



ST. HELENA

CHAPTER 132

POLICE SERVICE ORDINANCE¹ and Subsidiary Legislation

Non-authoritative Consolidated Text

This is not an authoritative 'revised edition' for the purposes of the Revised Edition of the Laws Ordinance; it has been prepared under the supervision of the Attorney General for the purpose of enabling ready access to the current law, and specifically for the purpose of being made accessible via the internet.

Whilst it is intended that this version accurately reflects the current law, users should refer to the authoritative texts in case of doubt. Enquiries may be addressed to the Attorney General at Essex House, Jamestown [Telephone (+290) 2270; Fax (+290) 2454; email pa.lawofficers@legalandlands.gov.sh]²

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¹ Citation of Ordinance amended by Ord. 6 of 2015

² These contact details may change during 2011 or early in 2012. In case of difficulty, email shgwebsite@sainthelena.gov.sh or telephone (+290) 2470.

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CHAPTER 132

POLICE SERVICE ORDINANCE

(Ordinances 4 of 1975, 7 of 1985, 22 of 1987, 23 of 1987, 9 of 1994, 2 of 2001,
Gazette Notice 63 of 1 July 2011 and Ordinance 6 of 2015)

AN ORDINANCE TO MAKE PROVISION FOR THE POLICE SERVICE IN ST. HELENA³.

Commencement

[10 October 1975]

PART I
PRELIMINARY**Short title**

1.⁴ This Ordinance may be cited as the Police Service Ordinance.

Interpretation

2. (1) In this Ordinance, unless the context otherwise requires—
“Chief of Police”⁵ means the officer appointed under section 5 of this Ordinance to command the Service⁶;
“constable” means a police officer below the rank of sergeant but excluding a police cadet;
“Force”⁷ ...
“function” includes powers and duties;
“Gazetted Police Officer”⁸ ...
“Justice” means a Justice of the Peace or Magistrate;
“police cadet”⁹ means a member of the Service who has not attained the age of eighteen years;
“police officer”¹⁰ includes any member of the Service having the powers of a constable, and includes a special constable, where the context so admits, but does not include a police cadet;
“Police Welfare Fund” means the fund established under section 51(3);
“public place” includes any highway and any other premises or place to which at the material time the public have or are permitted to have access, whether on payment or otherwise;
“Senior Police Officer”¹¹ means any police officer of and above the rank of Chief Inspector;
“Service”¹² means the St Helena Police Service for which provision is made in this Ordinance.

³³ Long title amended by Ord. 6 of 2015

⁴⁴ Section 1 amended by Ord. 6 of 2015

⁵ Gazette Notice No. 63 of 1 July 2011: Title changed to Director of Police

⁶ Definition of “Chief of Police” amended by section 3 of Ord. 6 of 2015

⁷ Definition of “Force” repealed by Ord. 6 of 2015

⁸ Definition of “Gazetted Police Officer” repealed by Ord. 6 of 2015

⁹ Definition of “police cadet” amended by section 3 of Ord. 6 of 2015

¹⁰ Definition of “police officer” amended by Ord. 6 of 2015

¹¹ Definition of “Senior Police Officer” inserted by Ord. 6 of 2015

¹² Definition of “Service” inserted by Ord. 6 of 2015

This e-version of the text is not authoritative for use in court.

(2)¹³ Any reference to Assistant Superintendent or above in any St Helena or Ascension Island Ordinance should be construed as a reference to Senior Police Officer.

Continuance of service

3.¹⁴ Any person who, on the date of the commencement of this Ordinance, is serving in the Service of St. Helena shall be deemed to be employed under the provisions of this Ordinance without any break in his service as a police officer.

PART II CONSTITUTION AND APPOINTMENTS

Constitution and maintenance of Service

4.¹⁵ (1) The Service shall be constituted and maintained in accordance with the provisions of this Ordinance and with Headquarters in St. Helena.

(2) The Service shall consist of a Chief of Police, and as many other police officers and police cadets as the Governor may from time to time appoint.

(3) The costs and expenses of constituting and of maintaining the Service shall be charged on the general revenues of St. Helena to such amounts and in such proportions as may from time to time by annual vote or otherwise be voted by the Legislative Council or be granted by other lawful authority.

Appointment of Chief of Police

5.¹⁶ The Governor shall appoint some fit and proper person to be Chief of Police, who, subject to the general order of the Governor, shall have the sole command of the Service and shall be responsible to the Governor for the proper expenditure and use of all public funds and property specially appropriated by the Legislative Council for the service thereof.

Appointment of Acting Chief of Police

6.¹⁷ The Governor may appoint a member of the Service as the Acting Chief of Police as required and to have the same powers as the Chief of Police when performing that function.

Power of Chief of Police to delegate authority

7.¹⁸ (1) Where by any law, the Chief of Police is designated by rank to perform functions, he may, subject to the approval of the Governor, and unless by law he is expressly prohibited from so doing, depute any member of the Service by name to perform such functions on his behalf (except this power of delegation) and subject to such conditions, exceptions, and qualifications as the Governor may direct and thereupon, or from the date specified by the Chief of Police, the person deputed shall perform such functions subject as aforesaid.

¹³ Section 2(2) inserted by Ord. 6 of 2015

¹⁴ Section 3 amended by section 3 of Ord. 6 of 2015

¹⁵ Section 4 amended by section 3 of Ord. 6 of 2015

¹⁶ Section 5 amended by Ord. 6 of 2015

¹⁷ Section 6 substituted by Ord. 6 of 2015

¹⁸ Section 7 amended by Ord. 6 of 2015

(2) ...

Affirmation on appointment

8.¹⁹ A person appointed to a post in the Service under this Ordinance shall not be capable of holding the said office until he takes and subscribes an affirmation as set out in Form I of the Schedule to this Ordinance.

Requisites for appointment

9.²⁰ A person shall not be appointed to the Service unless he is of good character and—
(a) in the case of police cadets, is above the age of 16 years; or
(b) in the case of all other officers, is above the age of 18 years.

Probation and term of service

10.²¹ (1) Every member of the Service shall on appointment by the Governor serve a period of two years on probation or such longer or shorter period as may be required by the Governor.

(2) Subject to the provisions of sections 11 and 12—

- (a) any member of the Service may continue to serve in the Service until he has attained the age of sixty years; and
- (b) on reaching the age of sixty years, he may apply for continuance of his service beyond that age.

(3) An application made under subsection (2)(b) may be granted by the Governor only if such continuance is recommended by the Chief of Police:

Provided that the continuance so granted shall not exceed five years.

(4) Any reference in the foregoing provisions of this section to a period of probation shall not apply to a police officer whose first appointment in the Service was that of a Senior Police Officer, without prejudice however to the terms upon which that officer was appointed.

Dismissal during probation

11. During the period of probation, the services of any constable or police cadet may be dispensed with at any time if the Chief of Police with the concurrence of the Governor considers that he is not fitted, physically or mentally, to perform the duties of his office or that he is not likely to become an efficient and well-conducted police officer; if at the end of the period his services have not been dispensed with, he shall be confirmed in his appointment.

Discharge or dismissal from Service

12.²² Any member of the Service below the rank of Senior Police Officer may at any time during the period of his employment in the Service—

- (a) be discharged, when he—
 - (i) has been pronounced by a medical officer to be physically or mentally unfit for further service; or

¹⁹ Section 8 amended by section 3 of Ord. 6 of 2015

²⁰ Section 9 substituted by Ord. 6 of 2015

²¹ Section 10 amended by Ord. 6 of 2015

²² Section 12 amended by Ord. 6 of 2015

- (ii) has been generally inefficient in the discharge of his duties and it is in the public interest that he should cease to perform his duties as a police officer; or
 - (iii) has applied for his discharge, or has been permitted by the Chief of Police to resign;
- (b) be dismissed—
- (i) when offending against the provisions of this Ordinance; or
 - (ii) if he has been convicted of any criminal offence before any court of law exercising criminal jurisdiction whether within or outside St. Helena.

Warrant card

13. A warrant card shall be issued to every police officer and shall be evidence of his appointment under this Ordinance.

Training of members of Service

14.²³ All members of the Service shall undergo such training courses within or outside St. Helena as the Governor may from time to time direct.

Uniform, clothing and equipment

15.²⁴ Every member of the Service shall be issued with such articles of uniform, clothing and equipment as may be necessary for the effectual discharge of his duties; such articles shall be kept and used in accordance with police regulations.

Status of members of Service

16.²⁵ Every person for the time being serving in the Service shall be deemed a member of the Service and shall have and enjoy all the rights, privileges, powers, authorities and immunities conferred on a member of the Service by any law which is now in force or may hereafter be enacted.

Every Police Officer to be a constable

17. Every police officer shall have all such rights, powers, authorities, privileges and immunities and be liable to all such duties and responsibilities, as any constable duly appointed now has or is subject or liable to, either at common law or by virtue of any law which now is or may hereafter be in force in St. Helena.

General powers of Police Officers

18. Where by any law, powers are conferred upon police officers of a certain rank, such powers may lawfully be exercised by police officers of any higher rank.

Liability for service on Ascension Island

²³ Section 14 amended by section 3 of Ord. 6 of 2015

²⁴ Section 15 amended by section 3 of Ord. 6 of 2015

²⁵ Section 16 amended by section 3 of Ord. 6 of 2015

19.²⁶ Any member of the Service who has attained the age of eighteen years may be required to serve on Ascension Island for such period as may be specified by the Chief of Police.

Motor vehicles for use by Service²⁷

20. There shall be provided out of funds appropriated by the Legislative Council a sufficient number of motor vehicles to be used by the Police as the exigencies of the service may require and to be distributed throughout St. Helena as the Chief of Police may direct.

