

CAYMAN ISLANDS



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THE POLICE LAW (Law 5 of 1976)

Date of operation:
Notice of non-disallowance published in Gazette No. of 197 .

MEMORANDUM OF OBJECTS AND REASONS

The Cayman Islands Police Force has been greatly expanded and many new factors affecting the policing of the Islands have presented themselves during the past few years. It is therefore considered desirable to introduce a new police law geared to the conditions at present prevailing.

POLICE LAW

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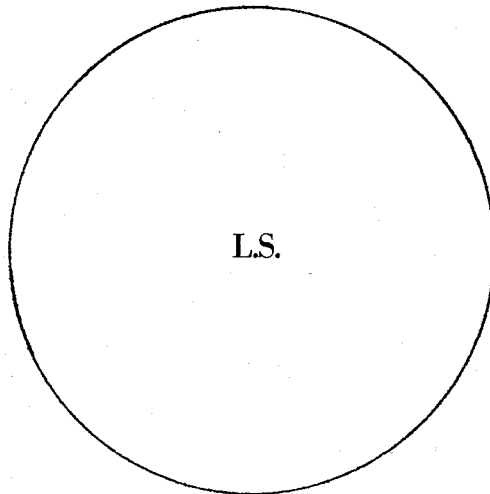
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Law 5 of 1976.

I assent

T. RUSSELL

Governor

31st March, 1976.

**A LAW TO REPEAL AND REPLACE THE
POLICE FORCE LAW
(Cap. 126)**

ENACTED by the Legislature of the Cayman Islands.

PART I — PreliminaryShort title and
commencement.

Interpretation.

Law 17 of 1964.

Law 13 of 1975.

Law 19 of 1975.

1. This Law may be cited as the Police Law, and shall come into operation upon a day to be appointed by the Governor by publication in the Gazette.

2. In this Law, unless the context otherwise requires —

“arms” means firearms as defined in the Firearms Law;

“arrestable” offence means an offence prescribed as such in the first Schedule of the Criminal Procedure Code;

“C.M.O.” has the meaning ascribed to it in the Health Practitioners’ Law;

“commanding officer” means the Commissioner or an officer in control of the police in any district;

“Commissioner” means the Commissioner of Police appointed under this Law;

“constable” means any member of the Force, and includes a recruit constable;

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“Force” means the Cayman Islands Police Force referred to in section 3;
 “gazetted officer” means a police officer of or above the rank of Assistant Superintendent;
 “Inspector” means a police officer of the rank of Inspector of any grade;
 “junior officer” means a police officer below the rank of Inspector;
 “old law” means the Police Force Law repealed by this Law;
 “police officer” or “officer” means any member of the Force;
 “special constable” means a member of the Special Constabulary referred to in Part VIII;
 “senior” or “senior officer”, when used in relation to any act done or thing suffered by a police officer, means a police officer senior in rank to the police officer doing the act or suffering such thing;
 “traffic” includes animals in the charge or under the control of any person, pedestrians and vehicles in or on any public thoroughfare and whether in motion or not; and
 “Welfare Fund” means the Police Welfare Fund established by section 43.

PART II — Constitution and administration

Previous continued.
 Cap. 126.

Force

3. The Police Force established by the old law shall continue in being subject to this Law and continue to be called the Cayman Islands Police Force.

Constitution.

4. The Force shall continue to consist of a Commissioner of Police and such other ranks as the Governor may from time to time prescribe.

Functions.

5. The Force shall be employed in the Islands for the maintenance and enforcement of law and order, the preservation of the peace, the protection of life and property, the prevention and detection of crime and the apprehension of offenders, and shall be entitled in the performance of its duties to carry arms:

Provided that no arms shall be carried except with the authority of the Commissioner given under and in accordance with the general or special directions of the Governor.

General powers of
 Commissioner.

6. (1) The Commissioner shall have the command, superintendence and direction of the Force and may —

- (a) make such appointments and promotions in respect of police officers, other than gazetted officers, as he may see fit; and
- (b) from time to time make standing orders for the general government of police officers in relation to their enlistment, discharge, training, arms, clothing, equipment and other appointments, 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.

(2) The Commissioner may delegate his powers to any gazetted officer:

Provided that the Commissioner shall not delegate his power to hear any appeal relating to an offence against discipline or to impose upon a police officer

ficer any punishment which includes reduction in rank or dismissal.

Administration.

7. (1) The administration of the Force throughout the Islands is vested in the Commissioner.

(2) Subject to subsection (1) 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.

PART III — Appointments, enlistments, service and discharge

Appointments.

8. (1) Gazetted officers shall be appointed by the Governor to hold office at his pleasure upon such other terms and conditions as may be agreed in each case.

(2) Gazetted officers are ex-officio Justices of the Peace. Police officers other than gazetted officers shall be appointed by the Commissioner to hold office at his pleasure and subject to such other terms and conditions as are provided by this Law, the Regulations and Standing Orders.

Enlistments.

9. Constables shall be enlisted in the Force for a period of two years on probation and shall, on the conclusion of such probationary period to the satisfaction of the Commissioner, be confirmed by the Commissioner in their appointments.

Declaration on enlistment.

10. (1) Every police officer shall, on joining the Force or before entering on the duties of his office, make before a gazetted officer a declaration on oath or affirmation in the form prescribed in the Schedule.

(2) Every police officer required to make a declaration under subsection (1) shall, on joining the Force and before making such declaration, answer truthfully any question which may be put to him as to his previous service in any of Her Majesty's Forces or any police force and as to whether he has ever been convicted of any offence.

