

REPUBLIC OF VANUATU

THE POLICE REGULATION (AMENDMENT) ACT No. 28 OF 1983

Arrangement of Sections

1. Amendment.
2. Transitional.
3. Commencement.

THE POLICE REGULATION (AMENDMENT) ACT No. 28 OF 1983

An Act to amend the Police Regulation No. 7 of 1980.

BE IT ENACTED by the President and Parliament as follows :-

AMENDMENT

1. The Police Regulation No. 7 of 1980 is amended as follows :

(a) by substituting,

- (i) 'Commissioner' for 'Commandant';
- (ii) 'Constable' for 'Policeman';
- (iii) 'subordinate officer' for 'junior officer';
- (iv) 'Vanuatu' for 'the New Hebrides';
- (v) 'Vatu' for 'FNH',

wherever these expressions appear throughout the Regulation.

(b) in section 1,

- (i) by repealing the definition "Junior Officer";
- (ii) in the definition of 'Subordinate Officer' by substituting -

"means any member below the rank of Inspector" for "means any member above the rank of policeman and up to and including the rank of sub-inspector."

(c) by repealing section 3 and substituting the following therefor:-

"COMPOSITION OF THE FORCE

3. The Force shall consist of the Commissioner and such senior and subordinate officers as may from time to time be approved by the Minister."

(d) in section 4,

- (i) by deleting in subsection (2) the words "and the members shall be entitled for the performance of any duties to carry arms";
- (ii) by adding the following new subsection,

"(3) Members of the Force shall be entitled for the performance of their duties to carry arms which shall only be used on the instructions of the Commissioner or of a senior officer authorised by him and in accordance with the general directions of the Minister."

(e) by repealing paragraphs (a) and (b) in section 20 and substituting the following therefor:-

- "(a) the individual merit of each candidate based on his ability, efficiency, powers of leadership, conduct and character; and
- (b) his length of service and seniority in his rank."

(f) by repealing section 27(1) and substituting the following therefor:

"Any member who wishes to resign from his appointment shall give three months notice in writing of his intention to do so unless such period is reduced or waived by the Commissioner for subordinate officers and by the Commission for senior officers."

(g) in section 29,

(i) in subsection 1(b) by adding the following words at the end of the subsection :-

"on re-organisation of the Force to promote efficiency or";

(ii) in subsection 3 by substituting "3 months" for "1 month";

(iii) by repealing subsection (4) and substituting the following therefor:

"(4) Where,

(a) a member is discharged in accordance with subsection (1)(b); or

(b) the Minister is satisfied that a member discharged in accordance with subsection (1)(a) has been permanently injured -

(i) in the actual discharge of his duty; and

(ii) without his own default; and

(iii) by some injury specifically attributable to the nature of his duty,

the Minister may after consultation with the minister responsible for finance grant that member such gratuity as he may consider fit in addition to any pension to which he may be entitled."

(iv) by repealing subsection (5) and substituting the following therefor:

"(5) A gratuity awarded in accordance with subsection (4) shall not exceed half a month's salary for every period of 12 months service which shall be calculated on the amount of salary paid immediately before discharge.

(h) in section 31(1), by repealing paragraph (b) and substituting the following therefor:-

"(b) convicted of an offence against any written law."

(i) by repealing section 61(4);

(j) in sections 62(1) and 68(1), by deleting the words, "carrying a sentence of imprisonment";

(k) by repealing section 70(3);

(l) by adding the following new section after section 70;

"ESTABLISHMENT OF POLICE FUND

70A.(1) All fines imposed under the provisions of this Regulation for any offence against discipline shall be paid to the Government and shall be placed to the credit of a fund to be called the 'Police Fund'.

(2) Payment shall not be made from the Police Fund except on 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 members below the rank of inspector or to any such members discharged from the Force as being medically unfit for further service;

(b) contribution towards prizes to be given at athletic meetings, assault at arms and similar events organised by or for the benefit of the Force;

(c) purchase of ammunition for the encouragement of range practice among members;

- (d) payments to members below the rank of inspector as rewards for meritorious acts of 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 the members of the Force."

(m) in section 76, by substituting 'the prison officer responsible for' for 'the superintendant of';

(n) in section 77(c) by substituting 'gratuities' for 'allowances'.

TRANSITIONAL

2. Notwithstanding the provisions of this Act, the person who immediately before the commencement of this Act holds office as Commandant shall as from that day hold office as Commissioner in accordance with the provisions of the Police Regulation No. 7 of 1980.

COMMENCEMENT

3. This Act shall come into force on the date of publication in the Gazette.