PART III RECRUITMENT OF SPECIAL CONSTABLES

Engagement of special constables

21.²⁸ (1) The Chief of Police may engage men and women as special constables for full or part time employment with the Service when it is necessary to augment the regular Service for the preservation of the public peace and the prevention and detection of crime.

(2) The Governor may prescribe the terms and conditions of service of special constables and may prescribe different terms and conditions for different classes of special constables as may be necessary.

(3) The Chief of Police shall issue to each special constable on appointment a notice of appointment as set out in Form II in the Schedule to this Ordinance.

Powers of special constables

22.²⁹ (1) Every special constable shall have the same powers, privileges and protection and shall be liable to perform the same functions and shall be subject to the same penalties and be subject to the same authorities as any other member of the Service.

(2) Every special constable shall have such rank as may be assigned to him by the Chief of Police.

Clothing etc. of special constables

23. The Governor may provide at public expense for the issue to special constables of clothing and equipment for the due performance of their functions as special constables.

Neglect, etc. by special constables

24.³⁰ ...

Termination of services of special constables

²⁶ Section 19 amended by Ord. 7 of 1985

²⁷ Heading of section 20 substituted by Ord. 6 of 2015

²⁸ Section 21 amended by section 3 of Ord. 6 of 2015

²⁹ Section 22 amended by section 3 of Ord. 6 of 2015

³⁰ Section 24 repealed by Ord. 6 of 2015

25. The Chief of Police may terminate the services of any special constable, and shall forthwith transmit to the special constable concerned, notice thereof in writing as set out in Form III in the Schedule to this Ordinance.

PART IV
DUTIES AND POWERS OF MEMBERS OF THE SERVICE³¹

Duties of the Service

- 26.³² (1) It shall be the duty of all police officers—
- (a) to preserve the peace and prevent and detect crime and other offences against the law;
 - (b) to apprehend persons found committing any offence rendering them liable to arrest without warrant, or whom they may reasonably suspect of having committed any such offence;
 - (c) ...
 - (d) to stop, search and detain any vessel, (excluding a ship of war or having the status of a ship of war) boat, motor vehicle, cart or other conveyance in or on which there shall be reason to suspect that anything stolen or unlawfully obtained or any smuggled goods may be found, and also any person who may be reasonably suspected of having or conveying in any manner anything stolen or unlawfully obtained or any smuggled goods;
 - (e) ...
 - (f) to execute summonses, subpoenas, warrants, commitments and other process issued by the courts;
 - (g) to keep order in and within the precincts and in the vicinity of all courts during the sittings of such courts;
 - (h) to deal with disturbances of the peace;
 - (i) to assist in carrying out any revenue, excise, quarantine, immigration and aliens registration laws;
 - (j) to act as an officer and warder of any prison;
 - (k) to escort and guard prisoners;
 - (l) to perform such other functions as he may be from time to time required to perform by the Governor or under any law, rule or regulation:

Provided that all searches of persons shall be carried out under relevant legislation and with strict regard to decency and where any person to be searched is a female the search shall only be carried out by another female acting as, or under the direction of, a member of the Service.

(2) For the performance of such duties and functions as prescribed in subsection (1), any police officer may carry arms in accordance with Police Standing Orders or any order issued by the Chief of Police or by the Governor.

27.³³

Power of searching persons on or about ships or aircraft

³¹ *Heading of Part amended by section 3 of Ord. 6 of 2015*

³² *Section 26 amended by Ord. 6 of 2015*

³³ *Section 27 repealed by Ord. 22 of 1987*

28.³⁴ (1) Where a member of the Service has reasonable grounds to believe that any person on board or about to board any ship, (excluding a ship of war or having the status of a ship of war) boat or aircraft within the territorial waters or airspace of St. Helena or any person who has landed from any ship, boat or aircraft (whether or not such person has travelled on that ship, boat or aircraft) has any firearm or uncustomed or prohibited goods about his person he may search such person without warrant and any person may be detained for a period not exceeding six hours for the purpose of being searched.

(2) Any such person as is mentioned in subsection (1) who rescues, destroys or attempts to destroy any goods to prevent seizure, or obstructs any member of the Service in going, remaining or returning from on board any ship, boat or aircraft or in searching such ship, boat, aircraft or person or otherwise in the execution of his duty, is guilty of an offence for which the maximum penalty on conviction is a fine of £500 or imprisonment for a term of six months.

Chief of Police may designate detention centres

29.³⁵ (1) The Chief of Police may designate any secure place to be a detention centre for the temporary confinement of persons under arrest.

(2) A person under arrest may be detained in a place designated in accordance with subsection (1) until—

(a) he is admitted to bail; or

(b) if he is not admitted to bail—he can be brought before a Justice of the Peace to be dealt with according to law.

Police protection by Justices' Warrant

30.³⁶ (1) Where any action is brought against any member of the Service for any act done in accordance with the warrant of any Justice of the Peace, that member shall not be responsible for any irregularity in the issuing of such warrant or for any want of jurisdiction of the Justice issuing the same, but may plead the general issue and give such warrant in evidence at the trial; and upon proof that the signature thereto is the hand-writing of the person whose name appears subscribed thereto and such person was reputed to be and acted as a Justice of the Peace and that any act complained of was done in accordance with such warrant, there shall be a verdict for the said member of the Service who shall recover his costs of suit.

(2) It shall be the duty of any police officer, if required so to do, in the execution of any warrant to him directed, to produce the same to any person taken into custody thereunder and to permit a copy thereof to be taken by such person or on behalf of such person either at the time of arrest or at any time afterwards so long as the warrant remains in his custody.

Summonses

31.³⁷ Any summons lawfully issued by a Justice or by a Court may be served by any member of the Service at any time.

Proof of service of process

³⁴ Section 28 amended by Ord. 6 of 2015

³⁵ Section 29 substituted by Ord. 9 of 1994 and amended by Ord. 6 of 2015

³⁶ Section 30 amended by section 3 of Ord. 6 of 2015

³⁷ Section 31 amended by section 3 of Ord. 6 of 2015

32.³⁸ Notwithstanding anything contained in this or any other law, where any summons or other process of a Court is served by a member of the Service, the service may be proved by endorsement on the original or a copy of the summons or process under the hand of any such person effecting the service, showing the fact, mode and date of the service of such summons or process; and any such person wilfully and corruptly endorsing any false statement on the original or a copy of the summons or other process is guilty of an offence for which the maximum penalty on conviction is a fine of £500 or imprisonment for a term of six months.

Dispersal of assembly and offences relating thereto

33.³⁹ ...

Power to prevent congestion in public place

34.⁴⁰ Any member of the Service may order any person or persons causing an obstruction in any public place or thoroughfare to remove, or cause to be removed, such obstruction and any person failing to obey such order is guilty of an offence for which the maximum penalty on conviction is a fine of £250 or imprisonment for a term of one month.

Power to control traffic

35.⁴¹ A member of the Service in uniform may control traffic, and any person disobeying any instruction or any signal, whether given orally or by hand or mechanical device, is guilty of an offence for which the maximum penalty on conviction is a fine of £250 or imprisonment for a term of one month.

Power to regulate traffic

36.⁴² (1) Whenever in the opinion of the Chief of Police, a street is liable or likely to be thronged or obstructed, he or any other member of the Service acting under his authority may—

- (a) direct the route to be observed by motor vehicles or carts which are in use or are being driven or propelled in or near to such streets, or by persons riding or driving any animal in or near to such streets;
- (b) prevent motor vehicles or carts or persons riding or driving any animal from entering such street;
- (c) prescribe the lane to be kept by persons riding, driving or walking in any such street;
- (d) generally do all that is necessary to prevent a congestion of the traffic and provide for the safety and convenience of the public.

(2) If any person disregards or fails to obey any reasonable order of the Chief of Police or any other member of the Service acting under his authority given with the object of carrying out the provisions of this section, he is guilty of an offence for which the maximum penalty on conviction is a fine of £250 or imprisonment for a term of one month.

³⁸ Section 32 amended by Ord. 6 of 2015

³⁹ Section 33 repealed by Ord. 6 of 2015

⁴⁰ Section 34 amended by Ord. 6 of 2015

⁴¹ Section 35 amended by Ord. 6 of 2015

⁴² Section 36 amended by Ord. 6 of 2015

Removal of motor vehicle

36A.⁴³ (1) A police officer may remove to a convenient place of safety any motor vehicle or other property found unattended in any public place, the removal of which such officer reasonably believes to be necessary or desirable—

- (a) for preventing the obstruction of any highway; or
- (b) in order to protect such vehicle (or anything therein or thereon) or property from any danger of theft or damage, whether or not such danger is an immediate one.

(2) Subsection (1) applies to any vehicle or property in the possession, custody or control of a person arrested as if such property had been found unattended.

Assaulting police officer, obstruction, etc.

37.⁴⁴ Any person who—

- (a) assaults, obstructs or resists any police officer acting in the execution of his duty, or aids or incites any person so to assault, obstruct or resist; or
- (b) 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 for which the maximum penalty on conviction is a fine of £500 or imprisonment for a term of six months.

PART V DISPOSAL OF STOLEN OR UNCLAIMED PROPERTY IN CUSTODY OF POLICE

Disposition or detention of property alleged to be stolen etc

38.⁴⁵ (1) If any goods or money alleged to be stolen or fraudulently obtained are in the custody of any member of the Service by virtue of any warrant of a Justice or in prosecution of any charge of any offence in regard to the obtaining thereof, and the person charged with stealing or obtaining possession as aforesaid cannot be found, or has been summarily convicted or discharged, or has been tried and acquitted, or has been tried and found guilty, the Magistrates' Court may make an order for the delivery of such goods or money to the party who appears to be the rightful owner thereof, or when the owner cannot be ascertained, then if such goods are of a perishable nature, may make such order with respect to such perishable goods as the Court shall think fit, but if the goods are not of a perishable nature, the Court may order such goods to be detained in the custody of the Chief of Police to be dealt with as hereinafter provided.

