ANGUILLA

REVISED STATUTES OF ANGUILLA

CHAPTER A70

ANGUILLA POLICE ACT

Showing the Law as at 31 December 2022

This Edition was prepared under the authority of the Revised Statutes and Regulations Act, R.S.A. c. R55 by the Attorney General as Law Revision Commissioner.

This Edition consolidates—

Act 8/2003, in force 14 November 2003
Act 1/2007, in force 12 December 2007
Act 9/2008, in force 1 July 2006
Act 20/2009, in force 24 November 2009
Act 7/2010, in force 1 November 2010
Act 12/2013, in force 31 December 2013
Act 10/2016, in force 8 August 2016

Published by the
Attorney General's Chambers
Printed under Authority by
The Regional Law Revision Centre Inc.
ANGUILLA

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

ANGUILLA

REVISED STATUTES OF ANGUILLA

CHAPTER A70

ANGUILLA POLICE ACT

Showing the Law as at 31 December 2022

This Edition was prepared under the authority of the Revised Statutes and Regulations Act, R.S.A. c. R55 by the Attorney General as Law Revision Commissioner.

This Edition consolidates—

Act 8/2003, in force 14 November 2003
Act 1/2007, in force 12 December 2007
Act 9/2008, in force 1 July 2006
Act 20/2009, in force 24 November 2009
Act 7/2010, in force 1 November 2010
Act 12/2013, in force 31 December 2013
Act 10/2016, in force 8 August 2016

Published by the
Attorney General's Chambers
Printed under Authority by
The Regional Law Revision Centre Inc.
ANGUILLA

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

© Government of Anguilla

All rights reserved. No part of this publication may be reproduced in any form or by any means (including photocopying) without the written permission of the Government of Anguilla except as permitted by the Copyright Act or under the terms of a licence from the Government of Anguilla.

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

ANGUILLA POLICE ACT

TABLE OF CONTENTS

SECTION

1. Interpretation
2. Powers of Governor

PART 1

CONSTITUTION, APPOINTMENTS AND ENLISTMENTS

3. Establishment and objects of the Force
4. Accoutrements and uniform of the Force
5. Composition of the Force
6. Command
7. Appointments
8. Temporary police officers
9. Period of probation on appointment of police officer above rank of subordinate police officer
10. Qualification for appointment to the Force
11. Terms of appointment
12. Dismissal during probation
13. Withdrawal from the Force
14. Oath
15. Status of member of the Force
16. Every police officer to be a constable
17. General power of police officers
18. Gazetted Police Officer and Inspector to be Justice of the Peace

PART 2

POWERS AND DUTIES

19. Power to arrest without a warrant
20. General duties of the Force
21. Police station to be lock-up
22. Persons in custody without warrant
23. Persons apprehended after 8:00 p.m. and before 5:00 a.m.
24. No bail to be granted in cases of capital offence
25. When bail refused
26. Power to take measurements, photographs and fingerprints
27. Power to take measurements, photographs and fingerprints on arrest
28. Power to take non-intimate samples
29. Power to take non-intimate samples on arrest
30. Admissibility as evidence
31. Right of police to prosecute

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

PART 3

OFFENCES AND DISCIPLINE

32. Mutinous or seditious conduct
33. Causing disaffection, etc.
34. Dismissal and reduction in rank
35. Hearing and determination of charge or complaint
36. Appeals
37. Reduction of punishment where no appeal
38. Arrest of offending member of the Force
39. Payment during suspension, etc.

PART 4

PAY, ALLOWANCES AND OTHER FINANCIAL PROVISIONS

40. Pay and allowances
41. Payment of extra expenses
42. Police Reward Fund
43. Investment of Police Reward Fund

PART 5

PENSIONS AND GRATUITIES

44. Application
45. Definition of "pay"
46. Pensions to be charged on Consolidated Fund of Anguilla
47. Grant of pensions
48. Pay to be taken for computation of pensions, etc.
49. Increased pension on findings of a Medical Board after more than 10 but less than 20 years service
50. Circumstances in which pension may be granted
51. Gratuity where length of service does not qualify for pension
52. Retirement on account of injuries or disease contracted in discharge of duty
53. Right to take reduced pension and gratuity
54. Definition of reduced pension and gratuity
55. Gratuity where Inspector, subordinate police officer or constable dies in service or after retirement
56. Gratuity where death due to injuries received or disease contracted in the discharge of duty
57. Pension to dependants where Inspector, etc., dies of injuries received or disease contracted in discharge of his duties
58. Pension not as of right
59. Pension not to be assignable
60. Pension to cease on conviction
61. Pension to cease on bankruptcy
62. Suspension of pension on re-employment
63. Application to members of the Force

