of this Island, all powers which may lawfully be exercised by a Constable, whether such powers are conferred by this Act or otherwise.

4. No person to be appointed under this Act to be an Officer or a Sub-Officer or Constable, shall be capable of holding the said office until he shall take and subscribe the oath here following that is to say—

Oath to be
taken.
28/1961
S. 3.

I, A.B., do swear that I will well and truly serve Our Sovereign Lady the Queen, in the office of (*here insert the description of the office*)

without favour or affection, malice or ill-will and that I will see and cause Her Majesty's Peace to be kept and preserved; and that I will prevent, to the utmost of my power, all offences against the same; and that while I shall continue to hold the said office I will, to the best of my skill and knowledge, discharge all the duties thereof faithfully, according to law—So help me God—

which oath shall be administered by any of Her Majesty's Justices or by an Officer.

5. Sub-Officers and Constables of the Force may be enlisted for a term of five years, and no Sub-Officer or Constable of the Force, so enlisted, shall be at liberty to withdraw himself from the Force until the expiration of that term; and no Sub-Officer or Constable of the Force who has not been enlisted for a term shall be at liberty to withdraw himself from the Force until the expiration of six months from the time he shall have given notice in writing of his intention so to do to the Officer under whose immediate orders he shall be; and if any Sub-Officer or Constable shall so resign or withdraw himself before the expiration of such term, without the permission of the Commissioner or without such previous notice, he shall for such offence, forfeit and pay a penalty not exceeding twenty dollars, on summary conviction; and it shall be lawful for the Court, in case such penalty shall not be paid, to commit such person to an adult correctional centre with or without hard labour, for any period not exceeding three calendar months.

Term of
enlistment.

Absence
without
leave.

6. Every Officer, Sub-Officer or Constable who shall absent himself from duty without leave for over forty-eight hours, without satisfactory explanation, shall be held automatically to have vacated his position.

Minister to
set apart
for the
Force
barracks,
etc.

7. The Minister may set apart for the use of the Force any barracks or other building of or belonging to the Government of this Island and may make such further provision for the accommodation of the Officers, Sub-Officers and men of the Force at the several posts to be assigned to them as may be necessary.

Central
Depot with
proper staff
to be
established.

8. A suitable building, with drill ground attached, shall be set apart by the Minister as a Central Depot under an Officer and a proper staff for the purpose of training the Officers, Sub-Officers and men, and of maintaining the whole Force always in an effective state of drill and discipline.

Officers and
men to un-
dergo course
of drill.

28/1961
S. 3.

9. All members of the Force below the rank of Assistant Commissioner, shall undergo a course of drill at the Central Depot, on admission into the Force, and may be returned to the Central Depot for the same purpose, if and when necessary as long as they shall continue in the Force.

No person
of Force to
hold other
public
employment
without con-
sent of
Governor-
General.

10. No person of any rank appointed to the Force shall, while he holds such appointment, hold any other public employment without the consent of the Governor-General signified in writing under the hand of the Minister.

Minister to
provide
hospitals,
etc., for the
sick men of
the Force.

11. It shall be lawful for the Minister to provide hospitals for the men of the Force at such stations or places as to him may seem fit, and to engage a medical man to attend at every such hospital and to provide for medicines,

food, attendance and other necessities for the sick men of the Force who may be sent into hospital, and to deduct such sum as may be requisite to defray the whole or part of the charges so incurred, from the daily pay of the sick men in hospital according to their rank.

12. If any person, who shall be appointed to the Force, shall be dismissed from or cease to belong to the Force, all powers and authorities vested in him shall immediately cease and determine; and every Sub-Officer or Constable shall, forthwith after he shall have been dismissed from or cease to belong to the Force, deliver over all and every the arms, ammunition and accoutrements, uniform and other appointments which may have been supplied to him for the execution of his office to such person and at such time and place as shall be directed by the Officer under whose command he was at the time of dismissal or ceasing to belong to the Force; and every person making default herein shall, upon summary conviction thereof, be subject and liable to a penalty not exceeding twenty dollars, or imprisonment with or without hard labour for any period not exceeding six months, unless the penalty shall be sooner paid; and it shall be lawful for the Court or any Justice, to issue a warrant to any Constable to search for and seize, to the use of Her Majesty, all and every the arms and ammunition, accoutrements, uniforms and other appointments which shall not be so delivered over, wherever the same may be found.

Con-
sequences
of dismissal
from the
Force.

28/1961
S. 3.

Duties and Powers of the Force

13. The duties of the Police under this Act shall be to keep watch by day and by night, to preserve the peace, to detect crime, apprehend or summon before a Justice, persons found committing any offence or whom they may reasonably

Duties of
the Police.

suspect of having committed any offence, or who may be charged with having committed any offence, to serve and to execute all summonses, warrants, subpoenas, notices, and criminal processes issued from any Court of Criminal Justice or by any Justice in a criminal matter and to do and perform all the duties appertaining to the office of a Constable, but it shall not be lawful to employ any member of the Force in the service of any civil process, or in the levying of rents, rates or taxes for or on behalf of any private person or incorporated company.

Duties of
Officers.
28/1961
S. 3.

14. Subject to the provisions of section 3—

- (a) an Officer shall have such command and such duties as the Commissioner may direct;
- (b) an Officer or Sub-Officer who is posted to any division or district may be charged—
 - (i) with the general direction and superintendence of the members of the Force posted in such division or district; or
 - (ii) with the direction and superintendence of the members of the Force posted in any part of such division or district assigned to him, so, however, that he shall be subject to the command and control of any other Officer or Sub-Officer, as the case may require, charged under sub-paragraph (i) with the general direction and superintendence of such division or district.

Members of
the Police
Force may
arrest without
warrant in
certain cases.

15. It shall be lawful for any Constable, without warrant, to apprehend any person found committing any offence punishable upon indictment or summary conviction and to take him

forthwith before a Justice who shall enquire into the circumstances of the alleged offence, and either commit the offender to the nearest jail, prison or lock-up to be thereafter dealt with according to law, or grant that person bail in accordance with the Bail Act.

19/2000
S. 23.

16. Any warrant lawfully issued by a Justice for apprehending any person charged with any offence may be executed by any Constable at any time notwithstanding that the warrant is not in his possession at that time but the warrant shall, on the demand of the person apprehended, be shown to him as soon as practicable after his arrest.

Power of
arrest under
warrant.

17. Any Constable may search any person on board any ship or boat within the limits of any port in this Island, or any person who shall have landed from any ship or boat, whether or not such person shall have travelled on such ship or boat, provided he shall have good reason to suppose that such person has any uncustomed or prohibited goods about his person, and if any person shall rescue, destroy or attempt to destroy any goods to prevent seizure or obstruct any Constable in going, remaining or returning from on board, or in searching such ship, boat or person or otherwise in the execution of his duty, every such person shall be liable to a penalty not exceeding two hundred dollars and in default to imprisonment for a period not exceeding twelve months.

Powers for
searching
persons.

18. It shall be lawful for any Constable to apprehend without warrant any person known or suspected to be in unlawful possession of opium, ganja (*Cannabis Sativa*), morphine, cocaine or any other dangerous or prohibited drugs, or any person known or suspected to be in possession of any

Further
powers to
apprehend
without
warrant.

paper, ticket or token relating to any game, pretended game or lottery called or known as Peaka Peow or Drop Pan, or any game of a similar nature and to take him forthwith before a Justice who shall thereupon cause such person to be searched in his presence.

Powers to stop
and search
vehicles.

19. It shall be lawful for any Constable, without warrant, to stop any vehicle suspected to be carrying stolen goods, opium, ganja, morphine, cocaine, or any other dangerous or prohibited drugs, or any paper, ticket or token relating to any game, pretended game or lottery called or known as Peaka Peow or Drop Pan, or to any game of a similar nature or any instrument or appliances used for gambling within the meaning of the Betting, Gaming and Lotteries Act, of this Island and to search the aforesaid vehicle and the driver or any persons conveyed therein. Any person driving or operating any vehicle who fails to stop or any person who being conveyed therein, prevents or intimidates the driver thereof from stopping a vehicle when requested so to do under this section or any person who escapes or attempts to escape from any vehicle which has been requested to be stopped under this section, shall be guilty of an offence and shall be liable on summary conviction before a Resident Magistrate, to a fine not exceeding two hundred dollars or to imprisonment, with or without hard labour, for a term not exceeding six months or to both such fine and imprisonment.

Power to
prevent con-
gestion in
thoroughfare.

31/1995
S. 4.

20. It shall be lawful for any Constable to order any person or persons in any public place or thoroughfare to "move on" and "keep on moving" and any person failing to obey such order shall on summary conviction, be liable to a penalty not exceeding one thousand dollars and in default of payment thereof to imprisonment for any term not

exceeding one month.

21. It shall be lawful for any Constable in uniform to control traffic, and any person disobeying any instructions given or any signal, whether orally or by hand, or mechanical device, shall, upon summary conviction, be liable to a penalty not exceeding one thousand dollars and in default of payment thereof to imprisonment for any term not exceeding one month.

Powers to
control
traffic.
28/1961
S. 3.

31/1995
S. 4.

22.—(1) Whenever in the opinion of the Commissioner, a street is liable or likely to be thronged or obstructed, it shall be lawful for him and for any Constable acting under his authority—

Power to
regulate
traffic.

- (i) to direct the route to be observed by carts which are in use or are being driven or propelled in or near to such street, or by persons riding or driving any animal in or near to such street;
- (ii) to prevent carts, or persons riding or driving any animal, from going into such street;
- (iii) to prescribe the line to be kept by persons riding, driving or walking in any such street, and to compel them to keep to such line;
- (iv) generally to do all that is necessary to prevent a congestion of the traffic, and to provide for the safety and convenience of the public.

(2) In this section—

“Commissioner” means the Commissioner of Police for Jamaica, and includes any Officer or Sub-Officer in charge of a division or district;

28/1961
S. 3.

“cart” includes any cart, carriage, or other vehicle whatsoever, whether drawn or propelled by animals or otherwise;

“street” means any public square, railway station, place, street, way, or lane in any town or village.

(3) If any person disregards, or fails to obey any reasonable order of the Commissioner, or of any Constable acting under his authority, given with the object of carrying out the provisions of this section, he shall be guilty of an offence and shall be liable to a penalty not exceeding four dollars, to be recovered summarily before a Resident Magistrate, and in default of immediate payment, to be imprisoned, with or without hard labour, for any period not exceeding two months.

Procedure
after arrest.
19/2000
S. 23.

23. Where any person is apprehended by any member of the Force—

- (a) that person shall be taken to a Police Station or lock-up;
- (b) subject to paragraph (c), an Officer or Sub-Officer in charge of the Police Station shall grant bail to that person in accordance with the Bail Act;
- (c) if the person refuses or is unable to give any security required as a condition of such bail, it shall be lawful for the Officer or Sub-Officer to detain the person in custody until he can be brought before a Justice and dealt with in a like manner as is directed in the case of a person apprehended under this Act without warrant.

Procedure
when person
in custody
without
warrant.

24. Where any person shall be in the custody of any Officer, or Sub-Officer of the Force in charge of the Police Station or lock-up without the warrant of a Justice, whether

such person shall have been originally apprehended by any such Officer, or Sub-Officer in charge of a Police Station or lock-up, or afterwards delivered into his custody or lodged in any Police Station or lock-up under his care or superintendence, the Officer or Sub-Officer in charge of the Police Station or lock-up shall grant bail to that person in accordance with the Bail Act unless the person is in custody on a charge of murder, treason or treason felony.

19/2000
S. 23.

25. If any Officer or Sub-Officer in charge of a Police Station or lock-up shall refuse to grant bail to any person in his custody and such person shall so require, it shall be the duty of such Officer or Sub-Officer in charge of the Police Station or lock-up forthwith after being so required, to take or cause to be taken, such person before some Justice conveniently near, for the purpose of having such person dealt with by such Justice according to law; and all recognizances taken before any Justice for the appearance of persons apprehended without warrant shall be taken without fee or reward by any Justice or other person whatever.