(2) An order made under subsection (1) shall not be a bar to the right of any person to take any action at law to establish his ownership or right to such goods or money, on condition however that such action shall be commenced within twelve months next after such order is made.

⁴³ Section 36A inserted by Ord. 23 of 1987

⁴⁴ Section 37 amended by Ord. 22 of 1987 and substituted by Ord. 6 of 2015

⁴⁵ Section 38 amended by section 3 of Ord. 6 of 2015

Power to detain and sell unclaimed property

39.⁴⁶ Where any goods or money found or otherwise taken charge of by any member of the Service, or alleged to be stolen or unlawfully obtained, and of which the owner is unknown are by order of the Magistrates' Court, or otherwise, delivered to the Chief of Police, such goods or money after the expiration of six calendar months during which no owner shall have appeared to claim the same, may be sold or disposed of by the Chief of Police or under his order in writing and the proceeds of such sale or such money shall be paid forthwith to the Consolidated Fund.

Advertisement of property to be sold

40. All goods sold as aforesaid shall be sold by public auction and the Chief of Police shall cause details of the items to be sold to be published and an advertisement giving notice of such sale and containing also a statement of all bank notes, coins and monies, plate, jewellery or other valuable property (if any) so ordered to be disposed of as aforesaid, shall be inserted in some public newspaper or a Government notice published in St. Helena one month at least before the day of the sale and shall again be inserted in such newspaper or Government notice not more than one week before the said day of sale.

Effect of other law

41.⁴⁷ ...

PART VI

RECORDING, MANAGEMENT AND INVESTIGATION OF COMPLAINTS AGAINST POLICE OFFICERS⁴⁸

Inciting rioting in Service

42.⁴⁹ ...

Police officers to obey lawful orders

43.⁵⁰ Every member of the Service shall obey all lawful orders of his senior officers, whether given orally or in writing, and shall obey and conform to police regulations and standing orders made under this Ordinance.

Complaints register

43A.⁵¹ All complaints against Police Officers shall be recorded in the Police Service Complaints Register.

Hearing and determination of charge or complaint in disciplinary proceedings

⁴⁶ Section 39 amended by section 3 of Ord. 6 of 2015

⁴⁷ Section 41 repealed by Ord. 6 of 2015

⁴⁸ Heading of Part substituted by Ord. 6 of 2015

⁴⁹ Section 42 repealed by Ord. 6 of 2015

⁵⁰ Section 43 amended by Ord. 6 of 2015

⁵¹ Section 43A inserted by Ord. 6 of 2015

44.⁵² (1) When any member of the Service, other than a Senior Police Officer, is charged with a breach of any disciplinary regulations made under this Ordinance, any Senior Police Officer may hear and determine the charge or complaint and may, if he finds such member of the Service guilty, impose any one of the sentences referred to in subsection (4).

(2) When any Senior Officer, other than the Chief of Police, within the Service is charged with a breach of any disciplinary regulations made under this Ordinance, the Chief of Police and Director of Human Resources may hear and determine the charge or complaint and may, if they find such member of the Service guilty, impose any one of the sentences referred to in subsection (4).

(3) Where the Chief of Police is charged with a breach of any disciplinary regulations made under this Ordinance, it will be the decision of the Governor as to who will hear and determine the charge or complaint and those person(s) (hereafter known as the 'Panel') may, if they find the Chief of Police guilty, impose any one of the sentences referred to in subsection (4)

(4) The sentences which may be imposed under subsections (1), (2) and (3) are the following:

- (a) Formal verbal warning (stage one) in section 44A;
- (b) Written warning (stage two) in section 44B;
- (c) Final written warning (Stage Three) in section 44C;
- (d) Dismissal with notice in section 44D;
- (e) Dismissal without notice in section 44E:

Provided that any punishment imposed under paragraphs (c), (d) and (e) shall not become effective until confirmed by the Governor.

(5) Any sanction provided under subsection (4)(b) or (c) can be accompanied by a recommendation to the Governor for a reduction in rank for the Officer concerned.

(6) For the purposes of this Part of the Ordinance, a Senior Police Officer, the Chief of Police and the Panel referred to in subsection (3), shall have the same powers in respect of securing and compelling the attendance of witnesses and their examination upon oath and otherwise as are conferred upon a Justice of the Peace under the Magistrates' Court Ordinance.

Verbal Warning (Stage One)

44A.⁵³ (1) For minor offences, a formal verbal warning will be issued, making clear that it constitutes the first step of the disciplinary procedure and that further misconduct may result in more serious consequences.

(2) A copy of the verbal warning will be placed in the employee's personal file and remains valid for six months (after which it should be disregarded for disciplinary purposes, subject to satisfactory conduct).

Written Warning (Stage Two)

44B.⁵⁴ (1) For a more serious offence, or where a lesser or minor offence follows a formal verbal warning that has been issued and remains valid, a written warning will be

⁵² Section 44 substituted by Ord. 6 of 2015

⁵³ Section 44A inserted by Ord. 6 of 2015

⁵⁴ Section 44B inserted by Ord. 6 of 2015

issued and the written warning shall state that a final written warning may be considered if there are further acts of misconduct when the written warning is valid.

(2) A copy of the written warning will be placed in the officer's personal file and remains valid for 12 months (after which it should be disregarded for disciplinary purposes, subject to satisfactory conduct).

Final Written Warning (Stage Three)

44C.⁵⁵ (1) For a serious offence, or where an offence follows a written warning that remains valid, a final written warning will be issued and the written warning shall state that further acts of misconduct during the period when a final written warning is valid, may lead to dismissal.

(2) A copy of the final written warning will be placed in the officer's personal file and will remain valid for 18 months (after which it should be disregarded for disciplinary purposes, subject to satisfactory conduct).

Dismissal with Notice

44D.⁵⁶ (1) For acts of further misconduct, other than gross misconduct, by an officer under a final written warning, dismissal is the final step that will be taken if, despite warnings, conduct does not improve.

(2) An officer will, in such circumstances, be notified of the date on which his employment will terminate, and the appropriate notice period.

(3) The decision to dismiss will be confirmed in writing within five working days of the disciplinary hearing by the person conducting the disciplinary hearing under section 44.

Dismissal without Notice

44E.⁵⁷ (1) For offences deemed to be gross misconduct an officer will have his employment terminated with immediate effect (subject to confirmation by the Governor) and will not receive pay in lieu of notice:

Provided that he will be entitled to pay for any leave entitlement earned but not taken within the current holiday year and any other outstanding monies due to him.

(2) The decision to dismiss will be confirmed in writing within five working days of the disciplinary hearing by the person conducting the disciplinary hearing under section 44.

Referral of complaint

44F.⁵⁸ (1) Where the member of the Service referred to in section 44(1) is found guilty of a charge or complaint which is heard by a Senior Police Officer other than the Chief of Police, the record of the proceedings shall be sent to the Chief of Police, who may, after giving the officer or cadet the opportunity of being heard—

- (a) return the proceedings for the taking of further evidence; or
- (b) quash the proceedings and re-hear the charge or complaint himself and on such re-hearing he may take further evidence; or
- (c) reverse or vary the findings; or

⁵⁵ Section 44C inserted by Ord. 6 of 2015

⁵⁶ Section 44D inserted by Ord. 6 of 2015

⁵⁷ Section 44E inserted by Ord. 6 of 2015

⁵⁸ Section 44F inserted by Ord. 6 of 2015

- (d) confirm the punishment if such punishment is that under section 44(4)(a) or (b); or
- (e) where the punishment is that under section 44(4), (c) (d) or (e), recommend to the Governor that the punishment be confirmed.

(2) Where a Senior Officer referred to in section 44(2) is found guilty of a charge or complaint which is heard by the Chief of Police, the record of the proceedings shall be sent to the Governor, who may, after giving the Senior Officer the opportunity of being heard—

- (a) return the proceedings for the taking of further evidence; or
- (b) quash the proceedings and re-hear the charge or complaint himself and on such re-hearing he may take further evidence; or
- (c) reverse or vary the findings; or
- (d) confirm the punishment.

Appeals to the Governor

45.⁵⁹ (1) Where any member of the Service is dissatisfied with a decision given by the Chief of Police, he may, within 14 days after such decision has been communicated to him, appeal to the Governor.

(2) Where any member of the Service is dissatisfied with the decision of a Senior Police Officer other than the Chief of Police, he may within 14 days after such decision has been communicated to him appeal to the Chief of Police; and if he is dissatisfied with the decision of the Chief of Police he may appeal to the Governor within 14 days after the decision of the Chief of Police has been communicated to him.

(2A) Where the Chief of Police is dissatisfied with a decision given by the Panel under section 44(3), he may, within 14 days after such decision has been communicated to him, appeal to the Governor.

(3) The Governor after considering any appeal made under this section and the notes of evidence and statements and any other documents submitted to him, shall—

- (a) allow the appeal; or
- (b) dismiss the appeal; or
- (c) vary the punishment by substituting some other punishment which the relevant Officer or Panel might have imposed.

(4) All punishment by the relevant Officer or Panel under section 44, shall within seven days after such decision be communicated to the Governor for consideration of the punishment.

(5) Every such application for consideration of punishment under this section shall be in writing; the decision of the Governor in such an appeal and such an application shall be final.

