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No - 3 of 2009

**AN ACT TO REPEAL THE POLICE SERVICE ACT AND THE  
POLICE ACT BY ESTABLISHING NEW PROVISIONS  
WITH REFERENCE TO THE CONSTITUTION, ORGANIZATION, FUNCTIONS  
AND POWERS OF THE ROYAL BAHAMAS POLICE FORCE; TO ESTABLISH  
A POLICE COMPLAINTS INSPECTORATE AND FOR PROVISIONS AND MATTERS  
CONNECTED THERETO.**

*(Date of Assent - 30.03.09)*  
**Enacted by the Parliament of The Bahamas.**

**PART I  
PRELIMINARY**

**Short title and  
commencement.**

1. (1) This Act may be cited as the Police Force Act, 2009.
- (2) This Act shall come into operation on such date as the Minister may appoint by notice published in the Gazette, and different dates may be so appointed for different provisions.

**Interpretation.**

2. In this Act -
  - “Commissioner” means the Commissioner of Police;
  - “constitution” means the number of police officers in each rank or grade as may be authorised under section 5 of this Act;
  - “contracted officer” means a police officer of or below the rank of sergeant ;
  - “Force” or “Forces” (wherever the context requires) means the Royal Bahamas Police Force as continued under section 3 of this Act;

“member of the Force” means any police officer employed under this Act;

“Minister” means the Minister responsible for the Royal Bahamas Police Force;

“police officer” means any member of the Royal Bahamas Police Force under section 5 of this Act;

“police station” means any place appointed by the Commissioner to be a police station;

“Reserve” means the Royal Bahamas Police Force Reserve maintained under Part VIII of this Act;

“reserve police officer” means an officer of the Reserve;

“Schedule” means a schedule to this Act.

## PART II

### FUNCTIONS AND ACCOUNTABILITY

#### Continuation of establishment.

3. (1) The existing force of the Royal Bahamas Police Force shall continue to be maintained under the provisions of this Act and shall be called The Royal Bahamas Police Force.

(2) All persons who immediately before the commencement of this Act held or were acting in the office of members of the Force shall be deemed to be employed under this Act and continue to hold or act in the said office.

#### Functions.

4. (1) The Force shall be employed in and throughout The Bahamas for the maintenance of law and order, the preservation of peace, the prevention and detection of crime, the apprehension of offenders and the enforcement of all laws with which it is charged. For the performance of these duties, it shall be lawful for police officers to be issued with, and to carry, such arms and ammunition as the Commissioner may direct.

#### Constitution of the Force.

5. (1) The Force shall consist of such numbers of police officers in the ranks specified in the First Schedule, as may from time to time be authori-

**First**

**Schedule.**

sed by Parliament and enrolled in the Force.

(2) When authorising the establishment of the Force, account shall be taken of the organisation of the Force and the number of police officers and reserve police officers that the Commissioner considers necessary for the operational needs of the Force.

### **PART III**

## **THE COMMISSIONER OF POLICE , DEPUTY COMMISSIONER OF POLICE AND THE DEPLOYMENT OF THE FORCE**

**Office of  
Commissioner.**

6. (1) The Commissioner shall have the command, superintendence, direction and control of the Force and shall be ex-officio Provost Marshall.

(2) The Commissioner shall provide the Minister, on request, with verbal or written reports, as required, on any matter within the Commissioner's responsibilities as defined in this Act.

(3) Any Commissioner or Deputy Commissioner who retires, by virtue of length of service, and receives retirement pay or gratuity shall retain his commission and title and thereafter be addressed as "Commissioner of Police, Retired" or "Deputy Commissioner of Police, Retired."

**Tenure  
of the  
Commis-  
sioner  
or  
Deputy  
Commis-  
sioner  
of  
Police.**

7. (1) Power to make appointments to any office in the Force and to remove and to exercise disciplinary control over any person holding or acting in any such office shall be exercised in all respects in accordance with Articles 119, 120 and 121 of the Constitution.

(2) The person who is appointed as Commissioner of Police or Deputy Commissioner of Police shall occupy such office for a period of five years from the date of his appointment or such shorter period as determined by the Governor-General acting on the recommendation of the Prime Minister after consultation with the Leader of the Opposition.

(3) The term in office as specified in subsection (2), may

be extended at the expiry thereof for a period not exceeding five years by the Governor-General acting on the recommendation of the Prime Minister after consultation with the Leader of the Opposition.

**Duties of  
Deputy  
Commissioner  
and Assistant  
Commissioners.  
Commissioner's  
Policing Plan.**

8. Save as may be otherwise provided by the Constitution, any act or function which may lawfully be done, ordered or performed by the Commissioner may with his authority be done, ordered or performed by the Deputy Commissioner or any Assistant Commissioner.

9. (1) Before the beginning of each year the Commissioner shall, prepare for the Minister a plan setting out the proposed arrangements for the policing of The Bahamas during that year (which plan shall be referred to as the Commissioner's Policing Plan).

(2) The Commissioner's Policing Plan shall include a statement of the Force's priorities for the year, of the financial and human resources expected to be available, and of the proposed broad allocation of those resources, and shall give particulars of -

- (a) the Force's objectives;
- (b) the Force's performance targets.

**Reporting  
performance.**

10. (1) Within six months after the end of each year the Commissioner shall prepare a report relating to the implementation of the Policing Plan, which report shall be known as the Commissioner's Report.

(2) A Commissioner's Report shall include an assessment of the extent to which the Commissioner's Policing Plan for that year has been carried out.

**Force  
Standing  
Orders.**

11. (1) The Commissioner may issue operational and administrative orders to be called Force Standing Orders, for the general control, direction and information of the Force.

(2) The Force Standing Orders and amendments existing prior to the coming into operation of this Act shall continue in force until such time as the new or amended Force Standing Orders have been made.

**Deployment  
of the Force.**

12. (1) Members of the Force shall be deployed in such numbers, and to such places and with such assignments as the Commissioner may from time to time direct.

(2) Where the Commissioner proposes to transfer a member of the Force to another island, the Commissioner shall, except where the circumstances warrant otherwise or the exigencies of the Force do not permit, give not less than thirty days notice to such member of such transfer.

**PART IV**

**APPOINTMENTS AND CONDITIONS OF SERVICE**

**Warrant card.**

13. A warrant card in such form as may be prescribed by the Commissioner, signed by such officer of or above the rank of Assistant Superintendent as may be authorised by the Commissioner in that behalf, shall be issued to every police officer and shall be evidence of his appointment under this Act.

**Oaths and  
their  
administration.  
Third  
Schedule.**

14. (1) Every member of the Force shall, on appointment, take and subscribe to the oath or affirmation of office set out in the Third Schedule to this Act.

(2) The Commissioner and Deputy Commissioner shall take such oaths before the Governor-General. Every other member of the Force shall take the oath prescribed before the Commissioner or other person designated by the Commissioner.

**Appointment  
of contracted  
officers.**

15. (1) Subject to the provisions of this Act, a contracted officer shall be appointed initially for a period of two years.

(2) A contracted officer's employment may be terminated at any time in accordance with section 21 of this Act.

**Re-engagement.**

16. (1) Subject to the satisfactory completion of the period required under section 15 of this Act, a contracted officer may be re-engaged for a period not exceeding five years and, thereafter, for successive periods not exceeding five years until the completion of thirty years or the attainment of the age of fifty years, whichever is the

sooner.

(2) Nothing in subsection (1) shall prevent the re-engagement of any contracted officer mentioned in that subsection successively from year to year for a period not exceeding a total of ten years after the completion of thirty years or the attainment of the age of fifty years, whichever is the sooner.

(3) Before any officer may be re-engaged under this section he shall be declared mentally and physically fit, by the police surgeon appointed under section 17, to carry out the duties of a police officer and shall sign a re-engagement paper as set out in the Fourth Schedule to this Act.

#### **Fourth Schedule.**

(4) The period for which every contracted officer shall be engaged to serve shall not include periods of absence from duty on account of desertion or imprisonment for misconduct.

#### **Medical specialist.**

17. A duly registered medical practitioner appointed by the Minister shall be appointed police surgeon to the Force, whose duty it shall be to give the necessary medical and surgical attendance to every member of the Force.

#### **Medical treatment of police officers.**

18. (1) Every member of the Force may be treated as may be directed by the police surgeon, free of charge at any hospital managed by the Public Hospitals Authority or any government owned health facility.

#### **Medical Board.**

19. (1) The Minister shall establish a Medical Board for the purpose of determining the fitness of police officers to continue service and any other medical or physical matter as directed by the Commissioner.

(2) The Board shall consist of:

- (a) a Chairman who is a registered medical practitioner appointed under the Medical Act;
- (b) a police officer of or above the rank of Assistant Superintendent;
- (c) any other registered health professional nominated by the Minister of Health.

#### **Discharge of contracted police officers**

20. (1) Every contracted officer upon completion of the period for which he shall have been engaged to serve, shall be entitled to a certificate of discharge.

at the end of  
engagement.

(2) Where such officer expresses his wish not to be re-engaged he shall receive a certificate of discharge no later than two weeks or at such later time as is reasonably practicable after the expiration of his contract.

(3) Subject to subsection (2) every contracted officer shall, until he receives a certificate of discharge, remain subject to all provisions of this Act.

(4) A discharge certificate shall be signed by the Commissioner or Deputy Commissioner and shall serve as evidence of a contracted officer's discharge from the Force.

Discharge of  
police officers  
during  
engagement.

21. (1) Subject to the provisions of the Constitution, a police officer of or above the rank of Inspector may be discharged by the Governor-General acting in accordance with the advice of the Police Service Commission, and a contracted officer may be discharged by the Commissioner when -

- (a) he is pronounced by a medical board to be mentally or physically unfit;
- (b) he has been sentenced to dismissal for misconduct;
- (c) the Commissioner is satisfied that the contracted officer is unlikely to become or has ceased to be an efficient or effective police officer or for any other reason his discharge is deemed necessary in the public interest; or
- (d) he is found guilty by a court of law of a criminal offence.

(2) Any police officer aggrieved by a decision of the Commissioner under the provisions of this section may appeal to the Governor General within seven days after such decision is made, and the Governor General shall in determining any such appeal, act in accordance with the advice of the Police Service Commission.

