

THE LAWS OF KIRIBATI
REVISED EDITION 1980

CHAPTER 73

POLICE

ARRANGEMENT OF SECTIONS

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SCHEDULE

An Ordinance to provide for the organisation, discipline, powers and duties of the Kiribati Police and of special constables and for matters incidental thereto

Commencement: 31 August 1965

3 of 1965
8 of 1968
8 of 1971
L.N. 16/72
3 of 1972
3 of 1973
L.N. 17/66
(Cap. 70 of 1973)
9 of 1974
22 of 1974
26 of 1977
L.N. 5/80

PART I

PRELIMINARY

1. This Ordinance may be cited as the Police Ordinance. Short title
2. In this Ordinance, unless the context otherwise requires— Interpretation
"administrative officer" means an Administrative Officer Class 1, 2, 3, 4 or 5 in the public service;

“Commissioner of Police” and “Commissioner” means the person for the time being appointed Commissioner of Police under section 13;

“court” means court of competent jurisdiction;

“Force” means the Kiribati Police established by this Ordinance;

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“government medical officer” includes any medical officer within the meaning ascribed to that term by section 2 of the Medical and Dental Practitioners Ordinance;

“officer in charge of police” means the police officer appointed by the Commissioner to be in charge of the police stationed in any place, or where such an officer has not been appointed, the administrative officer in charge of such place; and

“police officer” means any member of the Force.

Constitutional provision

3. This Ordinance shall be read subject to Chapter VII of the Constitution, and in particular to section 102 of the Constitution.

PART II

CONSTITUTION AND ADMINISTRATION

Establishment of the Force

4. There is hereby established in Kiribati a force of police to be called the Kiribati Police.

Enrolment and composition of the Force

5. The Force shall be formally enrolled and shall consist of the Commissioner of Police and such other members and ranks and grades of subordinate officers as may from time to time be appointed under this Ordinance.

Former members of the Gilbert and Ellice Islands Colony Constabulary to remain police officers

6. Every member of the Gilbert and Ellice Islands Colony Constabulary as heretofore existing in Kiribati shall be deemed to have become a police officer in the same or equivalent rank as he was serving in the said Gilbert and Ellice Islands Colony Constabulary at the time of the coming into operation of this Ordinance and shall continue to serve as a police officer in such rank or other rank to which he may be promoted or reduced for the remainder of the period of service for which he was under engagement in the said Gilbert and Ellice Islands Colony Constabulary at the said time.

Functions of the Force

7. The Force shall be employed in and throughout Kiribati for the maintenance of law and order, the preservation of the peace, the protection of life and property, the prevention and detection of crime and the enforcement of all laws and regulations with which it is directly charged; and the Force shall be entitled for the performance of such duties to carry arms.

8. (1) If the Republic is at war or it appears to the Beretitenti, acting in accordance with the advice of the Cabinet, that a grave threat to the defence or internal security of Kiribati has arisen, the Beretitenti, acting in accordance with the advice of the Cabinet, may direct that the Force or any part thereof—

Employment
of the Force
in times of
emergency

- (a) shall be employed as a military force; and
- (b) shall comply with the orders of any military authority that he may specify.

(2) A direction under subsection (1) that the Force shall comply with the orders of a military authority shall not affect—

- (a) any powers of appointment, dismissal or disciplinary control of members of the Force conferred upon any person or authority by this Ordinance; or
- (b) except so far as the Beretitenti, acting in accordance with the advice of the Cabinet, may otherwise direct, the command and superintendence of the Force vested in the Commissioner by section 9.

9. (1) The Commissioner of Police has the command, superintendence and control of the Force.

General
powers of the
Commissioner
of Police

(2) The Commissioner may from time to time make orders for the general government of police officers in relation to their enrolment, discharge, training, arms and accoutrements, clothing and equipment, classification and particular services, as well as their distribution and inspection and such other orders as he may deem expedient for preventing neglect and for promoting efficiency and discipline on the part of police officers in the discharge of their duties.

(3) Any act or thing which may lawfully be done, ordered or performed by the Commissioner may, with the authority of the Commissioner, be done, ordered or performed by a Senior Superintendent, Superintendent or Assistant Superintendent.

10. (1) The administration of the Force throughout Kiribati shall be vested in the Commissioner.

Administration
of the Force

(2) The control of the police in any place shall be vested in such police officer as may be appointed by the Commissioner to be in charge thereof; and such officer shall be subordinate to and carry out the orders of the Commissioner in all matters connected with discipline, interior economy and training of the members of the Force under him and for the prevention, detection and prosecution of crime.

(3) In any place where there is no police officer appointed to be in charge of the police stationed therein, the administrative officer in charge of such place shall be in general charge of the police stationed therein, subject to the orders and directions of the Commissioner:

Provided that nothing in this Ordinance shall be deemed to render any such administrative officer a police officer.

Officers in charge of police to keep prescribed books and to render returns

11. Every officer in charge of police shall keep such books and records and shall render such returns to the Commissioner as the Commissioner may from time to time direct.

Stores

12. Every officer in charge of police shall be responsible for all public stores and public moneys issued and delivered for the use of the detachment under his command and shall account for the same to the Commissioner.

PART III

APPOINTMENT, ENROLMENT, SERVICE AND DISCHARGE

Commissioner of Police

13. The Commissioner of Police shall be appointed and hold office, and may be removed from office, in accordance with section 101 of the Constitution.

Appointment of other police officers

14. (1) Members of the Force below the rank of Commissioner and not below the rank of Assistant Superintendent shall be appointed by the Beretitenti, acting in accordance with the advice of the Public Service Commission, in accordance with section 99 of the Constitution.

(2) Members of the Force below the rank of Assistant Commissioner shall be appointed by the Commissioner, in accordance with section 102 of the Constitution.

Oath on enrolment

15. (1) Every member of the Force shall on being enrolled make and sign before some person for the time being authorised by law to administer oaths, or before the Commissioner, in such manner as such member may declare most binding on his conscience, an oath or an affirmation in the following form—

“I DO SWEAR
by Almighty God
(or)
SOLEMNLY AND SINCERELY AFFIRM
that I will be faithful and bear true allegiance to the Independent

and Sovereign Republic of Kiribati, and that I will faithfully serve the Republic, during my service in the Kiribati Police; that I will subject myself to all Ordinances, orders and regulations relating to the said Police now in force or which may from time to time be in force and will discharge all the duties of a police officer according to law, without fear or favour, affection or ill-will."

(2) Every such person shall on enrolment and before taking the oath or making the affirmation required by the preceding subsection answer truly any question which may be put to him as to his previous service in the defence force or police force of any member of the Commonwealth, or any dependancy of any such member and as to whether he has at any time been convicted of any offence.

(3) Any person who wilfully makes a false statement in reply to a question put to him under the preceding subsection shall be liable to a fine of \$20 and to imprisonment for 1 month.

16. Any police officer below the rank of Assistant Superintendent may resign from the Force at any time by giving 6 months' notice in writing of his intention so to do to the Commissioner: Resignation

Provided that in any case the Commissioner may in his discretion waive the provisions of this section regarding the period of notice to be given.

17. Any police officer whose period of service expires during a state of war, insurrection or hostilities may be retained and his service prolonged for such further period as the Minister, acting in his discretion, may direct. Prolongation of service in case of war, etc.