Collection of fines by stoppages

46.⁶⁰ ...

Suspension from Duty

47.⁶¹ (1) If in any case the Chief of Police considers that the public interest requires that any member of the Police Service should cease to exercise the functions of his office

⁵⁹ Section 45 amended by Ord. 6 of 2015

⁶⁰ Section 46 repealed by Ord. 6 of 2015

⁶¹ Section 47 substituted by Ord. 6 of 2015

immediately, he may suspend such member from duty, provided that disciplinary or criminal proceedings are being instituted or are about to be instituted against such member.

(2) In any case where the Chief of Police is subject to disciplinary or criminal proceedings and the Governor considers that the public interest requires that the Chief of Police should cease to exercise the functions of his office immediately, he may suspend him from duty, provided that disciplinary or criminal proceedings are being instituted or are about to be instituted against him.

(3) A member or Chief of Police who has been suspended under this section shall receive full pay.

Members of Service to return arms and equipment

48.⁶² (1) Every member of the Service who by resignation, dismissal, discharge or otherwise leaves the Service, shall, before leaving, deliver up each and every article of uniform, clothing, arms, accoutrements and other Government property which may be in his possession.

(2) Any person neglecting so to deliver up such property is guilty of an offence for which the maximum penalty on conviction is a fine of £250 or imprisonment for a term of three months, and in addition thereto shall be liable to pay the value of the property not delivered up which value shall be ascertained by the Court, which may thereupon make an order for payment.

PART VII MISCELLANEOUS

Power to make regulations

49.⁶³ (1) The Governor may make regulations relating to all or any of the following matters, that is to say—

- (a) the description and issue of arms, accoutrements, badges of rank, uniforms and necessaries to be supplied to the Service;
- (b) the leave of absence which may be granted to members of the Service;
- (c) generally, for the good government of the Service and all such matters as may, from time to time be deemed expedient for rendering the Service efficient in the discharge of its duties and for securing proper discipline therein.

(2) ...

Right of officer to prosecute police cases

50.⁶⁴ When any member of the Service lays any information or makes complaint against any person, the Chief of Police or any member of the Service deputed by him may appear before the Magistrates' Court trying or enquiring into the matter of the said information or complaint and shall have the same privileges as to addressing the Court and as to examining the witnesses summoned in the said matter as the member of the Service who laid the information or made the complaint would have had.

⁶² Section 48 amended by Ord. 6 of 2015

⁶³ Section 49 amended by Ord. 6 of 2015

⁶⁴ Section 50 amended by section 3 of Ord. 6 of 2015

Rewards and gratuities

51.⁶⁵ ...

Powers of Chief of Police to make standing orders

52.⁶⁶ The Chief of Police acting in his discretion but subject to any regulations or directions made or given by the Governor, may make such standing orders as he may think fit and proper for the good order and welfare of the Service and such Orders shall be binding upon all members of the Service, and without prejudice to the generality of the foregoing, such Orders shall provide for the following matters—

- (a) the duties to be performed by members of the Service and matters for their guidance in the discharge of their duties;
- (b) the training of the Service;
- (c) the issue of arms, ammunition, accoutrements, uniforms and other necessities to be supplied to members of the Service;
- (d) the qualifications of persons who may be appointed in the Service, the form and method of their appointment, their general government with respect to their classification and rank, the services required of them and their conduct in the performance thereof;
- (e) the organisation and administration and training of the members of the Service;
- (f) general police duties;
- (g) the management and government of police offices and other estate;
- (h) the management and government of cells and lock-up rooms and of persons confined therein;
- (i) the distribution, posting and removal of members of the Service from station to station and in the place or places in which they reside;
- (j) duties of members of the Service in connection with civil disturbances.

Power to take finger-prints, photographs, etc.

53.⁶⁷ It shall be lawful for any member of the Service to take the photograph, fingerprints and DNA sample;

- (a) of any person who has been arrested under the powers conferred by this or any other law; and
- (b) of any person who has been convicted of any offence:

Provided that, if any such person who has not previously been convicted of any offence shall have been photographed, or whose fingerprints or DNA sample has been taken, be acquitted upon his trial or the charge against him be withdrawn, all photographs (both negatives and copies), fingerprint impressions and DNA samples so taken shall be forthwith destroyed or handed over to such person.

Member of Service not to engage in private business

⁶⁵ Section 51 repealed by Ord. 6 of 2015

⁶⁶ Section 52 amended by Ord. 6 of 2015

⁶⁷ Section 53 substituted by Ord. 6 of 2015

54.⁶⁸ A member of the Service shall not, while he or she holds such appointment, engage in any private business or trade, without the consent of the Governor.

Members of Service not to be members of political society or union

55.⁶⁹ (1) Members of the Service shall not, except with the express approval of the Governor be members of, or have any connection whatsoever with any political society either within or without St. Helena.

(2) Any member of the Service who commits a breach of the provisions of this section shall be liable to immediate dismissal from the Service.

Causing disaffection among members of Service

56.⁷⁰ If any person causes or attempts to cause, or does any act calculated to cause disaffection amongst the members of the Service, or induces, or attempts to induce, or does any act calculated to induce any member of the Service to withhold his services or to commit breaches of discipline, he shall be guilty of an offence and is guilty of an offence for which the maximum penalty on conviction is a fine of £2,000 or imprisonment for a term of two years.

Offence of making false report of commission of offence, etc

57.⁷¹ Any person who knowingly—

- (a) makes or causes to be made to any member of the Service a false report of the commission of any offence; or
- (b) misleads any member of the Service by giving false information or by making false statements or accusations,

is guilty of an offence for which the maximum penalty on conviction is a fine of £500 or imprisonment for a term of six months.

Impersonation etc

58.⁷² ...

Non-exemption from ordinary course of law

59.⁷³ Nothing in this Ordinance shall be construed as exempting any member of the Service from being proceeded against in the ordinary course of law, when accused of any offence punishable under any other law in force in St. Helena.

SCHEDULE⁷⁴

⁶⁸ Section 54 amended by section 3 of Ord. 6 of 2015

⁶⁹ Section 55 amended by Ord. 2 of 2001 and section 3 of Ord. 6 of 2015

⁷⁰ Section 56 amended by Ord. 6 of 2015

⁷¹ Section 57 amended by Ord. 6 of 2015

⁷² Section 58 repealed by Ord. 6 of 2015

⁷³ Section 59 amended by section 3 of Ord. 6 of 2015

⁷⁴ Schedule amended by Ord. 6 of 2015

FORM I

(Section 8)

I do hereby solemnly and sincerely affirm that I will well and truly serve our Sovereign Lady the Queen in the office of without favour or affection, malice or ill-will, 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 as long as I continue to hold the said office, or any other office in the St. Helena Police Service, I will to the best of my skill and knowledge discharge all the duties thereof faithfully according to law.

..... (Signature)

I certify that the foregoing affirmation was taken and signed in my presence.

This day of, 20.....

.....
Justice of the Peace.

FORM II

(Section 21(3))

To
I, the undersigned Chief of Police, do under the powers conferred on me by section 21 of the Police Service Ordinance, hereby appoint you to be a Special Constable for St. Helena for the period of from the date hereof or until further notice.

Dated this day of, 20.....

.....
Chief of Police

FORM III

(Section 25)

NOTICE TO TERMINATE APPOINTMENT OF SPECIAL CONSTABLE

To
of

I, the undersigned, Chief of Police, do in exercise of the powers conferred on me by section 25 of the Police Service Ordinance, hereby give you notice that your appointment as a special constable made on the day of, 20..... is terminated with effect from the date hereof

Your form of appointment, clothing and equipment must be delivered to the officer in charge of police station within seven days of the date of the service of this notice.

Dated this day of, 20.....

.....
Chief of Police

POLICE REGULATIONS

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POLICE REGULATIONS

(Legal Notices 10 of 2000, 11 of 2000, 11 of 2003 and 9 of 2015)

Commencement

[1 September 2000]

PART 1 PRELIMINARY

Short title

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

Interpretation

2. (1) In these regulations—

“**Board**” means the Promotions Board established by regulation 38;

“**Discipline Regulations**” means the Police (Discipline) Regulations 1976;

“**overtime**” has the meaning specified in regulation 16.

(2) Nothing in these regulations authorises pay or allowances payable to a person to be reduced retrospectively.

PART 2 GOVERNMENT

Division 1 Organisation

Authorised establishment

3.⁷⁵ The authorised establishment of the several ranks of the St Helena Police Service and any change to that establishment is subject to the approval of the Governor but the establishment shall be sufficient to provide for the carrying out of police duties under responsible supervision.

Ranks

- 4.⁷⁶ The ranks of the Service are to be known by the following designations—

- (a) chief of police;
- (b) Chief Inspector;
- (c) inspector;
- (d) sergeant;
- (e) constable;
- (f) cadet.

Business interests precluding appointment to the Service

⁷⁵ Regulation 3 amended by L.N. 9 of 2015

⁷⁶ Regulation 4 amended by L.N. 9 of 2015

5.⁷⁷ (1) Save in so far as the Governor may consent, at the request of the candidate concerned, a person is not eligible for appointment to the Service if he is currently engaged in any private business or trade.

(2) A member of the Service shall not engage in any private business or trade without the written consent of the Governor first being obtained.