(3) Where a contracted officer wishes to terminate his contract during the period of engagement, the Commissioner may discharge the police officer, if the Commissioner deems there are extenuating circumstances that justify the discharge.

22. Any member of the Force whose period of service expires during a state of war, insurrection, hostilities, or other emergency, may be retained and his services extended for such period as the Governor-General may direct.

Extension  
of service.

**Members  
ceasing to  
belong to the  
Force to  
give up arms,  
equipment,  
etcetera.**

23. When a member of the Force ceases for any reason to belong to the Force, all powers and authorities vested in him shall immediately cease and determine, and he shall deliver over to such person and at such time and place as may be ordered by the Commissioner all arms, ammunition, accoutrements, clothing, appointments, warrant card and other equipment, which may have been supplied to him by virtue of and for the execution of his office, or their value under penalty upon summary conviction before any Magistrate of a fine of five hundred dollars or imprisonment not exceeding ninety days and in addition may be liable to pay the value of the property not delivered up which value shall be ascertained by a Magistrate and shall be recoverable as a fine.

**Loss of  
equipment.**

24. Any police officer who pawns, sells, loses by negligence, spoils or makes away with the whole or any portion of his arms, clothing, accoutrements, appointments or any government property whatsoever shall, in addition to any other punishments or penalties, be liable to make good the amount of such damage or loss by stoppages from his salary, allowance or other emoluments.

**Engaging in  
trade or  
business.**

25. No police officer shall, while he holds such appointment, engage in any private business, trade or other commercial activity without the consent in writing of the Commissioner.

**Staff  
Associations.  
Ch. 206.**

26. The Police Staff Association established under the Royal Bahamas Police Staff Association Act 1997, shall continue to represent the interests of police officers.

**Police officer  
not to join  
prohibited  
Associations.**

27. (1) It shall not be lawful for any police officer to be or become a member of any Prohibited Association.

(2) If any police officer becomes a member of any Prohibited Association after it has become a Prohibited Association under the provisions of paragraph (d) of section 28 of this Act, such police officer, the association and every officer of the association who is knowingly a party to the admission, enrolment or continuance of membership of such police officer to or in the association, shall be liable on summary conviction to a fine of five hundred dollars for each offence.

**Prohibited**

28. For the purposes of this Part of this Act a prohibited association



**Association  
defined.**

means -

- (a) any trade union or any body or association affiliated to a trade union; or
- (b) any body or association the object or one of the objects of which is to control or influence conditions of employment in any trade or profession; or
- (c) any body or association the object or one of the objects of which is to control or influence the pay, pensions or conditions of service of the members of the Force, other than any body or association which may be constituted and regulated by regulations made under this Act;
- (d) any body or association declared by the Minister to be a prohibited association on the grounds that the aims or activities of such body or association are calculated to promote feelings of ill-will and hostility between different classes or races or to be subversive of good discipline on the part of a member of the Force.

**Prohibition  
of police officer  
receiving  
benefits from  
Prohibited  
Associations.**

29. (1) It shall not be lawful for any Prohibited Association to permit any police officer to receive any benefit, financial or otherwise, from the association or for any such association to receive any money from a police officer.

(2) If there shall be any contravention of the provisions of this section, the police officer, the association and every officer of the association who is knowingly a party to such contravention shall be liable, on summary conviction, to a fine of five hundred dollars for each offence.

**Non-  
derogation  
of Act No. 7  
of 1997.**

30. Nothing in this Part shall derogate from the provisions of the Royal Bahamas Police Staff Association Act, 1997.

## **PART V**

### **POWERS, DUTIES AND PRIVILEGES OF POLICE OFFICERS**

**Powers and  
status of  
police officers.**

31. (1) The members of the Force shall have all powers, authorities, privileges, advantages and immunities and be liable to such duties and responsibilities as constables and peace officers now have or hereafter may be invested with, either by common law, or by virtue of any Act now or hereafter to be in force in The Bahamas, or as may be directed and imposed by any regulations made under this Act:

Provided that if any question shall arise as to the right of any member of the Force to hold or execute his office, common reputation shall to all intents and purposes be deemed and held sufficient evidence of such right, and it shall not be necessary to produce any appointment, or any oath, affidavit or other documents or matter whatsoever to prove any qualification in support of such right.

(2) Without prejudice to the generality of the foregoing or any other provision of this Act, a police officer may, without a warrant, arrest a person-

- (a) he reasonably suspects of having committed an offence;
- (b) alleged to have committed aggravated assault in any case in which he reasonably believes that the assault has been committed although not in his presence, and that by reason of the recent commission of the offence a warrant could not have been obtained for the apprehension of the offender;
- (c) who commits a breach of the peace in his presence;
- (d) who obstructs a police officer while executing his duty;
- (e) who has escaped or attempts to escape from lawful custody;
- (f) in whose possession anything that may reasonably be suspected to be stolen property is found or who may reasonably be suspected of having committed an offence with reference to that property;
- (g) whom he finds in any place between the hours of eight o'clock in the evening and five o'clock in the morning and whom the police officer suspects upon

reasonable grounds of having committed or being about to commit a felony;

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

(3) A member of the Force shall perform such duties as the Commissioner may direct.

(4) Every police officer shall exercise such powers and perform such duties as are by law conferred or imposed on police officers, and shall obey all lawful direction in respect of the execution of his office which he may from time to time receive from any competent authority.

(5) For the purposes of this Act and any other law, police officers shall be deemed to be always on duty when required to act as such.

**Power to  
arrest person  
seen  
committing  
an offence.**

32. Subject to section 103 of the Penal Code and without prejudice to the powers conferred upon a police officer by this Act or any other law, it shall be lawful for any police officer, and for all persons whom he shall call to his assistance, to arrest without a warrant any person who within view of any such police officer shall offend in any manner against any law and who when requested by such police officer so to do, refuses to give his name and address or gives a name and address which such officer has reason to believe is false.

**Return of  
goods or  
articles to  
persons  
acquitted.**

33. Where criminal proceedings are not instituted against a person searched or such person is discharged or acquitted by a court, any weapon, substance or other article seized shall be returned to the person provided it is lawful for that person to possess the article.

**Power to  
take  
intimate**

34. (1) Except as provided by this section, no police officer may take an intimate sample from a person without the appropriate consent.

(2) Consent to the taking of an intimate sample must be given in

samples.

writing.

(3) A medical practitioner may on the direction of a police officer, take an intimate sample from a person without the appropriate consent if authorised by a Magistrate.

(4) A Magistrate may only give an authorisation under subsection (3) if he has reasonable grounds for -

- (a) suspecting the involvement of the person from whom the sample is to be taken in an indictable offence; and
- (b) believing that the sample will tend to confirm or disprove his involvement.

(5) A Magistrate shall give an authorisation in writing.

(6) Where -

- (a) an authorisation has been given; and
- (b) it is proposed that an intimate sample shall be taken in pursuance of the authorisation,

the police officer shall inform the person from whom the sample is to be taken of the -

- (i) giving of the authorisation; and
- (ii) grounds for giving it.

(7) Where an intimate sample is taken from a person, the authorisation by virtue of which it was taken shall be recorded as soon as is practicable after the sample is taken.

(8) Where an intimate sample is taken from a person detained at a police station, the matters required to be recorded by subsection (7) shall be recorded in his detention record.

(9) An intimate sample may only be taken from a person by a registered medical practitioner.

(10) For the purposes of this section medical practitioner includes -

- (a) a medical technician;

- (b) a medical technologist;
- (c) a medical office assistant;
- (d) a nurse;
- (e) an emergency medical technician; and
- (f) a phlebotomist.

**Power to  
take non-  
intimate  
samples.**

35. (1) Except as provided by this section, a non-intimate sample may not be taken from a person without his consent.
- (2) Consent to the taking of a non-intimate sample must be given in writing.
- (3) A police officer may take a non-intimate sample from a person without the appropriate consent if -
- (a) he is in police detention or is being held in custody by the police; and
  - (b) a Magistrate authorises it to be taken without the appropriate consent.
- (4) A Magistrate may only give an authorisation under subsection (3) if he has reasonable grounds for -
- (a) suspecting the involvement of the person from which the sample is to be taken in an indictable offence; and
  - (b) believing that the sample will tend to confirm or disprove his involvement.
- (5) A Magistrate shall give an authorisation under subsection (3) in writing.
- (6) Where -
- (a) an authorisation has been given; and
  - (b) it is proposed that a non-intimate sample shall be taken in pursuance of the authorisation,
- a police officer shall inform the person from whom the sample is to be taken of the -
- (i) giving of the authorisation; and

(ii) grounds for giving it.

(7) The duty imposed by subsection (6)(b)(ii) above includes a duty to state the nature of the offence in which it is suspected that the person from whom the sample is to be taken has been involved.

(8) Where a non-intimate sample is taken from a person by virtue of subsection (3) the -

- (a) authorisation by virtue of which it was taken; and
  - (b) grounds for giving the authorisation,
- shall be recorded as soon as is practicable after the sample is taken.

(9) If a non-intimate sample is taken from a person at a police station, the matters required to be recorded by subsection (8) shall be recorded in his detention record.

**Destruction  
of samples.**

36. (1) Where -

- (a) samples are taken from a person in connection with the investigation of an offence; and
- (b) he is cleared of that offence, the samples must be destroyed as soon as is practicable after the conclusion of the proceedings.

(2) Where -

- (a) samples are taken from a person in connection with such an investigation; and
- (b) it is decided that he shall not be prosecuted for the offence and he has not admitted it the samples must be destroyed as soon as is practicable after that decision is taken.

(3) Where --

- (a) samples are taken from a person in connection with the investigation of an offence; and
- (b) that person is no longer suspected of having committed the offence, the samples must be destroyed as soon as they

have fulfilled the purpose for which they were taken.