18. Subject to the right of appeal to the Public Service Commission provided for by section 102 (2) of the Constitution, any police officer below the rank of Assistant Superintendent may be discharged by the Commissioner at any time— Discharges

- (a) if the Commissioner considers that he is unlikely to become or has ceased to be an efficient police officer;
- (b) if he is pronounced by a medical officer to be mentally or physically unfit for further service;
- (c) on reduction of establishment;
- (d) if the Commissioner considers his discharge is necessary in the public interest:

Provided that no police officer shall be so discharged unless he has been given 1 month's notice in writing of the intention to so discharge him or 1 month's pay in lieu of such notice.

Rules for reckoning service for purposes of discharge

19. In reckoning the service of any police officer below the rank of Assistant Superintendent for purposes of discharge there shall in all cases be excluded therefrom all periods during which he has been absent from duty for any of the following reasons—

- (a) imprisonment for any cause save that of detention awaiting any trial which resulted in his acquittal or discharge, or which was determined by the entry of a *nolle prosequi*;
- (b) desertion;
- (c) absence without leave.

Arms and accoutrements to be delivered up on member ceasing to belong to the Force

20. (1) When a police officer ceases to be a member of the Force he shall forthwith deliver up to the person appointed by the Commissioner for that purpose or to the officer in charge of police at the place at which he was last stationed all arms, ammunition, accoutrements, uniform and other appointments which have been supplied to him and which are the property of the Government.

(2) Any police officer who, having ceased to belong to the Force, fails to deliver up any arms, ammunition, accoutrements, uniform or other appointments as required by this section shall be guilty of an offence and shall be liable to a fine of \$40 and to imprisonment for 3 months and the court convicting such officer may issue a warrant to search for and seize all such arms, ammunition, accoutrements, uniform and other appointments which shall not have been so delivered up.

PART IV

POWERS AND DUTIES OF POLICE OFFICERS

Police officers not to engage in other employment

21. A police officer shall not without the written consent of the Minister engage in any employment or office whatsoever other than in accordance with his duties under this Ordinance.

General powers and duties of police officers

22. (1) Every police officer shall exercise such powers and perform such duties as are by law conferred or imposed upon a police officer, and shall obey all lawful directions in respect of the execution of his office which he may from time to time receive from his superiors in the Force.

(2) Every police officer shall be deemed to be on duty at all times and may at any time be detailed for duty in any part of Kiribati.

(3) It shall be the duty of every police officer promptly to obey and execute all orders and warrants lawfully issued to him by any competent authority, to collect and communicate intelligence affecting the public peace, to prevent the commission of offences and public nuisances, to detect and bring offenders to justice, and to apprehend all persons whom he is legally authorised to apprehend and for whose apprehension sufficient ground exists.

23. (1) The officer in charge of police may cause to be taken for use and record in the police registry photographs, descriptions, measurements and finger prints of any person in lawful custody for any offence punishable by imprisonment, whether accused or convicted.

Powers to take photographs of accused, etc., or convicted persons

(2) On the acquittal of any person whose photographs, descriptions, measurements and finger prints have been taken under the provisions of this section, such photographs, descriptions, measurements and finger prints shall be destroyed.

(3) Any person in lawful custody as aforesaid, who shall refuse to submit in a proper manner to the methods of identification aforesaid, shall be liable to a fine of \$40 and to imprisonment for 3 months and, after conviction, reasonable force may be used to enable such methods of identification as aforesaid to be taken.

24. It shall be lawful for any police officer to make a complaint or charge against any person before a magistrate and to apply for a summons, warrant, search warrant or such other legal process as may by law issue against any person.

Powers of police officer to make complaint

25. (1) Where the defence to any suit instituted against a police officer is that the act complained of was done in obedience to a warrant purporting to be issued by a judge, magistrate or a justice of the peace the court shall, upon production of the warrant containing the signature of the judge, magistrate or justice of the peace and upon proof that the act complained of was done in obedience to such warrant, enter judgment in favour of such police officer.

Non-liability for act done under authority of warrant

(2) No proof of the signature of a judge, magistrate or justice of the peace shall be required unless the court has reason to doubt the genuineness thereof; and where it shall be proved that such signature is not genuine, judgment shall nevertheless be given in favour of such police officer under the last preceding subsection if it is proved that, at the time when the act complained of was committed, he believed on reasonable grounds that such signature was genuine.

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(3) In the section, the term "justice of the peace" bears the meaning ascribed to it in section 2 of the Criminal Procedure Code.

Power to inspect licences

26. (1) It shall be lawful for any police officer to stop and detain any person whom he sees doing any act for which a licence is required under the provisions of any law for the time being in force and to require such person to produce his licence.

(2) Any person who fails to produce such licence when called upon by a police officer may be arrested without a warrant unless he gives his name and address or otherwise satisfies the police officer that he will duly answer any summons or other proceedings which may be taken against him.

Duty of Force to keep order on public roads

27. (1) ~~It shall be the duty of police officers—~~

(a) to regulate and control traffic;

(b) to divert all or any particular kind of traffic when in the opinion of a police officer it is in the public interest so to do;

(c) to keep order on public roads, streets, thoroughfares and landing places, and at other places of public resort or places to which the public have access; and

(d) to prevent obstruction on the occasions of assemblies and processions on the public roads and streets, and in any case when any road, street, thoroughfare or landing place may be thronged or may be liable to be obstructed.

(2) Every person who opposes or disobeys any lawful order given by any police officer in the performance of his duty under this section shall be liable to a fine of \$40 or to imprisonment for 3 months.

(3) Any person who opposes or disobeys any lawful order given by a police officer in the performance of his duty under this section may be arrested without a warrant unless he gives his name and address or otherwise satisfies a police officer that he will duly answer any summons or other proceedings which may be taken against him.

Disposal of unclaimed property

28. It shall be the duty of every police officer to take charge of all unclaimed property, and such unclaimed property shall then be disposed of, or otherwise dealt with, in accordance with the regulations.

29. Any police officer may enter and if necessary break into any building being or reasonably supposed to be on fire, or any building or land adjoining or near thereto, without the consent of the owner or occupier thereof, and may do all such acts and things as he may deem necessary for extinguishing fire in any such building or for protecting the same or rescuing any person or property therein from fire.

Powers of police to enter and break open premises in case of fire

PART V

DISCIPLINE

Division 1—Offences

30. (1) Any police officer who—

(a) being cognisant of any mutiny or sedition amongst the Force does not use his utmost endeavours to suppress such mutiny or sedition; or

(b) being cognisant of any intended mutiny or sedition amongst the Force does not without delay give information thereof to his superior officer; or

(c) being present at any assemblage tending to riot does not use his utmost endeavours to suppress such assemblage; or

(d) deserts; or

(e) persuades, procures, assists, or attempts to persuade, procure or assist any police officer to desert; or

(f) knowing that any police officer has deserted or intends to desert does not without delay give information to his superior officer; or

(g) strikes or offers violence to his superior officer, such officer being in the execution of his duty;

shall be liable to a fine of \$100 and to imprisonment for 12 months.

(2) 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.

(3) Upon reasonable suspicion that any person is a deserter any police officer may, notwithstanding the provisions of section 30 (2), apprehend him without warrant and forthwith bring him before a magistrates' court.

Offences by police officers triable by the court

Offences
against
discipline

31. (1) The regulations may prescribe what acts and omissions by members of the Force shall constitute offences against discipline.

(2) Any police officer of or above the rank of corporal may arrest without warrant any police officer not being an officer of his own or of a superior rank who commits or is reasonably suspected of having committed an offence under section 30 or of any of the following offences against discipline—

- (i) disobedience to lawful orders;
- (ii) obscene, abusive or insulting language;
- (iii) assault on another member of the Force;
- (iv) disorderly behaviour;
- (v) conniving at or being accessory to any of the above offences.