Division 2 **Appointment and retirement**

Qualifications for appointment to the Service

- 6.⁷⁸ (1) A candidate for appointment to the Service—
- (a) shall produce satisfactory references as to character, and, if he has served in any other Police Force, in the armed Forces, in the civil service or as a seaman, produce satisfactory proof of his good conduct while so serving; and
 - (b) shall, except in respect of an application for appointment as a cadet, have attained the age of 18 years; and
 - (c) shall be certified by a medical officer approved by the Governor to be—
 - (i) in good health; and
 - (ii) both physically and mentally fit to perform the duties on which he will be employed after appointment; and
 - (d) shall, if a candidate for appointment in the rank of constable, satisfy the Chief of Police that he is sufficiently educated by passing a written or oral examination in reading, writing and simple arithmetic, or an examination of a higher standard, as may be prescribed by the Chief of Police; and
 - (e) shall, if a candidate for appointment in the rank of sergeant or inspector, be qualified for promotion to such rank; and
 - (f) shall give such information as may be required as to his previous history or employment or any other matter relating to his appointment to the Service; and
 - (g) shall be given a notice in terms approved by the Governor drawing attention to the conditions of service.

(2) In assessing the suitability of a candidate who has passed an examination in accordance with subregulation (1)(d), the Chief of Police shall appoint suitable members from within the Service to be members of an interviewing panel for the purpose of interviewing potential candidates.

Retirement and resignation

7.⁷⁹ (1) Subject to subregulation (2), a member of the Service can not retire or resign from the Service unless the Member gives to the Chief of Police—

- (a) a month's written notice of the member's intention to retire or resign; or
- (b) such shorter period of notice as the Chief of Police may accept.

(2) While a member is suspended in respect of an alleged breach of the Discipline Regulations the member can not, without the consent of the Chief of Police—

- (a) give notice for the purposes of subregulation (1); or
- (b) retire in pursuance of such a notice previously given.

⁷⁷ Regulation 5 amended by Regulation 2 of L.N. 9 of 2015

⁷⁸ Regulation 6 amended by L.N. 9 of 2015

⁷⁹ Regulation 7 amended by Regulation 2 of L.N. 9 of 2015

Division 3
Personal records

Personal records to be kept of members of the Service

8.⁸⁰ (1) The Chief of Police must ensure that there is kept a personal record of each member of the Service.

(2) Subject to subregulation (3), the personal record must contain—

- (a) a personal description of the member; and
- (b) particulars of the member's place and date of birth; and
- (c) particulars of the member's marriage (if any); and
- (d) a record of the service of the member (if any) in any branch of Her Majesty's military forces, or in the civil service; and
- (e) a record of the member's service (if any) in any other Police Service; and
- (f) a record of whether the member passed any qualifying examination; and
- (g) a record of the member's service in the Service including particulars of—
 - (i) promotions;
 - (ii) postings;
 - (iii) removals;
 - (iv) injuries received;
 - (v) periods of illness;
 - (vi) commendations;
 - (vii) rewards;
 - (viii) discipline record;
 - (ix) the date the member ceased to be a member of the Service with the reason, cause or manner.

(3) ...

(4) If a member so requests he is entitled to inspect his personal record and be provided with a copy of it and any costs incurred in such provision shall be borne by the member.

Transfer of personal records

9.⁸¹ ...

Personal record of member leaving Service

10.⁸² (1) If a member of the Service ceases to be a member of the Service, the member shall be given a certificate showing—

- (a) his rank on ceasing to be a member of the Service and setting out the period of the member's service; and
- (b) the reason, cause or manner of the member leaving the Service.

(2) If the member was required to resign or was dismissed, the certificate must not contain any description of the circumstances in which the member was required to resign or was dismissed.

(3) The Chief of Police may append to the certificate any recommendation that he feels justified in giving, such as that the member's conduct was exemplary, very good or good.

⁸⁰ Regulation 8 amended by L.N. 9 of 2015

⁸¹ Regulation 9 revoked by L.N. 9 of 2015

⁸² Regulation 10 amended by L.N. 9 of 2015

(4) If a member of the Service ceases to be such a member his personal record shall be kept until the person concerned reaches the age of sixty years and shall then be destroyed.

Fingerprints

11.⁸³ (1) Each member of the Service shall in accordance with the directions of the Chief of Police have his fingerprints taken.

(2) Fingerprints of members of the Service taken in accordance with subregulation (1) shall be kept separate from the fingerprints of persons whose fingerprints have been taken otherwise than in accordance with that subregulation.

(3) The fingerprints of a member of the Service taken in accordance with subregulation (1) and all copies and records of them shall be destroyed on the member ceasing to be a member of the Service.

PART 3 DUTY, OVERTIME AND LEAVE

Duty to carry out lawful orders

12.⁸⁴ Each member of the Service shall—

- (a) carry out all lawful orders; and
- (b) at all times punctually and promptly perform all appointed duties; and
- (c) at all times punctually and promptly attend to all matters within the scope of the member's office.

Work not required to be performed

13.⁸⁵ ...

Normal daily period of duty

14.⁸⁶ (1) This regulation applies to each member of the Service below the rank of Inspector, who has not been assigned to specific duties by the Chief of Police.

(2) The normal daily tour of duty (including the period of refreshment referred to in subregulation (3)) of a member of the Service to whom this regulation applies is 8 hours.

(3) As far as the exigencies of duty permit—

- (a) the normal daily period of duty is to be performed in one tour of duty; and
- (b) an interval of 30 minutes is to be allowed for refreshment.

(4) If a member—

- (a) is required to perform his normal daily period of duty in more than one tour of duty; and
- (b) does not travel to and from his home between tours,
an interval for refreshment and rest is to be normally included at the beginning or end of one of those tours.

⁸³ Regulation 11 amended by Regulation 2 of L.N. 9 of 2015

⁸⁴ Regulation 12 amended by Regulation 2 of L.N. 9 of 2015

⁸⁵ Regulation 13 revoked by L.N. 9 of 2015

⁸⁶ Regulation 14 amended by Regulation 2 of L.N. 9 of 2015

(5) In this Part “**daily**”, in relation to members of the Service, means a period of 24 hours commencing at such time or times as the Chief of Police may fix. The Chief of Police may fix different times in relation to different groups of members.

Variable shift arrangements

14A.⁸⁷ (1) This regulation applies to every member of the Service below the rank of Inspector.

(2) The Chief of Police may bring into operation variable shift arrangements.

(3) Variable shift arrangements must provide; as respects members for whom they are in operation—

- (a) for hours of duty equivalent to those resulting from the application of regulations 14(2) and 17(2); and
- (b) for annual leave equivalent to that resulting from the application of regulation 19(1) and the First Schedule.

Rostering of duties

15.⁸⁸ (1) The Chief of Police shall in accordance with this regulation compile duty rosters for members of the Service below the rank of Inspector.

(2) In these regulations—

- (a) a reference to a rostered rest day is to be construed, in relation to a member of the Service who is required to do duty on that day, as a reference to a day which according to the duty roster was, immediately before the member was so required to do duty, to have been a rest day for the member; and
- (b) a day off granted *in lieu* of a rostered rest day is to be treated as a rostered rest day.

(3) A roster referred to in subregulation (1) must be compiled—

- (a) at intervals not exceeding 3 months; and
- (b) not later than one month before the date on which it is to come into force.

(4) A roster must set out, for the 3 months following the date on which it is to come into force, in relation to each member of the Service to which it relates—

- (a) his rest days; and
- (b) those days, being public holidays, on which the member may be required to do duty; and
- (c) the times at which the member's scheduled daily periods of duty are to begin and end.

(5) Subject to subregulation (6), a duty roster shall make provision for—

- (a) an interval of not less than 8 hours between the ending of each of a member's daily periods of duty and the beginning of the next; and
- (b) an interval between each of his rostered rest days not exceeding 7 days,

unless the Chief of Police determines otherwise.

(6) Where, owing to the exigencies of duty, it is necessary to alter a duty roster, the officer responsible for making the alteration shall endeavour, so far as practicable, to avoid requiring a member to do an additional daily period of duty such that the condition in subregulation (5)(a) would not be satisfied.

⁸⁷ Regulation 14A amended by Regulation 2 of L.N. 9 of 2015

⁸⁸ Regulation 15 amended by Regulation 2 of L.N. 9 of 2015

Overtime

16.⁸⁹ (1) Subject to, and in accordance with, the provisions of this regulation a member of the Service below the rank of Inspector is to be compensated in respect of time for which the member—

- (a) remains on duty after the member's tour of duty ends; or
- (b) is recalled between two tours of duty,

(in these regulations referred to as "overtime").

(2) A member is not to be compensated for overtime for which he received an allowance or time off under regulation 17.

(3) Subject to subregulation (6), a member of the Service, from the rank of sergeant and below, is to be granted an allowance in respect of each week at the rate of a twenty fourth of a day's pay for each completed period of 15 minutes of overtime worked by the member on any occasion during that week

(4) If such a member—

- (a) before the expiry of a pay period, elects in respect of specified overtime worked by the member during the weeks ending within that period, to be granted in lieu of an allowance time off subject to and in accordance with subregulation (5); and
- (b) in accordance with the election receives time off in respect of the overtime,

no allowance in respect the overtime is payable under subregulation (3).

(5) Subject to the exigencies of duty, if by virtue of an election under subregulation (4) time off fails to be granted to a member in respect of overtime worked by the member in any week then within such time (not exceeding 3 months) after that week as the Chief of Police may fix, he must grant to the member time off—

- (a) equal, subject to subregulation (6), to the period of that overtime worked by the member during that week; and
- (b) for each completed 45 minutes of such overtime, an additional 15 minutes off.

(6) For the purpose of subregulations (3) and (5), no account shall be taken of any period of less than 30 minutes of overtime worked on any occasion.

(7) For the purpose of this regulation—

"a day's pay" means the member's pay for the week in question divided by 5;

"member recalled to duty" does not include a member who is only warned to be in readiness for duty if required;

"pay period" means the period for which, in pursuance of regulation 25, a member is paid;

"week" means the period of 7 days beginning with such day as is fixed by the Chief of Police.