**Definitions.**

37. In sections 34 and 35 of this Act -

“appropriate consent” means -

- (a) in relation to a person who has attained the age of 18 years, the consent of that person;
- (b) in relation to a person who has not attained the age of 18 years but has attained the age of 14 years, the consent of that person and his parent or guardian; and
- (c) in relation to a person who has not attained the age of 14 years, the consent of his parent or guardian;

“intimate sample” means-

- (a) a sample of venous blood;
- (b) a sample of semen;
- (c) a sample of other tissue fluid obtained by breaking the skin;
- (d) pubic hair;
- (e) a dental impression;
- (f) a swab taken from a person’s genitals or any body orifice;

“non-intimate” sample means a -

- (a) sample of hair other than from a person’s genital area;
- (b) sample taken from a nail or from under a nail;
- (c) sample taken from or under a finger or toe;
- (d) swab taken from any part of a person’s body other than a part from which a swab for an intimate sample will be taken;
- (e) saliva sample;

(f) urine sample.

**Power to take  
photographs  
and fingerprints.**

38. (1) A police officer may take and record, for the purposes of identification, measurements, photographs and fingerprints and palm impressions of any person in custody.

(2) Where measurements, photographs, fingerprints and palm impressions are taken of a person who has not previously been convicted of a criminal offence and criminal proceedings are not instituted against such a person or such person is discharged or acquitted by a court, all such photographs, fingerprints and palm impressions shall be destroyed.

(3) Any person who refuses to submit to the taking and recording of his measurements, photographs, fingerprints or palm print impressions shall be taken before a magistrate who, on being satisfied that such a person is in lawful custody, shall make such order as he thinks fit authorising a police officer to take the photographs, fingerprints and palm print impressions of such person.

**Power to  
release  
persons  
on bail.**

39. (1) Where a person is arrested without warrant and charged with an offence in respect of which a magistrate may grant bail, a police officer in charge of a police station may, if he considers it prudent, release such person on bail, with or without sureties, upon his recognizance to appear at a specified time and date at a Magistrate's court to answer the said charge, and every recognizance so taken shall be as if the same had been taken before a magistrate.

(2) The name, address and occupation of the party and his surety or sureties, if any, entering into such recognizance under subsection (1) together with the condition thereof, and the sums respectively acknowledged, shall be entered in a book to be kept for that purpose, which shall be laid before the Magistrate present at the time and place when and where the party is required to appear.

(3) Where the party under subsection (1) does not appear at the time and place required or within one hour of the expiration of such time, the Magistrate may declare the recognizance to be forfeited and enforce payment of the sum thereunder in the manner provided by the Magistrates Act, in the case



of recognizances taken under that Act and subject to the provision in the said Act as to cancellation of forfeiture on security being given.

(4) Where a person appears on behalf of the party not appearing, to postpone the hearing of the charge, the magistrate may extend the recognizance to such further time as he shall appoint, and when the matter shall be heard and determined either by the dismissal of the complaint or by binding the party over to answer the matter thereof at the court or other court of justice having jurisdiction in respect of the offence or otherwise, the recognizances for the appearance of the party before the Magistrate shall be discharged without fee or reward.

**Recogniza-  
nce to  
state time  
for  
appeara-  
nce of  
parties.**

40. In every recognizance entered into as referred to under section 39, the time at which the party entering into such recognizance is to appear before a Magistrate shall be specified in the condition of such recognizance, to be at the next sitting of such Magistrate, and the hour named shall be one at which such Magistrate usually sits for the discharge of his magisterial duties.

**Search  
of  
premises.**

41. (1) For the purposes of subsections (1), (2) and (3) it shall be lawful for any police officer without a warrant to enter and search any premises for any property which the police officer has reasonable cause to suspect has been stolen, unlawfully obtained, and to remain there for so long as may be necessary to carry out such search, provided that -

- (a) there is good reason to believe that the delay involved in obtaining a warrant for the purpose would seriously hamper the investigation;
- (b) the authority of a police officer not below the rank of inspector has first been obtained;
- (c) except in cases of extreme urgency, the authority at (b) shall be obtained in writing.

(2) In so far as the power of search conferred by subsection (1)

(b) above relates to premises consisting of two or more separate dwellings, it is

limited to a power to search any -

- (a) dwelling in which the arrest took place or in which the person arrested was immediately before his arrest; and
- (b) parts of the premises which the occupier of any such dwelling used in common with the occupiers of any other dwelling comprised in the premises.

(3) A police officer conducting a search in accordance with subsection (1) may enter into and search such premises at any time of day or night and may with or without assistance, after having made known his authority, break, open or otherwise use reasonable force in order to gain entry.

(4) If upon such entry and search as provided for in subsections (1) and (2) any such property as aforesaid is found, the police officer so entering shall take possession of and secure such property and apprehend and bring before a magistrate any person in or on such premises reasonably suspected of being privy to such property being therein.

(5) It shall be the duty of the police officer who conducts any search under the provisions of this section, at the first opportunity to submit a report in writing to a magistrate specifying the grounds on which the search has been authorised and the result thereof.

**Power to  
erect  
barriers and  
search vehicles.  
Ch. 101.**

42. (1) Subject to section 7 of the Criminal Law (Measures) Act, 1991 any police officer in charge of a police station may, if he considers it necessary so to do for the maintenance of law and order or for the prevention and detection of crime, cause barriers to be erected or placed in or across any road or street or in any public place, in such manner as he may think fit.

(2) Any police officer may take reasonable steps to prevent any vehicle being driven past any such barrier, and any driver of any vehicle who fails to comply with any reasonable signal of a police officer requiring such person to stop such vehicle before reaching any such barrier, shall be guilty of an offence and shall on conviction therefor, be liable to a term of impriso-

nment not exceeding six months or to a fine not exceeding one thousand dollars or to both such fine and such imprisonment.

(3) It shall be lawful for any police officer to search such vehicle referred to in subsection (2) for any property which the police officer has reasonable cause to suspect has been stolen, unlawfully obtained or is prohibited or restricted under any other Act.

(4) No police officer shall be liable for any loss or damage resulting to any vehicle or for any injury to the driver of such vehicle failing to obey any police officer acting under the provisions of this section.

#### **Search of a person.**

43. (1) A police officer may search an arrested person if the police officer has reasonable grounds for believing that the arrested person may present a danger to himself or others.

(2) A police officer shall also have power in any such case to search the arrested person for anything which he might use to assist him to escape from lawful custody; or which might be evidence relating to an offence.

(3) The power to search conferred by subsection (2) above is only a power to search to the extent that is reasonably required for the purpose of discovering any such thing or any such evidence.

(4) The powers conferred by this section to search a person are not to be construed as authorising a police officer to require a person to remove any of his clothing in public.

(5) A police officer may not search a person in the exercise of the power conferred by subsection (2) unless he has reasonable grounds for believing that the person to be searched may have concealed on him anything for which a search is permitted under that subsection.

(6) A police officer searching a person in the exercise of the power conferred by subsection (1) above may seize and retain anything he finds, if he has reasonable grounds for believing that the person searched might use it to cause physical injury to himself or to any other person.

#### **Execution**

44. (1) All warrants issued by a judge, magistrate or justice of the

**of warrants.**

peace shall be addressed to each and all police officers and all such officers shall have the right, power and authority to execute every such warrant.

(2) Where any action shall be brought against a police officer in relation to any act performed in obedience to a lawfully issued warrant, such police officer shall be entitled to a verdict in his favour and shall receive costs.

**Power to  
arrest without  
possession of  
an existing  
warrant.**

45. Any warrant lawfully issued by a judge, magistrate or justice of the peace for the arrest of any person may be executed by any police officer at any time notwithstanding that the warrant is not in such officer's possession at the time of arrest, provided that if the person arrested demands to be shown the warrant, this is done as soon as practicable.

**Power to  
search vessels  
and aircraft.**

46. (1) Any police officer may without a warrant board any vessel or aircraft at any place within The Bahamas and, if such officer has reasonable grounds for suspicion, may search with any assistance any or every part of such vessel or aircraft for any -

- (a) property stolen or unlawfully obtained;
- (b) uncustomed property;
- (c) article prohibited from being imported or exported.

(2) Any police officer having entered any vessel or aircraft under subsection (1) may, after demand and refusal of keys, break open any door or receptacle for the purpose of the search.

(3) Any police officer searching any vessel or aircraft under this section may seize any property or article aforesaid and may arrest any person in whose possession such property or article is found.

(4) Any police officer may pursue and arrest any person in the act of conveying any property or article as aforesaid away from such vessel or aircraft, whether such person has landed or not, and may seize such property or article so conveyed or found in his possession.

**Power to  
commandeer  
vehicle,**

47. (1) Any police officer may in the case of an emergency commandeer any vehicle, aircraft, boat or other small craft for the purpose of giving such assistance as may be possible, provided that adequate compensation

**aircraft or  
boat in  
emergency.**

shall, on demand of the owner of such vehicle, aircraft or boat, or other small craft, be paid to him by or on behalf of the Commissioner.

(2) Any owner referred to in subsection (1) who is aggrieved by the refusal to pay such compensation or by the amount paid may appeal to the Supreme Court.

**Power to  
conduct  
criminal  
proceedings.**

48. All police officers are, subject to any direction given by the Attorney General from time to time, empowered to conduct proceedings in a magistrates court on behalf of the Crown.

**Police officers  
invested with  
powers of  
customs officers.**

49. Every police officer is invested with all the powers of a Customs Officer under the Customs Management Act and shall be entitled to the same immunity as a Customs Officer.

**Police officers  
invested with  
powers of  
immigration  
officers.**

50. Every police officer is invested with all the powers of an Immigration Officer under the Immigration Act and shall be entitled to the same immunity as an Immigration Officer.

**Police officers  
invested with  
powers of  
Fisheries  
Officers.**

51. Every police officer is invested with all the powers of a Fisheries Officer under the Fisheries Resources (Jurisdiction and Conservation) Act and shall be entitled to the same immunity as a Fisheries Officer.

**Members of  
the Force  
may act as  
goalers.**

52. Every police officer stationed in the Family Islands shall act as goalers when thereunto required by the Family Island Administrator of the district or a justice of the peace of the district within which they are so stationed.

**Police station  
to be lockup.**

53. Every police station shall be deemed to be a lockup house for the temporary confinement of persons charged with offences in which such persons may be received and detained according to law.