(3) A police officer effecting an arrest under the provisions of this section shall forthwith bring the accused before the officer in charge of police.

Division 2—Disciplinary Control of Junior Officers

Application
of Division 2

32. The provisions of this Division apply in respect of the disciplinary control of police officers below the rank of Assistant Superintendent, notwithstanding anything in the National Conditions of Service.

Constitutional
appeal

33. (1) In accordance with section 102 of the Constitution, a person aggrieved by a decision of the Commissioner under this Division (otherwise than under section 38) may appeal to the Public Service Commission, which may take any action in relation to the subject-matter of the decision that the Commission might have taken, or may dismiss the appeal.

(2) The Public Service Commission shall not increase any punishment without giving the accused an opportunity of being heard.

Punishments
which may be
awarded by
certain
officers

34. (1) A police officer of or above the rank of Inspector, or an officer in charge of police, may inquire into the truth of any charge under section 30 against a police officer of or below the rank of Sergeant and if his decision is against the accused may impose on him any one or more of the following punishments—

- (i) admonishment;
- (ii) reprimand;

(iii) confinement to quarters for 14 days with or without extra duties;

(iv) fine of 4 days' pay.

(2) A police officer shall not be convicted under subsection (1) unless the charge has been read and investigated in his presence and he has been given sufficient opportunity to cross-examine the witnesses called against him, to give evidence or make a statement himself and to call witnesses on his behalf.

(3) Any police officer who has been convicted under subsection (1) may appeal to the Commissioner within 7 days of such conviction.

(4) The Commissioner may at any time before it is carried into execution confirm, vary or quash any punishment imposed under this section and may order either generally or in any particular case that any such punishment shall be reported to him before being carried into execution:

Provided that the Commissioner shall not increase any punishment without giving the accused an opportunity of being heard.

35. The Commissioner may, in respect of any conviction under section 34, impose any one or more of the punishments mentioned in section 34, or any one or more of the following punishments—

Special powers of the Commissioner

(i) severe reprimand;

(ii) forfeiture of pay not exceeding the amount of pay for 14 days which may be due to the convicted police officer;

(iii) forfeiture of any reward or allowances which the convicted police officer may have earned in the Force;

(iv) reduction in rank or grade;

(v) dismissal.

36. (1) The Commissioner may at any time interdict from duty any police officer below the rank of Assistant Superintendent pending an enquiry under section 34 into any disciplinary offence of which he is charged or pending trial or enquiry into any offence, whether under this Ordinance or any other law, of which he is charged before a court.

Powers of interdiction

(2) A police officer interdicted from duty shall not by reason of such interdiction cease to be a member of the Force:

Provided that the powers, privileges and benefits vested in him as a member of the Force shall be in abeyance during his interdic-

tion but he shall continue subject to the same responsibilities, discipline and penalties and to the same authority as if he had not been interdicted.

(3) Save as hereinafter provided a police officer shall not receive pay for any period during which he is interdicted from duty.

(4) A police officer interdicted from duty shall be allowed to receive such proportion of his pay not being less than one half as the Commissioner may think fit; and on the termination of any period of interdiction from duty of a police officer, the Commissioner may, if he thinks fit, direct the whole or any part of the pay stopped under this section to be paid to such police officer.

Power of
officer
holding
enquiry

37. (1) Every police officer empowered to make enquiry under this Part shall have power to summon and examine witnesses on oath or affirmation and to require the production of all documents relevant to such enquiry and to adjourn any hearing from time to time; and in every case which is required under the provisions of section 34 to be reported to the Commissioner the proceedings and evidence shall be recorded in writing.

(2) Any person summoned as a witness under subsection (1) who fails to attend at the time and place mentioned in the summons or on adjournment, or refuses to answer any question that is lawfully put to him, shall be liable to a fine of \$10 and to imprisonment for 1 month:

Provided that nothing contained in this section shall render any person compellable to answer any question in respect of any matter which would have been protected from disclosure on the ground of privilege if the proceedings had been held in any court.

Dismissal and
reduction in
rank of police
officers
convicted

38. The Commissioner may reduce in rank or grade or may dismiss from the Force any police officer below the rank of Assistant Superintendent who has been convicted by a court in respect of any offence whether under this Ordinance or otherwise, unless such member of the Force has successfully appealed from such conviction.

Loss or
damage to
arms and
accoutrements
to be made
good by
stoppage of
pay

39. If any police officer below the rank of Assistant Superintendent pawns, sells, loses by neglect, makes away with or wilfully damages any arms, ammunition, accoutrement, uniform or other appointment supplied to him or any government property committed to his charge he may, in addition to or in lieu of any other punishment, be ordered to make good the amount of such loss or damage, and such amount may be recovered by stoppage from his pay.

40. Pay shall not accrue to any police officer below the rank of Assistant Superintendent in respect of any period during which he is absent from duty without reasonable cause or excuse, or is undergoing any sentence of imprisonment: Pay not to accrue during absence without leave or imprisonment

Provided that in any case the Commissioner may in his discretion authorise the payment of such proportion of pay, not being more than two-thirds as he may think fit.

41. (1) All fines imposed on any police officers under the provisions of this Ordinance for any offence against discipline shall be paid to the Chief Accountant to be placed to the credit of a Special Fund to be called the "Police Fund". Establishment of Police Fund

(2) Payment shall not be made from the Police Fund except upon the authority of the Commissioner.

(3) The Commissioner may, in his discretion, sanction payments from the Police Fund for any of the following purposes—

- (a) assistance to the wives or families of deceased police officers below the rank of Assistant Superintendent or to any such police officer discharged from the Force as medically unfit for further service;
- (b) contribution towards prizes to be given at athletic meetings, assault at arms and similar events organized by or for the benefit of the Force;
- (c) purchase of ammunition for the encouragement of range practice among police officers;
- (d) payments to police officers below the rank of Assistant Superintendent as rewards for meritorious acts or service in the execution of duty, if such payments are not met from public funds;
- (e) expenditure for the benefit and advancement of authorised recreation and sport and other branches of police activity organised within the Force;
- (f) any other purpose which the Commissioner considers to be for the general welfare of members of the Force.

Division 3—Disciplinary Control of Senior Officers

42. (1) Any offences or misconduct committed by a police officer of or above the rank of Assistant Superintendent in regard to which criminal proceedings are not instituted before a court shall be dealt with and punished in accordance with the National Conditions of Service. Methods of dealing with offences or misconduct by senior police officers

(2) The provisions of the National Conditions of Service having reference to suspension and interdiction shall apply in the case of a police officer of or above the rank of Assistant Superintendent not only in respect of offences and misconduct referred to in subsection (1) but also in respect of any offence in regard to which criminal proceedings are instituted or about to be instituted in a court.

(3) A police officer of or above the rank of Assistant Superintendent suspended or interdicted under the provisions of the National Conditions of Service shall not by reason of such suspension or interdiction cease to be a member of the Force:

Provided that the power, privileges and benefits vested in him as a member of the Force shall be in abeyance during the period of such suspension or interdiction but he shall remain subject to the same responsibilities, discipline and penalties and to the same authority as if he had not been suspended or interdicted.

(4) A police officer of or above the rank of Assistant Superintendent convicted of an offence by a court may be dismissed in accordance with the provisions of the National Conditions of Service.