If bail declined person must on request be taken before Justice.
19/2000
S. 23.

Discipline

26. The Minister may from time to time frame, alter or annul such rules relative to the Force as may be necessary for the purpose of—

Minister to frame rules for the Force.
27/1964
S. 2.

- (a) preventing neglect or abuse and to render the Force efficient in the discharge of its duties;
- (b) the distribution, posting and removal from Station to Station of members of the Force;
- (c) the inspection and description of arms, accoutrement and other necessities to be furnished to them, or which they themselves may have to provide.

Miscellaneous

Penalty on
possession
of arms, etc.,
by persons
not of Force.

27. If any person shall have in his possession any arms, ammunition, clothing, accoutrement, or other appointments furnished for the use of the Force and shall not satisfactorily account for his possession thereof, or if any person shall put on or assume the dress, name, designation, or description of, and assume to act as, or to personate a Constable of the Force, every person so offending shall on summary conviction in addition to any other punishment to which he shall have subjected himself, be liable to a penalty not exceeding twenty dollars or to imprisonment, with or without hard labour, not exceeding three months.

Penalty on
unauthorized
use of Police
uniform.

28. If any person not being a member of the Force wears without the permission of the Commissioner of Police the uniform of the Force, or any dress having the appearance or bearing any of the distinctive marks of that uniform he shall on summary conviction be liable to a fine not exceeding twenty dollars and in default of payment to imprisonment with or without hard labour for a term not exceeding three months.

Penalty for
harbouring
men of the
Force

29. If any retailer, tavern keeper, employee or assistant of a licence holder or keeper of any house, shop or other place for the sale of liquors, whether spirituous or otherwise shall knowingly harbour or entertain any Constable or

permit him to abide or remain in his house, shop, room, or other place during any portion of the time appointed for his being on duty or which he shall have been ordered on service, such retailer, tavern keeper, employee or assistant of a licence holder or keeper of such house, shop, or other place as aforesaid shall, for every offence, forfeit and pay a sum not exceeding twenty dollars or in default of payment to imprisonment with or without hard labour for a period not exceeding three months.

30. If any person shall assault, obstruct, hinder or resist, or use any threatening or abusive and calumnious language or aid or incite any other person to assault, obstruct, hinder, or resist any Constable in the execution of his duty, every such offender shall be liable to a fine not exceeding two thousand dollars.

Penalty for
assaulting
or obstruct-
ing Police.

31/1995
S. 4.

31. Where any person is convicted of an offence under section 30, the Court before whom he is convicted may, in lieu of imposing the fine to which the offender is liable by the said section, sentence the offender to be imprisoned with or without hard labour for a term not exceeding three months and if any person is convicted of a similar offence within two years of a previous conviction, the Court before which he is convicted may sentence him to a term not exceeding twelve months, with or without hard labour.

Alternative
penalty for
offence
under
section 30.

32. All fines and penalties imposed by this Act, where not otherwise declared how to be recovered, shall be recovered, in a summary manner and in default of payment, by imprisonment, with or without hard labour, for a period not exceeding thirty days, unless the same be sooner paid; and any fines or penalties imposed for the breach of any regulations at any time in force for the government of the Police under the authority of this Act shall be enforced by

Fines, etc.,
how re-
coverable.

deducting the amount thereof from any pay due, or accruing due, to any Sub-Officer or Constable.

**Actions
against
persons of
the Force
to be in tort.**

33. Every action to be brought against any Constable for any act done by him in the execution of his office, shall be an action on the case as for a tort; and in the declaration it shall be expressly alleged that such act was done either maliciously or without reasonable or probable cause; and if at the trial of any such action the plaintiff shall fail to prove such allegation he shall be non-suited or a verdict shall be given for the defendant.

**When pro-
tected by
Justices'
warrants.**

34. When any action shall be brought against any Constable for any act done in obedience to the warrant of any Justice, the party against whom such action shall be brought shall not be responsible for any irregularity in the issuing of such warrant or for any want of jurisdiction of the Justice issuing the same, but may plead the general issue and give such warrant in evidence at the trial; and on proving that the signature thereto is the handwriting of the person whose name shall appear subscribed thereto and that such person was reputed to be and acted as a Justice for the parish and that the act or acts complained of was or were done in obedience to such warrant, there shall be a verdict for the defendant in such action who shall recover his costs of suit; provided that it shall be the duty of the Constable, if required so to do, in the execution of any warrant to him directed to produce the same to the party or parties taken into custody thereunder and to permit a copy thereof to be taken by him or them or on his or their behalf, either at the time of their capture or at any time afterwards, whilst the warrant remains in his custody.

**Members
of the Force
entitled to
witnesses'
expenses.**

35. Members of the Force summoned as witnesses to attend Courts of Justice out of the parish in which they are stationed (whether examined or not) shall be entitled

to be paid their reasonable travelling expenses, by order of the Court, as in cases of other witnesses attending to give evidence before Courts.

36. When any member of the Force lays an information or makes a complaint against any person, any Officer, Inspector or Sergeant of the Force may appear before the Resident Magistrate or Justices trying or enquiring into the matter of the said information or complaint and shall have the same privileges as to addressing the said Magistrate or Justices and as to examining the witnesses adduced in the said matter as the member of the Force who laid the information or made the complaint would have had.

Right of
Officers to
prosecute in
Police cases.
28/1961
S. 3.

37. There shall be attached to the Force a sufficient number of motor vehicles, bicycles and horses to be used as the exigencies of the service shall require to be distributed throughout the Island as the Commissioner may direct.

Motor
vehicles,
horses, etc.

38. Sub-Officers and Constables during their continuance in office shall be exempted from payment of taxes or duties in respect of one horse or one bicycle upon the certificate of the Officer in charge of the parish that the horse or bicycle is being *bona fide* used in the service of the Force.

Exemption
from taxes.

28/1961
S. 3.

39. No appointment or proceeding under this Act shall be subject to any stamp duty.

Exemption
from stamp
duty.

Constabulary Reward Fund

40. Notwithstanding anything contained in the Interpretation Act or in any other enactment, all fines and penalties imposed on any Sub-Officer or Constable under the authority of this Act or rules made thereunder and all penalties and proportion of penalties and damages awarded to any Sub-Officer or Constable on any summary conviction

Fines and
penalties to
be paid to
Accountant-
General.

as the prosecutor of any information or otherwise and all seizure fees shall be paid immediately to the Accountant-General and shall be carried by the Accountant-General to a separate account of the Constabulary Force Reward Fund to be appropriated for the payment of such rewards or gratuitous bounties or other like purposes as the Minister may from time to time award.

To be invested in Workers Savings and Loan Bank.

41. All fines and penalties and proportions of penalties and damages, on receipt thereof, shall be paid over by the Accountant-General to the Manager of the Workers Savings and Loan Bank, to be kept at interest and with accumulations as by law authorized; and the said Manager shall keep an account thereof under the name of "The Constabulary Force Reward Fund" and he shall pay the same or any part thereof from time to time on the warrant of the Minister to be from time to time directed to him.

Investment of excess.

42. It shall be lawful for the Minister to direct the investment in any loan or public security, under the law of this Island, or Bank, of any amount being portion of such Reward Fund as may have accumulated, or may from time to time accumulate, in excess of the sum whereon by law interest is allowed to be paid in the Workers Savings and Loan Bank, and the principal and interest of every such investment may be applied by the Minister in like manner and for the like purposes as the Constabulary Force Reward Fund is by this Act in that behalf made applicable.

Payment of extraordinary expenses.

43. It shall be lawful for the Accountant-General to make payment of any extraordinary expenses which shall appear to have been necessarily incurred in detecting and apprehending offenders and executing the powers and duties given or imposed under this Act, such expenses being first certified by the Officer in charge of the parish in which the same shall have been incurred and countersigned by the Commissioner.

28/1961
S. 3.

*Disposal of Stolen or Unclaimed Property in Custody
of Police*

44. If any goods or money charged to be stolen or fraudulently obtained shall be in the custody of any Constable by virtue of any warrant of a Justice or in prosecution of any charge of felony or misdemeanour in regard to the obtaining thereof, and the person charged with stealing or obtaining possession as aforesaid shall not be found or shall have been summarily convicted or discharged or shall have been tried and acquitted, or if such person shall have been tried and found guilty, but the property so in custody shall not have been included in any indictment upon which he shall have been found guilty, it shall be lawful for any Magistrate to make an order for the delivery of such goods or money to the party who shall appear to be the rightful owner thereof, or in case the owner cannot be ascertained, then, if such goods shall be of a perishable nature, to make such order with respect to such perishable goods as to such Magistrate shall seem meet, but if such goods be not of a perishable nature, then to order such goods to be detained in the custody of the Police to be dealt with as hereinafter provided:

Powers as to disposition or detention of property charged to be stolen and in custody of the Police.

Provided always that no such order shall be a bar to the right of any person or persons to sue the party to whom such goods or money shall be delivered and to recover such goods or money from him by action at law, so that such action shall be commenced within twelve calendar months next after such order shall be made.

45.—(1) Save as is hereafter in this Act specifically provided in the case of livestock, where any goods or money are found or otherwise taken charge of by any Constable, or where any goods or money charged to be stolen or unlawfully obtained are, by order of any Magistrate or otherwise, delivered to the Police, the Commissioner of Police may, after the expiration of three months from the date on which such goods or money came into the custody of the Police, if no owner shall have appeared to claim them, authorize,

Power to detain and sell unclaimed property in custody of the Police.
39/1974
S. 2.

subject to subsection (3) and to section 46, the sale or disposal of the goods or money.

39/1974
S. 2.

(2) The proceeds of any sale or disposal authorized by the Commissioner of Police under subsection (1) shall be paid to the Accountant-General.

(3) If, on the application of any person not later than one year after the sale or disposal of goods or money pursuant to subsection (1), the Commissioner of Police is satisfied that that person was the owner of, or was entitled, as the personal representative of the owner, to, such goods or money then the Commissioner of Police shall authorize payment to that person of the amount (if any) paid to the Accountant-General in respect of those goods or money, less the costs incurred in keeping and selling or otherwise disposing of the goods or money.

How and
when and
after what
advertisements
property to
be sold.
39/1974
S. 3(a), (b).

46.—(1) All goods which shall be sold as aforesaid shall be sold by public auction at such time as the Commissioner of Police thinks necessary, and the person employed to sell the same by auction shall cause the same to be exposed to public view and catalogues thereof to be published and an advertisement giving notice of such sale and containing also a statement of all bank notes, coins and moneys, plate, jewellery or other valuable property (if any) so ordered to be disposed of as aforesaid, shall be inserted in some public newspaper one month at least before the first day of sale and shall be again inserted in such paper not more than three days before the said day of sale.

39/1974
S. 3(c).

(2) Where goods remain unsold after they have been put up for sale at a public auction aforesaid, the Commissioner of Police may, if he thinks fit, sell those goods by private treaty or cause them to be destroyed or otherwise disposed of as he thinks fit.

Power to
detain and
sell
unclaimed
livestock.
20/1954
S. 3.

47.—(1) Where any livestock is found or otherwise taken charge of by any Constable and the owner thereof is unknown such livestock may by order of the Commissioner of Police be sold at the expiration of a period of two months

[The inclusion of this page is authorized by L.N. 248/1975]

from the date on which it was found or taken charge of unless prior to the expiration of such period—

- (a) proceedings are commenced against any person for an offence in relation to such livestock; or
- (b) if no such proceedings are commenced some person establishes to the satisfaction of the Commissioner of Police that he is the owner of such livestock and claims it.

(2) Where any livestock is detained in the custody of the Police pursuant to any order made by a Magistrate under section 44 such livestock may by order of the Commissioner of Police be sold at the expiration of two months from the date of the Magistrate's order unless prior to the expiration of such period some person establishes to the satisfaction of the Commissioner of Police that he is the owner of such livestock and claims it.