**Duty of the  
Force to  
regulate traffic.  
Action against  
members of  
of the Force.**

54. It shall be the duty of the Force to regulate and control traffic and to divert all or any particular kind of traffic, when, in the opinion of an police officer in charge of road traffic, it is in the public interest to do so.

55. When any action shall be brought against any member of the Force for any act done in obedience to the warrant of any Judge, Magistrate, Justice of the Peace or Coroner such member shall not be responsible for any want of jurisdiction in the Judge, Magistrate, Justices of the Peace or Coroner issuing the same, and such member may plead the general issue and give such warrant in evidence, and upon producing such warrant and proving that the signature thereto is in the handwriting of the person whose name shall appear subscribed thereto, that such person is reputed to be and acts as a Judge, Magistrate, Justice of the Peace or Coroner and that the act complained of was done in obedience to the warrant, such member shall be entitled to have a verdict entered for him, and shall receive his costs of suit, and every such member of the Force shall be further entitled to the protection afforded by any Act for the protection of persons acting in the execution of statutory and other public duties.

## **PART VI OFFENCES**

**Unlawful  
possession  
of uniform,  
etcetera.**

56. Any person, who, without lawful authority, wears, carries or is otherwise found in possession of any article of uniform or equipment calculated to mislead members of the public to believe that such person is a police officer or is otherwise wearing, carrying or in possession of such article under the authority of this Act shall be liable on summary conviction to a fine of five thousand dollars or imprisonment for a term of two years or to both such fine and imprisonment.

**Abusing  
police  
officer**

57. Any person who abuses, resists, improperly or unduly impedes or assaults any police officer appointed under this Act while in the execution of his duty as a police officer, shall be guilty of an offence and

while in the  
execution  
of his  
duties.

Offences  
triable by  
the courts  
mutiny, etcetera.

shall be liable on summary conviction to a fine of five thousand dollars  
or to imprisonment for a term of two years or to both such fine and  
imprisonment .

58. Any police officer who -
- (a) mutinies or being cognizant of any mutiny or sedition against the Force does not use his utmost endeavour to suppress such mutiny or sedition; or
  - (b) being cognizant of any intended mutiny or sedition amongst the Force delays in giving or fails to give information thereof to his superior officer,

shall be guilty of an offence punishable on indictment and liable to imprisonment for a term not exceeding five years.

Other offences  
triable by  
the courts.

59. Any police officer who -
- (a) being present at any assemblage tending to riot does not use his utmost endeavour to suppress such assemblage; or
  - (b) strikes or offers violence to, or draws or lifts, or offers to draw or lift any weapon against a justice of the peace or his superior officer while such superior officer is acting in the execution of his duty; or
  - (c) wilfully permits the escape of a prisoner; or
  - (d) uses unnecessary violence to, or ill-treats any prisoner; or
  - (e) pawns, sells or misappropriates his arms, ammunition, accoutrements, clothing or appointments supplied to him, or any other government property; or
  - (f) deserts; or
  - (g) persuades, procures or assists, or attempts to persuade, procure or assist any police officer to desert; or
  - (h) knowing that any police officer has deserted or intends to desert and does not without delay inform a superior officer of such desertion or intended desertion,

shall be guilty of an offence and liable to imprisonment for a term of **three** years:

Provided that no police officer shall be found guilty of the offence of desertion unless the Court is satisfied that there was an intention on the part of such officer not to return to the Force.

**Inducement  
to commit  
breach of  
discipline.**

60. (1) 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 police officer to withhold his services or to commit breaches of discipline, he shall be liable on summary conviction to imprisonment for a term of two years and, if he is a police officer, he shall forfeit all pension rights and be disqualified from being a police officer.

(2) Any person who uses a police officer for private duty without the authority of the Commissioner in accordance with section 107 of this Act shall be liable on summary conviction to a fine of one thousand dollars.

**PART VII  
DISCIPLINE**

**Method of  
dealing with  
offences by  
Senior  
Police  
Officers.**

61. (1) Any complaint of an offence against police discipline enumerated in the regulations made under this Act or other misconduct committed by a police officer of or above the rank of inspector in regard to which proceedings are not instituted in a criminal court shall be the subject of an inquiry by the Commissioner in accordance with the regulations under this Act. The Commissioner may initiate disciplinary proceedings against any such officer:

Provided that nothing in this section contained shall apply to any complaint made against the Commissioner or Deputy Commissioner or any person acting in either of those offices.

(2) Any police officer of or above the rank of inspector



found guilty of any such offence or other misconduct may be punished by the Governor-General acting in accordance with the advice of the Police Service Commission by any one or combination of the following punishments, namely-

- (a) dismissal;
- (b) requirement to resign;
- (c) reduction in rank or seniority;
- (d) fine not exceeding one month's pay;
- (e) withholding of increment;
- (f) deferment of increment;
- (g) severe reprimand;
- (h) reprimand.

(3) The Commissioner may summarily administer a reprimand or severe reprimand to any police officer for minor misconduct.

**Method of  
dealing with  
subordinate  
police officers  
and  
constables.**

62. (1) Any contracted officer who is guilty of any of the minor offences against police discipline enumerated in the regulations made under this Act shall on conviction thereof by the Commissioner or by a police officer of or above the rank of inspector authorised in writing by the Commissioner to try minor offences, be punished for each offence by such officer by any one or any combination of the following punishments-

- (a) fine not exceeding two days' pay;
- (b) extra duty or fatigue duty not exceeding eight hours;
- (c) reprimand;
- (d) admonishment:

Provided that if any contracted officer feels himself aggrieved by any conviction or any punishment imposed by an officer other than the Commissioner, he may appeal within forty-eight hours in writing to the Commissioner who shall allow or dismiss the appeal and may vary the punishment.

(2) Any contracted officer who is found guilty of any of the major offences against police discipline enumerated in the regulations made under this Act may, on conviction thereof by any officer of or above the rank of assistant superintendent authorised in writing by the Commissioner to try major offences, be punished by any one or any combination of the following punishments-

- (a) dismissal;
- (b) reduction in rank (in case of a subordinate police officer) or reduction in seniority or both;
- (c) a fine of up to seven days' pay;
- (d) severe reprimand;
- (e) reprimand;
- (f) admonishment:

Provided that the punishment of dismissal or reduction in rank may be imposed only by the Commissioner:

Provided also that any contracted officer who feels himself aggrieved by any conviction or punishment imposed by an officer other than the Commissioner may appeal within forty-eight hours in writing to the Commissioner who shall allow or dismiss the appeal and may vary the punishment.

(3) Any contracted officer who feels himself aggrieved by such conviction or punishment imposed by the Commissioner may appeal within seven days in writing to the Governor-General who, acting in accordance with the advice of the Police Service Commission, shall allow or dismiss the appeal and may vary the punishment.

**Suspension  
or  
interdiction.**

63. (1) Any police officer who is charged with an offence punishable under sections 58 and 59 of this Act or with any offence against police discipline enumerated in the regulations made under this Act, may be suspended or interdicted by the Commissioner from the exercise of his duties as a member of the Force until the charge has been finally disposed of, but shall nevertheless remain subject to the discipline of the Force:-

(2) Any police officer who has been interdicted under the provisions of subsection (1) shall, during the period of interdiction, receive one-half of his salary together with the full amount of any other allowances and other emoluments to which he may be entitled. If the proceedings do not result in any conviction or punishment against any such member of the Force, he shall be entitled to receive the full amount of his salary which he would have received if he had not been interdicted. If any conviction or punishment is recorded or awarded, such member of the Force shall not be entitled to any part of his salary stopped under this subsection.

**Power to  
summon  
and examine  
witnesses.**

64. The Commissioner and any police officer of or above the rank of Assistant Superintendent shall, for the purposes of investigating any complaint of an offence against police discipline, have the same powers as a Magistrate under The Criminal Procedure Code of summoning and enforcing the attendance of witnesses and examining them upon oath or affirmation and any person willfully and corruptly giving false evidence before them shall be deemed to be guilty of perjury.

## **PART VIII INSPECTION AND REVIEW**

**Appointment  
and functions  
of Internal  
Inspector.**

65. (1) The Deputy Commissioner shall be the Internal Inspector of the Force.

(2) The Deputy Commissioner shall inspect and review each Branch and division of the Force and shall provide the Commissioner, on request with verbal or written reports on such inspections.

(3) For the purpose of the discharge of his functions as Internal Inspector the Deputy Commissioner shall have power to request from any member of the Force any information, document or material relevant to the Force.

(4) Subject to subsection (2) the Deputy Commissioner shall as soon as possible after the end of each year prepare a report relating to internal inspection and review of the Force for submission to the Commissioner.

(5) Nothing in subsection (4) shall prevent the Deputy Commissioner from submitting a report on any matter at any stage of the inspection process.

(6) The Deputy Commissioner shall where necessary collaborate with the External Inspector appointed under section 66 for the purpose of furthering police efficiency and effectiveness.

**Appointment  
and functions  
of External  
Inspector.**

66. (1) The Governor-General may appoint a duly qualified External Inspector to the Force.

(2) The External Inspector shall inspect, and report to the Minister on the efficiency and effectiveness of the Force.

(3) The External Inspector shall carry out such other duties for the purpose of furthering police efficiency and effectiveness as the Minister may from time to time direct.

(4) The External Inspector shall in each year submit to the Minister a report in such form as the Minister may direct, and the Minister shall lay a copy of that report before Parliament.

(5) Nothing in subsection (4) shall prevent the External Inspector from submitting a report on any matter at any stage of the inspection process.

(6) The External Inspector may be paid such salary and allowances as the Minister may determine.

**PART IX  
POLICE RESERVE**

**Continuation  
of the Police  
Reserve.**

67. (1) The existing Royal Bahamas Police Reserve shall continue to be maintained under the provisions of this Act to assist the Force in discharging its functions.

(2) The Police Reserve shall consist of such fit and proper persons resident in The Bahamas who, having attained the age of eighteen years, volunteer for service in The Reserve, and are enrolled as Reserve Police.

(3) The Reserve may be employed in The Bahamas for assisting the Force in the maintenance of law and order, the preservation of peace, the protection of life and property, the prevention and detection of crime, the apprehension of offenders, and the enforcement of all laws with which the Force is charged.