PART VI

SERVICE OF POLICE OFFICERS OUTSIDE KIRIBATI AND OF OFFICERS FROM NEIGHBOURING TERRITORIES WITHIN KIRIBATI

43. In this Part, "neighbouring territory" means any territory which the Minister may, by notice declare to be a neighbouring territory for the purposes of this Ordinance:

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 those of this Part.

44. The Minister may, on the application of the government of a neighbouring territory, order such number of police officers as he may think fit to proceed to such territory for service therein.

45. Where a police officer is punished under the law of a neighbouring territory, or under any provisions of this Ordinance applied by the law of such territory to a police officer whilst serving therein, for any offence (whether against discipline or

"Neighbouring territory" defined

Power to order service outside Kiribati

Effect of punishment of police officer in neighbouring territory

otherwise) committed while such officer was serving therein in pursuance of an order under section 44 he shall be deemed for all purposes to have been so punished at first instance in Kiribati for a like offence committed within Kiribati.

46. Whenever any police officers from the police force of a neighbouring territory are present in Kiribati in response to an application made by the Government for the purpose of assisting the Force in a temporary emergency, the following provisions shall have effect with regard to such officers—

Provisions as to officers of neighbouring territory serving in Kiribati

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

Provided that—

- (i) no such law as aforesaid shall be interpreted in its application within Kiribati 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 punish any offences as aforesaid, such jurisdiction may be exercised by a court or magistrate possessing comparable jurisdiction within Kiribati;
- (d) any contract of service between any such officer and the government of the neighbouring territory may be enforced in the same manner and with the like effect as if it were made between the officer and the Republic.

PART VII

SPECIAL CONSTABLES

47. Subject to section 99 of the Constitution, the Minister may, if he thinks fit, establish a force of special constables and

Minister may establish a force of special constables

authorise the Commissioner to enrol in such force such persons as may offer their services and whose services he accepts, subject to the conditions hereinafter appearing or as may be prescribed.

Power to appoint, suspend and determine services of special constables in particular circumstances

48. (1) Notwithstanding the provisions of section 47, where it shall appear to him that any unlawful assembly or riot or disturbance of the peace has occurred, or may reasonably be apprehended and that the members of the Force ordinarily employed for preserving the peace are not sufficient for its preservation or for the security of property in the area where such unlawful assembly or riot or disturbance of the peace has occurred or is apprehended, any magistrate having jurisdiction in such area, on the application of a police officer of or above the rank of Assistant Superintendent or an officer in charge of police, may appoint by writing in the form numbered 1 in the Schedule any persons to be special constables in such number, for such time and within such area as he may consider necessary.

Schedule

(2) The magistrate by whom any special constable has been appointed under subsection (1) or, in his absence or incapacity, any magistrate exercising jurisdiction in the area in which such special constable has been appointed is hereby empowered to suspend or determine the appointment of any special constable if he considers such appointment can be safely suspended or determined and shall forthwith transmit notice thereof in the form numbered 2 in the Schedule to the special constable concerned.

Schedule

Definition of "special constable"

49. Save where the context otherwise requires, in this Part "special constable" includes any special constable whether enrolled under section 47 or appointed under section 48.

Commissioner to command

50. The Commissioner shall have the command, superintendence and direction of special constables and, subject to the provisions of this Ordinance and to any regulations made thereunder, may make such promotions and reductions in ranks of special constables below the rank of Assistant Superintendent as he may deem fit.

Rank of special constables

51. (1) The Beretitenti, acting in accordance with the advice of the Public Service Commission, may, in accordance with section 99 of the Constitution, appoint special constables to the rank of Assistant Superintendent or above.

(2) The Commissioner may assign to special constables, other than those appointed under subsection (1), such ranks as he may deem fit.

52. (1) The Commissioner may call upon any special constable to carry out training of such nature and for such periods as may be prescribed by regulations made under this Ordinance.

Training and duties of special constables

(2) The Commissioner, with the prior approval of the Minister, may call upon any special constable to carry out any duties as a special constable, including full-time duty, on such occasions and for such period as he may deem fit.

(3) If any special constable on being called upon to carry out any duty or training under the provisions of this section refuses or neglects to serve, he shall for each such refusal or neglect be liable to a fine of \$20, unless he satisfies the court that he was prevented by sickness or such other unavoidable cause as may in the opinion of the court be sufficient excuse.

53. (1) Section 15 shall apply *mutatis mutandis* to every special constable on being enrolled as it applies to every member of the Force save that in the form of oath or declaration provided for in subsection (1) of that section references to the force of special constables shall be substituted for references to the Force and references to a special constable substituted for reference to a police officer.

Powers and duties of special constables

(2) Every special constable while on duty or during training shall have the same powers, privileges (other than rights under the Pensions Ordinance except as provided in section 56 of this Ordinance) and protection and shall be liable to perform the same duties as any police officer:

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Provided however that a special constable shall not be liable for service outside Kiribati under Part VI.

(3) Every special constable shall be liable to the same discipline and penalties and be subordinate to the same authority as any police officer.

54. The regulations may make provision for the better carrying out of the provisions of this Part, and without derogation from the generality of the foregoing power may provide in such regulations for the pay and allowances and for the training of special constables.

Regulations relating to special constables

55. The Commissioner may provide at the public expense for the use of special constables uniforms, badges, equipment, arms and other necessary articles for the proper carrying out of the duties of their office.

Clothing and equipment for special constables

Illness, bodily
injury,
damage to
property, or
death

56. (1) If any special constable is temporarily incapacitated by reason of any wound or injury received or sickness contracted by him in the performance of any duty or training by him under the provisions of this Ordinance and such wound or injury is received or such sickness is contracted in the actual discharge of his duty as a special constable and without his own default, he shall be eligible to receive free medical treatment therefor and full pay for the period of such incapacity.

(2) If any special constable receives any permanent disablement attributable to any wound or injury received or sickness contracted by him in the circumstances referred to in subsection (1), the Beretitenti, acting in accordance with the advice of the Public Service Commission may award to such special constable such gratuity or pension as to the Beretitenti, acting in accordance with the advice of the Public Service Commission, may seem just.

(3) If any special constable is killed or dies as a result of any wound or injury received or sickness contracted by him in the circumstances referred to in subsection (1), the Beretitenti, acting in accordance with the advice of the Public Service Commission, may grant to the dependants of such special constable such pension allowance as to the Beretitenti, acting in accordance with the advice of the Public Service Commission, may seem fit.

(4) If the property of any special constable is damaged during the performance of any duty or training by him under the provisions of this Ordinance, such property being damaged without his default and on account of circumstances specifically attributable to the nature of his duties as a special constable, the Minister may award such special constable such compensation as to the Minister may seem just.

(5) The Public Service Commission shall not advise the Beretitenti to award to any special constable or to the dependants of any special constable any gratuity, pension or allowance under the provisions of subsection (2) or (3) if such special constable, or such dependants is or are eligible to receive a gratuity, pension or other allowance in respect of the same disablement or death under the provisions of the Pensions Ordinance.

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1952

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(6) A special constable shall not in respect of such appointment be regarded as a workman for the purpose of the Workmen's Compensation Ordinance.

(7) A gratuity, pension, allowance or any compensation paid under the provisions of this section shall not be assignable or transferable except for the purpose of satisfying—

- (a) a debt due to the Republic; 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 person 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 Republic.

57. (1) A special constable may resign his appointment at any time by giving 1 month's notice in writing, in the case of Assistant Superintendent and above to the Minister and in all other cases to the Commissioner: Resignation and termination of appointment

Provided that the Minister or the Commissioner, as the case may be, may waive the provisions of this subsection regarding the period of notice to be given:

Provided further that no resignation shall take effect while the special constable concerned has been called out for full-time duty.

