

REGULATIONS MADE UNDER SECTION 10.

In exercise of the powers vested in me by section 10 of the Police Law, 1958, I, the Chief Constable, with the approval of the Governor, do hereby make the following regulations :—

1.—(1) These Regulations may be cited as the Police (Discipline) Regulations, 1958, and shall come into force on the first day of May, 1958. Short title and application.

(2) These Regulations shall apply to all members of the Force :
Provided that regulations 10 to 23 both inclusive, shall not apply to Gazetted Officers.

2.—(1) In these Regulations, unless the context otherwise requires— Interpretation.
“ Divisional Commander ” includes a Unit Commander ;
“ document ” means any official book, document or record ;
“ investigating officer ” means the member of the Force appointed as such under regulation 8 of these Regulations ;
“ hearing ” includes a review or rehearing by the Divisional Commander or the Chief Constable ;
“ pay ” means the basic salary or pay and, unless otherwise provided, includes all pensionable emoluments ;
“ Presiding Officer ” means the Gazetted Officer appointed to hear a case under regulation 14 of these Regulations ;
“ second-in-command ” means the second in command of a Division and, in the case of a Department or Unit, any Gazetted Officer so appointed.

(2) Subject to paragraph (1) of this regulation and unless the context otherwise requires words or expressions contained in these Regulations and in the forms hereby prescribed shall have the meanings respectively assigned to them in the Police Law, 1958, or in any Law amending or substituted for the same.

3. Officers shall be responsible for the strict compliance and observance of all orders and directions issued from time to time by the Chief Constable and shall not issue any orders at variance with any such orders or directions. Obedience to Orders.

4. A member of the Force who considers that he has a grievance or just cause for complaint may apply for an interview with his Divisional Commander who shall enquire into the grievance or complaint, and if he finds it justified, shall take such steps as may be necessary to remedy it. A complainant aggrieved by the decision of the Divisional Commander shall be permitted to make representation to the Chief Constable. Complaints to Divisional Commanders.

5. All petitions, applications or communications of any nature from members of the Force to the Chief Constable shall be forwarded through the Divisional Commander. Communications, applications, etc.

6. No member of the Force shall institute any civil proceedings in any Court without the prior approval of the Chief Constable. Civil proceedings.

7. A member of the Force commits an offence against discipline (hereinafter in these Regulations referred to as “ an offence ”) if he commits one or more of the offences set out in the Police Law, 1958, or any Law amending or substituting for the same, or in the First Schedule hereto (hereinafter in these Regulations referred to as “ the Discipline Code ”). Disciplinary offences.
First Schedule.

8.—(1) Where a report or allegation is received from which it appears that a member of the Force may have committed an offence, the matter shall be investigated by an investigating officer appointed by the Divisional Commander, except in cases in which the Divisional Commander decides that no disciplinary proceedings under these Regulations need be taken. Investigation of charges.

(2) The investigating officer shall be such member of the Force of or above the rank of Assistant Superintendent, other than the Divisional Commander or the second-in-command, as may be appropriate to the particular case :

Provided that—

- (i) where such second-in-command is the only member of the Division of or above the rank of Assistant Superintendent other than the Divisional Commander, the second-in-command shall be the investigating officer ;
- (ii) the investigating officer shall not be of lesser rank and seniority than the member of the Force in respect of whom the report or allegation which is being investigated, has been made ;
- (iii) where the member of the Force in respect of whom the report or allegation which is being investigated has been made, is a Divisional Commander or the second-in-command, the Deputy Chief Constable shall appoint an investigating officer.

Personal
explanation.
Second
Schedule.

9. The investigating officer shall, as soon as possible, inform the member of the Force in writing of the report or allegation and give him a written notice in the form set out in the Second Schedule hereto, informing him that he is not obliged to say anything concerning the matter, but that he may, if he so desires, make a written or oral statement to the investigating officer or to the Divisional Commander concerning the matter.

Discipline
form.

10.—(1) The Divisional Commander, after considering the report of the investigating officer and any statement made under regulation 9 of these Regulations, shall decide whether the member of the Force shall be charged with an offence and, if he decides that the member shall be so charged, he shall, as soon as possible, cause to be entered on a discipline form the offence with which the member is charged and such particulars as will leave the member in no doubt as to the precise nature of the alleged offence.

Third
Schedule.

(2) A discipline form shall be in the form set out in the Third Schedule hereto.