(4) The Reserve shall consist of such numbers of Reserve Officers in the ranks specified in the Second Schedule to this Act as may from time to time be authorized by Parliament.

**Second  
Schedule.**

**Appointment  
of police  
reservists.**

68. It shall be lawful for the Commissioner, with the prior approval of the Minister to enlist so many fit and proper persons as members of the Reserve as the Minister may from time to time authorize:

Provided that officers of and above the rank of inspector shall be appointed by the Governor-General acting in accordance with the advice of the Police Service Commission.

**Promotion  
and dismissal.**

69. Police Reserve officers of and above the rank of Inspector may be promoted and dismissed by the Governor-General acting in accordance with the advice of the Police Service Commission and Police Reserve Officers below the rank of Inspector may be promoted and dismissed by the Commissioner.

**Powers and  
duties of  
police reservists.**

70. (1) A member of the Reserve while on duty shall have, exercise and enjoy the same powers, authorities, advantages and immunities as a police officer in the Force and shall undertake the same duties, responsibilities and be subject to the same discipline.

(2) Police Reserve officers shall attend such periods of training and perform such police duties as the Commissioner may from time to time direct.

**Mobilization.**

71. With the prior approval of the Governor-General, the Commissioner may mobilize the Reserve or any part of the Reserve and during such period of mobilization, every member of the Reserve shall be entitled to pay and allowances at the same rate as the member of the Force of equivalent rank.

**Regulations.**

72. The Governor-General may make regulations for the Reserve and in particular but without prejudice to the generality of the foregoing, may make regulations regarding-

- (a) the ranks and remuneration of police reservists;
- (b) the terms of service and discipline of police reservists;
- (c) the training and administration of the Reserve;
- (d) the duties and responsibilities of police reservists;
- (e) the uniform and equipment of police reservists; and
- (f) standing orders for the Reserve.

## PART X

### LOCAL AND SPECIAL CONSTABLES

**Local  
constables.**

73. Local constables appointed under the Police Act, Chapter 205 before the commencement of this Act, shall continue to serve under this Act and the services and duties of such local constables shall be deemed to be in continuation of their services and duties under any Act and the purposes of any Act relating to pension or gratuity.

**Appointment  
of special  
Constables.**

74. It shall be lawful for the Governor-General whenever it comes to his knowledge that any felony or breach of the peace has been committed or is likely to be committed and that it is necessary for the protection of life or property or for the better apprehension of offenders that the Force in any district of The Bahamas should be temporarily strengthened, to call upon, nominate and appoint any householder or other person residing in such district to act as a special constable for such time and in such manner as the Governor-General shall think fit. Every special constable shall receive such remuneration for his time and trouble while acting as such constable as the Minister, with the concurrence of the Minister of Finance, shall think fit to allow and shall be entitled to a refund of all expenses necessarily incurred by him in the discharge of his duties.

**Orders  
applicable  
to special**

75. Special constables shall act under the orders of the Commissioner, or of any magistrate or of any police officer who may be present at the time.

**Constables.**

## **PART XI POLICE CADETS**

**Continuation  
of police cadets.**

76. (1) The existing body of police cadets shall continue to be maintained under the provisions of this Act and all cadets appointed and serving prior to the commencement of this Act shall be deemed to have been appointed under this Act.

(2) The terms of appointment, training, education and conditions of service for police cadets shall be in accordance with regulations made under this Act.

**Appointment  
and control of  
of police cadets.**

77. (1) The Commissioner may, appoint such number of persons of or over the age of sixteen as he may deem fit, for the purposes of receiving special training in police duties, and every person so appointed shall be referred to as a Police Cadet.

(2) The Commissioner shall be responsible for the direction and control of police cadets.

## **PART XII POLICE COMPLAINTS**

**Appointment  
of Inspectorate.**

78. (1) The Minister shall appoint a body of persons to be known as the Police Complaints Inspectorate (hereinafter referred to as "the Inspectorate") who shall undertake such functions as are prescribed by this Act.

**Fifth  
Schedule.**

(2) The Fifth Schedule shall have effect with respect to the appointment of members of the Inspectorate.

**Functions  
of the  
Inspectorate.**

79. The functions of the Inspectorate are to -

- (a) review the investigation and determination of a complaint by the Complaints and Corruption Branch, established under this Act so as to ensure that the investigation is conducted impartially;
- (b) report to the Minister from time to time, or at his request; and

- (c) review reports from the Complaints and Corruption Branch.

**Powers of  
Inspectorate.**

80. (1) For the purpose of the discharge of their functions the  
Inspectorate has the power -

- (a) to request any information, documents or things with respect to a complaint from -
  - (i) the Commissioner;
  - (ii) the Branch;
  - (iii) any person making a complaint;
  - (iv) any member of the Force against whom the complaint was made; or
  - (v) any other person who in the opinion of the Inspectorate may be able to assist;
- (b) in the case of a review of a complaint to -
  - (i) request all or any of the parties concerned as well as witnesses to appear before the Inspectorate;
  - (ii) request such information, documents or things as it deems necessary to review the complaint.

(2) The Inspectorate may also give such guidance to the Complaints and Corruption Branch as may be necessary to ensure thoroughness and impartiality.

**The  
Complaints and  
Corruption  
Branch.**

81. (1) The Commissioner shall continue to maintain for the purposes of this Act, a unit of the Force to be known as the Complaints and Corruption Branch, in this Act referred to as "the Branch".

- (2) The Branch shall be charged with the responsibility for -
  - (a) investigating complaints made by members of the public against members of the Force;
  - (b) submitting to the Inspectorate and to the Commissioner -
    - (i) at the end of every quarter, a progress report on the work undertaken by the Branch;



- (ii) a final report on all investigations; and
- (c) such other duties as the Commissioner may assign to it from time to time.

(3) Every investigation of a complaint against members of the Force shall be completed within six months from the time when the matter of such complaint arose or within such greater period not exceeding one year.

(4) The Branch shall be headed by a police officer of or above the rank of Assistant Superintendent save that where a complaint is made against an police officer of a higher rank than that held by the Head of the Branch, the Commissioner shall appoint an officer of a rank senior to that of the officer against whom the complaint is made to investigate the complaint.

(5) The Commissioner shall ensure that the Branch is supplied with sufficient staff and facilities to receive, record and investigate complaints.

### PART XIII

#### FINANCIAL PROVISIONS

**Payment  
of salaries.**

82. The salaries of all police officers shall be paid monthly.

**No deduction  
to be made  
from salaries  
on account of  
any charge,  
etcetera.**

83. It shall not be lawful for the Treasurer or the Commissioner to deduct from the salary, allowances or other emoluments payable to any member of the Force any amount on account of any order, charge or encumbrance which may have been given, made or created by such member, upon his salary, allowances or emoluments except in accordance with this Act or any regulations made thereunder.

**Salaries  
of members  
not liable to  
be attached  
for debt.**

84. The salary, allowances or other emoluments of any member of the Force shall not be liable to be attached, seized or taken in execution by any process of law or otherwise howsoever, nor shall any such member be liable to be imprisoned under order of any court by reason of non-payment of any debt or demand which he may have incurred, or for

which he may become liable.

**To whom  
salaries  
are to be  
paid.**

85. The salary, allowances and other emoluments of any member of the Force shall be paid only to the member to whom they may be due, except in case of illness, absence or other incapacity, when it shall be lawful for the Commissioner to pay to an agent authorised in writing, the salary, allowances or other emoluments due to any such member.

**Increments of  
salary of certain  
police officers.**

86. (1) Subject to the provisions of this section, the decision whether to grant, defer or withhold any increment of salary of any police officer of or above the rank of Inspector shall be made by the Governor-General acting in accordance with the advice of the Police Service Commission, and the Governor-General, acting in accordance with the advice of the Police Service Commission, shall, in each such case, decide whether the efficiency and responsibility of such officer in the performance of his duties merit the granting of the increment.

(2) If any police officer of or above the rank of Inspector who is serving in a scale of salary, possesses or acquires such special qualifications or experience as, in the opinion of the Commissioner, justifies his being advanced in such scale of salary to an incremental point above the point in which he is then serving, the Governor-General, acting in accordance with the advice of the Police Service Commission, may advance such officer in such scale to such higher incremental point.

(3) Every police officer appointed to a post of the rank of Superintendent, Assistant Superintendent or Inspector, shall enter the appropriate scale or salary for his rank at the bottom of the scale unless the Governor-General, acting in accordance with the advice of the Police Service Commission, approves of such police officer entering such scale at an incremental point therein above the bottom of the scale.

**Increments of  
salary of  
a contracted  
officer.**

87. (1) Subject to the provisions of this section, the decision whether to grant, defer or withhold any increment of salary of any contracted police officer shall be made by the Commissioner and the Commissioner shall in each such case decide whether the efficiency and responsibility of such officer in the performance of his duties merit the granting of the increment.

- (2) The Commissioner may in his discretion -
  - (a) grant the increment which shall then become payable as from the incremental date;
  - (b) defer the award of the increment for further consideration ;  
or
  - (c) withhold the increment for any period not exceeding one year from the incremental date.

(3) When the award of an increment has been deferred the Commissioner may at a later date grant the increment as from the incremental date, in which case the arrears of salary due shall be paid to the police officer concerned.

(4) When an increment has been withheld for a period of less than one year the person concerned shall be entitled to draw the increased salary as from the date following the close of the period for which such increment has been withheld, and shall be eligible for a further increment on the next incremental date.

(5) When an increment has been withheld for one year the police officer concerned shall be eligible for one increment only on the next incremental date.

(6) The Commissioner may in his discretion grant two simultaneous increments to any contracted officer in recognition of exceptionally good work or meritorious service.

**Pension  
status  
of certain  
police officers.**

**Ch. 43.**

**Pension for  
contracted  
officers.**

**Ch. 43.**

88. Without prejudice to the provisions of this Part, pensions granted to police officers of or above the rank of Inspector shall be granted in accordance with the Pensions Act.