(2) The Beretitenti, acting in accordance with the advice of the Public Service Commission, in the case of Assistant Superintendent and above, or the Commissioner in all other cases may terminate the appointment of any special constable whose services are no longer required and shall forthwith transmit notice thereof in the prescribed form to the special constable concerned.

(3) Every special constable shall, within 1 week of his resignation or of the receipt of the notice terminating his appointment of service, deliver up in good order (fair wear and tear only excepted) to the nearest police station any form of appointment and other documents of service and any uniform, badge, equipment, arms or other articles which may have been provided for him under this Ordinance; and any special constable who refuses or neglects to make such delivery shall be liable to a fine of \$10 and to pay the cost of any article not so delivered up.

PART VIII

MISCELLANEOUS

58. Nothing in this Ordinance shall exempt any person from being proceeded against under any other Ordinance or law, in respect of any offence made punishable by this Ordinance, or from being liable under any other Ordinance or law to any other Power to prosecute under other laws not to be affected

or higher penalty or punishment than is provided for such offence by this Ordinance:

Provided that no person shall be punished twice for the same offence.

Duty to assist
police

59. It shall be lawful for any police officer to call upon any person to assist him if, whilst acting in the execution of his duty, he is assaulted or resisted or obstructed or in danger of being assaulted or resisted or obstructed and any person so called upon to assist a police officer who without reasonable excuse refuses to neglects to render assistance to the best of his ability shall be liable to a fine of \$40 and to imprisonment for 3 months.

Police
officers not to
join certain
associations

60. (1) Subject to section 13 of the Constitution, it shall not be lawful for any police officer to be or become a member of—

- (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 Force, other than any body or association which may be constituted and regulated pursuant to regulations made under the provisions of this Ordinance.

(2) Any police officer who contravenes any of the provisions of this section shall be liable to be dismissed from the Force and to forfeit all rights to any pension or gratuity.

(3) If any question arises as to whether any body is a trade union or an association to which this section applies the question shall be decided by the Minister, whose decision shall be final and conclusive.

Regulations

61. The Beretitenti, acting in accordance with the advice of the Cabinet, may make such regulations as may seem to him expedient for the good order and government of the Force and for carrying into effect any of the purposes or provisions of this Ordinance and, without derogation from the generality of the foregoing, for all or any of the following purposes—

- (a) the numerical establishment of the Force, the conditions of service therein and for the various grades, ranks and appointments therein;

- (b) the duties to be performed by members of the Force and for their guidance in the discharge of such duties;
- (c) the pay, retirement benefits and allowances of members of the Force;
- (d) the description and issue of arms, ammunition, accoutrements, uniforms and necessaries to be supplied under this Ordinance;
- (e) the disposal of any unclaimed property;
- (f) the discipline of members of the Force; and
- (g) all other matters which are by this Ordinance required to be provided or prescribed by regulations.

SCHEDULE
(Section 48)
FORMS

FORM 1

REPUBLIC OF KIRIBATI
POLICE ORDINANCE (Cap. 73)
APPOINTMENT OF SPECIAL CONSTABLE

To: _____ of _____
I, the undersigned, under the powers vested in me by Part VII of the Police Ordinance, DO HEREBY APPOINT you to be a special constable until further notice.
Dated at _____ this _____ day of _____ 19 .
Signed:

FORM 2

REPUBLIC OF KIRIBATI
POLICE ORDINANCE (Cap. 73)
(Section 48)
NOTICE TO SUSPEND OR DETERMINE
APPOINTMENT OF SPECIAL CONSTABLE

To: _____ of _____
I, the undersigned, under the powers vested in me by Part VII of the Police Ordinance, DO HEREBY GIVE YOU NOTICE that your appointment as a special constable made on the _____ day of _____ 19 _____ *is suspended/is determined with effect from the date hereof.
Dated at _____ this _____ day of _____ 19 .
Signed:

*Delete whichever is inapplicable.

[Subsidiary]

SUBSIDIARY LEGISLATION

Territories declared to be neighbouring territories for the purposes of the Ordinance under section 43

L.N. 52/66 Fiji
L.N. 44/69 Solomon Islands

Declaration of the establishment of a force of special constables under section 47

L.N. 235/65 On 19th November 1965 there was declared to be established a force of special constables. The Commissioner of Police is authorised to enrol in that force such persons as may offer their services and whose services he accepts.

NOTE: No regulations relating to special constables have been made under section 54.

Regulations under section 61

- (1) Police Regulations
- (2) Police Association Regulations

L.N. 28/65
9 of 1974
22 of 1974
L.N. 5/80
Citation

(1) POLICE REGULATIONS

1. These Regulations may be cited as the Police Regulations.

Constitutional
provision

2. These Regulations shall be read subject to sections 99 and 102 of the Constitution, and to the National Conditions of Service.

Ranks

3. In the Force, there shall be the following ranks of police officers subordinate to the Commissioner of Police—

Senior Superintendent;
Superintendent;
Assistant Superintendents;
Inspectors;
Assistant Inspectors;
Sergeants;
Corporals; and
Constables.

Conditions of
appointment

4. (1) No person shall be enrolled in the Force unless he has attained the age of 18 years and is certified by a government medical officer to be physically fit for service in the Force.

(2) Subject to section 13, every police officer below the rank of Assistant Superintendent shall be appointed to serve in the Force for a period of 3 years on probation in the first instance.

(3) After the expiration of the probationary period, if the police officer has given satisfactory service and is, in the opinion of the Commissioner, in every respect suitable for retention in the Force, he shall be confirmed in his appointment.

(4) The Commissioner may at his discretion—

- (a) reduce the period of probation;
- (b) dispense with the period of probation if the police officer has previously completed a period of probation during previous service in the Force or in any other force.

[Subsidiary]

5. (1) Subject to the exigencies of the Service, all members of the Force may be granted leave in accordance with the National Conditions of Service. Leave

(2) Details of any leave (including leave due to illness) of any police officer shall be notified by his officer in charge to the Commissioner and shall be published as a Force Order.

(3) Subject to the express provisions of any law for the time being in force, the powers and privileges conferred, and the duties imposed, upon any police officer by law shall continue unaffected during any such time as he may be on leave.

6. (1) All police officers and their wives and dependants shall be entitled to have medical attendance and medicines provided at the expense of the Republic unless the necessity for such medical attendance or medicines is brought about by the misconduct or wilful negligence of the person requiring the same. Medical attendance and medicines

(2) Any police officer unable to perform his duty shall report personally, or shall cause a report to be sent to his officer in charge and shall, if required, be sent for examination by a government medical officer and treatment.

7. The pay and allowances of police officers shall be such as may from time to time be approved by the Beretitenti acting in accordance with the advice of the Public Service Commission. Rates of pay

8. Every police officer shall reside in quarters allotted to him unless permitted to reside elsewhere by his officer in charge. Housing

9. (1) The Force shall be distributed throughout Kiribati by the Commissioner, subject to the directions of the Minister, in such manner as to meet the requirements in the various districts thereof: Distribution of Force

Provided that in any case of urgent necessity an officer in charge of any district may transfer any police officer under his authority to another district.

(2) Every such transfer made without the prior approval of the Commissioner shall be reported to him with the least possible delay and no such transfer shall be carried out which is in conflict with the specific order in writing to the contrary made by the Commissioner.

(3) Every member of the Force will be liable to serve anywhere in Kiribati at the direction of the Commissioner and to proceed overseas when so directed for special training or when lawfully required so to do under Part VI of the Ordinance.