Public holidays and rest days for officers below the rank of Inspector

17.⁹⁰ (1) This regulation applies to every member of the Service below the rank of Inspector.

(2) Subject to the following provisions of this regulation, a member shall, so far as the exigencies of duty permit—

- (a) be allowed a day's leave on each public holiday; and
- (b) be granted rest days at the rate of 2 rest days in respect of each week.

(3) A member, if required to do duty on a day that is a rostered rest day—

- (a) with less than 42 days notice, shall be granted—
 - (i) an allowance at the appropriate rate; or

⁸⁹ Regulation 16 amended by Regulation 2 of L.N. 9 of 2015

⁹⁰ Regulation 17 amended by L.N. 9 of 2015

- (ii) another rest day in lieu of the rostered rest day; or
- (b) with at least 42 days notice, shall be granted another rest day in lieu of the rostered rest day.
- (4) A member required to do duty on a day that is a public holiday shall be granted—
 - (a) if the public holiday is rostered as a working day – an allowance at the appropriate rate; or
 - (b) if the public holiday is rostered as a rest day – an allowance at the appropriate rate and a day off *in lieu*.
- (5) The appropriate rate for rest day and public holiday is one sixteenth of a day's pay for each completed 15 minutes of duty on that day.
- (6) If at a member's request a member works on a day that is a public holiday or a rostered rest day the member is not to be treated for the purposes of this regulation as having been required to do duty on that day but is to be granted another day off *in lieu* of that day which is to be treated as a public holiday or a rostered rest day as the case may be.

Public holidays and monthly leave days for higher ranks

- 18. (1) Police officers of the rank of inspector and above shall be allowed—
 - (a) a day's leave on each public holiday; and
 - (b) the grant in any week of two rest days,
 so far as the exigencies of duty permit.
- (2) A police officer of and above the rank of Inspector who is required to do duty on a rest day or public holiday is to be granted a day's leave *in lieu* of each such day unless the exigencies of duty do not permit such grant, within 12 months.
- (3) In this regulation “**month**” means that period of 28 days beginning with such day as is fixed by the Chief of Police.

Annual leave

- 19.⁹¹ (1) Each member of the Service shall be granted annual leave in accordance with the First Schedule to these regulations so far as the exigencies of duty permit.
- (2) The annual leave of a member of the Service is additional to the days upon which he is not required to perform police duties in accordance with—
 - (a) regulation 17, in the case of a member below the rank of Inspector; or
 - (b) regulation 18, in the case of a member of and above the rank of Inspector,
 and a member who is below the rank of Inspector, so far as the exigencies of duty permit, is to be allowed to take his annual leave in one period continuous with such days as aforesaid falling within the period in which the member desires to take annual leave.

Sick leave

- 20.⁹² (1) A member of the Service is not entitled to be absent from duty on account of injury or illness unless a medical officer has certified the member to be unfit for duty.
- (2) Notwithstanding subregulation (1)—
 - (a)⁹³ with the consent of and subject to compliance with any conditions specified by the Chief of Police, a member may be so absent without such certificate of unfitness if the period of unfitness for duty does not exceed 6 days, including any day on

⁹¹ Regulation 19 amended by Regulation 2 of L.N. 9 of 2015

⁹² Regulation 20 amended by Regulation 2 of L.N. 9 of 2015

⁹³ Regulation 20(2)(a) amended by L.N. 11/2003

which, even if the member were fit to do so, the member would not have been required to perform police duty;

- (b) if, notwithstanding such certificate of unfitness for duty, a medical officer appointed or approved by the Governor has examined the member and certified the member to be fit for duty the member is no longer entitled to be absent from duty.

Maternity and Paternity Leave

21.⁹⁴ The Police Service conditions for maternity and paternity leave will be that in place within the St Helena Government Code of Management, including those sections covering—

- (a) Maternity Leave
- (b) Paternity Leave
- (c) Adoption Leave
- (d) Keeping in touch days.

PART 4 PAY

Rates of pay

22.⁹⁵ (1) The rates of pay of members of the Service shall be in accordance with such instructions as shall be issued by the Governor from time to time.

(2) In reckoning the service of a member of the Service in any rank for the purposes of the scale of pay—

- (a) account is to be taken of all the member's service in that rank; and
- (b) service in a higher rank, on temporary promotion to the higher rank or otherwise is to be treated as if it had been service in that lower rank.

(3) In reckoning a member's service in a rank, except where the Chief of Police otherwise directs, no account is to be taken of any previous service in a rank which terminated in the member's reduction in that rank as a punishment, but any previous service in a higher rank which is so terminated is to be treated as if it had been service in the rank to which the member was reduced.

Temporary salary

23.⁹⁶ (1) A member of the Service of and above the rank of Inspector who is required for a continuous period exceeding 7 days to perform duties normally performed by a member of the Service of a higher rank than his own, otherwise (subject to subregulation (2)) than as the direct or indirect result of the absence of a member of the Service on a monthly or other leave day granted under regulation 18, is to be paid in respect of that period, other than the first 7 days of the period, at a rate equal to the lowest rate of pay for that higher rank.

(2) If a member of the Service is absent for a continuous period comprising both—

- (a) monthly or other leave days granted under regulation 18; and
- (b) one or more annual leave days granted under regulation 19,

subregulation (1) has effect as if the entire continuous period of absence were a period of annual leave.

⁹⁴ Regulation 21 substituted by L.N. 9 of 2015

⁹⁵ Regulation 22 amended by Regulation 2 of L.N. 9 of 2015

⁹⁶ Regulation 23 amended by Regulation 2 of L.N. 9 of 2015

(3) A member of the Service below the rank of Inspector who, in any year, has been required to perform duties normally performed by a member of the Service of a higher rank than his own for 14 complete days is to be paid in respect of each further complete day in that year on which the member is required to perform such duties at a rate equal to the lowest rate of pay to which the member would be entitled on promotion to the higher rank.

(4) Notwithstanding subregulation (3) if a member is entitled to be paid under this subregulation and the higher rank is that of a member of the Service of and above the rank of Inspector there is no entitlement to an allowance, or time off, under regulation 16 or 17 in respect of such duties but if in such a case the member is required to do duty on a public holiday or rostered rest day, the member is to be granted a day's leave for each such day.

(5) In this regulation—

“**day**” means, in relation to a member of the Service who is below the rank of Inspector, the member's normal daily period of duty;

“**year**” means a period of 12 months beginning on 1st April.

Pay during sick leave

24.⁹⁷ (1) Subject to subregulations (2) and (3), if on any relevant day a member of the Service has during the period of 12 months ending with that day been on sick leave for 183 days, he ceases for the time being to be entitled to full pay, and becomes entitled to half pay, while on sick leave.

(2) Subject to subregulation (3), if on any relevant day a member of the Service has been on sick leave for the whole of the period of 12 months ending with that day, he ceases for the time being to be entitled to any pay while on sick leave.

(3) The Chief of Police may in a particular case determine that for a specified period—

(a) a member who is entitled to half pay while on sick leave is to receive full pay; or

(b) a member who is not entitled to any pay while on sick leave is to receive either full pay or half pay, and may from time to time extend the period.

Calculation of monthly, weekly and daily pay

25. (1) A month's pay is to be calculated, for all purposes, at a monthly rate of pay determined by dividing by 12 the annual rate of pay.

(2) A week's pay is to be calculated, for all purposes, at a weekly rate of pay determined by dividing by 52 the annual rate of pay.

(3) A day's pay is to be calculated, except for the purposes of regulations 16 and 17, at a daily rate determined by dividing by 7 the weekly rate of pay, determined in accordance with subregulation (2).

PART 5

ALLOWANCES AND OTHER EMOLUMENTS

Restriction on payment of allowances

26.⁹⁸ (1) An allowance is not to be paid to a member of the Service except as provided by these regulations, and the amount and conditions of payment of an allowance is as so provided.

⁹⁷ Regulation 24 amended by Regulation 2 of L.N. 9 of 2015

⁹⁸ Regulation 26 amended by Regulation 2 of L.N. 9 of 2015

(2) Nothing in this regulation applies to the reimbursement of expenses incurred by a member of the Service in the execution of the member's duty, being expenses authorised either generally or specifically by the Chief of Police in respect of which no allowance is payable under these regulations.

Restriction on payments for private employment of police

27.⁹⁹ (1) Without prejudice to the generality of this regulation, a member of the Service who is engaged on duty at the request of a person who has agreed to pay the Chief of Police for the member's services is not entitled to any payment for those services except as provided by these regulations and any payment made in pursuance of the agreement is to be made by that person to the Chief of Police.

(2) Any payment made to the Chief of Police in pursuance of subregulation (1) shall be deemed to form a part of the Consolidated Fund of the Government of St. Helena.

Plain clothes allowances

28.¹⁰⁰ (1) A member of the Service who is required for a continuous period of not less than a week to do duty in plain clothes shall be paid a plain clothes allowance at such annual rate as shall be determined by the Chief of Police.

(2) A member of the Service who is required to perform duties in plain clothes for not less than 40 hours in the aggregate in any period of 6 months is, subject to subregulation (3), to be paid a plain clothes allowance in respect of those duties at the hourly rate to be determined by the Chief of Police.

(3) For the purposes of subregulation (2) and the calculation of the aggregate duration of the duties there referred to—

- (a) if the duties were performed on an occasion falling within such a continuous period of plain clothes duty as is mentioned in subregulation (1), no account is to be taken of those duties;
- (b) if the duties performed on any occasion lasted less than 4 complete hours, no account is to be taken of those duties;
- (c) if the duties performed on any occasion lasted for a completed number of hours and a fraction of an hour, no account is to be taken of that fraction.