(3) All livestock authorized to be sold by virtue of the provisions of this section shall be sold by public auction at the expiration of the respective periods referred to in subsection (1) and subsection (2), and save as aforesaid, the provisions of section 46 shall apply in relation to the sale of livestock as they apply in relation to the sale of goods generally.

(4) The amount realized from the sale of any livestock under this section shall be paid into the Treasury so, however, that if after such payment any person establishes to the satisfaction of the Commissioner of Police that he was the owner of the livestock in question immediately before the sale thereof then the amount paid into the Treasury as aforesaid less such sums, if any, as may have been expended by the Police for keeping, feeding and selling the livestock shall be refunded to the said person.

(5) For the purposes of this section "livestock" includes horsekind, cattle, sheep, pigs, goats and poultry.

Saving
Clause.

48. All rules made in virtue of any law repealed by this Part and in force at the date of the commencement of this Act shall remain in operation so far as they are not inconsistent with the provisions of this Act until they have been rescinded or replaced by rules made under this Act:

Provided further that all offices, appointments, orders and generally all acts of authority which originated under any such law and are subsisting and in force at the commencement of this Act shall enure for the purposes of this Act as fully and effectually as if they had originated under the provisions of this Act.

PART II. *Calling out for Military Service*

When
Governor-
General
may order
that Force
shall be
employed
on actual
military
service.

49.—(1) In the case of actual or apprehended invasion of the Island the Governor-General may by order direct that the Force, or any part thereof, shall be employed on actual military service within the Island.

(2) From the making of any such order and so long as it continues in force every Officer, Sub-Officer and Constable of the Force, or of the part thereto to which the order applies, shall be deemed to be on actual military service.

(3) The Governor-General may revoke, alter or amend any such order as he may think fit.

12/1962
S. 215.

(4) Every Officer, Sub-Officer and Constable of the Force employed on actual military service shall be subject to military law and liable to the provisions and penalties contained in the Defence Act, as from time to time amended as if they were respectively officers, warrant officers and soldiers of the regular Force constituted under that Act.

Provision
for wife and
family of
Sub-Officer
or
Constable
killed, etc.,
on actual
military
service.

50. When any Officer, Sub-Officer or Constable of the Force is killed on actual military service, or dies from wounds or disease contracted on actual military service, provision may be made for his wife and family out of the Consolidated Fund in accordance with the rules and regula-

tions for the time being in force regulating the provision made in like cases for the wives and families of Officers, Non-Commissioned Officers and men of Her Majesty's Army.

**PART IIA. *Special Powers for Preventing or
Detecting Crime***

14/1994
S. 2.

50A. In this Part "Security Forces" means—

Interpreta-
tion.

- (a) the Force;
- (b) the Island Special Constabulary Force;
- (c) the Rural Police.

50B.—(1) Where it appears to the Commissioner that, having regard to the nature or extent of criminal activity in any particular locality, there are reasonable grounds to believe that in the interest of public safety or public order or for the purpose of preventing or detecting crime, it is necessary so to do, the Commissioner may act in accordance with the provisions of subsection (3).

Powers of
Commis-
sioner in
relation to
crime detec-
tion or pre-
vention.
14/1994
S. 2.

(2) The powers exercisable by the Commissioner pursuant to this section may be exercised by a member of the Force not below the rank of Assistant Commissioner who is duly authorized by the Commissioner for that purpose.

(3) Subject to subsection (4), the Commissioner may in any particular locality as mentioned in subsection (1)—

- (a) establish a cordon around the locality; or
- (b) with the written approval of the Minister, impose a curfew in that locality between such hours as may be specified requiring persons within that locality to remain within their premises during the hours so specified unless otherwise authorized

in writing by the member of the Security Forces who is in charge of enforcing the curfew.

(4) Whenever the Commissioner takes action under subsection (3), any member of the Security Forces may for the purpose of enforcing such action and subject to subsection (5), exercise such powers as are vested in a Constable while carrying out his functions as a Constable.

(5) No powers of search shall be exercised under subsection (4) without a warrant in relation to a dwelling-house except for the purpose of apprehending any person upon reasonable suspicion that he is in the course of committing or has committed or is about to commit, an offence.

Duration of
cordon and
curfew.
14/1994
S. 2.

50C. Where a cordon or curfew is established or imposed pursuant to section 50B (3)—

- (a) the cordon shall endure for a period not exceeding twelve hours; and
- (b) the curfew shall endure for a period not exceeding forty-eight hours.

Search.
14/1994
S. 2.

50D.—(1) Where a search of any place, vehicle or person is being undertaken pursuant to section 50B (4), it shall be the duty of the person in charge of such search to take such steps as are reasonably practicable in the circumstances to ensure—

- (a) the attendance at all stages of the search, of the owner or occupier of the place or the owner or person in possession of the vehicle, or, as the case may be, the agent of such owner, occupier or person in possession;
- (b) that such owner, occupier, person in possession or agent as aforesaid is afforded every opportunity to observe everything done in relation to the search.

(2) The person in charge of any search shall take such steps as are necessary to ensure that—

- (a) a list is compiled of all vehicles or articles seized;
- (b) a receipt for any vehicle or article, as the case may be, which is included in the list as aforesaid, is given to the owner or person in possession of that vehicle or article or the agent of such owner or person in possession; and
- (c) a female shall only be searched by another female.

50E.—(1) Anything detained pursuant to section 50B (4) shall—

- (a) if it is perishable, be disposed of in such manner as may be approved by an officer designated by the Commissioner for that purpose;
- (b) in any other case, be secured in such place as that officer may approve pending determination of any examination, investigation, trial or enquiry.

(2) Where the officer referred to in subsection (1) has reasonable grounds for believing that any article being detained is of no evidential value in any criminal proceedings arising from or in connection with a search, that officer shall forthwith return the article to the owner or person in possession or the agent of such owner or person in possession, and shall obtain from such owner, person in possession or agent, as the case may be, a receipt for that article.

50F.—(1) Where the Security Forces are carrying out any operations in any particular locality in relation to which action is taken under section 50B, no person shall be arrested or detained unless the person in charge of such operations is satisfied that there is reasonable ground for the arrest or detention of such person.

Custody or
disposal of
things
detained.
14/1994
S. 2.

Arrest and
detention.
14/1994
S. 2.

(2) Where any person is arrested or detained pursuant to the powers conferred by section 50B (4), that person shall—

- (a) immediately be told the reason for his arrest or detention;
- (b) forthwith be taken before a Justice of the Peace who shall determine whether or not there are reasonable grounds for the arrest or detention.

(3) If a Justice of the Peace is satisfied that the detention or arrest of any person is reasonably required in the interest of justice he may, having regard to such further investigations as may be necessary, order that—

- (a) such person shall be remanded in custody for a period not exceeding twenty-four hours; and
- (b) at the expiration of the period of twenty-four hours, the person shall be taken before a Resident Magistrate:

Provided that where it is intended to hold an identification parade in respect of that person the provisions of section 63A of the Judicature (Resident Magistrates) Act shall apply.

(4) Where a Justice of the Peace makes an order pursuant to subsection (3) in respect of any person, such person shall be taken to a police station or lock-up without delay, and an entry shall be made in the appropriate Register in accordance with the Prisons (Lock-ups) Regulations, 1980.

(5) Where a Justice of the Peace is not satisfied that the detention or arrest of any person is reasonably required in the interest of justice, he shall order that the person be released forthwith.

50G.—(1) Where any person is in custody for twelve hours and no order has been made by a Justice of the Peace under section 50F (3) the officer in charge of the police

Persons
held in
custody.
14/1994
S. 2.

station or lock-up shall inform an officer not below the rank of Assistant Superintendent (hereinafter referred to as the prescribed officer) of the circumstances of the case and shall record in the station Diary the fact that the officer has been so informed.

(2) The prescribed officer shall, upon receipt of the information referred to in subsection (1), cause such investigations as he thinks necessary to be made into the circumstances of each case and shall cause each such person to be brought forthwith before a Justice of the Peace.

50H.—(1) Every complaint made by or concerning a person arrested or detained shall be recorded in the station Diary.

Treatment
of persons
arrested or
detained.
14/1994
S. 2.

(2) A person who is arrested or detained pursuant to this Part shall, during such times as may be determined by the Commissioner of Police, be allowed such visits as may be permitted having regard to matters of security and safety of persons.

(3) Notwithstanding the provisions of subsection (2), an attorney-at-law or a medical officer shall be permitted to visit, at any time, a person referred to in that subsection.

(4) Particulars of each visit shall be recorded in the appropriate Register.

(5) A person who is arrested or detained pursuant to this Part—

(a) shall be allowed to receive articles of food and clothing or such other article as is necessary in the interest of his health or welfare;

(b) shall not be allowed to receive any article which may endanger his health or the safety of his person or any officer or any other person.

(6) Where it appears to any member of the Security Forces that a person under arrest or detention is ill or requires medical attention whether or not that person com-

plaints of illness, such member shall, without delay, take such steps as are necessary to cause that person to be given medical attention.

PART III. *Pensions, Gratuities and Disability Allowances*

Interpre-
tation.

First
Schedule.
2/1985
S. 2 (c).
23/1994
S. 2.

51.—(1) In this Part and in the First Schedule—

“Constable” means any member of the Force;

“house allowance” means the house allowance which is granted in respect of the rank to which a Constable is appointed, but does not include such allowance granted on condition that it shall not be pensionable:

Provided that where an officer is appointed to an office in respect of which no house allowance is granted but that officer is provided with quarters, an amount equal to fifteen per cent of the minimum salary of the office to which the officer is appointed shall, for the purposes of this Act, be regarded as house allowance;

“pay” includes salary, good conduct pay, special service pay, special allowance and house allowance;

“public service” means service in a civil capacity under the Government of this Island or under the Kingston and St. Andrew Corporation or any Parish Council, or under the Government of any other Commonwealth country, and any other such service as the Minister responsible for the public service may determine to be public service for the purpose of any provisions of this Act.

11/1997
S. 2.

L.N.
149a/1979.

(2) The definition of “house allowance” shall be deemed to have come into operation on the 1st day of January, 1986.

16/1998
S. 2(b).

Deductions
to be made
from pay of
Constables.

L.N.
385/1969.

52.—(1) As a contribution towards the pensions, gratuities and other allowances provided for in this Part there shall be deducted from the pay of every Constable on each pay day the sum of 1.7 cents in respect of each complete dollar of such pay.

(2) For the purposes of the contribution provided for in subsection (1), a Constable shall be deemed to be on full pay throughout his service as a Constable save in any case where he is on leave without salary and such leave was not granted on the grounds of public policy with the approval of the Governor-General, nor on account of the ill health of the Constable.

(3) Where under subsection (2) a Constable is deemed to be on full pay but no deduction is made in respect of any period of service for the reason that the Constable received no pay in respect of such period, such deduction shall be made on the next occasion on which the Constable receives pay.

(4) All sums deducted under this section shall be paid into the Consolidated Fund.

53.—(1) Pensions, gratuities and other allowances may be granted by the Governor-General in accordance with the regulations contained in the First Schedule.

Pension
regulations.
26.1958
S. 2 (1).
First
Schedule.

(2) The regulations contained in the First Schedule may from time to time be amended, added to, or revoked, by regulations made by the Minister responsible for the public service, and all regulations so made shall be laid before the House of Representatives and published in the *Gazette*.

L.N.
149B/1979.

(3) Whenever the Minister responsible for the public service is satisfied that it is equitable that any regulation made under this section should have retrospective effect in order to confer a benefit upon or remove a disability attaching to any Constable that regulation may be given retrospective effect for that purpose:

L.N.
149B/1979.

Provided that no such regulation shall have retrospective effect unless it has received the prior approval of the House of Representatives signified by resolution.

26/1958
S. 3.

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

First
Schedule.