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

PART 6

POLICE ASSOCIATION AND MEMBERSHIP IN PROHIBITED ASSOCIATIONS

64. Establishment of Police Association
65. Police Association Rules
66. Police officers not to join prohibited associations

PART 7

GENERAL ADMINISTRATION

67. Hospital treatment and medical attention at Government expense
68. Reduction for inefficiency
69. Retirement from the Force
70. Constitution of Medical Board
71. Procedure of Medical Board
72. Appeal of decision of Medical Board
73. Examination by Medical Board
74. Discharge on medical grounds
75. Power to make regulations

PART 8

SPECIAL CONSTABLES

76. Appointment of special constables
77. General powers, etc., of special constables
78. Arms of special constables
79. Direction of special constables
80. Offences by special constables
81. Remuneration of special constables
82. Pensions and gratuities to special constables
83. Application
84. Employment of police officers on special duty at expense of private persons

PART 9

MISCELLANEOUS

85. Members of Force not liable for irregularity of warrant
86. Satisfaction of civil judgment
87. Harbouring, inducing, etc.
88. Persons dismissed from the Force to deliver up articles
89. Improper possession of articles supplied to the Force
90. Personation of police officer
91. Delivery up of articles supplied to deceased police officers
92. Unclaimed articles

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

93. Recovery of penalties
94. Citation

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

ANGUILLA POLICE ACT

Interpretation

1. In this Act—

"Commissioner of Police" means the Commissioner of Police of the Force appointed under section 7(1);

"constable" means a police officer below the rank of corporal;

"Force" means the Anguilla Police Force as hereby constituted and established in and for Anguilla;

"Gazetted Police Officer" means the Commissioner of Police or Assistant Superintendent;

"Medical Board" means a board constituted under section 70;

(Act 9/2008, s. 71)

"non-intimate sample" means—

(a) a footprint or a similar impression of any part of a person's body other than a part of his hand;

(b) a sample taken from a nail or from under a nail;

(c) a sample of hair other than pubic hair;

(d) a swab taken from any part of a person's body other than a body orifice;

(e) a swab taken from the mouth; and

(f) saliva;

(Act 10/2016, s. 2)

"photograph" includes digital photographs;

(Act 10/2016, s. 2)

"Public Service Commission" means the Public Service Commission established under section 68(1) of the Constitution of Anguilla;

"subordinate police officer" means any station sergeant, sergeant or corporal.

Powers of Governor

2. (1) Where the Governor is directed by this Act to exercise any function after consultation with any person or authority, he shall not be obliged to exercise that function in accordance with the advice of that person or authority.

(2) Where the Governor is directed by this Act to exercise any function after consultation with any person or authority, the question whether he has so exercised that function shall not be enquired into by any court.

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

(3) The Governor shall not be obliged to obtain the advice of the Executive Council in relation to the exercise of any function conferred upon him by this Act which is expressed to be exercisable by him in his discretion.

PART 1

CONSTITUTION, APPOINTMENTS AND ENLISTMENTS

Establishment and objects of the Force

3. (1) There shall be established and maintained under this Act, in and for Anguilla with headquarters in The Valley, Anguilla, a Force which for the purposes of administration shall be divided into such station areas as the Commissioner of Police may prescribe by notice in the *Gazette*.

(2) The Force shall be primarily employed for the prevention and detection of crime and the repression of internal disturbance; and it shall be lawful for the Governor, after consultation with the Executive Council, to issue arms and ammunition to the Force, and for any member thereof to carry and use them for lawful purposes.