89. (1) The Governor-General, acting in accordance with the advice of the Police Service Commission, may grant to a contracted officer who has -

- (a) completed thirty years service, being continuous, good and efficient service, a pension of one-half of his salary at the time together with a gratuity equal to

one year's salary;

- (b) attained the age of fifty years without at the time having completed thirty years of service as aforesaid, a pension at the rate of one-six-hundredth of his salary at that time in respect of each completed month of such service.

(2) 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 police officer's retirement.

**Gratuities.**

90. Where any police officer, having completed not less than ten years of continuous service, retires from the Force at an age other than that at which or in circumstances other than those in which he may be granted a pension in respect of such service, the Governor-General, acting in accordance with the advice of the Police Service Commission, may grant to such officer, in respect of each year of such service, a gratuity amounting to four per centum of his salary at the date of his retirement.

**Pensions,  
etcetera,  
to be paid out  
of Consolidated  
Fund.**

91. 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,  
etcetera, not  
of right.**

92. (1) No police officer shall have an absolute right to compensation for a pension, gratuity, or other allowance, nor shall anything in this Part affect the right of the Governor-General or the Commissioner of Police to dismiss any police officer at any time and without compensation.

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

**Circum-  
stances  
in which**

93. (1) No pension or other allowance, shall be granted under this Part -

- (a) to any police officer except in one of the following

**pension  
may be  
granted.**

cases -

- (i) on or after attaining the age of fifty-five years; or
  - (ii) on medical evidence, to the satisfaction of the Minister, that he is incapable of discharging his duties efficiently by reason of any infirmity of body, and that such infirmity is likely to be permanent and of mind;
  - (iii) on retirement from the Force in the public interest as provided in this Part; or
- (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 such person ceased to be a police officer for the purpose of entering public service.

(2) Where any contracted officer re-engaged after the completion of thirty years of service or the attainment of fifty-five years of age, has been awarded a pension pursuant to this section, he shall be entitled to receive the full salary and allowances appropriate to his rank and standing in the Force, and no deduction shall be made from such salary or allowances on account of the award of such pension.

**Compu-  
lsory  
retirement.**

94. (1) Subject to subsections (2) and (3), every police officer shall, upon attaining the age of sixty years or after rendering forty years of service (whichever is earlier), retire from the Force.

(2) The Governor-General, on the recommendation of the Prime Minister after consultation with the Police Service Commission, may require a police officer of the rank of Assistant Commissioner of Police to retire at anytime after attaining the age of fifty-five years and the police officer shall retire.

(3) The Governor-General, on the recommendation of the Police Service Commission, may require a police officer below the rank of Assistant

Commissioner of Police but of or above the rank of Inspector, to retire at any time after attaining the age of fifty-five years and the police officer shall retire.

**Pensions,  
etcetera, not to  
be assignable.**

95. 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 police officer 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,  
etcetera,  
may cease on  
conviction.**

96. (1) Where any police officer 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 Minister so directs, cease as from such date as the Minister determines.

(2) Where any police officer 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 the -

- (a) provisions of subsection (1) shall apply as respects any pension or other allowance which may be granted to him; and
- (b) Minister 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 Minister 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.

(4) Where any police officer 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 police officer in computing the amount thereof and the amount of any gratuity, account shall be taken of all moneys paid or applied under subsection (3).

**Pensions  
and benefits  
to dependents  
when a  
police officer  
dies as  
a result of  
injuries  
received, or  
disease.**

97. (1) Where a police officer dies as a result of an injury received during the course of his employment, it shall be lawful for the Governor-General acting in accordance with the advice of the Police Service Commission to award to the dependents of such deceased police officer, in such proportions as may be advised, a sum equal to two years salary which such deceased police officer was receiving at the date of his death.

(2) In addition to subsection (1), where a police officer dies as a result of injuries received -

- (a) in the actual discharge of duty; and
- (b) in circumstances in which the injury is not wholly or mainly due 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, while on the Force, it shall be lawful for the Governor-General to grant-
  - (i) if the police officer leaves a widow, and no children, a pension to her at a rate not exceeding of his three-fourths of the police officer's annual pay at the date of injury;
  - (ii) if the deceased police officer leaves a widow and a child or children, a pension to the widow at a rate not exceeding one-fourth of the police officer's annual pay at the date of injury and a pension in respect of each child until such child attains the age of eighteen years, of an amount not exceeding an

aliquote part of three-fourths of the annual pay  
at the date of the injury;

- (iii) if the deceased police officer leaves a child or children, but does not leave a widow, a pension in respect of each child until such child attains the age of eighteen, of an amount not exceeding an aliquote part of the police officer's annual pay at the date of injury;
- (iv) if the deceased police officer leaves a child or children and a widow to whom a pension is granted and the widow subsequently dies, a pension in respect of each child, as from the date of the death of the widow and until such child attains the age of eighteen years, of an amount not exceeding an aliquote part of the annual pay at the date of the injury;
- (v) if the deceased police officer does not leave a widow, and if the police officer's mother or where the mother is dead, the police officer's father, was wholly or mainly dependent on the police officer for support, a pension to the mother, without adequate means of support, or where the mother is dead, the police officer's father, while without adequate means of support, at a rate not exceeding one-fourth of the police officer's annual pay at the date of injury;
- (vi) if the deceased officer leaves a widow to whom a pension is granted under this section and no children, and a mother, or where the mother is dead, a father who was wholly or mainly dependent on the police officer at the time of his death, a pension to the mother, or, where the mother is dead, the father, while without adequate means of support, of an amount not exceeding one-fourth of the police officer's annual pay;



- (vii) in any case which in the opinion of the Minister is one of hardship, a gratuity to any person or persons to whom a pension may be granted in accordance with the provisions of this section so, however, that such gratuity or, where more than one gratuity is granted, the aggregate of such gratuities shall not exceed a sum equal to one year's pay of such police officer at the date of the injury:

Provided that -

- (a) a pension granted to a child under this section shall cease upon the marriage of such child under the age of eighteen years and the amount of the pension shall not be divided amongst the remaining children;
- (b) in the case of a pension granted to the father of a deceased police officer under either paragraph (v) or paragraph (vi), if it appears to the Minister, at any time that the father is adequately provided for with other means of support such pension shall cease as from such date as the Minister may determine;
- (c) notwithstanding that a pension to a child of a deceased police officer should cease when such child attains the age of eighteen years, if such child was incapacitated at the time of the deceased police officer's death and was wholly or mainly dependent on the police officer the Minister may, in his discretion, grant, or, as the case may be, authorize the continued payment after attainment of the age of eighteen years of, a pension in respect of such child, during the period of incapacity or for such period as the Minister may, in his discretion, determine and the Minister may, in his discretion, increase or reduce the amount of pension payable in respect of such child, to such amount as the

Minister thinks fit.

- (3) In this section a reference to "widow" includes a reference to "widower".
- (4) The child of any police officer killed in the line of duty shall be entitled to free tertiary education at The College of The Bahamas.
- (5) The dependent of any police officer killed in the line of duty shall be entitled to free medical care at any Government medical facility.
- (6) Without prejudice to the foregoing, the Government may grant any combination of benefits to any dependent of a police officer killed in the line of duty before the commencement of this Act.
- (7) For the purpose of this section, unless the contrary intention appears -
  - (a) the word child includes -
    - (i) a posthumous child;
    - (ii) a child of the family, a child deemed to be a child of the family or a child born out of wedlock before the date of the injury and wholly or mainly dependent upon the deceased police officer for support; and
    - (iii) an adopted child, adopted in a manner recognized by law, before the date of the injury and wholly or mainly dependent upon the deceased police officer for support;
  - (b) references to a police officer being injured in the circumstances detailed in paragraphs (a), (b) and (c) of subsection (2) 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 contracted.

(8) For the purposes of paragraph (a) of subsection (2), a police officer 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 (2).

(9) The Minister 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 dependents of a deceased police officer consequent on the injury to the police officer which resulted in his death; and
- (b) any benefits that have been or may be awarded to such dependents under the National Insurance Act or any insurance maintained by the government in respect of such injury under any insurance policy maintained by the government in respect of such injury and he may withhold or reduce the award accordingly.

(10) 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 police officer's death.

(11) For the purposes of this section -

"dependant" means a person -

- (a) who is under the age of eighteen years; or
- (b) who having attained the age of eighteen but not twenty-five years, is either receiving full-time instruction at a educational establishment or undergoing training for a trade, profession or vocation in such circumstances that he is required to devote the whole of his time to that training; or
- (c) whose earning capacity is impaired through illness or disability of the mind or body.

**Gratuity  
for injury  
during the  
course of  
employment.**

98. (1) Any police officer who on the recommendation of the Medical Board ceases to be a member of the Force on account of ill-health (not occasioned by his own fault or misconduct) or on account of injury suffered during the course of his employment as a member of the Force, or who has been discharged under the provisions of section 21 of this Act, and whose conduct, in the opinion of the Governor-General acting in accordance with the advice of the Police Service Commission, has been satisfactory may be granted in lieu of the gratuity provided for by section 90 of this Act, a pension in respect of every completed year of service amounting to one-seventy-fifth of the annual salary which such police officer shall have been receiving at the time of his ceasing to be a member of the Force as aforesaid; and provided that when the injury received by such officer in the opinion of the Medical Board has resulted in or is likely to result in permanent total disablement, such police officer shall be entitled to receive the full amount of the pension for which he would have been eligible had he ceased to be a member of the Force after thirty (30) years of good and efficient service and in addition to receive as compensation a sum equal to twelve (12) months salary:

Provided further that when the injury received in the opinion of the Medical Board, has resulted in or is likely to result in permanent partial disablement, such police officer shall be entitled to receive compensation as hereinafter mentioned, that is to say -

- (a) in the case of any injury specified in the first column hereunder written, such percentage of the compensation which would have been payable in the case of permanent total disablement as is specified directly opposite such injury -

Injury	Percentage loss of earning capacity
Loss of either arm above or at the elbow.....	70
Loss of either arm below the elbow.....	70
Loss of leg at or above the knee.....	80
Loss of leg below the knee.....	60
Permanent total loss of hearing.....	100
Loss of one eye.....	40

Loss of thumb.....	30
Loss of all toes of one foot.....	20
Loss of one phalanx of thumb.....	10
Loss of index finger.....	14
Loss of great toe.....	14
Loss of any finger other than index finger.....	7

(b) in the case of any injury not specified in paragraph (a) of this subsection, the compensation payable shall be such percentage of the compensation payable in the case of permanent total disablement as is proportionate to the loss of earning capacity caused by the injury. Such loss of earning capacity shall be determined by the medical board whose decision shall be final.