(5) All regulations made under this section shall have the same force and effect as if they were contained in the First Schedule, and the expression "this Act" shall, wherever it occurs in this Part, be construed as including a reference to such Schedule.

Pensions, etc.,
to be paid out
of Consoli-
dated Fund.

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

Pensions, etc.,
not of right.

55.—(1) No Constable shall have an absolute right to compensation for past services or to pension, gratuity, or other allowance; nor shall anything in this Part affect the right of the Crown to dismiss any Constable at any time and without compensation.

26/1958
S. 2 (1).

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

Circumstances
in which
pension may
be granted.
2/1985
S. 4.

56.—(1) Subject to subsection (2), no pension, gratuity or other allowance, shall be granted under this Part—

(a) to any Constable except on his retirement from the Force in one of the following cases—

23/2002
S. 2 (a) (i).

- (i) subject to sub-paragraph (iii) on or after attaining the age of fifty-five years or, with the approval of the Governor-General, fifty years;
- (ii) on medical evidence, to the satisfaction of the Governor-General, that he is incapable of

discharging his duties efficiently by reason of any infirmity of body that is likely to be permanent, or any infirmity of mind;

(iii) at his option, after completing not less than thirty years of service; or 23/2002
S. 2 (a) (ii).

(b) to any person except on his retirement from public service in circumstances in which he is eligible for pension, gratuity or other allowance under any law or regulations which are applicable to such public service and where that person left the Force for the purpose of entering public service.

(2) A person who left the Force in circumstances in which, having regard to the provisions of subsection (1), he was not entitled to a pension, gratuity or other allowance, may, on such terms and conditions as may be prescribed, be granted a pension, gratuity or other allowance on attaining the age of sixty years so, however, that if he dies before attaining that age, there may be paid to his legal personal representatives the gratuity which he would have been eligible to receive if he had attained the age of sixty years and had elected to receive a gratuity and reduced pension. 23/1994
S. 3.

(3) The provisions of subsection (2) shall not apply to any person who, having left the Force prior to the appointed day, was not in the Force on the appointed day, unless that person is reappointed to the Force or to the public service after the appointed day; and any pension, gratuity or other allowance granted to any person pursuant to that subsection shall be computed in accordance with the provisions in force at the date when that person finally left the Force or the public service, whichever is the later.

(4) Notwithstanding the provisions of subsection (1) (a) (iii) and of section 57, the normal retiring age of any Constable shall be sixty years. 23/2002
S. 2 (c).

(5) In this section "appointed day" means the 1st of April, 1972.

57. It shall be lawful for the Commissioner of Police to require a Constable to retire from the Force— Compulsory
retirement.

26 1958
S. 2 (1).

- (a) at any time after he attains the age of fifty-five years;
or
- (b) with the approval of the Governor-General, at any
time after he attains the age of fifty years.

Pensions, etc.,
not to be
assignable.

58. A pension, gratuity, or other allowance, granted under this Part shall not be assignable or transferable except for the purpose of satisfying—

- (a) a debt due to the Government; or
 - (b) an order of any court for the payment of periodical sums of money towards the maintenance of the wife, or former wife, or minor child, of the Constable to whom the pension, gratuity, or other allowance has been granted,
- and shall not be liable to be attached, sequestered, or levied upon, for or in respect of any debt or claim whatever except a debt due to the Government.

Pensions, etc.,
to cease on
bankruptcy.

59.—(1) Where any Constable to whom a pension or other allowance has been granted under this Part is adjudicated bankrupt or is declared insolvent by judgment of any competent court, then such pension or allowance shall forthwith cease.

(2) Where any Constable is adjudicated bankrupt or declared insolvent by judgment of any competent court either—

- (a) after retirement in circumstances in which he is eligible for pension, gratuity, or other allowance, under this Part, but before the pension, gratuity or allowance is granted; or
- (b) before such retirement and he has not obtained his discharge from bankruptcy or insolvency at the date of retirement,

then, in the former case any pension or other allowance eventually granted to him shall cease as from the date of adjudication or declaration (as the case may be) and, in the latter case, the pension or other allowance may be granted, but shall cease forthwith and not become payable, and in either case the gratuity may be granted but shall not be paid to him.

(3) Where a pension or other allowance ceases, or where any gratuity is not paid by reason of this section, it shall be lawful for the Governor-General, from time to time during the remainder of such Constable's life, or during such shorter period or periods, either continuous or discontinuous, as the Governor-General thinks fit, to direct all or any part of the moneys to which such Constable would have been entitled by way of pension, gratuity or other allowance, had he not become bankrupt or insolvent, to be paid to, or applied for, the maintenance or benefit of all or any, to the exclusion of the other or others, of the following, that is to say, such Constable and his wife, child, or children, or such other dependents as the Governor-General may determine, in such proportions and manner as the Governor-General thinks proper, and such moneys shall be paid or applied accordingly.

26/1958
S. 2(1).

(4) Moneys applied for the discharge of the debts of the Constable whose pension or other allowance has ceased, or whose gratuity has not been paid, by reason of this section, shall for the purposes of this section, be regarded as applied for his benefit.

(5) Where a Constable whose pension or other allowance has ceased, or whose gratuity has not been paid, by reason of this section, obtains his discharge from bankruptcy or insolvency, it shall be lawful for the Governor-General to direct that the pension or allowance shall be restored, and the gratuity, or so much thereof (if any) as remains after deducting any payments made under subsection (3), paid, as

26/1958
S. 2(1).

from the date of such discharge or any later date, and the pension or allowance shall be restored, and the gratuity, or such remainder thereof (if any), paid, accordingly.

Pensions,
etc., may
cease on
conviction.
26/1958
S. 6.
26/1958
S. 2 (1).

60.—(1) Where any Constable to whom a pension or other allowance has been granted under this Part is sentenced to death or a term of imprisonment by any competent court for any offence, such pension or allowance shall, if the Governor-General so directs, cease as from such date as the Governor-General determines.

26/1958
S. 6.

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

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

(3) Where a pension or other allowance ceases, or a gratuity is not paid, by reason of this section, it shall be lawful for the Governor-General to direct all or any part of the moneys to which such person would have been entitled by way of pension, gratuity, or allowance, but for the provisions of this section to be paid, or applied, in the same manner in all respects as provided in section 59, and such moneys shall be paid or applied accordingly.

(4) Where any Constable, whose pension or other allowance ceases, or whose gratuity is not paid, by reason of this section after conviction at any time receives a free pardon, the pension or allowance shall be restored with retrospective effect or his gratuity shall be paid; but in

determining whether arrears of such pension or allowance are payable to such Constable and in computing the amount thereof and the amount of any gratuity, account shall be taken of all moneys paid or applied under subsection (3).

61.—(1) Where a Constable dies on or after the 1st of July, 1974, as a result of injuries received—

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

Pensions to dependants when Constable dies as a result of injuries received, or disease contracted in the discharge of his duty.
26/1958
S. 7.
2/1985
S. 5 (a), (b).

while in the Force, it shall be lawful for the Governor-General to grant in relation to that Constable, pensions and gratuities as prescribed by regulation 16 of the Regulations contained in the First Schedule and by the Appendix to those Regulations.

First Schedule.

(2) For the purpose of this section, unless the contrary intention appears—

- (a) “child” includes—
 - (i) a posthumous child;
 - (ii) an adopted child, adopted in a manner recognized by law before the date of the injury; and
 - (iii) a step-child wholly or mainly dependent on the Constable for support;
- (b) “surviving spouse” means the widow or widower of a Constable;
- (c) references to a Constable being injured in the circumstances detailed in paragraphs (a), (b) and (c) of subsection (1) and to the date on which an injury is sustained, shall respectively be construed

as including references to his contracting a disease to which he is exposed specifically by the nature of his duty, not being a disease wholly or mainly due to, or seriously aggravated by, his own serious and culpable negligence or misconduct and to the date on which such disease is contracted.

2/1985
S. 5 (c).

(3) A Constable who dies as a result of injuries received while travelling by air in pursuance of official instructions shall be deemed to have died in the circumstances detailed in paragraphs (a) and (c) of subsection (1).

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

(a) any damages that he is satisfied have been or will be recovered by the dependants of a deceased Constable consequent on the injury to the Constable which resulted in his death; and

2/1985
S. 5 (e).

(b) any benefits that have been or may be awarded to such dependants under the Workmen's Compensation Act or the National Insurance Act in respect of such injury or under the Pensions (Civil Service Widows and Orphans) Act (repealed) or under the Pensions (Civil Service Family Benefits) Act consequent upon the death of the Constable,

and he may withhold or reduce the award accordingly.

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

2/1985
S. 5 (f).

(6) Where the Governor-General is satisfied that the death of a Constable resulted from the infliction of injuries which, although not inflicted upon him while he was acting in the execution of his duty, were nevertheless inflicted upon him wholly or mainly because he was a member of

the Force, it shall be lawful for the Governor-General to grant to the dependants of that Constable, pensions and gratuities as if his death had occurred in the circumstances described in paragraphs (a), (b) and (c) of subsection (1).

62.—(1) Subject to subsection (2), where a Constable dies on or after the 1st of July, 1974, while in the Force, and his death did not occur in the circumstances specified in section 61, it shall be lawful for the Governor-General to grant—

- (a) if the deceased Constable leaves a surviving spouse, a pension to that spouse while unmarried at a rate not exceeding one-third of the annual pay of the Constable at the date of death;
- (b) the deceased Constable leaves a child or children, a pension in respect of each such child until such child attains the age of nineteen years, at a rate not exceeding an aliquot part (determined as provided in paragraph (A)) of the proviso of one-sixth of the annual pay of the Constable at the date of his death;
- (c) whether or not a pension is granted under this section, a gratuity to the legal personal representatives of the deceased Constable, not exceeding a sum equal to one year's pay of the Constable at the date of his death or the amount of commuted pension gratuity which would have been payable to the Constable if he had retired at the date of his death, whichever is the greater:

Provided that—

- (A) a pension granted under this section to the children of a deceased Constable shall be divided equally among such children under the age of nineteen years; and

Pensions to surviving spouses, etc., of Constable who died in Force.
2/1985
S. 6.

(B) a pension granted to a female child under this section shall cease upon the marriage of that child under the age of nineteen years.

(2) In this section and in section 63—

“child” includes—

- (i) a step-child born before the date of the death of the Constable and wholly or mainly dependent upon; and
- (ii) an adopted child, adopted in a manner recognized by law;

“commuted pension gratuity” means the gratuity, if any, which might have been granted to the Constable under regulation 14 of the Regulations contained in the First Schedule if he had retired at the date of his death in the circumstances described in section 56 (1) (a) (ii) and had elected to receive a gratuity and reduced pension;

“surviving spouse” means the widow or widower of a Constable.

First
Schedule.

Pension or
gratuity on
death after
retirement.
2/1985
S. 7.

63.—(1) Where a Constable is granted a pension or other allowance under this Part and, while in receipt thereof, dies, it shall be lawful for the Governor-General to grant—

- (a) if the Constable leaves a surviving spouse, a pension to such spouse while unmarried at a rate not exceeding one-third of the Constable's pension;
- (b) if the Constable leaves a child or children under the age of nineteen years, a pension to each such child until he attains the age of nineteen years, at a rate not exceeding an aliquot part (determined as provided in paragraph (A)) of the proviso of one-sixth of the Constable's pension:

Provided that—

- (A) any pension granted to the children of a Constable under this section shall be divided equally among such children under the age of nineteen years; and
- (B) a pension granted to the female child of a Constable under this section shall cease upon the marriage of such child under the age of nineteen years.

(2) For the purposes of subsection (1), where pursuant to the grant, whether before or after the death of a Constable, of a pension or allowance under this Part any amount is payable to the Constable or, as the case may be, to his estate, the Constable shall be deemed to have been in receipt of such pension or allowance notwithstanding that payment thereof had not commenced prior to his death.