(3) Whoever wilfully makes a false statement in reply to any question put to him under the provisions of subsection (2) is guilty of an offence and liable on summary conviction to a fine not exceeding twenty dollars or to imprisonment for a term not exceeding one month, or both.

Certificate of appointment.

11. An identity card in the form prescribed in the Schedule signed by the Commissioner or by a gazetted officer authorised by the Commissioner in that behalf, shall be issued to every police officer and shall be evidence of such officer's appointment.

The Schedule.

Liability to serve.

12. Police officers when ordered so to do, are bound to proceed to and serve at any place in the Islands or on board any vessel or aircraft in the service of the Government.

Officers not to engage in other employment or in political activities.

13. No police officer shall —

(a) engage in any trade, business, employment or office whatsoever, or take part in any commercial undertaking, outside the scope of his duties under this Law, except with the authority of the Commissioner; or

(b) take any part in any political organisation or electoral campaign

within or without the Islands or engage in any other activity which might tend to interfere with the impartial discharge of his duties.

Police Association.

14. (1) For the purpose of enabling police officers to consider and bring to the notice of the Government any matter affecting their welfare and efficiency, other than questions of discipline and promotion, the Governor may establish and provide for the regulation of a police association which, including any branch or branches thereof, shall be entirely independent of, and unassociated with, any body or person outside the Force, and shall be deemed not to be a trade union within the meaning of the Trade Union Law.

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(2) Subject to subsection (1), no police officer shall become a member of any trade union, or of any association the object or one of the objects of which is to control or influence the pay, pensions or conditions of service of any police force or body or of the public service of the Islands or of any association with political objects; and any police officer contravening this provision is guilty of an offence and liable on summary conviction to a fine not exceeding one hundred dollars or to imprisonment for a term not exceeding two months, or both.

(3) Any question whether a body is a trade union or association to which subsection (2) applies shall be determined by the Governor and such determination shall be final and conclusive and shall not be questioned in any court or other proceedings whatsoever.

Resignations.

15. A police officer may resign from the Force at any time giving to the Commissioner in writing not less than three months' notice of his intention so to do:

Provided that the Commissioner may in any particular case, waive or curtail the period of notice.

Discharge.

16. (1) The Commissioner may at any time discharge from the Force a constable who has not been confirmed in his appointment if he considers that such constable is unlikely to become an efficient police officer:

Provided that no constable shall be discharged under this section unless the Commissioner has given him one month's notice of the intention to discharge him or, alternatively, one month's pay in lieu of such notice.

(2) A junior officer may at any time during the currency of his term of engagement —

(a) be discharged, when he has —

(i) been pronounced by the C.M.O. to be physically or mentally unfit for further service; or

(ii) in the opinion of the Commissioner, ceased to be efficient in the discharge of his duties; or

(iii) applied for his discharge under subsection (2) of section 8; or

(b) be dismissed by order of the Commissioner or the Governor if in the opinion of the Commissioner or the Governor, as the case may be, the retention of his services would be contrary to the public interest.

Officer ceasing to belong to Force to hand over public property in his charge

17. (1) A police officer ceasing to be a member of the Force shall forthwith deliver up to a person appointed by the Commissioner for that purpose, or to the police officer in charge at the place at which he was last stationed, his certificate of appointment and all arms, equipment, uniform and other ap-

pointments which have been supplied to him which are the property of the Government.

(2) A police officer who, having ceased to belong to the Force, fails without good cause to comply with the provisions of subsection (1) is guilty of an offence and liable on summary conviction to a fine not exceeding one hundred dollars or to imprisonment for a term not exceeding two months, or both, and to pay the value of the property not delivered up, which value may be ascertained by a summary court and recovered in the same manner as a fine or deducted in whole or in part from any credit due to the ex-officer.

Status of officers. 18. Police officers of equal rank shall have equal status subject to seniority, and not more than one officer shall be appointed to any rank above that of constable taking effect from the same day.

Special contracts of enlistment. 19. Notwithstanding the provisions of this Part, the Commissioner may, subject to the approval of the Governor, enlist such non-gazetted officers from outside the Islands upon such contractual terms as may to him appear expedient.

Retirement and pensions. 20. (1) Non-gazetted officers who have attained the age of fifty-five years, shall be retired without prejudice to their being accepted for such further period or periods of service as may be fixed by contract.

(2) A non-gazetted officer who has served for twenty-one years in the Force may retire on pension without prejudice to his being accepted for such further period or periods of service as may be fixed by contract.

(3) The Governor upon the recommendation of the Commissioner may call upon any officer who has attained the age of fifty to retire.

Cap. 121. (4) The provisions of the Pensions Law shall subject to this Law apply to all officers save such as are employed upon contractual terms applicable to the individual officer which provide for or specifically exclude pension rights.

Medical privileges. 21. (1) Police officers, their wives and those children of their family who have not attained the age of 18 and are unmarried are entitled to such free medical, dental and optical treatment as may be applicable to the Public Service from time to time.

(2) For the purpose of this section and section 22 "child of the family" includes any child under the age of 18 years who is the child, adopted or otherwise, of either party of a marriage or who has been brought up in the matrimonial home of such parties as a member of their family.

Special pensions in the event of death or incapacity attributable to performance of duty. 22. (1) Where an officer dies within seven years as a result of injuries received

- (a) in the actual discharge of his duty; and
- (b) without his own default; or
- (c) in circumstances specifically attributable to the nature of his duty in the service

it shall be lawful for the Governor in his discretion to grant out of funds made available by the Legislative Assembly to his widow while she remains unmarried and to such of the children of his family as have not attained the age of eighteen years or married such pension in addition to any pension due under the Pensions Law not exceeding one half of the deceased officer's pay at the time of his death, as the Governor may determine, such pension to be paid to, or on

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account of the widow and children in such proportions as the Governor shall from time to time decide.