10. (1) Every police officer shall be entitled to make any complaint or application verbally or in writing to his superior officer who shall, on the request of the member, forward such complaint or application to the Commissioner. Complaints and petitions

(2) No police officer shall direct a petition to the Beretitenti, the Minister or the Public Service Commission except through the Commissioner, but this regulation does not affect the operation of section 33 of the Ordinance.

11. (1) Orders made by the Commissioner pursuant to section 9 (2) shall be known as Force Orders. Force Orders may be promulgated as Standing Orders or as Routine Orders. As soon as is practicable after the making thereof, the Commissioner shall cause the officer in charge of each police station to be sent a copy of each Force Order and such officer shall upon receipt thereof take all reasonable steps to draw the Order to the attention of his subordinates. It is the duty of every police officer to make himself familiar with the provisions of all Force Orders for the time being in force and to comply with such Orders and with all the provisions of the laws of Kiribati affecting the duties of police officers. Ignorance of Force Orders shall not afford any excuse for their non-observance. Force Orders

[Subsidiary]

(2) For the purpose of carrying out the provisions of the preceding subregulation, all Force Orders relating to ranks below Assistant Superintendent shall be read to all such police officers by a superior officer and, when necessary, interpreted and explained on the first station parade immediately after such Orders are received by the officer in charge thereof.

(3) Every circumstance which affects the pay or service of any member of the Force shall be published in Force Orders as early as possible after the occurrence for the information of all members concerned.

Promotions

12. Members will be selected for promotion on the basis of official qualifications, experience and merit. In judging merit, due consideration will be given to the general suitability of an officer for the post for which he is being considered.

Employment

13. Any member of the Force may be employed on any work, not inconsistent with the office of a police officer for which he is fitted and which may be prescribed by the Commissioner.

Training

14. The training of the Force shall be in accordance with instructions promulgated by the Commissioner in Orders made by him pursuant to section 9 (2).

Uniforms,
etc.

15. The uniform and accoutrements of members of the Force shall be as approved by the Minister.

Discipline
and offences
against
discipline

16. Any police officer below the rank of Assistant Superintendent who—

- (a) is disrespectful in word, act or demeanour to a superior officer;
- (b) wilfully disobeys any lawful order;
- (c) is guilty of drunkenness;
- (d) renders himself unfit for duty by over-indulgence in intoxicating liquor;
- (e) absents himself from duty or his place of duty without reasonable cause or excuse;
- (f) is found sleeping at his post, or leaves his post before he is regularly relieved except in pursuit of an offender whom it is his duty to apprehend;
- (g) negligently allows to escape any prisoner who is committed to his charge or whom it is his duty to guard;
- (h) threatens, assaults, maltreats or neglects any person in his charge or in the custody of the Force;
- (i) discharges any fire-arm in his control without orders or just cause;
- (j) pawns, sells, loses by neglect, makes away with, wilfully damages or fails to report any damage to arms, ammunition, accoutrements, uniform or other appointment supplied to him or any government property;
- (k) is slovenly, inattentive, uncivil or quarrelsome;
- (l) fails to keep his quarters or any station under his control reasonably clean and tidy;
- (m) parades for duty dirty or untidy in his person, arms, clothing or equipment;
- (n) without due authority discloses or conveys any information concerning any investigation or other Force or departmental matter or thing;
- (o) malingers or feigns or wilfully produces the symptoms of any disease or infirmity;

- (p) is guilty of wilful misconduct, or wilfully disobeys, whether in hospital or elsewhere, any orders, by which misconduct or disobedience he produces or aggravates any disease or infirmity or delays the cure thereof;
- (q) incurs any debt without the reasonable expectation of being able to repay it when called upon to do so or, which may embarrass him in his duties, or without permission of the Commissioner becomes surety for any person or engages in any loan transaction;
- (r) fails to render a full and true statement of his financial position to the Commissioner when called upon by him so to do;
- (s) resists an escort whose duty it is to apprehend him or to have him in charge;
- (t) makes any report which he knows to be false or inaccurate in some material particular or fails to disclose to his superior officers facts which it is his duty so to disclose;
- (u) engages without authority in any employment or office other than that of a police officer;
- (v) enters any dwelling-house, other than his own, while on duty, otherwise than in execution of such duty;
- (w) leaves any station or place at which it is his duty to remain without first obtaining the permission of his officer in charge;
- (x) makes any complaint or petition by means of any anonymous written communication;
- (y) is guilty of any act, conduct, disorder or neglect which is declared by Regulations made under this Ordinance to be an offence against duty or discipline; or
- (z) does any act or makes any omission likely to bring discredit upon the Force or is guilty of any act, conduct, disorder or neglect to the prejudice of good order and discipline not elsewhere specified in this Regulation,

shall be deemed to have committed an offence against discipline and shall suffer such punishment according to the nature and degree of seriousness of the offence as may be awarded in accordance with the provisions of the Ordinance.

17. (1) All fines imposed on a police officer in respect of offences under the Ordinance or under these or any other Regulations under the Ordinance shall be recovered by stoppage of the pay due at the time of committing such offence and thereafter accruing due to the convicted officer. Fines to be recovered by stoppage of pay

(2) The amount of stoppage in respect of any fines or for any other cause authorised by the Ordinance or by these or any other Regulations made under the Ordinance shall, subject to any appeal allowed by law, be in the discretion of the officer by whom the fine was imposed but shall in no case exceed one-third of the pay of the convicted officer; and whenever more than one order of stoppage is in force against the same person so much only of his pay shall be stopped, as shall leave him a residue of at least two-thirds of his pay.

(3) Where more than one order of stoppage is made upon the same person, the orders later in date shall, if necessary, be postponed as to their enforcement until the earlier orders have been discharged.

18. (1) The Commissioner may establish canteens at which foodstuffs, household necessities and individual requirements may be purchased by members of the Force. Canteens

(2) The means and methods of the establishment, organisation and conduct of the canteen shall be provided for in Force Orders by the Commissioner under regulation 11.

[Subsidiary]

(3) No person other than a serving member of the Force, or a member of the family of a serving member of the Force living in police quarters, shall be permitted to make any purchase either for credit or cash, at the canteen.

Visitors

19. (1) All persons having business with the Force shall report the same to the officer in charge of the station in question.

(2) Visitors shall not be allowed in any barracks area at any time without the permission of the officer in charge thereof.

(3) Visitors shall not be allowed to enter or remain in any married quarters area between 10 p.m. and 6 a.m. except with the permission of the officer in charge.

(4) Any person having been a member and dismissed from the Force for misconduct shall not be allowed to enter any police area except on business reported as provided for in paragraph (1).

Found and unclaimed property

20. (1) It shall be the duty of every police officer to take charge of any unclaimed property and deliver the same with all reasonable expedition to the officer in charge of the nearest police station.

(2) The officer in charge of any police station to whom unclaimed property is delivered (whether by a police officer or by any other person) shall forthwith enter into a book to be kept by him for such purpose a description of the property, the day and time of its receipt by him and the name and address of the finder.

(3) Upon making the entries required by the preceding sub-regulation the officer in charge concerned shall forthwith cause a notice specifying the property in question to be posted in some conspicuous place to which the public have access at the police station.

(4) If within 3 months of the date of the posting of any notice under the preceding paragraph any property specified therein has not been shown to the satisfaction of the Commissioner or officer in charge of police to belong to some person, such property shall be sold by public auction or, if in the opinion of the Commissioner or officer in charge of police such property is valueless, it shall be destroyed by a police officer:

Provided however that in the case of any property of a wasting or perishable nature the Commissioner may direct the reduction of the period of 3 months hereinbefore specified to such period as he shall deem fit.