(3) Where a Constable to whom this section applies dies without leaving a surviving spouse or children eligible for a pension under this section, and at the date of his death the aggregate amounts drawn by him by way of gratuity, pension or other allowance did not amount to one year's pay of such Constable at the date of his retirement, it shall be lawful for the Governor-General to grant to the legal personal representatives of such Constable a gratuity of an amount not exceeding the difference between the aggregate amounts of the gratuity, pension or allowance drawn by him and one year's pay at the date of retirement.

(4) For the purpose of calculating the amount of pension payable under subsection (1) the Constable's pension shall be—

- (a) if he elected to take the full pension for which he was eligible on retirement, the full amount of that pension; or
- (b) if he elected, pursuant to regulation 14 of the Regulations contained in the First Schedule, to take a

First
Schedule.

reduced pension and gratuity on retirement, the amount of such reduced pension.

Death or injury owing to war conditions.

64. Where a Constable proceeding by a route approved by the Governor-General to or from this Island at the commencement or termination of his service therein, or of a period of secondment, duty leave, or leave therefrom, dies or is permanently injured as the result of damage to the vessel, aircraft, or vehicle, in which he is travelling, or of any act of violence directed against such vessel, aircraft, or vehicle, and the Governor-General is satisfied that such damage or act is attributable to circumstances arising out of any war in which Her Majesty may be engaged, such Constable shall be deemed to have died or to have been injured (as the case may be) as the result of injuries received—

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

26/1958
S. 9.

(b) in circumstances in which the injury is not wholly or mainly due to, or seriously aggravated by, his own serious and culpable negligence or misconduct; and

(c) on account of circumstances specifically attributable to the nature of his duty.

Refunds on being struck off the strength of the Force.
2/1985
S. 8(a), (b).

65.—(1) Subject to subsection (3), where deductions have been made from the pay of any Constable by way of contribution to his pension, gratuity or other allowance, and that Constable, not being eligible for pension, gratuity or other allowance, otherwise than pursuant to section 56 (2), under this Act is struck off the strength of the Force, he shall, on being so struck off, be entitled to refund of the amount of the deductions so made, from which amount may be deducted any debt due to the Government.

(2) Where a Constable to whom this Act applies and from whose pay deductions have been made by way of contribution to his pension, gratuity, or other allowance, dies and no pension, gratuity or other allowance has been paid or is payable under this Act, his legal personal representative shall be entitled to refund of the amount of the deductions so made, from which amount may be deducted any debt due to the Government.

(3) A Constable who is struck off the strength of the Force may give notice in writing to the Minister responsible for the public service of his desire that the provisions of subsection (1) shall not apply to him. 2/1985
S. 8 (c).

(4) Where a Constable gives notice pursuant to subsection (3)— 2/1985
S. 8 (c).

- (a) he shall not be entitled to refund of the amount deducted from his pay by way of contribution to pension, gratuity or other allowance; and
- (b) the period of service of such a Constable prior to the date on which he is struck off the strength of the Force may be taken into account for the purposes of any award of pension, gratuity or other allowance pursuant to section 56 (2), but not otherwise.

66. The provisions of this Part shall apply—

Application
of Part III.

- (a) to every Constable appointed to the Force—
 - (i) after the 21st day of November, 1947; or
 - (ii) before the 21st day of November, 1947, to whom it was intimated before appointment that he would be liable to be affected by any change in the pension legislation relating to him; and
- (b) to every other Constable in the Force at or transferred from the Force before the 21st day of

November, 1947, who is still in the Force or in public service (as defined in this Part) at such date, unless not later than twelve months after such date or within such further period as the Governor or the Governor-General, as the case may be, may in any special case allow, he gives notice in writing to the officer prescribed by law, for the time being, of his desire that the provisions of this Act and of the regulations which are repealed and revoked by section 2 of Law 28 of 1947 and which applied to him prior to the 21st day of November, 1947, should continue to apply to him, in which case they shall continue to apply accordingly:

47/1961
S. 2.

Provided that any such notice shall from and after the 27th December, 1961, be given to the Financial Secretary.

Election.
2/1985
S. 9.

66A. Any Constable who, before the 15th day of March, 1985, was entitled to a pension pursuant to the provisions of the Pensions Act, may, by memorandum in writing to the Governor-General, elect to retain his entitlement under the Pensions Act and forego his entitlement under this Act.

PART IV. *Police Federation*

Constitution
of Police
Federation.
27/1964
S. 2.

Second
Schedule.

67.—(1) For the purpose of enabling the Sub-Officers and Constables of the Force to consider and bring to the notice of the Commissioner of Police and the Minister all the matters affecting their general welfare and efficiency, there shall be established in accordance with the Second Schedule an organization to be called the Police Federation which shall act through Branch Boards, Central Conferences and a Central Committee as provided in that Schedule.

(2) No representations shall be made by the Federation in relation to any question of discipline, promotion,

transfer, leave or any other matter, unless some question of principle is involved.

(3) The Police Federation shall be entirely independent of and unassociated with any body outside the Force.

(4) The Minister may by order from time to time amend the Second Schedule.

40/1965
S. 4.
Second
Schedule.

(5) Every order made under this section shall be subject to negative resolution.

68.—(1) Subject as aforesaid, it shall not be lawful for a Sub-Officer or Constable of the Force to be a member of any trade union, or of any association having for its objects, or one of its objects, to control or influence the pay, pensions, or conditions of service of any rank of the Force; and any member of the Force who contravenes this provision shall be disqualified for continuing to be a member of the Force; and, if any member of the Force continues to act as such after becoming so disqualified, he shall forfeit all pension rights and be disqualified for being thereafter employed in the Force.

Prohibition
against Con-
stables
being mem-
bers of
trade
unions.

(2) If any question arises whether any body is a trade union or an association to which this section applies, the question shall be determined by the Permanent Secretary to the Ministry of Labour.

69. If any person causes, or attempts to cause, or does any act calculated to cause disaffection amongst the members of the Force, or induces, or attempts to induce, or does any act calculated to induce any member of the Force to withhold his services or to commit breaches of discipline, he shall be guilty of a misdemeanour, and shall be liable on conviction before a Circuit Court to imprisonment, with or with-

Penalty on
persons
causing dis-
affection,
etc.

out hard labour, for a term not exceeding two years, or on summary conviction before a Resident Magistrate, to imprisonment, with or without hard labour, for a term not exceeding three months, or to a fine not exceeding fifty dollars, or to both such imprisonment and fine, and in either case, if a Sub-Officer or Constable of the Force, shall forfeit all pension rights and be disqualified for being a member of the Force:

Provided that, where the person convicted of any such offence was a member of the Force and was not sentenced to imprisonment without the option of a fine, the Commissioner of Police may, if he thinks fit, pay to him the whole or any part of the rateable deductions which may have been made from his pay in respect of pensions contributions.

Meetings
to be
secret.
27/1964
S. 3.

70.—(1) A person who is not a member of the Force shall not without the consent in writing of the Commissioner attend a meeting of a Branch Board, Central Conference or Central Committee.

(2) A person who is a member of the Force shall not without the consent in writing of the Commissioner publish or communicate to any person other than the Minister, a member of the Police Service Commission or a member of the Force any information (however obtained) relating to the proceedings, deliberations, recommendations or decisions of a Branch Board, Central Conference or Central Committee or to any matter whatever arising out of or concerning the duties of the Federation.

(3) Every person who contravenes any of the provisions of this section shall be guilty of an offence and liable on summary conviction before a Resident Magistrate to a fine not exceeding two hundred dollars, or to imprisonment with or without hard labour for a term not exceeding six months.

71.—(1) Notwithstanding anything to the contrary disciplinary proceedings may be taken against a person who is acting in the capacity of a member of the Police Federation under any of the specified provisions and for that purpose such provisions shall apply to him in that capacity in like manner as they apply to him in his capacity as a member of the Force.

Liability of
member of
Federation
to disci-
pline.
27/1964
S. 3.

(2) In this section “specified provisions” means—

- (a) rules made under section 26;
- (b) the Police Service Regulations, 1961, or any other regulations for the time being in force made pursuant to section 135 of the Constitution of Jamaica in relation to the powers, duties or procedure of the Police Service Commission.

72.—(1) Notwithstanding anything to the contrary it shall be lawful for the Police Federation to establish a fund, to be called the Police Federation Fund, (hereinafter referred to as “the Fund”) with the contributions of voluntary subscriptions from members of the Federation and other persons, and to administer the Fund for the welfare, relief and assistance of its members and for such other purposes as the Central Committee may, from time to time, and subject to regulations made under subsection (2), think fit.

Police
Federation
Fund.
11/1973
S. 2.

(2) The Federation shall, with the approval of the Minister, make regulations with respect to the collection of voluntary subscriptions and for the use and management of the Fund.

(3) The Federation shall keep proper accounts in relation to the Fund and a statement of such accounts, audited annually by a person appointed by the Federation and approved by the Minister, shall be submitted annually to the Minister.

[The inclusion of this page is authorized by L.N. 79/1996]

(4) The expenses relating to auditing the accounts shall be paid from the Fund.

PART V. *The Constabulary Force Band*

72/1960
S. 2.

Formation
and com-
position of
Band.

73.—(1) Subject to the provisions of this Act there may form part of the Jamaica Constabulary Force under this Act a Band (in this Part referred to as the Band) which shall be constituted from among the members of the said Force and shall be known as the Jamaica Constabulary Force Band.

(2) The Band shall be composed of a Director of Music, a Bandmaster and such number of bandsmen and cadets as the Commissioner may from time to time determine.

(3) The Director of Music and the Bandmaster who shall be not lower in rank than Superintendent and Inspector respectively shall be appointed by the Governor-General.

(4) Bandsmen and cadets shall be appointed by the Commissioner.

Appoint-
ment of
Band
President.

74. For the purposes of this Part there shall be appointed by the Governor-General a Band President who shall be an officer not lower in rank than Assistant Commissioner.

Equipment
of Band.

75.—(1) There shall be provided for the use of the Band such uniforms, accoutrements, music and musical instruments as may from time to time be directed by the Minister.

(2) Uniforms, accoutrements, music and musical instruments provided under subsection (1) shall remain the property of the Crown and shall be duly accounted for.

Vesting and
management
of moneys,
property,
etc., of
Band.

76. All moneys received by or for the use of the Band other than moneys provided in the Estimates of Revenue and Expenditure of the Island, and all effects and other property belonging to the Band (but not including the

equipment provided under section 74) and the right to sue for the recovery of such moneys, effects and other property shall be vested in the Band President for the time being and his successors in office.

77. Bandsmen and cadets shall attend for instruction, drill and parade and for such other purposes, at such places and at such times as the Director of Music may from time to time appoint, and shall play and perform in such numbers and on such occasions as the Director of Music subject to the approval of the Band President may from time to time determine.

Attendance
at drills and
parades, etc.

78. The Commissioner may make rules for carrying into effect the purposes and provisions of this Part and in particular but without prejudice to the generality of the foregoing may make rules—

Power of
Commis-
sioner to
make rules.

- (a) with respect to the enlistment of members of the Band other than the Director of Music and the Bandmaster;
- (b) with respect to the uniforms and badges to be worn by members of the Band;
- (c) with respect to the playing of the Band on public and private engagements;
- (d) prescribing the fees to be charged for performances of the Band;
- (e) with respect to the application of such fees;
- (f) for the management (including the disposal) of the property belonging to or entrusted to the Band and the finances other than moneys provided in the Estimates of Revenue and Expenditure of the Island.

PART VI. [*Repealed by Act 33 of 2005.*]

FIRST SCHEDULE

(Section 53)

REGULATIONS FOR THE GRANTING OF PENSIONS, GRATUITIES AND
DISABILITY ALLOWANCES TO CONSTABLES OF THE FORCE

Short title.

1. These Regulations may be cited as the Jamaica Constabulary Pension Regulations.

Interpretation.
2/1985
S. 10.

1A. In these Regulations "qualifying service" means service which may be taken into account in determining whether a Constable is eligible by length of service for pension, gratuity, or other allowance.