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(2) Where an officer is permanently incapacitated as a result of injuries received in the circumstances set forth in subsection (1) it shall be lawful for the Governor in his discretion to grant to him, having regard to the degree of his permanent incapacity such pension in addition to any pension due under the Pensions Law not exceeding three quarters of his pay at the time of his becoming incapacitated as the Governor shall from time to time decide.

Officers' funeral expenses.

23. When an officer dies during the course of his service his funeral expenses shall be paid out of public funds.

PART IV — Powers, duties and privileges of police officers

General.

24. (1) Police officers shall exercise such powers and perform such duties as are by law conferred or imposed upon them, and shall obey all lawful directions in respect of the execution of their office which they may from time to time receive from officers of senior rank or service in equivalent rank.

(2) Police officers shall be deemed to be on duty at all times.

(3) It is the duty of police officers promptly to obey and execute all orders and warrants lawfully issued to them 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 they are legally authorised to apprehend or for whose apprehension sufficient ground exists.

(4) A police officer may arrest without warrant any person who commits or attempts to commit an arrestable offence in his view or whom he reasonably suspects to have committed an arrestable offence.

(5) Any legal process, lawfully issued, may be served by any member of the Force between the hours of seven o'clock in the morning and seven o'clock in the evening:

Provided that where there is reasonable cause to believe that service is being evaded, a member of the Force may serve such process on such person at any time.

(6) Notwithstanding any provision of this or any other law, the service of process may be proved by endorsement by the process server on the original or copy thereof of the fact, place and date of such service, and whoever wilfully and corruptly endorses any false statement on such original or copy is guilty of an offence and liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months or both.

Power to record identification.

25. (1) Any police officer may cause to be taken, for use and record in the registry of the Force, photographs, descriptions, measurements, fingerprints, palmprints, footprints or other physical specimens of any person in lawful custody for any offence punishable by imprisonment, whether such person has been convicted of such offence or not.

(2) On the acquittal of any person whose photographs, descriptions, measurements, fingerprints, palmprints, footprints or other physical specimens have been taken under the provisions of this section such

photographs, descriptions, measurements, fingerprints, palmprints, footprints or specimens shall be destroyed or handed over to such person at his option.

(3) Whoever being in lawful custody refuses to submit to the taking of any of the means of identification authorised to be taken under the provisions of subsection (1) is guilty of an offence and liable on summary conviction to a fine not exceeding one hundred dollars or to imprisonment for a term not exceeding two months, or both, and, after conviction, reasonable force may be used to take such means of identification.

(4) Officers may take the fingerprints of persons who have been present at the scene of a crime for purposes of elimination only and subject to such conditions as may be prescribed.

Power of police officer to lay and exhibit complaints etc.

26. Police officers may exhibit complaints or charges before Justices of the Peace and apply for such summonses, warrants, search warrants or such other process as may lawfully be issued and may conduct prosecutions in the Summary Court.

Officers not liable for acts done under warrant.

27. (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 or Justice of the Peace, the court shall, upon production of the warrant containing the signature of the Judge 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.

(2) No proof of the signature of the Judge 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 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.

Power to inspect licences or permits.

28. (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 or permit is required under the provisions of any law and to require such person to produce his licence or permit.

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

Road barriers.

29. (1) It shall be lawful for any police officer, other than a junior officer, if he considers it necessary for the maintenance and preservation of law and order, the prevention or detection of crime or for the apprehension of offenders, to erect or place barriers in or across any road or street or in any other public place in such manner as he may think fit.

(2) Any police officer may take all such reasonable steps as he considers necessary to prevent any person or vehicle from passing any barrier erected or placed by virtue of subsection (1) and any such person, or the driver of any such vehicle, who fails to comply with any reasonable signal made by a police officer under this subsection is guilty of an offence and liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months, or both.

(3) No police officer shall be liable for any loss, damage or injury oc-

casioned to any vehicle or suffered by any person as a result of any reasonable or necessary steps taken by such officer under the authority of this section.

Duty to keep order
in public places.

30. (1) It is a duty of the Force —

- (a) to regulate and control traffic;
- (b) to divert all or any particular kind of traffic, when 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) Whoever opposes or disobeys any lawful order given by a police officer in the performance of his duty under any of the provisions of this section is guilty of an offence and liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months, or both and may be arrested without a warrant and the cause of any obstruction removed or caused to be removed to the police pound as provided in section 84 of the Traffic Law.

Law 16 of 1973.

Power to require
names and ad-
dresses.

31. Whoever having been asked by a police officer in the execution of his duty to give his name and address refuses so to do or gives a false name or address is guilty of an offence and liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months, or both.

Power of police
officer to enter and
break into premises
in case of fire, etc.

32. A 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, and any building threatened with damage by floodwater or other hazard, without the consent of the owner or occupier, and may do all such acts and things as he may deem necessary for extinguishing a fire in any such building, or for protecting the same, or for rescuing any person or property therein from fire, flood-water or other hazard.

Powers of arrest.