Accoutrements and uniform of the Force

4. The members of the Force shall wear such uniforms as the Governor, after consultation with the Executive Council, directs and such uniform together with arms and accoutrements shall be supplied to each member of the Force at the public expense.

Composition of the Force

5. The Force shall consist of a Commissioner of Police and such number of Assistant Superintendents, Inspectors, subordinate police officers and constables as the Governor, after consultation with the Executive Council, may, from time to time, approve.

Command

6. There shall be a Commissioner of Police who shall have the command and superintendence of the Force and shall be responsible to the Governor for the efficient administration and government of the Force and for the proper expenditure of all public money appropriated for the service thereof.

Appointments

7. (1) The Commissioner of Police shall be appointed by the Governor acting in his discretion.

(2) Every appointment to the Force shall be made by the Governor after consultation with the Public Service Commission.

Temporary police officers

8. (1) The Governor acting in his discretion may appoint temporary police officers of the rank of Superintendent or above for a special purpose.

(2) The Commissioner may appoint temporary police officers of the rank of Inspector or below for a special purpose.

(Act 9/2008, s. 71)

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

Period of probation on appointment of police officer above rank of subordinate police officer

9. Every police officer above the rank of subordinate police officer shall be on probation during the first 3 years after his appointment or for such longer period not exceeding 6 months as the Governor may in his discretion approve; and if during such period, or any extension thereof, he is found not to be fit, physically or mentally, to perform the duties of his office, or to be not likely to become an efficient or well-conducted police officer, his services may be dispensed with, in the case of the Commissioner of Police, by the Governor and in all other cases, by the Governor after consultation with the Public Service Commission. At the end of the period of probation, or any extension thereof, if the services of such police officer have not been dispensed with, he shall be confirmed in his appointment.

Qualification for appointment to the Force

10. No person shall be appointed to the Force as a subordinate police officer or constable unless—

(a) he has attained the age of 18 years but has not reached the age of 35 years, but in any such case the Commissioner of Police may, with the approval of the Governor, appoint a person who has already attained the age of 35 years;

(b) he is of the required height and chest measurements according to the standard from time to time fixed by the Governor;

(c) he passes a medical examination as to his bodily fitness to be held by such Medical Officer as may be appointed for the purpose by the Governor;

(d) he produces satisfactory proof of his good character; and

(e) he satisfies the Commissioner of Police that he has attained a reasonable standard of education.

Terms of appointment

11. Every subordinate police officer and constable shall be on probation during the first 3 years of his service in the Force, but the Commissioner of Police may in his discretion—

(a) reduce the period of probation to a period of not less than one year if such police officer has served for a period of not less than 2 years in the Force on a previous occasion;

(b) dispense with the period of probation, with the written consent of the Governor if such person has been transferred from another Police Force after having completed the required period of probation in such Police Force; or

(c) extend the period of probation for a further period not exceeding 6 months.

Dismissal during probation

12. During the period of probation, or any extension thereof, the services of any subordinate police officer or constable may be dispensed with at any time if the Commissioner of Police 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; at the end of the period of probation, or any extension thereof, if his services have not been dispensed with, he shall be confirmed in his appointment.

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

Withdrawal from the Force

13. (1) No Inspector, subordinate police officer or constable shall during the period of his probation be at liberty to withdraw himself from the Force unless he obtains the permission of the Commissioner of Police to do so.

(2) No police officer whose appointment to the Force has been confirmed, shall be at liberty to withdraw himself from the Force until the expiration of at least one calendar month from the time when he gives notice in writing of his intention to do so, in the case of a Gazetted Police Officer to the Governor and, in the case of a police officer below the rank of Assistant Superintendent to the Commissioner of Police.

Oath

14. (1) Every person, on first appointment to the Force, shall take the following oath before entering on his duties—

"I, A. B. do swear that I will well and truly serve our Sovereign Lady the Queen as a member of the Police Force in Anguilla without favour or affection, malice or ill-will; and that I will cause Her Majesty's peace to be preserved, and will prevent to the utmost of my power offences against the same; and that, during any time that I do or may hereafter hold any appointment in the Police Force I will to the best of my knowledge and skill discharge all the duties thereof faithfully according to law. So help me God!".