(5) A police officer shall not take part in any public auction for the sale of unclaimed property under these Regulations or in any manner acquire, or purport to acquire, ownership of such property.

(6) The proceeds of the sale of any property under this regulation shall, after the deduction of any expenses incurred by such sale, be paid into the Consolidated Fund:

Provided however that it shall be lawful for the Commissioner to direct that before so doing, from the sum payable into the revenues as aforesaid, some reasonable part thereof, not exceeding one half, may be paid by way of reward to any person, other than a police officer who found such property.

Bail by police

21. (1) In any case in which any arrested person is released from custody by a police officer of or above the rank of sergeant or the officer in charge of the police station under the provisions of section 23 of the Criminal Procedure Code Ordinance, upon such person entering into a recognisance for a reasonable sum, with or without sureties, such recognisance shall be in Form A in Schedule 1.

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Schedule 1
Form A

(2) In any case in which a person arrested is released from custody by a police officer under the provisions of section 19 of the Criminal Procedure Code Ordi-

[Subsidiary]

Schedule 1
Form A
Form B

nance, upon such person executing a bond, such person shall enter into a recognisance in Form A in Schedule 1 or, if such police officer permits, such person, not being resident outside Kiribati, shall execute a Cash Bail Bond in Form B in the said schedule and at the same time deposit such reasonable sum in cash as shall be determined by such officer. Such Cash Bail Bond shall be executed in duplicate, one copy being retained by the person executing the same and one by the police officer permitting its execution.

(3) Any Cash Bond duly completed under the preceding paragraph shall take effect as a bond conditioned as shall be therein specified. Subsequent to the determination of the matter in respect of which any such Cash Bail Bond was completed the sum deposited thereunder shall, unless forfeited, be refunded to the person who deposited the same upon his surrendering his copy of such Bond.

SCHEDULE 1
(Regulation 21)

REPUBLIC OF KIRIBATI FORM A

THE KIRIBATI POLICE

RECOGNISANCE OF BAIL
(Regulation 21)

The undermentioned persons each acknowledge that they owe to the Republic the following sums:

of _____, as principal, the sum of _____, and*
of _____, as surety, the sum of _____ and*
of _____, as surety, the sum of _____ each, payment thereof to be enforced severally against them by due process of law if the principal fails to comply with any of the conditions endorsed hereon.

Signed at _____ this _____ day of _____ 19____.
..... Principal.
..... *Surety.
..... *Surety.

Before me:Name
.....Station
.....Rank and No. in Force

(*If any)

CONDITIONS

The condition of this recognisance is that if the principal appears before the Magistrates' Court sitting at _____ on the _____ day of _____ 19____ at the hour of _____ in the _____ noon (or appears at every time and place to which during the course of the proceedings against the principal the hearing may from time to time be adjourned, unless the Court otherwise orders in the meantime) to answer to the charge made against him/her by

THEN THIS recognisance shall become void, but otherwise shall remain in full force and effect.

[Subsidiary]

FORM B

REPUBLIC OF KIRIBATI

THE KIRIBATI POLICE

CASH BAIL BOND

(Regulation 21)

RECEIVED the sum of \$ _____ as security for the appearance of _____ No. _____
 at the Magistrates' Court to be held at the Court House at _____ on the _____
 day of _____ 19 _____ at _____ o'clock in the _____
 noon or at such other adjourned date as he may be called on to answer to a
 charge of _____ preferred against him.

Notice is hereby given that it is a condition of this bond if the said
 fails to attend in answer to the said charge at the place and time above specified,
 this bail may be forfeited and a warrant may be issued for his apprehension.

 Officer in Charge
 Station

I acknowledge myself to be bound by the above-written conditions.

Witness:

RECEIPT

I hereby certify that I have this day received the above-named sum of—

Signature:

Witness:

Date:

NOTICE

This receipt must be returned when claim of refund of Bail Money is
 requested.

L.N. 30/71

(2) POLICE ASSOCIATION REGULATIONS

- Citation 1. These Regulations may be cited as the Police Association Regulations.
- Interpretation 2. In these Regulations the expression "member of the Force" means a member of the Force of or below the rank of Sergeant.
- Establishment of Police Association Executive 3. There is hereby established a Police Association (hereinafter called the Association) which shall consist of all members of the Force.
- Branches 4. The Association shall act through Branch Boards and a Central Committee as hereinafter provided.
- 5. The Association shall comprise the following Branches the membership of which shall be as specified—
 - (a) Headquarters Branch, of which the members shall be all the members of the Force for the time being stationed elsewhere than at Banaba; and

[Subsidiary]

(b) Banaba Branch, of which the members shall be all the members of the Force for the time being stationed at Banaba.

6. (1) An annual general meeting of each Branch shall be held on some day in February of each year to be determined by the Branch Board of that Branch.

Meetings of each Branch and business thereat

(2) The business at a meeting held under paragraph (1) shall be the election of members of the Branch Board and such other business as the Branch Board shall determine.

(3) There shall be such other general meetings of a Branch as its Board shall determine.

7. (1) The management of each Branch shall be deputed to a Branch Board which shall consist of 5 members of the Branch elected at the annual general meeting of the Branch in each year.

The Branch Boards and the election of members thereof

(2) At each annual general meeting of a Branch the members of the Branch Board shall retire but each shall be eligible for re-election.

(3) Voting for members of a Branch Board shall be by secret ballot and every member of the Branch shall be entitled to vote for as many members as there are vacancies to be filled.

(4) The candidates up to the number of vacancies who receive the most votes shall be declared duly elected to the Branch Board and in the case of 2 or more candidates receiving an equal number of votes the chairman shall have a second or casting vote.

(5) For the purposes of electing members of a Branch Board at an annual general meeting any member of the Branch absent from such meeting may by writing appoint any other member of the Branch present at the meeting to vote for him by proxy.

8. (1) There shall be a Central Committee of the Association which shall consist of 3 members, 2 being members of the Headquarters Branch Board and 1 being a member of the Banaba Branch Board.

Central Committee and membership thereof

(2) Members of the Central Committee shall be chosen by their respective Branch Boards and shall hold office as members of the Central Committee until such time as they cease to be members of their respective Branch Boards:

Provided that if for any reason any member thereof is unable to attend any meeting of the Central Committee the Branch Board of which he is a member may appoint any other of its members, or any member of its Branch, temporarily to act in the place of the member of the Central Committee.

9. A Branch Board in addition to submitting any representation to the Officer in Charge of Police of its respective Division may submit it to the Commissioner of Police.

Representations by Branch Board

10. (1) The Central Committee may submit representations in writing to the Commissioner of Police and to the Minister through the Commissioner.

Representations by Central Committee

(2) The Central Committee shall consider and report upon any matters referred to it by the Commissioner.

11. (1) Each Branch Board and the Central Committee shall choose its chairman and its secretary from among its members.

Officers of Branch Boards and Central Committee and casual vacancies on Branch Boards

(2) Casual vacancies on a Branch Board may be filled by the Branch Board co-opting a member of the Branch to fill such vacancy until the next annual general meeting of the Branch.

[Subsidiary]

Chairman at meeting to have casting vote

12. The Chairman at any meeting of a Branch Board or the Central Committee shall have a second or casting vote.

Procedure of Branch Boards and Central Committee

13. Subject to these Regulations, every Branch Board or the Central Committee may regulate its own procedure:

Provided that the first meeting of the Branch Boards and of the Central Committee shall be convened in such manner and the procedure to be followed thereat shall be such as the Commissioner of Police may direct.

