

POLICE ACT
(Cap. 21:01)

POLICE (AMENDMENT) REGULATIONS, 2004
(Published on 29th October, 2004)

ARRANGEMENT OF REGULATIONS

REGULATION

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2. Amendment of Cap 21:01(Sub. Leg.)
3. Amendment of regulation 5 of the Regulations
4. Amendment of regulation 7 of the Regulations
5. Amendment of regulation 8 of the Regulations
6. Amendment of regulation 11 of the Regulations
7. Amendment of regulation 12 of the Regulations
8. Amendment of regulation 20 of the Regulations
9. Amendment of regulation 27 of the Regulations
10. Amendment of regulation 28 of the Regulations
11. Repeal of regulation 31 of the Regulations
12. Amendment of regulation 32 of the Regulations
13. Amendment of regulation 33 of the Regulations
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16. Amendment of regulation 42 of the Regulations
17. Amendment of regulation 48 of the Regulations
18. Repeal of regulation 50 of the Regulations
19. Amendment of regulation 67 of the Regulations

IN EXERCISE of the powers conferred on the Minister of Presidential Affairs and Public Administration by section 65 of the Police Act, the following Regulations are hereby made —

1. These Regulations may be cited as the Police (Amendment) Regulations, 2004. Citation
2. The Police Regulations (in these Regulations referred to as “the Regulations”) are hereby amended by— Amendment of
Cap. 21:01
(Sub. Leg.)
 - (a) substituting, for the word “Force” wherever it appears, the word “Service”; and
 - (b) substituting, for the word “wife” wherever it appears, the word “spouse”.
3. Regulation 5 of the Regulations is amended by— Amendment of
regulation 5
of the
Regulations
 - (a) substituting, for subregulation (2) thereof, the following new sub-regulation —
“(2) The appointment of a police officer to act in a vacant rank superior to his or her substantive rank shall be for such period, not exceeding 12 months, as the appointing authority shall determine and, at the conclusion of that period, the police officer shall revert to his or her substantive rank unless he or she is then appointed again to act in the same or some other vacant rank superior to his or her substantive rank or appointed to the superior rank on promotion.”; and

(b) substituting for subregulation (3) thereof, the following new subregulation —

“(3) Where a police officer ceases to act in a rank which is superior to his or her substantive rank, he or she shall revert to his or her substantive rank unless he or she is then appointed to that superior rank or some other superior rank on promotion.”.

Amendment of regulation 7 of the Regulations

4. Regulation 7 of the Regulations is amended by substituting, for the words “shall not be required to give him any notice of his intention to do so”, the words “shall give him or her 30 days notice of the authority’s intention to do so.”

Amendment of regulation 8 of the Regulations

5. Regulation 8 of the Regulations is amended, in the proviso to subregulation (1) thereof, by substituting, for that proviso, the following new proviso —

“Provided that the appointing authority may permit a police officer to resign from the Service if he or she has given the authority at least one month’s notice in writing of his or her wish to do so and, except in the case of an officer on probation, paid the Government one month’s basic pay, including any police allowance he or she may have received.”.

Amendment of regulation 11 of the Regulations

6. The Regulations are amended by substituting, for regulation 11 thereof, the following new regulation —

“Further restriction on resignation and retirement 11. In addition to the restrictions imposed by sections 11 and 12 of the Act, the appointing authority may postpone the resignation or retirement from the Service of any police officer who is the subject of disciplinary proceedings.”.

Amendment of regulation 12 of the Regulations

7. Regulation 12 of the Regulations is amended —

(a) in subregulation (2) thereof by —

(i) substituting a full stop for the colon appearing at the end of subregulation (2); and

(ii) deleting the proviso thereto; and

(b) by inserting, immediately after subregulation (3) thereof, the following new subregulation —

“(4) A police officer on interdiction shall not earn vacation leave during the period of interdiction.”.

Amendment of regulation 20 of the Regulations

8. The Regulations are amended by substituting, for regulation 20 thereof, the following new regulation —

“Supplementary provisions relating to appeals 20. (1) Where an appeal is considered by the Police Council under Part VI of the Act, the Council shall —

(a) inform the appellant of the date and time of the hearing and the place at which the appeal is to be heard; and

(b) allow the Commissioner or his or her representative to appear at the hearing and make oral or written submissions to the Council.

(2) The Council may —

(a) require the appellant to appear before it in person; and

(b) give the appellant the opportunity to address the Council orally and shall, in every case, give him or her the opportunity to make a written submission to the Council.