(2) For the purposes of subsection (1) of this section “permanent total disablement” means such disablement as is of a permanent nature and which incapacitates such police officer for any employment in the Force or elsewhere, and “permanent partial disablement” means such disablement as is of a permanent nature and which reduces the earning capacity of such police officer in every employment which he is capable of undertaking at the time.

**No deductions during the course of duty.**

99. No deductions in the salary of a police officer shall be made while on sick leave as a result of injuries sustained during the course of his duty save as provided for in regulations made under this Act, where such injury is not attributable to his own negligence.

**Fines to be deducted.**

100. Fines, penalties, forfeitures and stoppages imposed under this Act upon any member of the Force for any offence under this Act or for any offence against police discipline enumerated in the regulations under this Act, shall be enforced by deducting the amount from any salary, allowances or emoluments due, or which may become due, to the offender.

**Pay not to accrue during**

101. Any police officer who is absent without leave shall in addition to any punishment imposed under the provisions of this Act forfeit all

**absence  
without  
leave.**

pay and allowances for the whole period of such absence.

**Payments  
from the  
Consolidated  
Fund.**

102. There shall be payable out of the Consolidated Fund -

- (a) the charges and expenses incurred in obtaining fit and proper persons for the Force;
- (b) the travelling expenses to and from and within The Bahamas of members of the Force or other persons employed or in any way connected with the Force or engaged in the Force;
- (c) the necessary outlay on arms, ammunition, accoutrements, clothing and other appurtenances in the opinion of the Minister proper for the use of the Force, and a sum for the purchase of instruments and music for a band;
- (d) rewards to members of the Force for zeal and efficiency in the discharging of their duties;
- (e) rewards for the detection and prevention of crime;
- (f) rewards for bravery;
- (g) expenses of and incidental to the apprehension, arrest, transportation and maintenance of persons charged with criminal offences;
- (h) all other charges and expenses incurred in carrying this Act into effect.

**Death or  
injury  
owing to  
war  
conditions.**

103. Where a police officer proceeding by a route approved by the Minister 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 Minister is satisfied that such damage or act is attributable to circumstances arising out of any war, such police officer 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
- (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 specified attributable to the nature of his duty.

**Forfeitures  
deductions  
general  
provisions.**

104. (1) No forfeiture of the pay of any member of the Force shall be imposed unless authorised by this Act, or some other enactment and no deduction from such pay shall be made unless so authorised.

(2) Regulations shall not authorise the making of any penal deduction, that is to say, a deduction to be made by reason of the commission of any offence or other wrongful act or in consequence of any negligence.

(3) Subsections (1) and (2) shall not prevent the making of regulations providing for the imposition of any forfeiture authorised by this Act or the making of any deduction so authorised, or for the time at which sums may be deducted from pay to give effect to authorised deductions or the manner in which amounts may be so deducted in order to recover any fine imposed in pursuance of this Act, or as to the appropriation of any such sum or a amount when deducted, or of providing for the determination of questions relating to forfeitures or deductions.

(4) Notwithstanding that forfeiture of pay of an officer for any period has been ordered in pursuance of this Act, he shall remain in receipt of pay, but the amount received for that period may be recovered from him by deduction from pay.

(5) Any amount authorised to be deducted from the pay of an officer may be deducted from any balance (whether or not representing pay) which may be due to him as an officer and references in this Act to the making of deductions from pay shall be construed accordingly and the whole or any part of any sum forfeited from an offenders pay may be recovered by deduction from any such balance.

**Enforcement  
of maintenance  
and affiliation**

105. (1) Where any court in The Bahamas has made an order against any person (in this section referred to as the defendant) for the payment of any periodical or other sums specified in the order for or in respect of -

orders by  
deduction  
from pay.

- (a) the maintenance of his child;
- (b) any costs incurred in obtaining the order; or
- (c) any costs incurred in proceedings on appeal against, or for the variation, revocation or revival of, any such order,

and the defendant is a member of the Force then (whether or not he was a member when the said order was made) the court may order such sum to be deducted from the pay of the defendant and appropriated in or towards satisfaction of the payment due under the order.

(2) Where to the knowledge of the court making any such order as aforesaid, or an order varying, revoking, or reviving any such order, the defendant is a member of the Force, the court shall send a copy of the order to the Commissioner.

(3) Where such an order as is mentioned in subsection (1) has been made by a court of a Commonwealth country outside The Bahamas, the order shall have like effect as if it were made by a court within the jurisdiction of The Bahamas: Provided the court is satisfied that the defendant has had reasonable opportunity of appearing in person, or has appeared by a duly authorised legal representative, to defend the case before the court by which the order was made.

(4) The court may by order vary or revoke any order previously made under this section.

(5) In this section -

- (a) references to an order made by a court in The Bahamas include references to an order registered in or confirmed by such a court under the provisions of any law which makes provision for the enforcement in The Bahamas of maintenance orders made outside The Bahamas; references to a child include, in relation to an order made in proceedings in connection with the dissolution or annulment of a marriage, references to a person who would have been the child of the defendant if the marriage had subsisted;
- (b) references to a child of a person include references to a child of his wife, and to a child born out of wedlock or adopted child and in



this paragraph adopted child means a child adopted (whether alone or jointly) in pursuance of an adoption order made under the Adoption Act.

**Ch. 131.**

**Establishment  
of rewards  
and Fines Fund.**

106. (1) All fines imposed under the provisions of this Act or any regulation made thereunder for any offence against discipline shall be paid to a Deposits Fund to be placed to the credit of the Rewards and Fines Fund.

(2) No payment shall be made from the Rewards and Fines Fund except upon the authority of the Commissioner.

(3) The Commissioner may in his discretion, sanction payments from the Rewards and Fines Fund for any of the following purposes -

- (a) assistance to the spouses or families of deceased members of the Force of or below the rank of Inspector, or to any such members discharged from the Force as medically unfit for further service;
- (b) contributions towards prizes to be given at athletic meetings and similar events organised by or for the benefit of the Force;
- (c) payments to members of the Force below the rank of Inspector as rewards for meritorious acts of service in the execution of duty, if such payments are not met from the revenue of The Bahamas;
- (d) expenditure for the benefit and advancement of authorised recreation and sport and other branches of police activity organised within the Force.

(4) All rewards, forfeitures and penalties which by law are payable to informers, when the information is laid by a police officer, shall be paid into the Rewards and Fines Fund.

(5) The percentage of fees requested to be paid to the Commissioner for the engagement of police officers for private work shall be paid into the Rewards and Fines Fund.

**Private use  
and establishment  
of Private Engage-**

107. (1) The Commissioner may on application by any person, hereafter in this section called the applicant, approve the private engagement of a police officer at such place and for such period as the Commissioner may approve and

**ment Fund.**

thereupon for the period aforesaid the applicant shall pay to the Commissioner when required to do so the cost, calculated in accordance with the rates from time to time specified in regulations made pursuant to this Act.

(2) All monies received from the private engagement of a member of the Force shall be paid in accordance with regulations made pursuant to this Act.

(3) All monies received for the private engagement of a member of the Force shall be paid to a Deposits Fund to be placed to the credit of the Private Engagement Fund.

(4) Any amount due from an applicant under the provisions for this section shall be a debt due from the applicant to the Government.

(5) No payment shall be made from the Private Engagement Fund except upon the authority of the Commissioner.

(6) The Commissioner shall make regulations governing the use of funds in the Private Engagement Fund.

**Establishment of  
the Band Fund.**

108. (1) The Commissioner may on application by any person, hereinafter in this section called the applicant, permit the Band of the Royal Bahamas Police Force to undertake a private engagement at such place and for such period as the Commissioner may approve and thereupon and for the period aforesaid the applicant shall pay to the Commissioner when required to do so the cost calculated in accordance with the rates from time to time specified in regulations made pursuant to this Act;

Provided that in the case of any performance for charity the Commissioner may in his discretion waive the whole or any part of such payment.

(2) All monies received from the private engagement of the Band shall be paid in accordance with regulations made pursuant to this Act.

(3) All monies received for the private engagement of the Band shall be paid to a Deposits Fund to be placed to the credit of the Band Fund.

(4) Any amount due from an applicant under the provisions for this section shall be a debt due from the applicant to the Government.

(5) No payment shall be made from the Band Fund except upon the authority of the Commissioner.

(6) Payments from the Band Fund shall be used for matters concerning or connected with the exigencies of the Band.

**Accounts  
and audit.**

109. (1) The Commissioner shall keep proper accounts and other records in relation to the Rewards and Fines Fund, the Private Engagement Fund, the Band Fund, the Canteen Fund or any fund established under this Act and shall prepare annually a statement of accounts in a form satisfactory to the Minister of Finance.

(2) The accounts of the Commissioner shall be audited by an auditor appointed annually by the Minister and approved by the Minister of Finance.

(3) Nothing in this Act shall prevent the Auditor-General from carrying out any functions of auditing or reporting on the accounts of the Commissioner and for that purpose the Auditor-General shall be entitled to have access to all books, records, returns and reports relating to such accounts.

**Annual  
report.**

110. (1) The Commissioner shall, in each year submit to the Minister a report containing -

- (a) an account of his transactions throughout the preceding financial year in such detail as the Minister may direct; and
- (b) a statement of the accounts of the Commissioner audited in accordance with section 109.

(2) The Minister shall cause a copy of the report together with a copy of the auditors report to be laid before both Houses of Parliament and such reports shall be published in one newspaper published and circulating in The Bahamas.

