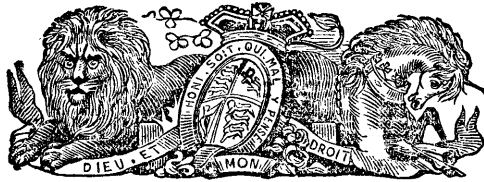


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POLICE REGULATION ORDINANCE, 1862.

IN THE TWENTY-SIXTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XVI, No. 100.

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*AN ORDINANCE for the Regulation of the Police Force of the
Province of Otago.*

WHEREAS it is expedient to made provision for the regula- Preamble
tion of the Police Force established in the Province of
Otago:—

BE IT THEREFORE ENACTED by the Superintendent of the said Province with the advice and consent of the Provincial Council thereof as follows:—

Commissioner of Police to be appointed.

1. It shall be lawful for the Superintendent from time to time to appoint a fit and proper person to be Commissioner of Police throughout the said Province and as occasion may require to remove such person and appoint another in his stead and every such Commissioner of Police shall be charged and invested with the general control and management of the Police Force of the said Province: And in case of his illness absence from the Province or other cause the Superintendent may appoint any person to perform all or any of the duties imposed on the Commissioner by or under this Ordinance.

Inspectors, Sub-Inspectors and other officers of Police to be appointed.

2. It shall be lawful for the Superintendent to appoint such number of Inspectors and Sub-Inspectors and other Officers of Police as may be found necessary and such Inspectors Sub-Inspectors and other Officers shall subject to the general control of the Commissioner of Police be respectively charged and invested with the government direction and superintendence of the Police Force stationed within such districts as the Superintendent may direct and such Inspectors Sub-Inspectors and other Officers shall have such more limited authority in relation to the Police as the Superintendent shall direct.

Sergeants and Constables to be appointed. Their duties.

3. It shall be lawful for the Commissioner of Police to appoint so many Constables of different grades as the Superintendent shall deem necessary who shall use their best endeavours to prevent any mischief by fire and all Felonies Misdemeanors and Breaches of the Peace throughout the Province and such Constables and all other members of the Police Force shall unless and until these appointments respectively shall be disallowed by the Superintendent (which disallowance is hereby authorised) have all such powers authorities privileges and advantages and be liable to all such duties and responsibilities as any Constable duly appointed now has or hereafter may have either by the common law or by virtue of any Statute Act or Ordinance now or hereafter to be in force in the said Province as well in and upon the several Rivers Creeks Inlets and Waters Harbours Docks Wharves Quays and Landing-places thereto adjacent as in any other part of the Province.

Removal and appointment of officers.

4. It shall be lawful for the Superintendent from time to time as he shall think fit to remove any Inspector Sub-Inspector Officer or Sergeant of Police who may be appointed under this Ordinance and upon any vacancy in any of the said offices or appointments by death removal disability or otherwise to nominate and appoint some other fit and proper person to fill the same and it shall be lawful for the Commissioner of Police from time to time as he shall think fit to remove any constable appointed under this Ordinance and to appoint another in his stead.

5. It shall be lawful for the Superintendent from time to time to frame rules orders and regulations for the general government of the members of the Police Force and all such rules when published in the *Provincial Government Gazette* shall if not inconsistent with or repugnant to any provision of this or any other Act or Ordinance have the force of Law within the said Province and copies thereof shall be laid before the Provincial Council forthwith if sitting and if not then sitting within fourteen days after the opening of the next Session.

Superintendent to frame Rules and to alter and amend the same.

6. No person unless under special circumstances shall be appointed to be a Constable who is not of a sound constitution able-bodied and under the age of thirty-five years of a good character for honesty fidelity and activity and unless dispensed with for some special necessity able to read and write and no person shall be appointed to be a Constable who shall have been convicted of any felony or who shall be a bailiff or who shall be a hired servant in the employment of any person whomsoever or who shall keep a house for the sale of beer wine or spirituous liquors by retail and any Constable who shall be or become a bailiff or a hired servant or shall act in any of the said capacities or shall sell any beer wine or spirituous liquors by retail shall forfeit his appointment as a Constable and all authority privileges salary and gratuity payable to him as such: Provided that so much of this enactment as relates to the qualification of persons to be appointed Constables shall not be deemed or taken to apply to any person who at the time of the passing hereof was employed in the Constabulary force of the said Province.