33. Any officer may, without an order from a Justice of the Peace, and without a warrant arrest any person —

- (a) whom he suspects on reasonable grounds to have committed or to be about to commit an arrestable offence;
- (b) who commits in his presence any arrestable offence;
- (c) who obstructs an officer in the execution of his duty, or who has escaped or who attempts to escape from lawful custody;
- (d) in whose possession anything is found which may reasonably be suspected to be stolen property or who may reasonably be suspected to have committed an offence with reference to such thing;
- (e) whom he suspects on reasonable grounds of being a deserter from Her Majesty's Navy, Army or Air Force;
- (f) whom he suspects on reasonable grounds of having been concerned in any act committed in any place out of the Islands which, if committed in the Islands would have been punishable as an offence and for which he is under the Extradition Acts, 1870/1932, the Fugitive Offenders Act, 1967 or the Hijacking Act, 1971 or otherwise liable to be ap-

Extradition Acts
1870/1932. Fugitive
Offenders Act 1967.
The Hijacking Act
1971.

prehended and detained in the Islands;

- (g) whom he suspects on reasonable grounds of having in his possession, without lawful excuse, any instrument of house-breaking;
- (h) whom he suspects on reasonable grounds of having unlawfully in his possession any drug or narcotic;
- (i) for whom he has reasonable grounds to believe a warrant of arrest has been issued by a court of competent jurisdiction in the Islands;
- (j) of loose idle or disorderly character whom he shall find in any way disturbing the peace, or causing public annoyance, or whom he shall have reasonable cause to suspect of having committed or being about to commit any indictable offence, summary offence or breach of the peace, and all persons whom he shall find between sunset and the hour of six o'clock in the morning lying or loitering in any street, highway, yard or other place, not giving a satisfactory account of themselves; and
- (k) any person on board or about to board a ship, boat, aircraft or hovercraft or who has recently landed from any ship, boat, aircraft or hovercraft (whether or not such person has travelled thereon) whom he has reasonable grounds to suspect has about his person any uncustomed or prohibited goods, firearm or offensive weapon and in such case detain such person for up to six hours for the purpose of being searched by a person of the same sex.

Detention of persons arrested without warrant.

34. (1) When any person has been taken into custody without a warrant for an offence other than an offence punishable by death, the officer in charge of the police station or other place for the reception of arrested persons to which such person is brought shall at once enquire into the case, and if, when the enquiry is completed, there is no sufficient reason to believe that the person has committed any offence such person shall be released forthwith.

(2) If upon such enquiry there is reason to believe that the person arrested has committed an offence and, if the offence does not appear to be one of a serious nature, such officer being of the rank of sergeant or above, may, and shall if it does not appear practicable to bring such person before a magistrate within twenty-four hours after he has been taken into custody, release the person on his executing a bond, with or without sureties for a reasonable amount, to appear before a magistrate's court at a time and place mentioned therein.

(3) If, on a person being so taken into custody, it appears to the officer to whom such person is brought that the enquiry into the case cannot be completed forthwith, he may release him upon his entering into a bond, with or without sureties for a reasonable amount to appear at such police station at such times as are mentioned in the bond unless he previously receives notice from such officer that his attendance is not required, and any such bond may be enforced as if it were a bond conditional for the appearance of the said person before a magistrate's court for the place in which the police station named in the bond is situate.

(4) Any private person may arrest any person who in his view commits an arrestable offence.

(5) Persons found committing any offence involving injury to property may

be arrested without a warrant by the owner of the property or his employers or persons authorised by him.

- (6) (i) Any private person arresting any person without a warrant shall without unnecessary delay deliver over the person so arrested to an officer or, in the absence of an officer, shall take the person to the nearest police station.
- (ii) If there is reason to believe that such person comes within the provisions of section 33, an officer shall re-arrest him.
- (iii) If there is reason to believe that such person has committed an arrestable offence, and he refuses on the demand of an officer to give his name and address, or he gives a name or address which such officer has reason to believe to be false, he shall be dealt with under the provisions of section 31, but if there is no reason to believe that he has committed any offence he shall at once be released.

PART V — Police property

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| Definition of police property. | 35. All property coming into the hands of an officer in his capacity as such with respect to which the owner has not been ascertained shall be known as police property. |
| Perishable property. | 36. The acquisition of police property of a perishable nature shall be reported without delay to a Justice of the Peace who shall make such order as to its disposal as he shall in his absolute discretion deem proper. |
| Court exhibits. | 37. All police property, including money, exhibited in court in any criminal or quasi-criminal case shall, in the absence of any order of the court, remain police property. |
| Lost property to be surrendered to the police. | 38. It is the duty of any person finding property appearing to be lost or accidentally abandoned to surrender the same to an officer, if practicable at a police station, and the surrender thereof shall be reported to the Commissioner who shall by advertisement in the Gazette and by any other available means endeavour to trace the owner thereof. |
| Lost property to be restored. | 39. (1) Where a claim is made to police property and the Commissioner is satisfied that the claimant is the true owner of such property, such property shall be restored to the owner on payment by him of the expenses, if any, incurred by the Commissioner in tracing the ownership.

(2) The rejection by the Commissioner of a claim to police property shall not operate as a bar to recovery of the same by the claimant by court process. |
| Lost property remaining unclaimed. | 40. Where after the lapse of six months from the time of its being first held by the police the owner of the police property remains untraced, such property shall, if brought to the police by a member of the public, be handed over to such member of the public and if brought in by an officer shall, if it takes a form other than money currently in circulation, be sold by auction as hereinafter provided. |
| Sale by auction of police property | 41. All goods sold as aforesaid shall be sold by public auction twice only in every year, that is to say, in the months of January and July and the Commissioner or other person he may employ to sell the same by auction shall cause them to be exposed to public view and catalogues thereof to be published; and an advertisement giving notice of the same and containing also a statement |

of all plate, jewellery and other valuable property (if any) so ordered to be disposed of as aforesaid, shall be inserted in the Gazette one month at least before the first day of sale.