**Disposal of  
found and  
unclaimed  
property.**

111. (1) All property which has come into the possession of the Force in respect of which the owner has not been ascertained and no order of a competent court has been made with respect thereto shall be dealt with as follows -

- (a) when such property is a perishable article or its custody involves unreasonable expense or inconvenience the same may be sold as soon as convenient after it has come into possession of the Force;
- (b) when such property consist of money, the same shall be dealt with in all respects as is hereinafter provided with regard to the

proceeds of sales hereby authorised after it has remained in the possession of the Force for six months and has been advertised for fourteen days.

(2) The proceeds of all sales hereby authorised shall, after deduction of expenses, be paid forthwith to the Deposit Fund and placed to the credit of the Rewards and Fines Fund:

Provided that property found by any person other than a police officer not being otherwise provided for by law and which has not been claimed by the real owner may be delivered to the finder on his claiming the same, but such delivery to the finder shall not be made until the property has remained in the possession of the Force for six months or, in the case of animals, fourteen days.

(3) In the event of such property being of a nature which necessitates an immediate sale, the proceeds of the sale shall be deposited in the Deposit Fund and credited to the Rewards and Fines Fund. On the expiration of six months such proceeds after deduction of the expenses of sales, may be delivered to the finder on his claiming the same, provided that the proceeds have not been claimed by the real owner.

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

#### PART XIV

#### SERVICE OUTSIDE THE BAHAMAS

**Governor-  
General's  
power to  
send police  
officers to  
neighbouring  
territories.**

112. The Governor-General, may on the application of the Government of a neighbouring territory, order such number of police officers as he may think fit to proceed for service to such territory, subject nevertheless to his first being satisfied that the full cost of providing such police officers for service in that territory, including the salaries of such officers while so serving, will be defrayed by the Government of that territory.

**Discipline,  
duties and  
powers of  
officers from  
neighbouring  
territories  
arriving in  
The Bahamas.**

113. Whenever any police officers from the police force of a neighbouring territory are present in The Bahamas in respect to an application made by the Minister for the purpose of assisting the Force in a temporary emergency, the following provisions shall have effect with regard to such officers -

- (a) they shall be under the orders of their own officers present with them, if any, subject, however, to the control of the senior officer present whether he be a member of the Force or of the police force of the neighbouring territory;
- (b) they shall have and may exercise the powers and shall be liable to perform the duties of police officers or equivalent rank in the Force and shall for those purposes be deemed to be members of the Force;
- (c) the provisions of any Act or other law affecting the discipline, punishment, terms and conditions of service of such officers whilst serving in such neighbouring territory shall, so far as circumstances admit, be applied in The Bahamas as if such Act or other law were part of the general law of The Bahamas:

Provided that -

- (i) no such law as aforesaid shall be interpreted, in its application within The Bahamas, as conferring any power on any officer of the Force to punish any officer of the police force of the neighbouring territory for any offence against discipline;
- (ii) where any such law confers on a court or magistrate of the neighbouring territory jurisdiction to try and award punishment for any such offence as aforesaid, such jurisdiction may be exercised by a court or magistrate possessing comparable jurisdiction within The Bahamas;
- (d) any contract of service between any such officer and the

Government of the neighbouring territory may be enforced in The Bahamas in the same manner and with the like effect as if it had been made between such officer and the Government of The Bahamas.

For the purpose of this Part of this Act the expression "neighbouring" territory means any territory which the Minister may, by notice publish in the Gazette, declare to be a neighbouring territory for the purpose of this Part:

Provided that no such notice shall be published in respect of any territory unless and until the Minister is satisfied that satisfactory arrangements have been or will be made for the inclusion in the law of that territory of provisions reciprocal to the foregoing section of this Part of this Act.

**Overseas  
training.**

114. The Minister may order that any police officer shall proceed to any place outside The Bahamas for the purpose of undergoing instructions or training or for duty or employment.

## **PART XV MISCELLANEOUS**

**Apprehension  
of deserters.**

115. (1) Upon reasonable suspicion that any person is a deserter any police officer may apprehend him without a warrant and forthwith bring him before a court having jurisdiction in the place wherein he was found which may deal with the suspected deserter or remit him to a court having jurisdiction in the place in which he has deserted.

(2) Every police officer who shall absent himself from duty without leave for not less than thirty consecutive days without satisfactory explanation, shall be held to have vacated his position automatically.

**Arrest of  
members of  
the Force.**

116. Any member of the Force charged with any offence under this Act or the regulations made thereunder may be arrested and confined until he can be brought before the Commissioner for the charge to be investigated.

**Family Island**

117. The various Family Island Administrators shall be and are

**Administrator  
to have power  
of senior  
police officers.  
Accommo-  
dation.**

hereby respectively invested within their districts with the powers and authorities by this Act given to officers of the rank of Inspector or above:

Provided that such powers and authorities shall not be exercised at any time when an officer of or above the rank of Inspector is present within the District.

118. The Minister may assign for the use of the Force such buildings as may be available and may make such further provision for accommodation as necessary. The Commissioner may assign any such accommodation to any police officer and may require him to reside therein.

**Canteens.**

119. (1) Notwithstanding the provisions of any Act to the contrary, it shall be lawful for the Commissioner to establish and maintain police messes and canteens and to sell wine, ale, beer, spirits and other goods by retail in such messes and canteens without having previously obtained a licence for that purpose.

(2) It shall be lawful for the Commissioner as he may think fit to make rules in regard to the hours during which such canteen shall be kept open each day for the sale of wine, ale, beer, spirits and other goods and for the proper management and control of the canteens.

(3) All monies received for the sale of goods under this section shall be paid to the Deposit Fund to be placed to the Credit of the Canteen Fund.

(4) No payment shall be made from the Canteen Fund except upon the authority of the Commissioner.

(5) Payment from the Canteen Fund shall be used for the purposes of establishing and maintaining police messes.

**Funeral  
expenses.**

120. (1) The reasonable funeral expenses of all members of the Force, dying whilst in the execution of their duties shall be paid by the Government of The Bahamas.

(2) All expenses payable under subsection (1) shall be paid out of the Consolidated Fund.

**Legal Aid.**

121. Where a police officer is charged before a court with an offence arising out of or in the course of the execution of his duty and the Attorney-General is satisfied that such officer acted in good faith in the execution of his duty, such police officer shall

be granted legal aid as approved by Cabinet in the conduct of his defence.

**Partisanship.**

122. Every member of the Force shall avoid public expression of political and sectarian opinions and shall bear themselves with strict impartiality in all matters.

**Award of  
of medals.**

123. The Governor-General may, on the advice of the Minister after consultation with the Commissioner, award a medal of good service to any civilian who was instrumental in the detection and prevention of crime.

**Character  
Certificate.**

124. (1) The Commissioner may, on application by any person requiring a character certificate, issue such a certificate on the payment of a fee as determined by the Minister.

Provided that no fee shall be payable where the Minister of Finance is satisfied that the applicant is unable by reason of financial hardship, to pay the fee.

(2) All fees payable under subsection (1) of this section shall be payable into the Treasury for the credit of the Consolidated Fund.

**Regulations.**

125. (1) The Minister may make regulations for the carrying out of the objects of this Act and, without limiting the generality of the foregoing may make regulations -

- (a) to establish Police Consultative Committees in communities throughout The Bahamas to assist the Force in obtaining the views of the public;
- (b) to establish panels of lay visitors in communities throughout The Bahamas to visit and examine where people are detained by police;
- (c) relating to the appointment, dismissal and promotion, leave, resignation and discipline of police officers;
- (d) relating to the detention, treatment, questioning and identification of persons detained by the Police;
- (e) relating to internal arrangements for inspection and review within the Force, the qualification of inspections and to external arrangements for inspection and review;
- (f) for the establishment of the police cadet programme;



- (g) to enable and encourage the efficient and effective operation and administration of the Force;
- (h) qualifications of persons seeking enlistment;
- (i) forms of certificates of appointment and other forms to be used under this Act;
- (j) conditions of service, leave and weekly rest days;
- (k) conditions under which police officers may be provided for private purposes;
- (l) taking of measurements, photographs and fingerprints of persons in lawful custody;
- (m) public and private performances by the Band;
- (n) administration of the Police Rewards and Fines Fund;
- (o) appointment, promotion, leave, resignation, release; dismissal and re-engagement of reserve police officers;
- (p) the establishment of stores for arms and ammunition deposited by the public and the regulation thereof including the imposition of fees, the destruction of any ammunition which is or is likely to become dangerous and the destruction, sale or other disposal of any firearm which is abandoned or in respect of which the fees have not been paid for any period exceeding two years;
- (q) for the award of medals, badges or other awards for such services or acts as may be prescribed and for the wearing of such medals, badges or awards.

(2) The Governor- General may make regulations under this Act with respect to all or any of the following matters that is to say, the terms of service, promotion, transfer, resignation and such other matters concerning police officers as may seem to him necessary.

**Power to  
amend  
Schedules.**

126. The Minister may, by Order, amend any of the Schedules to this Act.

Repeal of  
Ch. 205.  
and No.  
26 of 2007.

127. The Police Act, Chapter 205 and the Police Service Act, 2007 are  
hereby repealed.

**FIRST SCHEDULE** (section 5)  
**CLASSIFICATION OF OFFICERS IN THE POLICE FORCE**  
**Police Officers**

Commissioner

Deputy Commissioner

Assistant Commissioner

Chief Superintendent

Superintendent

Assistant Superintendent

Chief Inspector

Inspector

Sergeant

Corporal

Constable

Recruit


10. Subject to the provisions of this Act, the Inspectorate may make rules respecting the manner in which reviews are conducted before him, and for any other matters pertinent to his functions.

**CERTIFIED** to be a correct copy of this Act as

passed by

the House of Assembly on the 11<sup>th</sup> day of FEBRUARY

A.D., 2009

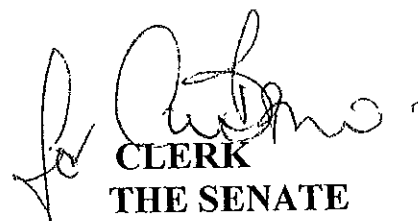
  
**CHIEF CLERK  
HOUSE OF ASSEMBLY**

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**CERTIFIED** to be a correct copy of this Act as

passed the Senate

the 26<sup>th</sup> day of February A.D., 2009

  
**CLERK  
THE SENATE**