Qualifications of Constables.

7. Every Sergeant and Constable shall when not engaged on actual duty attend at all Sessions or Courts of the Justices of the Peace and of the Resident Magistrate held at the respective places where such Sergeants or Constables may be stationed and shall obey and execute all the lawful summonses warrants executions orders and commands of such Justices of the Peace and Resident Magistrates.

Sergeants Constables &c to attend Resident Magistrates' and Justice of Peace Courts.

8. Except as aforesaid every Sergeant and Constable shall execute all processes to him directed for levying the amount of any recognizance forfeited to Her Majesty her heirs and successors or of any fine imposed on any jurors witnesses parties or persons at any assizes or gaol delivery or Sessions of the Peace or any other fine imposed under any law in force in the said Province.

Constables to execute Process

9. No person appointed to be Commissioner of Police Inspector Sub-Inspector or other Officer Sergeant or Constable shall be capable of holding the said office or of acting in any way therein until he shall take and subscribe the following oath (that is to say) "I, A B, do swear that I will well and truly serve our Sovereign Lady the Queen in the office of Commissioner of Police Inspector Sub-Inspector Officer Sergeant or Constable (as the case may be) without favor or affection malice or ill-will for the period

Oaths to be taken by Officers and Constables

of from this date and until I am legally discharged that I will see and cause Her Majesty's peace to be kept and preserved and that I will prevent to the best of my power all offences against the same and that while I shall continue to hold the said office I will to the best of my skill and knowledge discharge all the duties thereof faithfully according to the law so help me God:" And the said oath shall be administered by any Justice of the Peace and shall in all cases be subscribed by the person taking the same such Justice before administering the Oath inquiring of the person appearing before him if he is fully aware of the provisions of this Ordinance and the oath so taken by the Commissioner of Police shall be forthwith transmitted to the Superintendent by the Justice before whom the same was taken and the oaths so taken and subscribed by all other persons appointed to any office under this Ordinance shall be forwarded by the Justices before whom the same were taken to the said Commissioner of Police.

Taking an oath equivalent to entering into an agreement.

10. Every person taking and subscribing such oath as aforesaid shall be deemed and taken to have thereby entered into a written agreement with and shall be thereby bound to serve Her said Majesty as a member of the said Police Force and in the capacity of which he shall have taken such oaths at the current rate of pay for such member and until legally discharged from the day upon which such oath shall have been taken and subscribed: Provided that no such agreement shall be set aside cancelled or annulled for want of reciprocity: Provided further that such agreement may be cancelled at any time by the lawful discharge dismissal or other removal from office of any person under the rank of Inspector or Sub-Inspector or by the resignation of any such person under such rank being accepted by the Commissioner of Police or other person acting in his stead and in the case of the Commissioner of Police Inspector or Sub-Inspector by the removal of such Commissioner of Police Inspector or Sub-Inspector or by his or their resignation being accepted by the Superintendent.

Penalty on Constables for neglect of duty for taking a bribe and other misconduct.

11. Any Constable or other member of the Police Force who shall neglect or refuse to obey and execute any process hereby directed to be by him executed and any member of the Police Force of whatever rank who shall take any bribe pecuniary or otherwise either directly or indirectly to forgo his duty or who shall in any manner aid abet assist or connive at the escape or any attempt or preparation to escape of any prisoner from any gaol watch-house hulk or any other place in which any such prisoner may be legally confined or otherwise in lawful custody or who shall desert his post or assault his superior officer or who shall in any other respect whatsoever be guilty of insubordination neglect or violation of or absence from duty or other misconduct shall for every such offence upon conviction thereof before any two or more Justices of the Peace forfeit and pay a penalty not exceeding twenty-five pounds.

All powers and authorities vested in Constables, to cease upon dismissal from office.

12. When any member of the Police Force of whatever rank shall be dismissed from or cease to hold and exercise his office all powers and authorities vested in him in his capacity as a member of the Police Force shall immediately cease and determine to all

intents and purposes whatsoever and if any such member of the Police Force shall not forthwith after he shall have been dismissed from or shall have ceased to hold his office deliver over all and every the arms ammunition and accoutrements horse saddle bridle clothing and other appointments and things whatsoever which may have been supplied to him for the execution of such office or which may be in his custody by virtue thereof to such person as may be appointed by any order special or general issued by the said Commissioner of Police every such constable or other member of the Police Force upon conviction of such offence in a summary manner before any two or more Justices of the Peace shall be imprisoned and kept to hard labor for any such period not exceeding three calendar months as such Justices may direct and it shall be lawful for any Justice of the Peace and he is hereby authorised and required to issue his warrant to search for and seize and cause to be delivered over to the Commissioner of Police or such person appointed by him as aforesaid all and every the arms ammunition accoutrements horses saddles bridles clothing and other appointments and things whatsoever which shall not be so delivered over wherever the same shall be found.

