



Western Samoa

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## Arrangement of Provisions

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1984, No. 31

**AN ACT to amend the Police Service Act 1977***[6 December 1984]*

**BE IT ENACTED** by the Legislative Assembly of Western Samoa in Parliament assembled as follows:—

**1. Short title**—This Act may be cited as the Police Service Amendment Act 1984, and shall be read together with and deemed part of the Police Service Act 1977\* (hereinafter referred to as the principal Act).

**2. Interpretation**— Section 2 of the principal Act is amended by inserting the following definition immediately after the definition of "Commissioner"—

"Deputy Commissioner" means the Deputy Commissioner of the Police Service appointed under this Act, and includes any person lawfully acting as the Deputy Commissioner."

\*1977, No. 9

**3. Ranks**— Subsection (1) of section 4 of the principal Act is amended by inserting the words "Deputy Commissioner" immediately below the word "Commissioner".

**4. Appointment and powers of the Deputy Commissioner**— The principal Act is amended by inserting the following section after section 5 —

**"Appointment and powers of the Deputy Commissioner**

- 5A. (1) The Head of State may from time to time appoint a fit and proper person to be Deputy Commissioner of the Police Service who subject to the control of the Commissioner, shall have and may exercise such powers, duties and functions of the Commissioner as the Commissioner may from time to time, either generally or particularly, delegate to him.
- (2) On the occurrence from any cause of a vacancy in the office of Commissioner (whether by reason of death, resignation or otherwise) or in case of absence from duty of the Commissioner (from whatever cause arising), and so long as any such vacancy or absence continues the Deputy Commissioner shall have and may exercise all the powers, duties and functions of the Commissioner.
- (3) The fact that the Deputy Commissioner exercises any power, duty or function of the Commissioner shall be conclusive evidence of his authority to do so.
- (4) Every delegation under this section shall be revocable at will, and no such delegation shall prevent the exercise of any power by the Commissioner.

**5. Appointment and powers of Superintendent**— Subsections (2), (3) and (4) of section 6 of the principal Act are repealed.

**6. Members of Police Service to take oath**— Subsection (2) of section 14 of the principal Act is amended by inserting the words "or the Deputy Commissioner" immediately after the word "Commissioner" where it first appears.

**7. Breach of duty by Commissioner or Superintendent**— Subsection (1) of section 24 of the principal Act is amended by omitting the words "either the Commissioner" and substituting the words "the Commissioner or the Deputy Commissioner".

**8. Suspension of other officers for breaches of duty**— Subsection (1) of section 25 of the principal Act is amended by inserting the words "or the Deputy Commissioner" immediately after the word "Commissioner" where it first appears.

**9. Inquiries and appeals**— Subsection (1) of section 26 of the principal Act and subsections (1) and (2) of section 27 of the principal Act are amended by omitting the words "Commissioner and a Superintendent" and substituting the words "Commissioner, the Deputy Commissioner or a Superintendent".