Delegation
of duties

11. The Divisional Commander may delegate to his second-in-command the duty of deciding under the foregoing regulation whether a member of the Force shall be charged with an offence and, where he does so delegate this duty, any reference in regulation 8, 9 or 10 of these Regulations to a Divisional Commander shall be taken as a reference to the second-in-command :

Provided that the Divisional Commander shall not so delegate where the second-in-command is the investigating officer in accordance with proviso (i) to paragraph (2) of regulation 8 of these Regulations.

Documents
to be sup-
plied to
accused.

12. Where a member of the Force is charged with an offence, he shall as soon as possible—

- (a) be given any written statement he may have made under regulation 9 of these Regulations and all written copies or accounts of any statement made by him under that regulation ;
- (b) be supplied with—
 - (i) a copy of the discipline form ;
 - (ii) a copy of the report or allegation on which the charge is founded and any reports thereon notwithstanding that they may be confidential ;
 - (iii) a copy of any statement relating to the charge made by any witness to be called in support of the charge together with the witness's name and address ;

- (iv) a copy of any statement relating to the charge made by any person, other than a witness to be called in support of the charge, to the investigating officer or to anybody on his behalf, together with the person's name and address.

13.—(1) The accused shall be invited to state in writing on the discipline form whether he admits or denies the charge.

Questions in the discipline form to be answered by accused.

(2) The accused shall be invited to state in writing on the discipline form the names and addresses of any witnesses to relevant facts whose attendance at the hearing of the case he wishes the Divisional Commander to take steps to secure.

(3) Any such witness who is a member of the Force shall be ordered to attend at the hearing of the case and any other such witness shall be given due notice that his attendance is desired and of the time and place of the hearing.

14.—(1) The accused shall be ordered to appear at the hearing of the case.

Procedure at hearing.

(2) A Gazetted Officer appointed by the Divisional Commander for the purpose (hereinafter referred to as "the Presiding Officer") shall hear the case :

Provided that the Presiding Officer so appointed shall not be the investigating officer of that particular case :

Provided further that the Presiding Officer appointed to hear any charge against an Inspector shall be of not less a rank than Chief Superintendent or the Divisional Commander of the Division in which the accused is serving at the time of the investigation.

(3) The case against the accused shall be presented by a member of the Force other than the Divisional Commander or the second-in-command.

(4) The Presiding Officer shall explain to the accused the charge against him and if the accused does not admit the charge, the hearing shall proceed as though he denied the charge.

(5) Before the case against the accused is presented, the accused may submit that the facts alleged in the charge are not such as to constitute the offence with which he is charged and the Presiding Officer, if he upholds that submission, shall dismiss the charge or charges to which the submission relates.

(6) The accused may conduct his defence either in person or by a member of the Force selected by himself on his behalf :

Provided that if the accused is represented by a member of the Force the accused, as well as his representative, may cross-examine the witness called in support of the case against him.

(7) When the witnesses in support of the charge are heard the Presiding Officer shall inform the accused that he may make any statement he pleases as to the charge against him and call witnesses in his defence, or that he may give evidence upon oath but that in the latter case he may be subjected to cross-examination :

Provided that if the accused so desires his representative may make any statement on his behalf.

15.—(1) The Presiding Officer shall have the following powers—

- (a) to call witnesses ;
- (b) to appoint a member of the Force to act as an interpreter ;
- (c) to require the production of all documents relevant to the investigation ;

Powers of Presiding Officer.

(d) to adjourn any hearing from time to time ;

(e) to award any person, other than a member of the Force, who has attended as a witness at any such hearing, such sum or sums as in the opinion of the Presiding Officer may have been reasonably incurred by such person by reason of such attendance and such sums shall be paid out of the " Police Head " of the Estimates ;

(f) to order the payment of compensation, by the accused or out of the " Police Head " of the Estimates, to any complainant of any amount not exceeding twenty-five pounds.

(2) Any person summoned as a witness under sub-paragraph (a) of paragraph (1) of this regulation who fails to attend at the time and place mentioned in the summons or on adjournment, or refuses to answer any question that is lawfully put to him, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding ten pounds :

Provided that no such witness shall be obliged to answer any question which may tend to incriminate him or render him liable to any forfeiture or penalty.

(3) A verbatim record of the proceedings at the hearing of the case shall be taken and a transcription of the record shall be made.