(2) Such oath shall be administered by a Justice of the Peace or by the Magistrate.

Status of member of the Force

15. Every person for the time being serving in the Force shall be deemed a member of the Force and shall have and enjoy all rights, powers, authorities, privileges and immunities conferred on a member of the Force by any law which is in force.

Every police officer to be a constable

16. 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 had as at 18th January, 1972 or is subject or liable to, or may hereafter have or be subject or liable to either at common law or by virtue of any law which is in force as at 18th January, 1972 or may hereafter be in force in and for Anguilla after that date.

General power of police officers

17. Where, in 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.

Gazetted Police Officer and Inspector to be Justice of the Peace

18. Every Gazetted Police Officer and Inspector shall be *ex officio* a Justice of the Peace in and for Anguilla and as such shall at all times act ministerial for the purposes of the preservation of the peace, the prevention of crime, and the detection and committal of offenders, but he shall not in any way act judicially except as expressly provided by this Act.

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

PART 2

POWERS AND DUTIES

Power to arrest without a warrant

19. (1) It shall be lawful for any police officer to arrest without a warrant—

(a) any person who is charged by any other person with committing an aggravated assault in any case in which such police officer has good reason to believe that such assault has been committed although not within his view, and that by reason of the recent commission of the offence a warrant could not have been obtained for the apprehension of the offender;

(b) any person who commits a breach of the peace in his presence;

(c) any person who obstructs a police officer while in the execution of his duty, or who has escaped or attempts to escape from lawful custody;

(d) any person in whose possession anything that may reasonably be suspected to be stolen property is found or who may reasonably be suspected of having committed an offence with reference to such thing;

(e) any person whom he finds lying or loitering in any highway, yard or other place between the hours of 8:00 p.m. and 5:00 a.m. and not giving a satisfactory account of himself;

(f) any person whom he finds in any highway, yard or other place between the hours of 8:00 p.m. and 5:00 a.m. and whom he suspects upon reasonable grounds of having committed or being about to commit an offence;

(g) any person found between the hours of 8:00 p.m. and 5:00 a.m. having in his possession without lawful excuse any implement of housebreaking; or

(h) any person for whom he has reasonable cause to believe a warrant of arrest has been issued.

(2) Without prejudice to the generality of the powers conferred upon a police officer by subsection (1), it shall be lawful for any police officer, and for all persons whom he shall call to his assistance, to arrest without warrant any person who within view of such police officer offends in any manner against any law and whose name and residence are unknown to such police officer and cannot be ascertained by him.

(3) Any warrant lawfully issued by the Magistrate for apprehending any person charged with any offence may be executed by any police officer at any time notwithstanding that the warrant is not in his possession at that time, but the warrant shall, on the demand of the person apprehended, be shown to him as soon as practicable after his arrest.

General duties of the Force

20. It shall be the duty of all police officers—

(a) to preserve the peace and prevent and detect crimes and other infractions of the law;

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

(b) to apprehend and bring before the Magistrate persons found committing any offence rendering them liable to arrest without warrant, or whom they may reasonably suspect of having committed any such offence, or who may be charged with having committed any such offence;

(c) to apprehend smugglers or others found in the commission of offences against the revenue laws and to seize all goods liable to seizure for any breach of the revenue laws, and otherwise to aid in the detection of such offences and to give such assistance as may be necessary to the officers of the revenue in all departments;

(d) to stop, search, and detain any vessel, boat, aircraft, motor vehicle, cart or carriage 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) to summon before the Magistrate and to prosecute persons found committing any offence, or whom they may reasonably suspect of having committed any offence or who may be charged with having committed any offence;

(f) to serve and execute at any time (including Sundays) all process which they may be directed by any court of criminal jurisdiction or by the Magistrate or Coroner, or by any Justice of the Peace in any criminal matter, to serve or execute;

(g) to keep order in and within the precincts and in the vicinity of all courts of competent jurisdiction during all sittings of such court;

(h) to repress internal disturbance; and

(i) generally, to do and perform the duties appertaining to the office of a constable.

Police station to be lock-up

21. Every police station shall be deemed to be a lock-up house for the temporary confinement of persons charged with offences, in which such persons may be received and detained according to law. In all such stations there shall be provided some secure place of confinement.