Meetings

14. (1) A Branch Board may hold not more than 4 meetings in each year including the annual general meeting, each lasting not more than 1 day:

Provided that additional meetings for any specific purpose may be held with the consent of the Officer in Charge of Police of the Board's respective Division.

(2) The Central Committee may hold not more than 1 meeting in each half of the year, such meeting lasting not more than 2 days:

Provided that additional meetings for any specific purpose may be held with the consent of the Commissioner of Police.

Leave to be given to attend meetings

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

Section 85 (1977, S.84)

Omit "the Governor", substitute "the Government".

Section 88 (1977, S.88)

Omit from subsection (2) "the Governor in Council", substitute "the Beretitenti, acting in accordance with the advice of the Cabinet,".

Section 90 (1977, S.90)

Omit "the Governor in Council", substitute "the Betetitenti, acting in accordance with the advice of the Cabinet,".

CAP.70 – POLICE
(Cap.73 of 1977)

A. Police Ordinance

General

Omit "Gilbert and Ellice Islands Constabulary" throughout, substitute, Kiribati Police".

New section 2A

Insert in Part I after section 2 –

"Constitutional provision

2A. This Ordinance shall be read subject to Chapter VII of the Constitution, and in particular to section 102 of the Constitution.".

Section 7 (1977, S.7)

Omit from subsection (1) "the Governor" (twice occurring), substitute "the Beretitenti, acting in accordance with the advice of the Cabinet,".

Omit from subsection (2) "the Governor", substitute "the Beretitenti, acting in accordance with the advice of the Cabinet,".

Section 8 (1977, S.8)

Omit subsection (1), substitute –

"(1) The Commissioner of Police has the command, superintendence and control of the Force,".

Section 12 (1977, Ss.12, 13)

Omit the section, substitute –

“Appointments, etc.

- 12(1) The Commissioner of Police shall be appointed and hold office, and may be removed from office, in accordance with section 101 of the Constitution.
- (2) Members of the Force below the rank of Commissioner and not below the rank of Assistant Superintendent shall be appointed by the Beretitenti, acting in accordance with the advice of the Public Service Commission, in accordance with section 99 of the Constitution.
- (3) Members of the Force below the rank of Assistant Commissioner shall be appointed by the Commissioner in accordance with section 102 of the Constitution.

Section 14 (1977, S.14)

Omit from the form of oath in subsection (1) –

“Her Majesty Queen Elizabeth the Second, Her Heirs and Successors”, substitute “the Independent and Sovereign Republic of Kiribati”.

Omit from the form of oath in subsection (1) “Her Majesty the Queen, Her Heirs and Successors”, substitute “the Republic”.

Omit from subsection (2) “any of Her Majesty’s Forces or constabulary”, substitute “the defence Force or police force of any member of the Commonwealth, or a dependency of any such member.”.

Section 17 (1977, S.17)

Omit “Any police officer”, substitute “subject to the right of appeal to the Public Service Commission provided for by section 102(2) of the Constitution, any police officer”.

Section 27 (1977, S.27)

Omit “regulations made under this Ordinance by the Governor”, substitute “the regulations”.

DIVISION V.1.

Insert after the heading “DISCIPLINE” –

“Division 1. – Offences”.

Section 30 (1977, S.30)

Omit from subsection (1) "It shall be lawful for the Governor in Council to make regulations prescribing", substitute "the regulations may prescribe".

DIVISION V.2

Insert after section 30 -

"Division 2. - Disciplinary Control of Junior Officers

Application of Division 2.

30A. The provisions of this Division apply in respect of the disciplinary control of Police Officers below the rank of Assistant Superintendent, notwithstanding anything in the National Conditions of Service.

Constitutional appeal

30B.(1) In accordance with section 102 of the Constitution, a person aggrieved by a decision of the Commissioner under this Division (otherwise than under section 38) any appeal to the Public Service Commission, which may take any action in relation to the subject-after of the decision that the Commissioner might have taken, or any dismiss the appeal.

(2) The Public Service Commission, shall not increase any punishment without giving the accused an opportunity of being heard."

Section 31 (1977, S.31)

Omit from subsection (1) "the last preceding section", substitute "section 30".

Section 32 (1977, S.32)

Omit the proviso.

Section 33 (1977, S.33)

Omit from subsection (4) "the Governor" (twice occurring), substitute "the Commissioner".

Section 38 (1977, S.38)

Omit from subsection (1) "a fund", substitute "a Special Fund".

DIVISION V.3

Insert after section 38 -

"Division 3. - Disciplinary Control of Senior Officers."

Section 39 (1977, S.39)

Omit from subsection (1) "either with Colonial Regulations or the General Orders of the Colony as the Governor in each case thinks fit", substitute "with the National Conditions of Service".

Omit from subsection (1) the proviso.

Omit from subsection (2) "Colonial Regulations and the General Orders of the Colony", substitute "the National Conditions of Service".

Omit from subsection (3) "Colonial Regulations or General Orders of the Colony", substitute "the National Conditions of Service".

Omit from subsection (4) "Colonial Regulations", substitute "the National Conditions of Service".

Section 42 (1977, S.42)

Insert after "so punished" the words "at first instance".

Section 43 (1977, S.43)

Omit "the Governor", substitute "the Government".

Section 44 (1977, S.44)

Insert before "authorize" the words ", subject to section 99 of the Constitution,".

Section 48 (1977, S.48)

Omit subsection (1), substitute –

"(1) The Beretitenti, acting in accordance with the advice of the Public Service Commission, may, in accordance with section 99 of the Constitution, appoint special constables to the rank of Assistant Superintendent or above."

Section 51 (1977, S.51)

Omit "the Governor in Council may make regulations", substitute "the regulations may make provision".

Omit "in such regulations".

Section 53 (1977, S.53)

Omit from subsection (2) "the Governor" (twice occurring), substitute "the Beretitenti, acting in accordance with the advice of the Public Service Commission".

Omit from subsection (3) "the Governor" (twice occurring), substitute "the Beretitenti, acting in accordance with the advice of Public Service Commission,".

Omit from subsection (5) "the Governor shall not award", substitute "the Public Service Commission shall not advise the Beretitenti to award".

Section 54 (1977, S.54)

Omit from subsection (2) "the Governor", substitute "the Beretitenti, acting in accordance with the advice of Public Service Commission,".

Section 57 (1977, S.57)

Omit from subsection (1) "It shall not be lawful", substitute "subject to section 13 of the Constitution, it shall not be lawful".

Section 58 (1977, S.58)

Omit "the Governor in Council", substitute "the Beretitenti, acting in accordance with the advice of the Cabinet,".

B. Police Regulations

Regulations 2 (1977, Reg.2)

Omit the regulation, substitute –

"Constitutional provision

2. These regulations shall be read subject to sections 99 and 102 of the Constitution, and to the National Conditions of Service."

Regulation 4 (1977, Reg.4)

Omit from subregulation (3) all words after "appointment".

Regulation 5 (1977, Reg.5)

Omit from subregulation (1) "the General Orders of the Colony", substitute "the National Conditions of Service".

Regulation 7 (1977, Reg.7)

Omit "the Governor", substitute "the Beretitenti, acting in accordance with the advice of the Public Service Commission,".

Regulation 10 (1977, Reg.10)

Omit subregulation (2), substitute –