13. No Constable or other member of the Police Force shall be at liberty to resign his office or to withdraw himself from the duties thereof notwithstanding the period of his engagement shall have expired unless expressly authorised in writing so to do by the Commissioner of Police or unless he shall have given three months' notice of his intention so to resign or withdraw and if any Constable or other member shall so resign or withdraw himself without such previous permission or notice he shall upon conviction in a summary way before any two or more Justices of the Peace for every such offence forfeit a sum not less than five pounds and not exceeding forty pounds.

Three months' notice of resignation to be given by Constables, &c.

14. The Superintendent may from time to time purchase or rent any Buildings or Land and convert such Buildings into or build on such Land Offices Watch-houses Lock-up Houses and other places necessary for the purposes of this Ordinance with all the proper conveniences thereto and may repair the same from time to time and furnish and fit up the same and employ proper persons to take care thereof.

Power to provide Offices Lock-up-Houses &c.

15. The Commissioner of Police and all Inspectors Sub-Inspectors Sergeants Constables and other members of the Police Force being on actual duty and in proper dress or undress as such and all prisoners under their charge and all carriages and horses exclusively employed in carrying or conveying such persons or their prisoners or baggage forage or Government stores or returning therefrom and not otherwise engaged and employed shall be exempt from payment of any tolls or dues otherwise demandable in passing any toll-gate turnpike road bridge or ferry and every toll collector who shall demand or receive any duty or toll contrary to this Ordinance shall forfeit and pay any sum not exceeding ten pounds for every such offence on conviction in a summary way before any Justice of the Peace.

Exemption from tolls

Enquiries as to conduct of Police.

16. It shall be lawful to and for the Commissioner of Police or any other person nominated for the purpose by the Superintendent if he see cause to examine on oath into the truth of any charge or complaint preferred against any member of the Police Force as to any neglect or violation of duty in his office or insubordination or misconduct against the discipline of the said Force and to report thereon to the Superintendent.

Witnesses on such enquiries.

17. It shall be lawful for such Commissioner of Police or other person nominated as aforesaid to issue a summons or summonses requiring all such persons as shall be named therein to appear before him at a place and time therein appointed to give evidence as to all matters and things known to any such person respecting any charge or complaint preferred against any member of the Police Force as to any neglect or violation of duty in his office and all persons duly summoned as aforesaid who shall not attend at the time or place named in such summons or attending shall refuse to be sworn or being sworn shall refuse to give evidence or to answer all such questions as may be legally demanded of them shall forfeit and incur a penalty not exceeding five pounds.

Penalty for personating Constables

18. If any person not being a member of the Police Force shall have in his possession any arms or ammunition or any article of clothing accoutrements or appointments supplied to any member of the Force and shall not be able satisfactorily to account for his possession thereof or shall put on or assume the dress name designation or description of any member of the Force or of any class of such members or shall give or offer or promise to give any bribe recompense or reward or shall make any collusive agreement with any member of the Force to induce him in any way to neglect his duty or conceal or connive at any act whereby any such rule order or regulation in force in the said Province may be evaded every such person so offending and whether such offer shall be accepted or performed or not shall in addition to any other punishment to which he may be liable for such offence forfeit for every such offence on summary conviction before any two or more Justices of the Peace any sum not exceeding fifty pounds.

Repute to be evidence of appointment.

19. If any question shall arise as to the right of the Commissioner of Police or other Officer or member of the Police Force to hold or execute his office common reputation shall to all intents and purposes be deemed sufficient evidence of such right and it shall not be necessary to have or produce any written appointment or any oath affidavit and other document or matter whatsoever in proof of such right.

Penalty on persons obtaining admission into Police Force in certain cases.

20. Any person having been dismissed from the said Police Force who shall by concealing the fact of such dismissal and any person who shall by any false or forged certificates or any false representations obtain admission into the said Force shall be liable on conviction to imprisonment for any period not exceeding three calendar months.