Persons in custody without warrant

22. (1) When any person is in the custody of any police officer without the warrant of the Magistrate, it shall be lawful for such police officer, subject to section 23, to take bail by recognizance for the appearance of such person before the Magistrate in Anguilla at a time and place to be specified.

(2) If such person for whose appearance bail has been taken in accordance with subsection (1) does not appear at the time and place specified in the recognizance, and the Magistrate does not think fit to enlarge the recognizance, or, having enlarged the recognizance such person fails to appear at the time then appointed, it shall be lawful for the Magistrate to cause a record of the recognizance to be drawn up and to deal with such recognizance in accordance with section 237 of the Magistrate's Code of Procedure Act.

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

Persons apprehended after 8:00 p.m. and before 5:00 a.m.

23. (1) Any person who is apprehended without warrant after 8:00 p.m. and before 5:00 a.m. shall be taken to a police station, and it shall be lawful for the police officer in charge to take bail by recognizance, with security, for the appearance of such person before the Magistrate in Anguilla on a day to be mentioned in such recognizance to be dealt with according to law.

(2) Any person apprehended in the manner mentioned in subsection (1) who refuses or is unable to give security for his appearance as required by subsection (1) shall, as soon as may be practicable after his apprehension, be brought before the Magistrate to be dealt with according to law.

No bail to be granted in cases of capital offence

24. Nothing contained in sections 22 or 23 shall authorise any police officer to take bail for any person charged with a capital offence.

When bail refused

25. It shall be the duty of every police officer where he declines or refuses to take bail by recognizance from any person in his custody as provided in sections 22 and 23 and such person so requires, as soon as may be practicable after being so required, to take or cause to be taken such person before the Magistrate for the purpose of having such person dealt with by the Magistrate according to law.

Power to take measurements, photographs and fingerprints

26. (1) It shall be lawful for a Gazetted Police Officer or for any police officer of or below the rank of Inspector who is authorized by the Commissioner of Police to take and record for the purposes of identification, the measurements, photograph and fingerprint impressions of any person when he suspects that that person, from the nature or character of the offence with which he is charged has been previously convicted or has been engaged in crime or that his measurements and photograph and fingerprint impressions (or any of them) are required in the interest of justice.

(2) If any person charged as aforesaid refuses to submit to the taking of his measurements or photograph or fingerprint impressions, he may be taken before the Magistrate and, if the Magistrate is satisfied that the suspicion of the Gazetted or other police officer is reasonably grounded on any of the considerations specified in subsection (1), he may make such order with respect to the taking of the measurements, photograph and fingerprint impressions (or any of them) of such person as he shall think fit.

(3) Where any measurements, photograph and fingerprint impressions (or any of them) are taken of a person who has not previously been convicted of any criminal offence, and such person is discharged or acquitted by a court, all records relating to such measurements, photograph and fingerprint impressions shall be forthwith destroyed in the presence of a Gazetted Police Officer or handed over to such person.

Power to take measurements, photographs and fingerprints on arrest

27. (1) It shall be lawful for a Gazetted Police Officer or for any police officer of or below the rank of Inspector who is authorised by the Commissioner of Police to take and record for the purposes of identification, the measurements, photograph and fingerprint impressions of any person, when the police officer reasonably suspects, based on information in his possession and the nature or character of the offence for which the person was arrested, that his or her measurements, photograph and

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

fingerprint impressions are required in the interest of justice for the purpose of investigating, detecting and prosecuting the perpetrator of the offence for which the person was arrested.

(2) Any arrested person who refuses to consent to the taking of his or her measurements, photograph or fingerprint impressions shall be taken before a Magistrate and, where the Magistrate is satisfied that the suspicion of the police officer referred to in subsection (1) is reasonable, he may make an order authorising the taking of the measurements, photograph and fingerprint impressions.

(3) For the purposes of taking non-intimate samples in accordance with subsection (2), reasonable force may be used.