Pensions,
to whom
and at
what rates
to be granted.
11/1997
S. 3(a).

2. Subject to the provisions of this Act and of these Regulations, every Constable who has been in the Force for ten years or more may be granted on retirement a pension at the rate of one five-hundred and fortieth of his pay at the date of retirement for each complete month of service.

Gratuities,
to whom
and at what
rates to be
granted.

3. Subject to the provisions of this Act and of these Regulations, every Constable otherwise qualified for pension, who has not been in the Force for ten years or more, may be granted on retirement a gratuity not exceeding ten days' pay at the date of his retirement for each complete six months of service:

Provided however that if a Constable who has not been in the Force for ten years or more—

2/1985
S. 10.

- (a) retires in the circumstances described in paragraph (a) (ii) of subsection (1) of section 56 of this Act and it is certified on medical evidence to the satisfaction of the Governor-General that his infirmity makes him incapable of otherwise earning a livelihood; and

26/1958
S. 2(1).

(b) such Constable is not eligible for any pension under regulation 4, such gratuity may be increased to such amount not exceeding twenty days' pay at the date of his retirement, for each complete six months of service as the Governor-General may determine.

Pension to
persons not
otherwise
eligible for
retiring
benefits who
attain the age
of sixty.
2/1985
S. 10.

3A.—(1) This regulation applies to every person who had been a Constable in the Force—

- (a) for a continuous period of not less than ten years; or
(b) for periods which when added together total not less than fifteen years; and
(c) having left the Force, is not, other than pursuant to this regulation, eligible for pension, gratuity or other allowance under these Regulations.

(2) Subject to the provisions of this Act and of these Regulations, a person to whom this regulation applies may be granted, on attaining the age of sixty years, a pension at the rate of one five-hundred and fortieth of his pay at the date on which he left the Force, for each complete month of his service. 1/1997 S. 3(b).

(3) For the purposes of paragraphs (1) and (2), no regard shall be had to the service of any person prior to his dismissal from the Force on the ground of misconduct unless the Governor-General in any case, on such terms and conditions as the Governor-General thinks fit, otherwise directs.

(4) For the purpose of this regulation—

- (a) any action which, pursuant to these Regulations, may be taken by, or in relation to, a member of the Force on his retirement may, in the case of a person to whom this regulation applies, be taken as if the reference to his retirement were a reference to the attainment by him of the age of sixty years;
- (b) in determining for the purpose of paragraph 1(a) whether or not a period of service is continuous no regard shall be had to any power exercised pursuant to the proviso to regulation 6(1);
- (c) the pay of a person to whom this regulation applies shall be determined as if reference to the date of his retirement were a reference to the date on which he left the Force;
- (d) in respect of any person transferred from the Island Special Constabulary Force, and enlisted in the Jamaica Constabulary Force on or after the 27th day of February, 1998, the periods referred to in sub-paragraphs 1(a) and 1(b) shall be deemed to include any period during which the person had been a Special Constable in regular employment in the Island Special Constabulary Force, as if that person were during that period a Constable in the Force; 2/2007 S. 2.
- (e) the term—
 - (i) “Island Special Constabulary Force” means the Force constituted under section 16 of the Constables (Special) Act; 2/2007 S. 2.
 - (ii) “regular employment” has the meaning assigned to it by section 31 of that Act; and
 - (iii) “Special Constable” has the meaning assigned to it by section 15 of that Act.

4.—(1) This regulation applies to a Constable who—

- (a) is permanently injured in the actual discharge of his duty by some injury specifically attributable to the nature of his duty which is not wholly or mainly due to, or seriously aggravated by, his own serious and culpable negligence or misconduct; or
- (b) contracts a disease to which he is exposed specifically by nature of his duty not being a disease wholly or mainly due to, or seriously

Constable retiring on account of injury or disease. 26/1958 S. 11.

aggravated by, his own serious and culpable negligence or misconduct; or

- (c) is permanently injured as a result of an accident or damage to the aircraft while traveling by air in pursuance of official instructions and the injury was not wholly or mainly due to, or seriously aggravated by, his own serious and culpable negligence or misconduct; or
- (d) while proceeding by a route approved by the Governor-General to or from this Island at the commencement or termination of his service therein or of a period of secondment, duty leave, or leave therefrom, is permanently injured as a result of damage or any act of violence to the vessel, aircraft or vehicle in which he was travelling, if the Governor-General is satisfied that that damage or act is attributable to circumstances arising out of any war in which Her Majesty may be engaged.

(2) In this regulation, unless the contrary intention appears, references to a Constable being injured and, the date on which the injury is sustained shall, respectively be construed as including references to him contracting such disease as is mentioned in paragraph (1) and to the date on which such disease is contracted.

(3) A Constable may—

- (a) if his retirement is necessitated or materially accelerated by his injury and he has been in the Force for less than ten years be granted, in lieu of any gratuity under regulation 3, a pension under regulation 2 as if the words "for ten years or more" were omitted from such regulation;
- (b) be granted on retirement a disability allowance, in addition to pension, at the rate of the proportion of his actual pay at the date of his injury appropriate to his case as shown in the following table—

When his capacity to contribute to his own support is—

slightly impaired, ten-forty-fifths;
impaired, twenty-forty-fifths;
materially impaired, thirty-forty-fifths;

Provided that—

- (i) if he was permanently injured while traveling by air in pursuance of official instructions the relevant proportion in the table shall be increased by one-half;
- (ii) the amount of the disability allowance may be reduced by such an extent as the Governor-General thinks reasonable where the injury is not the cause or the sole cause of his retirement.

(3A) If the capacity of the Constable to contribute to his own support is totally destroyed, he may be granted on retirement, a disability allowance at such rate as, when added to the rate of any pension, does not exceed his rate of pay at date of retirement:

2/1985
S. 10.

Provided that the amount of the disability allowance may be reduced by such extent as the Governor-General thinks reasonable where the injury is not the cause or the sole cause of his retirement.

(4) A disability allowance granted to a Constable under this regulation together with pension shall not exceed his pay at the date of retirement.

(5) Unless the Governor-General otherwise directs a Constable to whom a disability allowance has been granted under this regulation shall be subject to medical examination annually or at such other periods as may be directed by the Commissioner of Police and, if any such Constable refuses to be examined when required so to be by the Commissioner of Police, such disability allowance shall, if the Governor-General so directs, cease from such date as the Governor-General may determine.

(6) If, as the result of any examination effected under paragraph (5) the Governor-General is satisfied from the medical evidence—

- (a) that the extent of disability is increased or decreased, he may make an appropriate increase or decrease, as the case may be, in the rate of the disability allowance;
- (b) that the Constable has completely recovered from the disability in respect of which the disability allowance is paid he may direct that the disability allowance shall cease from such date as he may determine.

(7) (a) If, for the purpose of assessing the amount of disability allowance the degree of permanent impairment of his capacity to contribute to his support is in doubt, a Constable may be granted a provisional award to have effect until such time as the degree of permanent impairment can be ascertained.

(b) The Governor-General may take into account in such manner and to such extent as he may think fit against a disability allowance that may be granted to a Constable in respect of an injury—

- (i) any damages that he is satisfied have been or will be recovered by the Constable in respect of that injury;

- (ii) any benefits that have been or may be awarded to the Constable under the Oversea Superannuation Scheme in respect of that injury,

and he may withhold or reduce the disability allowance accordingly.

Constable
retiring on
account of
ill health.
26/1958
S. 11.
2/1958
S. 10.
L.N.
57M/1994.

5.—(1) If a Constable—

- (a) retires from the Force in the circumstances described in subparagraph (a) (ii) of subsection (1) of section 56 of this Act; and
- (b) at the date of his retirement has been in the Force for more than ten years but less than twenty years,

he may be granted an additional pension in accordance with paragraph (1A).

11/1997
S. 3 (c).

(1A) The additional pension referred to in paragraph (1) shall be at the rate of one five-hundred and fortieth of the pay of the Constable at the date of his retirement for each complete month by which his service falls short of twenty years or his age at the date of retirement falls short of fifty-five years, whichever is less.

(1B) *[Deleted by Act 11 of 1997.]*

(2) This regulation shall not apply in the case of a Constable—

- (a) who is permanently injured and is entitled to benefits under the Oversea Superannuation Scheme or the Workmen's Compensation Act or any enactment amending or replacing that Act; or
- (b) who is injured or contracts a disease in the discharge of his duty and is eligible to receive an award under regulation 4:

Provided that if such award is less than the additional pension for which he would be eligible under this regulation he may be granted in lieu thereof an additional pension under this regulation.

Continuity
of service.
2/1985
S. 10.

6.—(1) Subject to paragraphs (2) and (3), only continuous service shall be taken into account for the purpose of the grant of pension, gratuity, or other allowance under this Act or these Regulations; and for the purpose of this regulation the service of a Constable shall be deemed to be continuous if he is re-enlisted immediately on, or within three months of the termination of a previous period of enlistment:

Provided that the Governor-General may in any special circum-

stances declare any service to be continuous service for the purpose of this regulation notwithstanding any break in such service.

(2) Subject to paragraph (3), any breaks in service shall be disregarded for the purposes of paragraph (1) if the periods of service when added together total not less than fifteen years.

(3) Unless the Governor-General in any particular case, on such terms and conditions as the Governor-General thinks fit, otherwise directs, the following shall not be taken into account for the purposes of this regulation—

- (a) any period of temporary service which was not immediately followed by a permanent appointment in which the Constable was confirmed;
- (b) any period of service during which the Constable was by virtue of the terms of his appointment on probation if either the Constable was not confirmed in the appointment or the service was not immediately followed by a permanent appointment in which the Constable was confirmed;
- (c) any period of service in respect of which the Constable was previously awarded benefits under this Act or the Pensions Act;
- (d) any period of service which preceded the dismissal of the Constable on the grounds of misconduct;
- (e) any period of service in respect of which a refund was made to a Constable pursuant to section 65.

7. No period during which a Constable has been absent from duty on leave without salary shall be taken into account in the calculation of any pension or gratuity under this Act and these Regulations unless—

- (a) such leave has been granted on the grounds of public policy with the approval of the Governor-General; or
- (b) was granted on account of the ill health of the Constable.

8. Where a Constable during some period of his service has been on the active list of the Royal Navy, the Army or the Royal Air Force, and pension contributions have been paid in respect of that period from the funds of this Island and have not been refunded, such period shall not be taken into account in the calculation of any pension or gratuity under this Act and these Regulations.

9. Where a Constable serves with Her Majesty's Forces in time of war (in this regulation referred to as "military service"), or in any civilian employment connected with the prosecution of the war (in this regulation referred to as "civilian service") and before so serving had been employed in the Force then the following provisions shall have effect—

(1) during the period of such military or civilian service, including in the case of—

- (a) military service, any period of service with Her Majesty's Forces after the termination of the war (which period shall be included in the expression "military service");
- (b) civilian service, any period of civilian employment which may be approved by the Governor-General, but which in no case shall exceed six months, after the termination of the war, such employment having been prior to the termination of the war and connected with the prosecution thereof (which period shall be included in the expression "civilian service").

such Constable shall be deemed to have been on leave on full pay from the rank last held by him in the Force prior to such military or civilian service;

(2) during any period between his leaving the Force for the purpose of serving in Her Majesty's Forces or in any such civilian employment and the date of his commencing such military or civilian service, he shall be deemed to be on leave without pay, not granted on grounds of public policy or ill health from the rank in the Force last held by him prior to such military or civilian service; and during any period between the termination of his military or civilian service and the date of his re-entering the Force he shall, for such purposes, be deemed to be on leave as aforesaid from the rank in the Force in which he is re-employed:

Provided that—

- (i) this regulation shall not apply when either period mentioned in paragraph (2) exceeds three months, or such longer period as the Governor-General may in any special case determine; or if the Constable fails, after such military or civilian service, to re-enter the Force otherwise than in circumstances in which he would be permitted, under this Act to these Regulations to retire on pension or gratuity, such circumstances arising not later than the expiration of three months, or such longer period as may be determined as aforesaid after the termination of his military or civilian service;
- (ii) if during any period mentioned in paragraph (1) the Constable has qualified for pension, or received emoluments in lieu of pension rights, actually in respect of military service, paragraph (1) shall, as respects that period, have effect as if the words "leave without salary not granted on grounds of public policy or

26/1958
S. 2(1).
47/1961
S. 3(1).

ill health" were substituted for the words "leave on full salary";

- (iii) if during his military or civilian service the Constable is injured or killed, he shall not be deemed to have been injured or killed in the discharge of his duty:
- (iv) the provisions of this regulation which require that the Constable shall be deemed to have held a specified rank and to have been on leave from such rank, shall not apply in respect of any period during which he has actually held any other substantive office in the public service and has been on leave therefrom.