Sale of police property bars further claims. 42. (1) The sale of police property under section 41 operates as a bar to any claim thereto by any person claiming to have been the owner of any interest in the same at the time of the sale.

(2) Subsection (1) does not operate as a bar to any action for damages against the Commissioner by any person claiming that any property in which he had an interest has been sold in non-compliance with any provision of sections 38, 40 or 41.

Welfare Fund. 43. There is hereby established a Police Welfare Fund into which shall be paid

- (a) all the proceeds of sale of police property under section 41, after deducting the expenses of sale, if any; and
- (b) all money held after the lapse of 6 months under section 40;
- (c) all fines imposed upon and collected from officers under powers conferred by this Law;
- (d) all other authorised contributions; and
- (e) all monies held for the same or similar purposes under the old law.

Custody and application of Welfare Fund. 44. Subject to any regulations the Welfare Fund shall be administered by the Commissioner, and may be applied for the purpose of —

- (a) assistance to the wives or families of deceased police officers or special constables other than gazetted officers, or to any police officer or special constable discharged from the Force as medically unfit for further service;
- (b) contributions towards prizes to be given at athletic meetings and similar events organised by or for the benefit of the Force;
- (c) purchase of ammunition for the encouragement of range practice amongst police officers or special constables;
- (d) payments to police officers or special constables, other than gazetted officers, as rewards for meritorious acts or service in the execution of duty, where 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 police officers or special constables.

Welfare Fund may accept voluntary contributions. 45. It shall be permissible for the Commissioner to accept voluntary contributions to the Welfare Fund, either by officers or by members of the public.

PART VI — Discipline

Suspension or interdiction of officers. 46. A police officer suspended or interdicted under the terms of his contract of service or under section 47 shall not by reason alone of such suspension or interdiction cease to be a police officer:

Provided that the powers, privileges and benefits vested in him as a police officer 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.

Interdiction of
Inspectors and
junior officers.

47. (1) The Commissioner may interdict from duty any Inspector or junior officer pending any investigation or inquiry into, or trial of, any offence under this or any other law pending the determination of any appeal.

(2) A police officer interdicted from duty under this section shall not, save as is hereinafter provided, be entitled to receive any pay in respect of the period of such interdiction:

Provided that —

(a) he shall be allowed to receive such reasonable portion of his pay as the Commissioner may think fit; and

(b) if the proceedings against any such officer do not result in the dismissal of the officer, he shall subject to any fine imposed upon him be entitled to the full amount of the emoluments which he would have received if he had not been interdicted.

Serious offences by officers. 48. (1) Any police officer who —

(a) begins, excites, causes or joins in any mutiny or sedition amongst the Force, or does not use his utmost endeavours to suppress such mutiny or sedition coming to his knowledge, or conspires with any other person to cause any mutiny or sedition, or being cognisant of any mutiny or sedition, or intended mutiny or sedition, does not without delay give information thereof to his superior officer; or

(b) strikes or offers violence to a senior officer;

is guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding three years.

(2) A police officer present at any assemblage tending to riot, who does not use his utmost endeavours to suppress such assemblage, is guilty of an offence and liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months, or to both.

(3) Any police officer who absents himself from duty without leave or reasonable cause for a period exceeding twenty-eight days, shall, unless the contrary is proved, be deemed to have had the intention not to return to the Force and shall be struck off the strength.

Offences against
discipline.

49. Any police officer, other than a gazetted officer, who commits any offence against discipline as may be prescribed under this Law shall be liable to suffer such punishment as may be prescribed:

Provided that —

(a) nothing in this section shall be construed to exempt any such officer from being proceeded against for any offence by any other process of law;

(b) no such officer shall be punished twice for the same offence.

Power to arrest
officers.

50. (1) Any police officer may arrest without warrant any police officer not being of his own or of a higher rank who is accused of any offence against discipline under this Law.

(2) A police officer, other than a commanding officer, effecting an arrest

under this section shall forthwith bring the accused person before a commanding officer or, in the absence of such an officer, before the senior police officer readily accessible.

Trial and punishment of offences against discipline.

51. (1) Any offence against discipline under this Law may be inquired into and dealt with, in the case of any officer other than a gazetted officer, by the Commissioner, and in the case of a junior officer, by any commanding officer, or other officer authorised by the Commissioner.

(2) The Commissioner shall under this section have the power to impose any one or more of the following punishments —

- (i) reprimand;
- (ii) severe reprimand;
- (iii) (In the case of a junior officer) extra guards, fatigues or other duties;
- (iv) fine not exceeding ten days' pay;
- (v) reduction in rank or seniority;
- (vi) discharge (immediate termination of service and of membership of the Force);
- (vii) dismissal (being discharge together with forfeiture of pension rights, accumulated leave entitlement, gratuity and all privileges).

(3) A commanding officer shall have power under this section to impose any one or more of the following punishments on any junior officer —

- (i) reprimand;
- (ii) extra guards, fatigues or other duties;
- (iii) fine not exceeding five days' pay.

(4) No police officer shall be convicted of an offence against discipline unless the charge has been read and inquired into in his presence and he has been given sufficient opportunity to make his defence thereto.

(5) A police officer upon whom a punishment is inflicted which entitles him to appeal to the Governor under section 53 shall, at the time when such punishment is imposed, be informed of his right of appeal.

Review by Commissioner.

52. (1) The Commissioner shall have power to review all disciplinary proceedings under this Law, other than proceedings conducted by himself.