(4) Where any measurements, photograph and fingerprint impressions are taken of a person who has not previously been convicted of any criminal offence and that person is—

(a) charged with that offence but discharged or acquitted by a court; or

(b) not charged with the offence for which he or she was arrested;

all records relating to the measurements, photograph and fingerprint impressions shall be destroyed in the presence of a Gazetted Police Officer or handed over to the person within 48 hours of the discharge or acquittal.

(5) Where any measurements, photograph or fingerprint impression is destroyed in the presence of a Gazetted Police Officer, the person shall be notified by mail within 7 days that the measurements, photograph or fingerprint impressions has been destroyed.

(Act 10/2016, s. 3)

Power to take non-intimate samples

28. (1) It shall be lawful for a Gazetted Police Officer or for any police officer of or below the rank of Inspector who is authorised by the Commissioner of Police to take and record for the purposes of evidence, such non-intimate sample from any person where he suspects that that person, from the nature or character of the offence with which he is charged, has been previously convicted or has been engaged in crime and such non-intimate sample is required in the interest of justice.

(2) If any person charged as aforesaid refuses to submit to the taking of a non-intimate sample, he may be taken before the Magistrate and, if the Magistrate is satisfied that the suspicion of the Gazetted or other police officer is reasonably grounded on any of the considerations specified in subsection (1), he may make such order with respect to the taking of a non-intimate sample of such person as he shall think fit.

(3) Where a non-intimate sample is taken from a person who has not previously been convicted of any criminal offence, and such person is discharged or acquitted by a court, the non-intimate sample and all records relating to that sample shall be forthwith destroyed in the presence of a Gazetted Police Officer or handed over to such person.

(Act 12/2013, s. 1 and Act 10/2016, s. 4)

Power to take non-intimate samples on arrest

29. (1) It shall be lawful for a Gazetted Police Officer or for any police officer of or below the rank of Inspector who is authorised by the Commissioner of Police to take and record for the purposes of evidence non-intimate samples from any person arrested for an arrestable offence when he reasonably

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

suspects based on information in his possession that the taking of non-intimate samples are required in the interest of justice for the purpose of investigating, detecting and prosecuting the perpetrator of the offence for which the person was arrested.

(2) Where a person gives consent to the taking of a non-intimate sample that consent shall be in writing.

(3) Any arrested person who refuses to consent to the taking of non-intimate samples shall be taken before a Magistrate and where the Magistrate is satisfied that the suspicion of the Gazetted or other police officer under subsection (1) is reasonable he may make an order authorising the taking of the non-intimate samples.

(4) Notwithstanding subsection (3) non-intimate samples may be taken from a person under arrest without consent where that person has been convicted for an arrestable offence.

(5) For the purposes of taking non-intimate samples in accordance with subsection (3) or (4) reasonable force may be used.

(6) Non-intimate samples shall only be taken at a government hospital or health facility or at a police station.

(7) Where any non-intimate sample is taken of a person who has not previously been convicted of any criminal offence and that person is—

(a) charged with that offence but discharged or acquitted by a court; or

(b) not charged with the offence for which he was arrested;

all records relating to the non-intimate sample shall be destroyed in the presence of a Gazetted Police Officer or handed over to the person within 48 hours of the discharge or acquittal.

(8) Where any non-intimate sample is destroyed in the presence of a Gazetted Police Officer the person shall be notified by mail within seven days that the non-intimate sample has been destroyed.

(Act 10/2016, s. 5)

Admissibility as evidence

30. Measurements, photographs, fingerprint impressions and non-intimate samples obtained under this Act are admissible in evidence before all courts having jurisdiction in Anguilla.

(Act 10/2016, s. 6)

Right of police to prosecute

31. Where any police officer lays an information or complaint against a person before the Magistrate or any person alleged to have committed an offence is apprehended and brought before the Magistrate who is trying or inquiring into the matter of the information, complaint or charge any other police officer shall have the same privileges as to addressing the Magistrate and examining the witnesses adduced in the matter as the police officer in whose name the information, complaint or charge is laid or made would have had.

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

PART 3

OFFENCES AND DISCIPLINE

Mutinous or seditious conduct

32. (1) Any police officer who—

(a) begins, raises, abets, countenances, or excites mutiny;

(b) causes or joins in any sedition or disturbance whatsoever; or

(c) coming to the knowledge of any mutiny, rebellion, or insurrection does not at once give information thereof to a Gazetted Police Officer or to the Magistrate;

is guilty of an offence punishable on indictment and is liable to imprisonment for 3 years.