21. The holder of any license to sell or dispose of fermented or spirituous liquors under any law now or hereafter to be in force within the Province who shall by himself or his servants permit any Constable to become intoxicated on his premises or to be supplied with fermented or spirituous liquors whilst intoxicated or whilst on duty knowing him in every such case to be a Constable shall for every such offence forfeit and pay a sum not exceeding twenty pounds to be recovered in a summary way before any two or more Justices of the Peace.

Penalty on publican permitting Constables to become intoxicated on his premises.

22. Any goods and chattels which have lawfully come to the possession of any member of the Police Force and which are unclaimed shall and may be sold and disposed of by the direction of the Commissioner of Police by public auction (a notice of such sale having been previously published thrice in the *Provincial Government Gazette*) and the clear produce of such sale shall be paid to the Police Reward Fund and every such sale shall be valid against all persons and the person selling any goods or chattels under the provisions hereof need not be a licensed auctioneer.

Unclaimed goods in possession of Police may be sold by Commissioner.

23. Whenever any penalty or forfeiture shall have been imposed by any Justices under the provisions of this Ordinance and the person convicted shall not forthwith pay the same it shall be lawful for such Justices to direct that such person be imprisoned in any gaol within the said Province with or without hard labour as they shall think fit for a period not exceeding fifteen days if the penalty shall not exceed five pounds or two months where such penalty is more than five pounds and less than twenty pounds or four months when such penalty is more than twenty pounds and such person shall be detained and kept to hard labour accordingly unless he shall sooner pay the penalty and costs.

Imprisonment in default of payment of penalties.

24. Provided that any member of the Police Force liable to imprisonment for any offence under this Ordinance may be sentenced to be confined and be confined in any place specially appointed by the Governor or by the Superintendent as a Police Prison instead of in a Common Gaol or other place of confinement and may be kept to hard labour therein: And no imprisonment or confinement of any member of the Police Force under this Ordinance shall be deemed to be part of any period for which he shall have engaged to serve in the said Force.

Members of Police Force subject to imprisonment may be imprisoned in any place specially appointed as a Police Prison.

25. All proceedings under this Ordinance shall be had and taken in a summary way and in any information or other proceeding it shall be sufficient to state any arms or ammunition or any article of clothing accoutrements or appointments supplied to any member of the Police Force or any other property of or under the charge of the Police Force or any member thereof to belong to and to lay such information or other proceeding in the name of the Commissioner of Police.

Proceedings to be taken in a summary way.

The powers of the Superintendent under this Ordinance to be exercised with the advice and consent of the Executive Council.

26. All appointments acts and powers by this Ordinance authorised to be made done and exercised by the Superintendent of the Province shall be made done and exercised by and with the advice and consent of his Executive Council.

Interpretation Clause

27. In the interpretation of this Ordinance the terms "Police Force" "Commissioner" "Inspector" "Sub-Inspector" "Constable" "Officer" and "Member" shall include and apply not only to the Force employed on land but also to any Force that may now or hereafter be employed upon water and known as the "Water Police" and the provisions of this Ordinance shall comprise extend and apply to the Water Police *mutatis mutandis* as fully as to the Police Force employed on land.

Members of Police Force appointed before the passing of this Ordinance to be subject thereto.

28. The Commissioner of Police Inspectors Sub-Inspectors Sergeants Constables and all other members of the Police Force whosoever appointed and acting at the time of the passing of this Ordinance shall respectively be vested with and discharge and execute the several duties powers privileges and authorities and be subject to the like obligations restrictions liabilities directions and regulations as if they had respectively been appointed under and by virtue of this Ordinance.

Laws repugnant to this Ordinance repealed.

29. All laws in force in the said Province in so far as the same are repugnant to the provisions of this Ordinance or would in any way interfere in the operation hereof are hereby repealed.

Short Title.

30. This Ordinance shall be termed and may be cited and referred to as the "Police Regulation Ordinance 1862."

Passed the Provincial Council this second day of December, one thousand eight hundred and sixty-two.

CHARLES SMITH,

Clerk of Council.

ALEX. RENNIE,

Speaker.

Assented to on behalf of the Governor at Dunedin this nineteenth day of December one thousand eight hundred and sixty-two.

J. L. C. RICHARDSON,

Superintendent of the Province of Otago.