10. Where a Constable is appointed to a post in the public service to which this Act is not applicable, his service in such post immediately following his service as a Constable, and retires therefrom in circumstances under which he is eligible for pension, gratuity or other allowance under any law or regulations which are applicable to such public service, he may be granted in respect of his service as a Constable a pension or gratuity, as the case may be, in accordance with the provisions of regulation 2 or regulation 3 (as the case may be); and for the purpose of calculating the amount of—

- (a) such pension, his pay shall be determined by reference to the pay enjoyed by him at the date of his appointment to a post in the public service; or
- (b) such gratuity, his pay shall be determined at the date of his appointment to a post in the public service:

Provided that for the purpose of determining whether a Constable appointed to a post in the public service as aforesaid qualifies by length of service for a pension or alternatively for a gratuity under these Regulations, the Governor-General may, either generally or in any particular case, direct that the period of service in a post in the public service as aforesaid may be taken into account as if it were service as a Constable.

11. Where the service of a Constable immediately follows a period of service in a pensionable office within the meaning of the Pensions Act, the period of service in such pensionable office may be taken into account for the purpose of determining whether the Constable qualifies by length of service for a pension or alternatively for a gratuity under these Regulations.

Transfer of Constable to public service.

11/1997
S. 3(d).

47/1961
S. 3(1).

Service in pensionable office may be counted as qualifying service.
L.N.
88/1967.

Transfer of
Constable
from other
Police
Force, etc.

12. A Constable transferred from the British Army or any Police Force in a Commonwealth country to the Force, whose aggregate service in the British Army, such Police Force and the Force would have entitled him, had it been wholly in the Force, to a pension under these Regulations, shall, on his ultimate retirement from the Force, be entitled to a pension which shall bear the same proportion to that to which he would have been entitled had the whole of his service been in the Force as the aggregate amount of the pay which he has drawn during his service in the Force bears to the total sum made up of such aggregate amount and the aggregate amounts received in respect of his service in such Army or Police Force.

Service in
Jamaica
Defence
Force or
Local
Forces.
2/1985
S. 10.

12A.—(1) Subject to paragraph (2), where a Constable retires from the Force, then if his service as a Constable follows a period of prescribed military service, in respect of which he continues to be eligible for an award of retiring benefits under the Local Forces Law (repealed) or under the Defence Act, as the case may be, or any regulations made thereunder, the Governor-General may, either generally or in any particular case direct that the period of prescribed military service may for the purposes of these Regulations be taken into account as if it were service as a Constable (and is hereinafter referred to as "pensionable service") or as qualifying service; and, notwithstanding anything to the contrary, any pension or gratuity granted to him under these Regulations shall—

- (a) where such period has been taken into account as pensionable service be in substitution for; or
- (b) where the period has been taken into account as qualifying service, be in addition to, any pension or gratuity for which he may be eligible under those Acts or any regulations made thereunder in respect of such period of service.

(2) Where a Constable to whom paragraph (1) applies, has been awarded benefits under the Local Forces Law (repealed) or under the Defence Act, as the case may be, or any regulations made thereunder, in respect of his period of prescribed military service, such period of service shall not be taken into account for the purposes of paragraph (1).

(3) In this regulation "prescribed military service" means service as an Officer or member of the Local Forces constituted under the Local Forces Law (repealed) or as an Officer or soldier of the regular Force of the Jamaica Defence Force, as the case may be.

Gratuity in
special
cases.

26/1958
S. 2 (1).

13. The Governor-General may, in any special case in which no provision is made in these Regulations, grant to any Constable such gratuity not exceeding one week's pay at the date of his retirement for each complete six months of service, as the Governor-General may determine.

14. Any Constable to whom a pension is granted under regulation 2 or regulation 4 may at his option exercisable on his retirement from the Force, or in the event of his appointment to a post in the public service to which this Act is not applicable, from such public service, be paid in lieu of such pension a pension at the rate of three-fourths of such pension together with a gratuity equal to twelve and one-half times the amount of the reduction so made in the pension.

Gratuity and reduced pension.

15. Where a Constable has had a period of less than three years pensionable service immediately preceding the date of his retirement, but, pursuant to regulation 6 (2), any break in his service is disregarded in determining his pensionable service that break shall also be disregarded for the purpose of determining his pensionable emoluments under that regulation; and, accordingly, the period of service prior to the break shall be treated as if it immediately preceded the period of service subsequent to the break.

Emoluments to be taken for computing pension or gratuity.
1/1985
S. 10.

16. Pursuant to section 61 pensions may be granted in accordance with Part I of the Appendix subject to the terms and conditions specified in Part II; and gratuities may be granted in accordance with Part III.

Pensions and gratuities on death of a Constable in the execution of his duties.
Appendix.
1/1985
S. 10.

CONSTABULARY FORCE

APPENDIX (Section 61 and regulation 16)

1/1985
S. 10.

PART I

Pension which may be granted pursuant to section 61

Item No.	To whom pension payable	The circumstances and conditions affecting eligibility for pension	Annual rate of pension, not exceeding—
1	Surviving spouse of the Constable		Two-thirds of the Constable's annual pay at the date of his death.
2	Each child of the Constable	<p>A. If the Constable leaves a surviving spouse to whom a pension is granted under item 1 and does not leave a mother or father, as the case may be, who is eligible for pension under item 3.</p> <p>B. If the Constable leaves a surviving spouse to whom a pension is granted under item 1 and also a mother or father, as the case may be, who is eligible for a pension under item 3.</p> <p>C. If the Constable leaves no surviving spouse to whom a pension is granted under item 1 but leaves a mother or father, as the case may be, to whom a pension is granted under item 3.</p>	<p>A. An aliquot part, determined in accordance with Part II, of one-third of the Constable's annual pay at the date of his death.</p> <p>B. An aliquot part (determined as aforesaid) of one-sixth of the annual pay of the Constable at the date of his death.</p> <p>C. An aliquot part (determined as aforesaid) of the pension specified in item 1.</p>

[The inclusion of this page is authorized by L.N. 79/1996]

APPENDIX, *contd.*

PART I, *contd.*

Item No.	To whom pension payable	The circumstances and conditions affecting eligibility for pension	Annual rate of pension, not exceeding—
		<p>D. If the Constable leaves neither a surviving spouse to whom a pension is granted under item 1 nor a mother or father, as the case may be, to whom a pension is granted under item 3 and there are not more than three children of the Constable eligible for pension under this Table.</p> <p>E. If the circumstances with regard to a surviving spouse and mother or father are as in paragraph D but the number of children of the Constable eligible for pension under this Table exceeds three.</p> <p>F. If pension to a child or children is payable pursuant to paragraph B and subsequently, on the death or ineligibility of the mother or father, as the case may be, pension ceases to be payable under item 3 then, as from the date of that cessation, pension shall be payable under this paragraph in lieu of the pension under paragraph B.</p>	<p>D. An aliquot part (determined as aforesaid) of the pension specified in item 1.</p> <p>E. An aliquot part (determined as aforesaid) of the annual pay of the Constable at the date of his death.</p> <p>F. An aliquot part (determined as aforesaid) of one-half of the pension payable under item 1.</p>

[The inclusion of this page is authorized by L.N. 79/1996]

CONSTABULARY FORCE

APPENDIX, *contd.*PART I, *contd.*

Item No.	To whom pension payable	The circumstances and conditions affecting eligibility for pension	Annual rate of pension, not exceeding—
3	The mother of the Constable or, where the mother is dead, the father of the Constable	<p>G. If pension to a child or children is payable pursuant to paragraph B and subsequently, on the death or ineligibility of the surviving spouse, pension ceases to be payable under item 1 then, as from the date of such cessation, pension shall be payable under this paragraph in lieu of the pension payable under paragraph B.</p> <p>A. If the Constable leaves a surviving spouse to whom pension is payable under item 1 and a child or children to whom pension is payable under item 2.</p> <p>B. If the Constable leaves a child or children to whom pension is payable under item 2 but leaves no surviving spouse to whom pension is payable under item 1.</p>	<p>G. An aliquot part (determined as aforesaid) of the pension payable pursuant to item 1.</p> <p>A. One-sixth of the annual pay of the Constable at the date of his death.</p> <p>B. One-third of the annual pay of the Constable at the date of his death.</p>

APPENDIX, *contd.*PART I, *contd.*

Item No.	To whom pension payable	The circumstances and conditions affecting eligibility for pension	Annual rate of pension, not exceeding—
		C. If pension is payable pursuant to paragraph A of this item and subsequently, on the death or ineligibility of the surviving spouse, pension ceases to be payable under item 1 then, as from the date of such cessation, pension shall be payable under this paragraph in lieu of pension payable under paragraph A of this item.	C. One-third of the annual pay of the Constable at the date of his death.

PART II

Terms and conditions applicable to the payment of pensions under Part I

1. Payment of pension to a surviving spouse shall be made only while that spouse is unmarried.

2. In the case of pensions granted to two or more children of a Constable under item 2 of Part I, the pension payable to each child shall be determined by dividing the pension which would be payable to one such child equally among such children as are eligible for pension under that Part.

3.—(1) A child shall cease to be eligible for pension under this Part on attaining the age of nineteen years, so, however, that—

- (a) a child who is receiving higher education shall continue to be so eligible until that child attains the age of twenty-three years or completes the course of higher education, whichever is the earlier;
- (b) a child who was mentally or physically incapacitated at the time of the Constable's death and was wholly or mainly dependent on him for support may, if the Governor-General so directs, be treated as continuing to be eligible, after attain-

[The inclusion of this page is authorized by L.N. 79/1996]

CONSTABULARY FORCE

ment of the age of nineteen years, during the period of incapacity or for such shorter period as the Governor-General may determine; and the Governor-General may, if he sees fit, increase or reduce the amount of pension payable in respect of that child to such amount as the Governor-General thinks fit, so, however, that where such amount is increased, the total amount of pension payable in respect of all dependants of that Constable shall not exceed his pay at the date of his death;

- (c) a female child shall cease to be so eligible upon the marriage of that child under the age of nineteen years.

(2) For the purposes of sub-paragraph (1) "higher education" means either a course of full-time instruction at any educational establishment approved for the purpose by the Minister responsible for education or a course of instruction as an apprentice in any trade, profession or vocation under articles entered into for a period of not less than two years.

4. Payment of a pension to the mother of a Constable shall be made only if the mother was wholly or mainly dependent on the deceased Constable for support and while the mother is without adequate means of support and, if the mother is unmarried, divorced or a widow, as the case may be, at the time of the grant of the pension and subsequently marries or remarries, as the case may be, such pension shall cease as from the date of marriage or remarriage; and if it appears to the Governor-General, at any time that the mother is adequately provided with other means of support, such pension shall cease as from such date as the Governor-General may determine.

5. Payment of a pension to the father of a Constable shall be made only while the father is without adequate means of support and, if it appears to the Governor-General, at any time that the father is adequately provided with other means of support such pension shall cease as from such date as the Governor-General may determine.

PART III***Gratuities which may be granted pursuant to section 61***

1. Without prejudice to any pension payable pursuant to Part I, a gratuity may be granted in accordance with this Part to the dependants of a Constable or, if there are no dependants, to the Constable's legal personal representatives.