(2) Any police officer who—

(a) being present at any assemblage tending to riot does not use his utmost endeavour to suppress the tendency; or

(b) strikes his superior officer or offers any violence against him;

is guilty of an offence and liable, on summary conviction, to a fine of $1,200 or to imprisonment for a term of 6 months.

Causing disaffection, etc.

33. Any person (including any member of the Force) who—

(a) causes, or attempts to cause, or does any act calculated to cause disaffection amongst the members of the Force;

(b) induces, or attempts to induce, or does any act calculated to induce any member of the Force to withhold his services or to commit breaches of discipline; or

(c) aids or incites any other person (including any member of the Force) to assault or resist any member of the Force in the execution of his duty;

is liable on summary conviction to imprisonment for a term of 2 years.

Dismissal and reduction in rank

34. (1) The Commissioner of Police may order the dismissal from the Force or reduction in rank of any Inspector, subordinate police officer or constable who is convicted of a criminal offence or any breach of any disciplinary regulations made under this Act.

(2) Dismissal or reduction in rank under subsection (1) may be ordered in addition to any punishment which may be imposed on conviction as aforesaid, whether in the case of a dismissal, a recommendation to that effect has or has not been made and without calling on the offender to show cause why he should not be dismissed.

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

Hearing and determination of charge or complaint

35. (1) Subject to subsection (2), when a charge or complaint is made against any subordinate police officer or constable for breach of any disciplinary regulations made under this Act, any Gazetted Police Officer, or the Magistrate on the written request of the Commissioner of Police, may hear and determine the charge or complaint and may impose any of the following sentences coupled in the case of the Magistrate or in the case of a Gazetted Police Officer, other than the Commissioner of Police, if he thinks fit, with a recommendation for dismissal from the Force, that is to say—

(a) caution or reprimand;

(b) suspension, deferment or stoppage of increment;

(c) fine not exceeding $125;

(d) reduction in rank;

(e) forfeiture of good conduct pay or badges, or of any benefit arising from service;

(f) a surcharge in an appropriate amount in respect of his neglect or failure, without reasonable excuse, as an accounting officer or delegate of an accounting officer or as a public officer under section 10 of the Financial Administration and Audit Act to comply with his responsibilities under that Act or its regulations or the financial instructions issued by the Accountant General under that Act;
(Act 8/2003, s. 75)

(g) performance of extra duty.

(2) Where any charge or complaint is made against any police officer holding the rank of Inspector, station sergeant or sergeant, such charge or complaint shall be heard and determined by the Commissioner of Police, or by the Magistrate on the written request of the Commissioner of Police and the Commissioner of Police or the Magistrate may impose any of the sentences provided in paragraphs (1)(a), (b), (c), (d), (e) and (f) coupled in the case of the Magistrate, if he thinks fit, with a recommendation for dismissal from the Force.
(Act 8/2003, s. 75)

(3) The Magistrate or Gazetted Police Officer 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 the Magistrate under the Magistrate's Code of Procedure Act.

(4) Every person who, on the hearing of any such charge or complaint, gives false evidence on oath shall be deemed guilty of perjury.

Appeals

36. (1) Where—

(a) an Inspector, subordinate police officer or constable is dissatisfied with a decision given by the Commissioner of Police or by the Magistrate under section 35(1) or (2), he may within 7 days after such decision has been communicated to him appeal there-from to the Governor;

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

(b) a subordinate police officer below the rank of sergeant, or any constable is dissatisfied with the decision of a Gazetted Police Officer, other than the Commissioner of Police, he may, within 7 days after the Gazetted Police Officer's decision has been communicated to him, appeal to the Commissioner of Police and, if he is dissatisfied with the decision of the Commissioner of Police, he may appeal therefrom to the Governor within 7 days after the decision of the Commissioner of Police has been communicated to him.

(2) An appeal under subsection (1) shall be sent or delivered to the Gazetted Police Officer or the Magistrate against whose decision the appeal is made and he shall forward it to the Commissioner of Police or to the Governor, as the case may be.