(2) Upon review, the Commissioner, if he thinks that such proceedings ought to be revised, shall have power —

- (a) to quash the finding;
- (b) to alter the finding and find the accused guilty of another offence;
- (c) with or without altering the finding —
 - (i) to reduce or increase the punishment;
 - (ii) with or without such reduction or increase, to alter the nature of the punishment; or
- (d) to remit the proceedings to the officer who heard them, or to another officer for re-hearing:

Provided that the Commissioner shall not —

- (i) impose any punishment which the officer who conducted the

proceedings was not empowered to impose;

- (ii) increase any punishment without giving the person to be punished an opportunity of making representations either orally or in writing as he may decide.

Appeals.

53. (1) A police officer upon whom the Commissioner has imposed any punishment which includes —

- (a) reduction in rank; or
- (b) dismissal,

may appeal in the manner hereinafter provided to the Governor against either the finding or the punishment or both, and the Governor in his discretion may confirm, set aside or vary the finding and confirm, set aside, reduce, suspend or otherwise vary the punishment:

Provided that nothing in this subsection shall be construed as empowering the award of any greater punishment than could have been awarded by the Commissioner.

(2) An appeal under subsection (1) may be made by lodging with the Chief Secretary within seven days after imposition of the punishment a written statement of intention to appeal and of the grounds thereof:

Provided that the Governor may extend the time within which an appeal may be so lodged.

(3) A police officer upon whom a commanding officer other than the Commissioner has imposed any punishment for the commission of an offence against discipline may within not less than one day or more than seven days of the imposition of the punishment, or such further time as the Commissioner may allow, appeal to the Commissioner, who, for the purpose of disposing of such appeal, shall have all the powers provided by subsection (1) of section 43 as if the references to the Commissioner were references to the Commanding Officer.

Power to summon witnesses.

54. (1) A commanding officer, for the purpose of inquiring into any offence against discipline, and the Governor in his discretion or the Commissioner for the purpose of disposing of any appeal under section 50 shall have power to summon and examine witnesses on oath or affirmation and to require the production of all documents relevant to the inquiry or appeal, and to adjourn such proceedings from time to time.

(2) Whoever, having been summoned as a witness under subsection (1) fails to attend at the time and place mentioned in the summons, or at an adjournment, or refuses to answer any question lawfully put to him, is guilty of an offence and liable on summary conviction to a fine not exceeding fifty dollars or to imprisonment for a term not exceeding one month, or both:

Provided that no such witness shall be obliged to answer any question which may tend to incriminate him or render him liable to any forfeiture or penalty.

Procedure in cases of grave or repeated offences.

55. In any case where a police officer has upon inquiry been found to have committed an offence against discipline and where it appears to the officer conducting the inquiry that, by reason of the gravity of the offence or by reason of previous offences or for any other reason, the offender would not be adequately punished by any of the punishments he is empowered to impose, such officer shall record any statement which the offender wishes to make in

explanation or mitigation and shall stay the proceedings and transmit them to the Commissioner, and the Commissioner may impose such punishment as he deems to be warranted or he may direct that the case be dealt with by the officer who transmitted it:

Provided that when no statement in explanation or mitigation has been recorded, the Commissioner shall give the accused an opportunity of making representations to him either orally or in writing as the Commissioner shall direct.

Dismissal or
reduction in rank of
officers convicted
by a court.

56. (1) The Commissioner may reduce in rank or dismiss from the Force, any police officer, other than a gazetted officer, who has been convicted by any court in respect of any offence, whether against this Law or otherwise, unless such officer has successfully appealed from such conviction.

(2) A police officer who is aggrieved by an order of the Commissioner made under subsection (1) may appeal to the Governor under subsection (1) of section 53.

Admonishment and
reprimand.

57. Notwithstanding anything to the contrary contained in this Law or elsewhere, the Commissioner may admonish or reprimand a police officer for minor misconduct.

Fines recoverable
by stoppage of pay.

58. (1) Fines imposed on police officers for offences against discipline may be recovered by stoppage of pay.

(2) The amount of stoppage in respect of a fine or for any other cause authorised by this Law shall be in the discretion of the officer by whom the fine was imposed or the case dealt with, as the case may be, but shall in no case exceed one-third of the offender's monthly pay; 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 monthly pay.

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

Loss or damage to
arms or equipment
to be made good by
stoppage of pay.

59. If any police officer pawns, sells, loses by neglect, makes away with or wilfully or by neglect damages any arms, equipment, clothing or other appointments 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 either partially or wholly the amount of such loss or damage, and such amount may be recovered by stoppage from his pay, subject to subsections (2) and (3) of section 58:

Provided that no such order shall be enforced at a rate exceeding one-third of the officer's monthly pay unless the officer volunteers to pay the amount in full or at a higher rate.

Pay not to accrue
during absence
without leave or
imprisonment.

60. No pay shall accrue to any police officer in respect of any period exceeding twenty-four hours during which he is unlawfully absent from duty without leave, or is undergoing any sentence of imprisonment, either for any offence against discipline or for any other offence whatsoever:

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

Confinement of
offenders.

61. Any police officer arrested for any offence against discipline may be con-

fined to his quarters, or in any building or part thereof set apart as a guard room or cell, or in any other suitable premises under the control of the Commissioner.

PART VII — General offences and penalties

Unlawful possession of articles supplied to police officers.

62. Whoever not being a police officer or special constable is found in possession of any article which has been supplied to any police officer or special constable for the execution of his duty, or any medal or decoration granted to any police officer or special constable for service or good conduct, and who fails to account satisfactorily for the possession thereof, or who without due authority purchases or receives any such article, medal or decoration from any police officer or special constable or who aids or abets any police officer or special constable to sell or dispose of any such article, medal or decoration, is guilty of an offence and liable on summary conviction to a fine not exceeding one hundred dollars or to imprisonment for a term not exceeding two months, or both.