2. Such gratuity shall—

- (a) in respect of a Constable who dies from injuries received after the 1st day of July, 1974, but before the 1st day of January, 1978, not exceed—

- (i) ten thousand dollars; or
- (ii) a sum equal to two years pay of the Constable at the date of his death; or
- (iii) the aggregate of one year's pay of the Constable at the date of his death plus the amount of commuted pension gratuity for which he would have been eligible if he had retired at the date of his death,

whichever is the greater;

- (b) in respect of a Constable who dies from injuries received on or after the 1st day of January, 1978, but before the 1st day of April, 1988, not exceed— 23/1994
S. 5(a)(i).

- (i) twenty thousand dollars; or
- (ii) the aggregate of the amounts specified in paragraph (a)(iii),

whichever is the greater;

- (c) in respect of a Constable who dies from injuries received on or after the 1st day of April, 1988, but before the 1st day of April, 1992, not exceed— 23/1994
S. 5(a)(b).

- (i) one hundred thousand dollars; or
- (ii) the aggregate of the amounts specified in paragraph (a)(iii),

whichever is the greater;

- (d) in respect of a Constable who dies from injuries received on or after the 1st day of April, 1992, but before the 1st day of April, 1994, not exceed— 23/1994
S. 5 (c).
11/1997
S. 4(a)(i).

- (i) three hundred thousand dollars; or
- (ii) the aggregate of the amounts specified in paragraph (a)(iii),

whichever is the greater;

- (e) in respect of a Constable who dies from injuries received on or after the 1st day of April, 1994, but before the 1st day of April, 1996, not exceed— 11/1997
S. 4 (b).

- (i) five hundred thousand dollars; or

- (ii) the aggregate of the amounts specified in sub-paragraph (a)(iii),

whichever is the greater;

L/N. 271/2012.

- (f) in respect of a Constable who dies from injuries received on or after the 1st day of April, 1996, but before the 1st day of October, 1999, not exceed—

- (i) one million dollars; or

- (ii) the aggregate of the amounts specified in sub-paragraph (a)(iii),

whichever is the greater;

L/N. 271/2012.

- (g) in respect of a Constable who dies from injuries received on or after the 1st day of October, 1999, but before the 1st day of April, 2000, not exceed—

- (i) one million seven hundred and fifty thousand dollars; or

- (ii) the aggregate of the amounts specified in sub-paragraph (a)(iii),

whichever is the greater;

L/N. 271/2012.

- (h) in respect of a Constable who dies from injuries received on or after the 1st day of April, 2000, but before the 1st day of April, 2005, not exceed—

- (i) four million dollars; or

- (ii) the aggregate of the amounts specified in sub-paragraph (a)(iii),

whichever is the greater;

L/N. 271/2012.

- (i) in respect of a Constable who dies from injuries received on or after the 1st day of April, 2005, but before the 1st day of April, 2006, not exceed—

- (i) four million five hundred thousand dollars; or

- (ii) the aggregate of the amounts specified in sub-paragraph (a)(iii),

whichever is the greater;

L/N. 271/2012.

- (j) in respect of a Constable who dies from injuries received on or after the 1st day of April, 2006, but before the 1st day of April, 2008, not exceed—

- (i) six million dollars; or

- (ii) the aggregate of the amounts specified in sub-paragraph (a)(iii),

whichever is the greater;

- (k) in respect of a Constable who dies from injuries received on or after the 1st day of April, 2008, not exceed—

- (i) eight million dollars; or

- (ii) the aggregate of the amounts specified in sub-paragraph (a)(iii),

whichever is the greater;

3. For the purposes of this Part “dependent” means any person entitled to a pension under Part I.

4. In this Part “commuted pension gratuity” means the gratuity, if any, which might have been granted to a Constable under regulation 14 if he had retired at the date of his death in the circumstances described in section 56 (1) (a) (ii) and had elected to receive a gratuity and reduced pension.

5. A gratuity granted pursuant to this Part shall be divided among the dependants as follows—

- (a) if there is a surviving spouse, that spouse shall be granted fifty per cent of the gratuity or such higher percentage as the Governor-General may approve and the remainder shall be divided among any other dependants in such proportion as the Governor-General thinks fit;
- (b) if there is no surviving spouse, the gratuity shall be divided among the dependants in such proportion as the Governor-General thinks fit.

SECOND SCHEDULE

(Section 67)

POLICE FEDERATION RULES

1. The Federation shall consist of all members for the time being of the Force below the rank of Assistant Superintendent and the Federation shall act through Branch Boards, Central Conferences and a Central Committee as is hereinafter provided.

Constitution of
Federation.

2. (a) Subject to the provisions of paragraph (b), the members of the Force below the rank of Inspector stationed in any police division shall form a branch of the Federation.

Branches of
Federation.
28/1961
S. 4

SECOND SCHEDULE, *contd.*

(Section 67)

POLICE FEDERATION RULES

(b) The Water Police Station at Kingston and the Criminal Investigation Department, Kingston, shall each be deemed to constitute a division for the purposes of these Rules.

(c) The Inspectors of the Force shall form a branch of the Federation.

Branch
Boards.

3. (a) In each division there shall be constituted three Branch Boards, one for the Sergeants, one for the Corporals and one for the Acting Corporals and Constables.

(b) There shall be constituted a Branch Board for the Inspectors.

Composition
of Branch
Boards in
general.

4. (a) Subject to the provisions of paragraphs (b), (c) and (d), the Branch Board for any rank shall consist of three members.

(b) Where the number of any rank in any division does not exceed three, the Branch Board shall consist of all members of that rank.

(c) Where the number of any rank in any division exceeds five, the Branch Board for that rank shall be increased by one for each additional five members of that rank in that division.

(d) The provisions of this rule shall not apply to the ranks of Inspector, Acting Corporal and Constable. 28/1961
S. 4.

5. The Inspectors' Branch Board shall consist of six members, who shall be elected by all the Inspectors. Inspectors' Branch Board. 28/1961
S. 4.

6. (a) Subject to the provisions of paragraph (b), the Acting Corporals and Constables' Branch Board in each division shall consist of five members. Constables' Branch Board.

(b) Where the number of Acting Corporals and of Constables in any division exceeds thirty, the number of members of the Branch Board for those ranks in that division shall be increased by one for each additional fifty members of those ranks in that division.

7. Subject to the provisions of paragraph (b) of rule 4—

(a) every Inspector shall have the right to vote at the election of the Branch Board for Inspectors; and Right to vote. 28/1961
S. 4.

(b) every Sergeant and every Corporal shall, respectively, have the right to vote at the election of the Branch Board for Sergeants and of the Branch Board for Corporals for the division to which such Sergeant or Corporal, as the case may be, may belong; and

(c) every Acting Corporal or Constable shall have the right to vote at the election of the Branch Board for Acting Corporals and Constables for the division to which such Acting Corporal or Constable may belong.

8. The elections shall take place annually in the month of March and the annual meeting of all Boards shall be held not later than the 15th day of April. Elections.

9. Subject to the provisions of rule 14, the members of each Board shall at the annual meeting elect a delegate or delegates to the Central Conference as hereinafter provided. Delegates.

10. Subject as aforesaid, the three Branch Boards in any division or any two of them may by agreement sit together as one Board either for any special purpose or regularly for all purposes of common interest. Joint meetings.

11. A Branch Board, in addition to submitting any representation to the Officer in charge of the Division in which the Board is constituted, may submit it to the Commissioner of Police. Representation. 28/1961
S. 4.

Central
Conference.
L. N.
221/1990.

12. (a) The Central Conference of each rank shall be held once in each year, in the month of May.

(b) For the purposes of this rule the ranks of Acting Corporal and Constable shall be deemed to be one rank.

Constitu-
tion of Con-
ference.

13. (a) Except as otherwise provided in rule 14, each Conference shall consist of delegates elected by members of the Branch Boards of corresponding rank of all divisions in the proportion of one delegate for each three members of each Branch Board, so, however, that each Branch Board shall be represented by at least one delegate.

(b) Every delegate shall be a member of the Branch Board which he represents.

Special pro-
vision for
Inspectors.
28/1961
S. 4.

14. The Inspectors' Branch Board shall be deemed to be the Inspectors' Conference.

Central
Committee.

15. The members of each Conference shall at their meeting in the month of May elect from amongst their number two members to represent them upon the Central Committee.

Representa-
tions by
Central
Committee.

27/1964
S. 4.

16. Each Central Conference or the Central Committee may submit representations in writing to the Commissioner of Police and to the Minister and shall consider and report upon any matters referred to them by the Commissioner of Police or the Minister and a copy of any such representations or report, as the case may be, shall be sent to the Chairman of the Police Service Commission.

Elections to
be by ballot.

17. All elections shall be by secret ballot.

Elector to
give only
one vote to
any candi-
date.

18. At any election under these Rules each elector may give one vote and no more for each of any number of candidates not exceeding the number to be elected.

Branch
Boards and
Central
Committee
to make
regulations
for elec-
tions.

19. Subject to the provisions of these Rules, each Branch Board may make regulations as to the mode of election of the members of the Board and of the delegates to the Central Conference returned by the Board, and as to the filling of casual vacancies occurring amongst such members and delegates, and the Central Committee may make regulations as to the mode of election of the members thereof by the Central Conferences and as to the filling of casual vacancies occurring amongst the members of the Committee: Provided that, in the case of the first elections, regulations as to the elections shall, subject as aforesaid, be made by the Minister.

Officers.

20. Each Branch Board, Central Conference and the Central Committee shall choose its Chairman and the Secretary from among its own members.

21. The Chairman at any meeting of a Branch Board, Central Conference or of the Central Committee at which he is present shall have a second or casting vote.

Chairman to have casting vote.

22. Subject to the provisions of these Rules, every Branch Board, Central Conference or the Central Committee may regulate their own procedure, including the appointment of committees or sub-committees: Provided that the first meeting of the several Boards, Conferences, and of the Committee, shall be convened in such manner, and the procedure to be followed thereat shall be such, as the Commissioner of Police may direct.

Power of Branch Boards, Conference and Committee to regulate their own procedure.

23. (a) Branch Boards may hold four quarterly meetings (including the annual meeting), each lasting one day, but additional meetings for any special purpose may be held with the consent of the Commissioner of Police.

Meetings.

(b) The half-yearly meetings of the Central Conferences shall not last more than two days.

(c) The Central Committee may hold meetings twice in each year, each lasting one day, but additional meetings for special purposes may be held with the consent of the Commissioner of Police.

24. Except where, in special circumstances, a member of the Force is required for duty for which no substitute is available, leave shall be given for attendance at all such meetings duly held and every such attendance shall, as regards allowances and expenses, be deemed to be an occasion of police duty.

Facilities for meetings.

25. (a) Every person in attendance at a polling station or other place of voting shall maintain and aid in maintaining the secrecy of the voting in such station or place, and shall not communicate, except for some purpose authorized by law, before the poll is closed, to any person any information as to the name or other means of identification of any elector who has or has not applied for a ballot paper or voted at that station or place, and no such person and no person whosever shall interfere with or attempt to interfere with a voter when marking his vote, or otherwise attempt to obtain in the polling station or other place of voting information as to the candidate for whom any voter in such station or place is about to vote or has voted, or communicate at any time to any person any information obtained in a polling station or other place of voting as to the candidate for whom any voter in such station or place is about to vote or has voted. Every person in attendance at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting and shall not communicate any information obtained at such counting as to the candidate for whom any vote is given in any particular ballot paper. No person shall directly or indirectly induce any voter to display his ballot paper after he shall have marked the same so as to make known to any person the name of the candidate for or against whom he has so marked his vote.

Provisions for ensuring secrecy.

(b) Every person who acts in contravention of the provisions of this rule shall be liable on summary conviction before a Resident Magistrate to imprisonment for a term not exceeding six months with or without hard labour.