(4) Notwithstanding anything in subregulation (1) or (2), if a member of the Service is provided with overalls when doing duty in plain clothes or for any other reason is, in the opinion of the Chief of Police, put to substantially less or substantially more than the normal expense caused by wearing the member's own clothes, a plain clothes allowance payable to the member under subregulation (1) or (2) shall be paid not at the rate determined under the subregulation in question but at the rate determined by the Chief of Police having regard to the circumstances of the case.

Refreshment

29.¹⁰¹ A member of the Service below the rank of Inspector who, having been retained on duty beyond his normal daily period of duty or engaged on duty away from his normal place of duty, and by reason of being so retained or engaged, has been unable to obtain a meal in his

⁹⁹ Regulation 27 amended by Regulation 2 of L.N. 9 of 2015

¹⁰⁰ Regulation 28 amended by Regulation 2 of L.N. 9 of 2015

¹⁰¹ Regulation 29 amended by Regulation 2 of L.N. 9 of 2015

usual way shall be provided with adequate refreshment as shall be determined by the Chief of Police.

Motor vehicle allowances

30.¹⁰² (1) An officer who is required by the Chief of Police to use his private vehicle for police purposes may be paid a mileage allowance at the current rate as set by the Government of St Helena.

(2) ...

(3) Expense claims in respect of the mileage under subregulation (1) shall be submitted monthly and certified by the officers concerned that the total mileage claimed has been incurred as a result of the use of their particular vehicles for police purposes.

(4) No payment will be made for repairs, breakdowns, depreciation or any other charges incurred by an officer in connection with his vehicle.

(5) The Chief of Police shall be responsible for ensuring that his own travelling and that of the members of the Police service are conducted on the most economical lines and that the journeys made are absolutely necessary. An officer shall be personally liable for any unnecessary or excessive expenditure on claims that he has countersigned.

(6) A mileage allowance shall not be paid for a routine journey between an officer's home and place of work. However, in special circumstances, such as being required to return to work outside of normal hours, an officer may be paid a mileage allowance.

Promotion examination allowances

31.¹⁰³ (1) A constable who has taken an examination or paper in consequence of which he obtains a pass in the qualifying examination for promotion to the rank of sergeant shall be paid a promotion examination allowance of £100.

(2) A sergeant who has taken an examination or paper in consequence of which he obtains a pass in the qualifying examination for promotion to the rank of inspector shall be paid a promotion examination allowance of £100.

Continuance of allowances when member is ill

32.¹⁰⁴ If a member of the Police Service, who is regularly in receipt of a plain clothes allowance or any allowance to meet an expense which ceases during his absence from duty, is on sick or maternity leave, the allowance is to be paid during his absence from duty up to a period of a month, but thereafter, during the remainder of his absence from duty, payment may be suspended at the discretion of the Chief of Police.

Allowances in respect of periods of suspension

33. The payment of an allowance in respect of a member who has been suspended may be paid or withheld at the discretion of the Chief of Police.

PART 6 UNIFORM AND EQUIPMENT

¹⁰² Regulation 30 amended by L.N. 9 of 2015

¹⁰³ Regulation 31 amended by L.N. 9 of 2015

¹⁰⁴ Regulation 32 amended by L.N. 9 of 2015

Issue of uniform and equipment

34.¹⁰⁵ Uniform and equipment shall be issued by the Service free of charge to all members of the Service.

Re-issue of uniform and equipment

35.¹⁰⁶ ...

Ownership of uniform and equipment

36.¹⁰⁷ Subject to regulation 37, uniform and equipment issued by the Service does not become the property of the member of the Service to whom such uniform and equipment is issued and must be handed back by the member on leaving the Service.

Replacement of uniform and equipment

37.¹⁰⁸ If an article of uniform or equipment is replaced by the Service the original article must be handed back unless the member, with the consent of the Chief of Police, buys the article at a price fixed by the Chief of Police or, with his consent, retains it without payment.

PART 7 PROMOTION

Promotions Board

38.¹⁰⁹ There is established a Promotions Board consisting of—

- (a) the Chief of Police; and
- (b) two other persons, one of whom shall be from Human Resources of the St Helena Government.

Qualification for promotion

39.¹¹⁰ (1) A constable is qualified for promotion to the rank of sergeant if he—

- (a) has obtained a pass in the qualifying examination for promotion to the rank of sergeant; and
- (b) ...
- (c) has completed his probationary period.

(2) A sergeant is qualified for promotion to the rank of inspector if he—

- (a) has obtained a pass in the qualifying examination for promotion to the rank of inspector; and
- (b) has completed his probationary period in respect of his rank of sergeant.

¹⁰⁵ Regulation 34 amended by Regulation 2 of L.N. 9 of 2015

¹⁰⁶ Regulation 35 revoked by L.N. 9 of 2015

¹⁰⁷ Regulation 36 amended by Regulation 2 of L.N. 9 of 2015

¹⁰⁸ Regulation 37 amended by Regulation 2 of L.N. 9 of 2015

¹⁰⁹ Regulation 38 amended by L.N. 9 of 2015

¹¹⁰ Regulation 39 amended by L.N. 9 of 2015

(3) For the purpose of subregulations (1) and (2) “**examination**” means an examination covering the following subjects—

- (a) criminal law;
- (b) evidence and procedure in criminal courts;
- (c) traffic law;
- (d) general police duties; and
- (e) ...

(4) Promotion from one rank to another shall be by selection by the Promotions Board, provided that any promotion to Chief Inspector and above will be subject to confirmation by the Governor.

Holding of examinations

40.¹¹¹ (1) An examination under this Part shall be held at such time and place as the Chief of Police determines.

(2) An examination shall not be held unless the Chief of Police has approved the syllabus and conditions of the examination.

(3) When the Chief of Police has approved the syllabus and conditions of an examination it must publish a notice specifying—

- (a) the date when it is to be held; and
- (b) the date by which application to enter the examination must be made.

(4) A member of the Service who wishes to enter for an examination must submit his name to the Chief of Police within the time specified in a notice published in accordance with subregulation (3).

Period of probation for constable promoted to sergeant

41.¹¹² (1) Subject to subregulation (2), a member of the Service who is promoted to the rank of sergeant shall be on probation in that rank for a period of one year or for such longer period as the Chief of Police may determine in the circumstances of the particular case.

(2) If the Chief of Police considers that a person who is on probation in the rank of sergeant is unlikely to perform the duties of that rank satisfactorily he may reduce him to the rank of constable.

Temporary promotion

42.¹¹³ A member of the Service who is required to perform the duties of a higher rank may, even if there is no vacancy for that rank, be promoted temporarily to it. Temporary promotion to the rank of sergeant or inspector shall only be made if the member is qualified for such promotion under regulation 39.

Seeking influence prohibited

43. A police officer must not seek by influence to obtain promotion or other advantage in the service.

¹¹¹ Regulation 40 amended by L.N. 9 of 2015

¹¹² Regulation 41 amended by L.N. 9 of 2015

¹¹³ Regulation 42 amended by Regulation 2 of L.N. 9 of 2015

FIRST SCHEDULE¹¹⁴**ANNUAL LEAVE****Annual leave entitlement**

- (1) Annual leave is leave for which all officers appointed locally and who are employed full time are eligible.
- (2) An officer is entitled to such annual leave as is provided in these regulations, but it is granted subject to the exigencies of the Service.
- (3) The Chief of Police may cancel any leave granted if it is necessary for the officer to return to duty before the expiry of the leave granted. In such case the unexpired portion of leave may be taken on a subsequent occasion.
- (4) The leave year for all officers eligible for annual leave runs from 1st January to 31st December, irrespective of the date of engagement. Annual leave is taken during the calendar year it is earned and save for leave taken prior to retirement is itself leave earning.

Rate of annual leave

- (1)¹¹⁵The rates of leave for which officers are eligible annually are set out in the following table—

“Grade Level	Annual leave in working days
(a) Grade D or above	30 days
(b) Grade C	25 days increased to 30 days after 10 years service.”.

- (2) Length of service includes for the purpose of these regulations all probationary service.
- (3) In the first calendar year of service an officer shall accumulate leave at the rate of 1.25 working days for each completed month of service. Where this results in a fraction of .25 it shall be ignored, where .5 or .75 it shall count as a whole day. Such leave may be taken as it is earned within the first calendar year.
- (4) Except for officers working on Ascension, the following number of leave days of the annual entitlement must be taken annually:

Leave Entitlement	Leave days that must be taken
30 days	20 days
25 days	15 days

Any leave, which in terms of this paragraph is required to be taken and is not taken shall be forfeited.

¹¹⁴ First Schedule amended by L.N. 9 of 2015

¹¹⁵ Paragraph (1) substituted by LN 11/2003

Deferred leave

- (1) Any balance of leave remaining at the end of a year may be accumulated and treated as deferred leave up to a maximum of 90 days.
- (2) Subject to the exigencies of the service deferred leave may be taken or may be required to be taken—
 - (a) prior to retirement; or
 - (b) in conjunction with annual leave when an officer is taking leave overseas; or
 - (c) in conjunction with other leave under these regulations when an officer would otherwise be on half pay or unpaid leave.

Annual leave—Ascension Island

- (1) An officer posted to Ascension may, if he so wishes, accumulate the whole or part his leave entitlement, to be treated as deferred leave on his return to St. Helena, subject to a maximum of 90 days deferred leave.
- (2) Officers locally engaged on Ascension shall take leave in the same manner as officers working on St. Helena.