Penalty for assaulting, obstructing etc. or misleading an officer.

63. Whoever assaults or resists any police officer acting in the execution of his duty, or aids or incites any person so to assault or resist, or refuses to assist any such officer in the execution of his duty when called upon to do so, or who, by the giving of false information with intent to defeat or delay the ends of justice, wilfully misleads or attempts to mislead any such officer, is guilty of an offence and liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months, or both.

Penalty for making false report of commission of offence, etc.

64. Whoever knowingly makes or causes to be made to any police officer a false report of the commission of any offence, is guilty of an offence and liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months, or both.

Penalty for causing disaffection, etc.

65. (1) Whoever causes or attempts to cause or does any act calculated to cause disaffection amongst police officers or special constables or induces or attempts to induce or does any act calculated to induce any police officer or special constable to withhold his services or to commit any breach of discipline is guilty of an offence and liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding two years, or both.

(2) Any police officer not below the rank of Inspector may, without warrant, arrest any person who is reasonably suspected of having committed an offence under subsection (1).

Penalty for disorderly conduct in police station etc.

66. Whoever in any police station, police post or cell, or in any part of a police compound or premises is guilty of any riotous, indecent, disorderly or insulting behaviour is liable on summary conviction to a fine not exceeding one hundred dollars or to imprisonment for a term not exceeding two months, or both.

Power to prosecute under other laws unaffected.

67. Nothing in this Law shall exempt any person from being proceeded against under any other law, in respect of any offence made punishable by this Law, or from being liable under any other law to any other higher penalty or punishment that is provided for such an offence by this Law:

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

PART VIII — Special Constabulary

Previous force to continue. Cap. 126.

68. (1) The provision for a force of special constables under the old law shall continue under this Law and such force shall be known as the Special Constabulary.

(2) The members of the Special Constabulary shall be known as special constables.

Composition. 69. The Special Constabulary shall consist of such special constables of gazetted rank as the Governor in his discretion may appoint, and of such special constables of other ranks as the Commissioner, subject to the general directions of the Governor, may appoint.

Commissioner command. to 70. The Commissioner shall have the command, superintendence and direction of the Special Constabulary.

Declaration appointment. on 71. Every special constable shall on being appointed make before a gazetted officer a declaration on oath or affirmation in the form prescribed in the schedule.

The Schedule.

Certificate identity. of 72. A certificate of identity, in the form prescribed in the Schedule, signed by the Commissioner or by any gazetted officer authorised by him in that behalf, shall be issued to every special constable and shall be evidence of his appointment.

The Schedule.

Training and duties. 73. The Commissioner may call upon any special constable to carry out training and part-time duties of such nature and for such periods as he deems fit.

Calling out for service. 74. (1) For any purpose connected with the peace and good order of the Islands the Commissioner may, with the prior approval of the Governor by order call out the Special Constabulary or any part or member thereof for service and such service shall continue until an order is made by the Commissioner, with the prior approval of the Governor specifying the date of the termination of such service.

(2) For the purpose of assisting the Force, the Commissioner may by departmental order call out the Special Constabulary or any part or member thereof for duty for a period to be specified in such order.

(3) Notwithstanding anything contained in subsection (1), the Commissioner may direct any members called out for service or duty —

(a) to stand down from service or duty; and

(b) to report back for service or duty at such places and on such dates and at such times as may be directed.

(4) On receipt of a direction under paragraph (a) of subsection (3), such member shall be deemed to have ceased to be engaged on service and, on receipt of a direction under paragraph (b) of that subsection, such member shall be deemed to have been called out in pursuance of a new order under subsection (1).

(5) A special constable on being called out for service under the provisions of this section who, 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, refuses or neglects so to serve shall be guilty of an offence and liable on summary conviction to a fine not exceeding one hundred dollars or to imprisonment for a term not exceeding two months, or both.

Powers, privileges and protection of special constables.
Cap. 121

75. (1) A special constable while on duty or during training shall have the same powers, privileges (other than rights under the Pensions Law except as

provided in section 80 of this Law) and protection and shall be liable to perform the same duties as a police officer.

(2) Every special constable shall be subordinate to the same authorities as a police officer and to special constables of senior rank or service to himself.

Pay and allowances, etc.

76. (1) Subject to subsection (2), special constables shall serve voluntarily and shall not be entitled to claim or receive any remuneration for their services other than such allowances and gratuity payable from public funds as may from time to time be prescribed.

(2) A special constable, when called out for service under section 74, shall receive such pay and allowance as may be prescribed by order by the Governor.

Clothing and equipment.

77. The Commissioner may from such public funds as may be approved for that purpose provide for the use of special constables such equipment, clothing and appointments as are necessary for the proper carrying out of the duties of their office.

Offences against discipline.

78. A special constable who commits any offence against discipline as may be prescribed under this Law shall be liable to suffer punishment in accordance with section 79:

Provided that —

(a) nothing in this connection shall be construed to exempt any special constable from being proceeded against for any offence by any other process of law; and

(b) no special constable shall be punished twice for the same offence.

Trial of offences against discipline.

79. For the purpose of the trial of offences by special constables against discipline the Commissioner, or any gazetted officer or special constable of or above the rank of Assistant Superintendent duly authorised by him, shall have power to impose any of the following punishments:

- (a) reprimand;
- (b) severe reprimand;
- (c) reduction in rank;
- (d) dismissal:

Provided that any punishment of reduction in rank or dismissal imposed on any special constable, shall not take effect until confirmation by the Commissioner who may confirm, vary or quash the punishment so imposed.

Illness, injury, or death.