(3) Where the Council requires the appellant to appear before it in terms of subsection (2), the appellant may, at his or her own expense, be defended by a legal representative of his or her own choice.

(4) Where the Council is satisfied that the grounds for an appeal, as indicated to the Council in writing in accordance with section 37 of the Act, are without substance, the Council may summarily dismiss the appeal.

(5) The result of an appeal to the Police Council and the reasons therefor shall be notified to the appellant in accordance with section 37 of the Act within 30 days of the Police Council reaching such result.”.

9. Regulation 27 of the Regulations is amended —

(a) by substituting, for subregulation (1) thereof, the following new subregulation —

“(1) Subject to subregulation (2) and the Service Standing Orders for the time being in operation, where the transfer of a police officer reasonably requires the packing of the officer’s household effects or those of the police officer’s spouse or minor children accompanying the officer on transfer, other than clothing and other equipment issued to the officer by the Service, the cost thereof may be met by the Government at the rate which shall be determined from time to time.”.

Amendment of regulation 27 of the Regulations

10. Regulation 28 of the Regulations is amended —

(a) by substituting, for subregulation 2 thereof, the following new subregulation —

“(2)Where a police officer’s spouse or minor children are accompanying the police officer on transfer within the Service, they may be permitted to travel by Service transport or required to travel by public transport.”; and

(b) in subregulation (3) thereof by substituting, for the words “of his wife”, the words “of the police officer’s spouse”.

Amendment of regulation 28 of the Regulations

11. Regulation 31 of the Regulations is hereby repealed.

Repeal of regulation 31 of the Regulations

12. Regulation 32 of the Regulations is amended —

(a) in subregulation (1) thereof by substituting, for the words “on retirement from the Service”, the words “on retirement or dismissal from the Service;”

(b) in subregulation 1(a) thereof by substituting —

- (i) for the words “his wife and minor children”, the words “the spouse and minor children of the officer”; and
- (ii) for the word “his” the word “the officer’s”.

(c) by deleting subregulation (4) thereof.

Amendment of regulation 32 of the Regulations

13. Regulation 33 of the Regulations is amended by substituting, therefor, the following new regulation —

“Transport on first appointment **33.** The rates applicable to the costs of transport of a police officer on first appointment and on first posting to duty station on completion of recruit training shall be determined by the Government.”.

Amendment of regulation 33 of the Regulations

14. Regulation 36 is amended by substituting the following new regulation therefor —

“Travel by rail **36.** Travel by rail by police officers and their spouses or minor children shall be on such classes as may be determined by the Government.”.

Amendment of regulation 36 of the Regulations

- Amendment of regulation 39 of the Regulations
- 15.** Regulation 39 of the Regulations is amended by deleting subsections (2) and (3) thereof.
- Amendment of regulation 42 of the Regulations
- 16.** Regulation 42 of the Regulations is amended by substituting, for subregulation (4) thereof, the following new subregulation —
“(4) Maternity leave shall be paid at the rate determined by the Government from time to time.”.
- Amendment of regulation 48 of the Regulations
- 17.** The Regulations are amended by inserting, immediately after regulation 48 thereof, the following new regulations —
- “Service transport **48A.** Service transport may be provided to police officers travelling to and from their place of work in circumstances determined by the Commissioner.
- Packing allowance **48B.** A permanent and pensionable police officer who resigns from the service shall be paid a packing allowance equal to the transfer allowance that is paid to public officers.
- Meals to be live provided **48C.** A police officer who is required to live in tented accommodation or communal quarters shall be provided with meals at Government expense.”.
- Repeal of regulation 50 of the Regulations
- 18.** Regulation 50 of the Regulations is hereby repealed.
- Amendment of regulation 67 of the Regulations
- 19.** Regulation 67 of the Regulations is amended by —
- (a) substituting for subregulation (6) thereof, the following new subregulation —
“(6)It shall be the responsibility of the Accounts Committee to advise the Commissioner on who shall be qualified for a relief grant under this regulation.” ; and
- (b) inserting, immediately after subregulation (7) thereof, the following new subregulation —
“(8)The Commissioner shall, on the recommendation of the Accounts Committee, determine who shall be qualified for a relief grant under this regulation.”.

MADE this 19th day of October, 2004.

D.K. KWELAGOBE,
*Minister for Presidential Affairs
and Public Administration.*