Leave on termination

When the appointment of an officer is terminated on due notice or by tendering salary *in lieu* of notice, the officer shall be eligible for any annual or deferred leave due to him on the termination of his employment up to a total of 90 days. Notice may be given to run concurrently with any leave due to the officer.

POLICE (DISCIPLINE) REGULATIONS – SECTION 49

(Legal Notices 17 of 1976, 10 of 2000 and 9 of 2015)

**PART I
PRELIMINARY****Short title**

1. These regulations may be cited as the Police (Discipline) Regulations.

Application

- 2.¹¹⁶ ...

Interpretation

3. In these regulations—
“**Chief of Police**” means the officer appointed under section 5 of the Ordinance to command the Force;
“**Force**”¹¹⁷ ...
“**Service**”¹¹⁸ means the St Helena Police Service;
“**the Ordinance**”¹¹⁹ means the Police Service Ordinance.

**PART II
OFFENCES AND DISCIPLINE****Kinds of offences and by whom triable**

4. Offences may be of two kinds, namely—
 - (a) offences created by the Ordinance; and
 - (b) disciplinary offences created by this Part of these Regulations.

Offence created by the Ordinance

- 5.¹²⁰ ...

Disciplinary offences created by these Regulations

- 6.¹²¹ A member of the Service commits an offence against discipline if he fails to comply with the Standards of Professional Behaviour set out in the Schedule.

Investigation, hearing and determination of charge or complaint in Police disciplinary proceedings – General Issues

¹¹⁶ Regulation 2 revoked by L.N. 9 of 2015

¹¹⁷ Definition of “Force” revoked by L.N. 9 of 2015

¹¹⁸ Definition of “Service” inserted by L.N. 9 of 2015

¹¹⁹ Definition of “Ordinance” substituted by L.N. 9 of 2015

¹²⁰ Regulation 5 revoked by L.N. 9 of 2015

¹²¹ Regulation 6 substituted by L.N. 9 of 2015

7.¹²² (1) When a complaint is received or an allegation of misconduct is made against any officer a 'Notice of Alleged Breach of the Standards of Professional Behaviour' will be served on that officer by an officer of Inspector or above.

(2) This notice will set out the complaint or allegation of misconduct and is served at the earliest possible stage of the investigation.

(3) The serving of the notice does not necessarily mean that misconduct proceedings will be taken against the officer, but is given to safeguard the interests of the officer concerned and allow the officer the opportunity to secure any documentation or other material or make notes that may assist in responding to the allegations.

(4) Within ten working days, starting on the day the officer is served the notice, the officer may provide a written or verbal response to the investigator relating to any matter under investigation and the officer may provide any relevant documents to the investigator. If the officer fails to provide a response to this notice may lead to a adverse inference being drawn in any subsequent misconduct hearings.

(5) At the conclusion of the investigation then, upon request, the officer shall, subject to the harm test, be provided with a copy of the investigators report or such parts that refer to that officer.

SCHEDULE¹²³

THE STANDARDS OF PROFESSIONAL BEHAVIOUR

1. **Honesty and Integrity**

Police officers are honest, act with integrity and do not compromise or abuse their position.

2. **Authority, Respect and Courtesy**

Police officers act with self-control and tolerance, treating members of the public and colleagues with respect and courtesy.

3. **Equality and Diversity**

Police officers act with fairness and impartiality. They do not discriminate unlawfully or unfairly.

4. **Use of Force**

Police officers only use force to the extent that it is necessary, proportionate and reasonable in all the circumstances.

5. **Orders and Instructions**

Police officers only give and carry out lawful orders and instructions.

¹²² Regulation 7 substituted by L.N. 9 of 2015

¹²³ Schedule substituted by L.N. 9 of 2015

6. Duties and Responsibilities

Police officers are diligent in the exercise of their duties and responsibilities.

7. Confidentiality

Police officers treat information with respect and access or disclose it only in the proper course of police duties.

8. Fitness for Duty

Police officers when on duty or presenting themselves for duty are fit to carry out their duties and responsibilities.

9. Discreditable Conduct

Police officers behave in a manner which does not discredit the police service or undermine public confidence, whether on or off duty.

10. Challenging and Reporting Improper Conduct

Police officers report, challenge or take action against the conduct of colleagues which has fallen below the standards of professional behaviour expected.

COLONIAL POLICE LONG SERVICE MEDAL REGULATIONS

(Legal Notices 1 of 1973 and 9 of 2015)

*Regulations made by the Governor under Clause Thirteenthly
of the Royal Warrant 12th November, 1969.*

Short title

1. These regulations shall be cited as the Colonial Police Long Service Medal Regulations, 1972.

Service required

2.¹²⁴ The Colonial Police Long Service Medal will be granted as a reward for long service and good conduct to members of all ranks of the St. Helena Police Service, who have completed 18 years continuous service as hereinafter defined.

A Clasp will also be granted to a recipient of the Medal on his completing twenty-five years' qualifying service, and a further Clasp on completing thirty years' qualifying service. For each Clasp so awarded a small silver rose may be added to the ribbon when worn alone.

Continuity of service

3. Service in properly organised Police Forces in other Colonies, Associated States or Territories under Her Majesty's Protection or Administration may be allowed to reckon towards the required period of qualifying service, as may also service which would reckon as qualifying service for the Police Long Service and Good Conduct Medal, if the total period of such service amounts to not less than eighteen years: provided, however, that where service has been rendered in St. Helena and in one or more of the territories defined above, an interval not exceeding twelve months between any two periods of service shall not be regarded as breaking the continuity of such service; provided also that a break in service not exceeding six calendar months in St. Helena or in any one territory as defined above shall not be regarded as breaking the continuity of such service.

Service in Her Majesty's Armed Forces, or Merchant Navy whether on secondment, on recall or when called upon to serve may be allowed to reckon towards the required period of qualifying service, provided that such military or Merchant Navy service interrupted and was continuous with qualifying Police Service.

Exemplary character

4. For the purposes of these regulations service shall be reckoned as qualifying service only if it is certified that the character and conduct of the person recommended for the grant of the Medal or Clasp has been exemplary.

The term "**exemplary character**" shall not be held to apply to any member of the Police Force, who during the last 16 years of service, may have been found guilty of insubordination, insobriety, sleeping on duty, or other misconduct incurring reduction in rank or censure by the Governor or Officer Administering the Government.

¹²⁴ Regulation 2 amended by L.N. 9 of 2015

Recommendations

5.¹²⁵ Recommendations for the award of the Medal or Clasp shall be submitted by the Officer in charge of the Service to the Governor or Officer Administering the Government. The Medal will be awarded on the authority of the Governor or Officer Administering the Government and a notification of such award shall be published in the Government *Gazette*.

Forfeiture and restoration

6.¹²⁶ (a) A recipient of the Medal or Clasp who is convicted of a criminal offence or is dismissed or removed from the Service for misconduct shall forfeit the Medal or Clasp unless the Governor or Officer Administering the Government shall otherwise direct.

(b) A Medal or Clasp so forfeited may be restored to the recipient by the Governor or Officer Administering the Government at his discretion.

(c) A note of forfeiture or restoration shall in every case be published in the Government *Gazette*.

¹²⁵ Regulation 5 amended by L.N. 9 of 2015

¹²⁶ Regulation 6 amended by L.N. 9 of 2015

THE COLONIAL SPECIAL CONSTABULARY MEDAL REGULATIONS

(Legal Notices 25 of 1957)

Under the authority of Clause 13 of the Royal Warrant dated 1st April, 1957, approving the creation of a medal to be designated "The Colonial Special Constabulary Medal", I hereby make the following regulations—

1. The Colonial Special Constabulary Medal and its Clasps will be granted in accordance with the provisions of the Royal Warrant as a reward for long and meritorious service to a member of the St Helena Special Constabulary who satisfies the following conditions—

- (a) has served continuously and has been in receipt of remuneration for his service by way of salary or allowance, or training or retaining fees, as a Special Constable in any rank for not less than fifteen years in the St. Helena Special Constabulary or for periods amounting in the aggregate to not less than fifteen years service in that and any other Constabulary Force to which the Royal Warrant has been applied:

Provided—

- (a) (i) that no period of service as a whole time member of the permanent staff of such Force or Forces shall count as qualifying service;
- (ii) that he has been recommended by the Chief of Police as willing and competent to discharge the duties of a Special Constable and as having performed such duty as a Special Constable as required of him during the qualifying period of service; and
- (b) (i) where service has been rendered in the Special Constabulary Forces of more than one Colonial Territory as aforesaid an interval not exceeding twelve months between any two periods of service shall not be regarded as breaking the continuity of such service; and
- (ii) a break in service not exceeding six calendar months in any one such Special Constabulary Force shall not be regarded as breaking the continuity of such service;
- (iii) a Clasp will also be granted to a recipient of the Medal on his completing each further ten years' qualifying service subsequent to the date of completion of the first fifteen years aforesaid.

For each Clasp so awarded a small silver rose emblem may be added to the ribbon when worn alone.

2. Recommendations for the award of the Medal shall be submitted annually in the month of January by the Chief of Police to the Governor or Officer Administering the Government. The Medal shall be awarded on the authority of the Governor or Officer Administering the Government and a notification of such award shall be published in the *Government Gazette*.

3. A recipient of the Medal or Clasp who is convicted of a criminal offence or is dismissed or removed from the St. Helena Special Constabulary for misconduct shall forfeit the Medal and Clasp unless the Governor or Officer Administering the Government shall otherwise direct.

A Medal or Clasp so forfeited may be restored to the recipient by the Governor at his discretion.

A notice of forfeiture or restoration shall in every case be published in the *Government Gazette*.