80. (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 this Law 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 such free medical treatment and such pay or allowances as the Governor may approve.

(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 Governor in his discretion may out of funds made available by the Legislative Assembly award to such special

constable such gratuity as to him 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 Governor in his discretion may allocate from any fund available for that purpose a grant to the dependants of such special constable of such allowance as to him may seem just.

Cap. 121.

(4) No award shall be made to any special constable or to a dependant of any special constable under subsections (2) or (3) if such special constable or such dependant is eligible to receive a gratuity, pension or other allowance in respect of the same disablement or death under the Pensions Law.

Law 20 of 1964.

(5) A special constable shall not in respect of his appointment as such be regarded as a workman for the purpose of the Workman's Compensation Law.

(6) A gratuity, allowance or any compensation paid under this section shall not be assignable or transferrable nor liable to be attached, sequestered or levied upon except for the purpose of satisfying —

(a) a debt due to the Crown; 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 gratuity or other allowance has been granted.

Termination of appointment.

81. (1) A special constable may resign his appointment at any time by giving one month's notice in writing, in the case of a special constable of or above the rank of Assistant Superintendent, to the Governor, and in all other cases to the Commissioner:

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

(2) The Governor, in the case of a special constable of or above the rank of Assistant Superintendent, or the Commissioner in all other cases, may terminate the appointment of any special constable whose services are no longer required, and shall forthwith give notice thereof in writing to the special constable concerned.

(3) Every special constable shall, within one week of his resignation or of the receipt of the notice terminating his appointment under subsection (2), deliver up to such person at such time and place as may be stated in such notice as aforesaid, or to one of his superior officers, his certificate of identity and all arms, equipment, clothing and appointments whatsoever which have been supplied to him under this Law and which are the property of the Government.

(4) A special constable who, having ceased to belong to the Special Constabulary, fails without good cause to comply with the provisions of subsection (3) is guilty of an offence and liable on summary conviction to a fine not exceeding one hundred dollars or to imprisonment for a term not exceeding two months, or both.

PART IX — Miscellaneous

Special duty and fees chargeable.

82. (1) On the application of any person, the Commissioner may, if he thinks

fit, detail any police officer to perform special police services in, upon or about any place, premises, business or vessel specified by the applicant.

(2) The applicant shall pay to the Commissioner for the services of any such officer so detailed such fees as may be prescribed from time to time or, if and so far as no such fees have been prescribed, then, as the Commissioner may think fit.

(3) All fees so received by the Commissioner shall be paid by him into the Welfare Fund forthwith, and every sum of money due for such services shall be deemed a debt due to the Crown and be recoverable by the Commissioner by summons returnable in the summary court.

Compensation for damage.

83. If the property of any police officer or special constable is damaged during the performance of any duty or training by him under this Law, such property being damaged without his default and on account of circumstances specifically attributable to the nature of his duties as such, he shall be compensated out of public funds upon a scale assessed by the Commissioner.

Regulations.

84. The Governor may make regulations for the good order and government of the Force and for carrying into effect any of the purposes or provisions of this Law including the following —

- (a) the numerical establishment of the Force, the conditions of service and the various grades, ranks and appointments therein;
- (b) the duties to be performed by officers and for their guidance in the discharge of such duties;
- (c) pay, retirement benefits and allowances;
- (d) the description and issue of arms, accoutrements, uniforms and necessities to be supplied;
- (e) the control, administration and application of the Welfare Fund;
- (f) discipline and disciplinary procedure;
- (g) police identification including measurements, fingerprints, palm-prints, photograph and the records thereof;
- (h) court procedure;
- (i) the interrogation of suspects and witnesses;
- (j) the establishment and management of criminal investigation, traffic, drug detection and special branch duties;
- (k) the establishment and maintenance of police books and records;
- (l) the care of arms, stores, furniture and equipment;
- (m) the wearing of uniform and badges of rank;
- (n) ceremonial drill and parades;
- (o) the care and sale of police property;
- (p) the establishment and management of police canteens;
- (q) the role of the police in assisting the fire brigade;
- (r) the control of processions, riots and disorders;
- (s) the general control of the Special Constabulary; and
- (t) anything required by this Law to be prescribed.

Repeal of Cap. 126 with savings.

85. The old law is hereby repealed save that all appointments and things lawfully made and done under the old law shall continue in force and shall be deemed to have been made or done under this Law and Regulations and

Standing Orders made under the old law, not being inconsistent with this Law, shall remain in force until replaced by regulations and Standing Orders made under this Law.

THE SCHEDULE

(Sections 10 and 71)

The following is the form of oath required to be prescribed by sections 10 and 71.

"I do swear that I will well and truly serve our Sovereign Lady the Queen in the office of without favour or affection, malice or illwill, and that I will cause Her Majesty's peace to be kept and preserved; and that I will prevent to the utmost of my power, all offences against the same: and that so long as I continue to hold the said office, or any other office in the Cayman Islands Police Force, I will to the best of my skill and knowledge discharge all the duties thereof faithfully according to Law — So help me God".

Sections 11 and 72

The following is the form of identity card required to be prescribed by sections 11 and 72.

CAYMAN ISLANDS POLICE FORCE

This is to certify that _____

Rank _____

No. _____ whose photograph is attached is a duly attested member of the Cayman Islands Police Force.

Members of the Force and Members of the General Public are requested to give him any assistance he may require in the performance of his duties.

Commissioner of Police

19____

PHOTO	Signature	Right thumb impression
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Passed the Legislative Assembly this 17th day of March, 1976.

T. RUSSELL
President

SYBIL McLAUGHLIN
Clerk of the Legislative Assembly.