Presence of
accused at
hearing.

16.—(1) The accused shall have the right to be present during the whole of the hearing so long as he conducts himself properly. If he conducts himself improperly, the Presiding Officer may direct him to be removed and proceed with the hearing in his absence, making such provision as it may appear sufficient for his being informed of what passes at the hearing and for making his defence.

(2) If the accused does not attend the hearing of the case, the hearing may be proceeded with and concluded in his absence :

Provided that—

(i) if the accused is detained in pursuance of a Court sentence in a prison or other institution, and desires to make representations at the hearing, no decision shall be made until the accused has been enabled to make such representations ;

(ii) if good reason is given to the Presiding Officer by, or on behalf of, the accused why the accused is unable to attend the hearing, other than that the accused is detained as aforesaid, the hearing shall be postponed or adjourned, as the case may be.

(3) Where, owing to the absence of the accused, it is impossible to comply with the procedure in regulations 9, 12 and 13, and paragraph (1) of regulation 16, that procedure shall be dispensed with.

Inadmissibility of personal explanation at hearing.

17. A statement by a member of the Force under regulation 9 of these Regulations and any oral or written account or copy of any such statement shall not be admissible at any hearing unless the statement or account or copy thereof is put in evidence at the hearing by the member.

Punishment.

18.—(1) The Presiding Officer shall have power to impose one of the following punishments on any member of the Force found guilty of an offence against the Discipline Code :—

(a) In the case of Inspector—

(i) dismissal ;

(ii) requirement to resign ;

(iii) reduction in rank or grade ;

(iv) withholding, stoppage or deferment of increment ;

- (v) a fine not exceeding ten days' pay ;
- (vi) severe reprimand ;
- (vii) reprimand ;
- (viii) admonition :

Provided that, where a punishment of dismissal, requirement to resign, reduction in rank or grade, or withholding, stoppage or deferment of increment has been imposed, the decision and punishment shall be subject to review by the Chief Constable and confirmation by the Governor :

Provided further that where any other punishment is awarded the decision and punishment shall be subject to confirmation by the Chief Constable.

(b) In the case of Sergeant or Constable—

- (i) dismissal ;
- (ii) requirement to resign ;
- (iii) reduction in rank or grade ;
- (iv) withholding, stoppage or deferment of increment ;
- (v) a fine not exceeding ten days' pay ;
- (vi) severe reprimand ;
- (vii) reprimand ;
- (viii) admonition with or without extra duties and parades, including confinement to barracks for a period not exceeding twenty-eight days :

Provided that, where a punishment of dismissal, requirement to resign, reduction in rank or grade or withholding, stoppage or deferment of increment has been imposed, the decision and punishment shall be subject to confirmation by the Chief Constable.

(2) Any member of the Force, other than a special constable who has been found guilty of an offence against paragraph (10) of the Discipline Code shall forfeit all right to pay and allowances in respect of the period of absence.

Forfeiture
of pay.

(3) As soon as possible after the hearing the decision of the Presiding Officer shall be recorded on the discipline form and notified to the accused.

Recording
of decision.

(4) All cases heard by a Gazetted Officer, who is not a Divisional Commander, shall, without prejudice to the Chief Constable's powers of review, be reviewed by the Divisional Commander who, upon review, may—

Review.

- (a) set aside the decision and punishment, or order a re-hearing of the charge, or direct that further evidence be taken by the Presiding Officer or by any other Gazetted Officer ; or
- (b) vary the decision or (with or without varying the decision) remit, mitigate, increase or alter the punishment to any other punishment which might have been imposed for the offence ; or
- (c) with or without such reduction or increase and with or without altering the decision, alter the nature of the punishment ; or
- (d) where the evidence proves an offence other than that charged, and an amendment can be made without injustice to the defaulter, amend the charge and the decision, and impose such punishment as, in the opinion of the reviewing officer, may be appropriate for that other charge ; or
- (e) confirm the decision and punishment.

19.—(1) A Sergeant or Constable aggrieved by any decision made or punishment imposed on him or by both, may, within seven days from the date on which the reviewing officer's decision is communicated to him, appeal to the Chief Constable.

Appeal

(2) An Inspector aggrieved by any decision or punishment may, within seven days from the date on which the decision arrived at by the Chief Constable on review or confirmation, is communicated to him, appeal to the Governor, whose decision shall be final.