(3) Where any appeal is made, the notes of evidence in the case, together with any statement which may be made by the offender in his defence, shall be forwarded to the Commissioner of Police or the Governor, as the case may be.

(4) The Commissioner of Police or the Governor, as the case may be, after considering the appeal and the notes of evidence and statements and other documents submitted to him by virtue of subsection (3), shall either—

(a) allow the appeal;

(b) dismiss the appeal; or

(c) vary the punishment by substituting some other punishment which the Gazetted Police Officer or the Magistrate might have awarded.

(5) Every appeal under this section shall be in writing and the decision of the Commissioner of Police (if there is no further appeal) or of the Governor shall be final.

(6) In determining any such appeal under subsection (5), the Governor shall act after consultation with the Public Service Commission.

Reduction of punishment where no appeal

37. The Commissioner of Police may, without any appeal, reduce any punishment imposed by a Gazetted Police Officer on any subordinate police officer below the rank of sergeant or on any constable.

Arrest of offending member of the Force

38. Any Inspector, subordinate police officer or constable who—

(a) commits any offence punishable on summary conviction or on indictment may be arrested and dealt with according to law; or

(b) commits a breach of any disciplinary regulations made under this Act, may, subject to section 35(1), be placed under open or close arrest in accordance with such regulations on the order, as the case may be, of a Gazetted Police Officer, Inspector or a subordinate police officer not of inferior rank to the police officer who is to be arrested.

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

Payment during suspension, etc.

39. (1) An Inspector, subordinate police officer or constable against whom any complaint or information for an offence punishable on summary conviction or on indictment is laid, or against whom a charge is made for breach of any disciplinary regulation made under this Act, may, pending, and until the final determination of such complaint, information or charge—

(a) be suspended from duty and placed on half pay by the Commissioner of Police; or

(b) if admitted to bail and not so suspended, be employed on full-time duty, in which case he shall receive full pay or, if employed on part-time duty, he shall receive a rate of pay (not being less than half pay) as the Commissioner of Police thinks fit.

(2) If an Inspector or a subordinate police officer or constable is acquitted on any complaint or information, or obtains a decision in his favour on any charge, he shall be entitled to receive all pay which has been withheld from him; and if he is convicted on such complaint or information or does not obtain a decision in his favour on such charge and is subsequently dismissed, he shall not be entitled to receive any pay so withheld.

(3) In the application of subsection (1) an Inspector, subordinate police officer or constable shall not be deprived of any part of the house and lodging allowance or the use of any free quarters to which he may be entitled.

PART 4

PAY, ALLOWANCES AND OTHER FINANCIAL PROVISIONS

Pay and allowances

40. Every police officer shall receive such pay as may be established by regulation and such allowances as may be determined by the Governor.

(Act 9/2008, s. 71)

Payment of extra expenses

41. It shall be lawful for the Governor, after consulting with the Executive Council, to direct, and the Accountant General shall, on the warrant of the Governor, make payment of any extraordinary expenses which appear to have been necessarily incurred in detecting and apprehending offenders and executing the powers and duties given or imposed under this Act, such expenses being first certified by the Commissioner of Police.

Police Reward Fund

42. (1) All fines and penalties imposed upon any Inspector, subordinate police officer or constable or any other person under the authority of this Act or under the rules and regulations made under this Act, and all penalties and proportions of penalties and damages, awarded to any Inspector, subordinate police officer or constable on any summary conviction as the prosecutor of any information or otherwise shall be received by the police officer in charge of the station area and shall be paid or transmitted to an officer appointed by the Governor for that purpose who shall keep the same on deposit in a separate account to be called the "Police Reward Fund".

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

(2) The money in the Police Reward Fund shall be appropriated for the payments of such rewards, gratuitous bounties, pensions or other purposes as the Governor, after consultation with the Executive Council, may from time to time award or direct.

(3) Where in any Act in force in Anguilla it is enacted that any part or share of any seizure or forfeiture, or proceeds thereof, is or may be awarded to any person as prosecutor, informer, or otherwise, and any such part or share is awarded to any Inspector, subordinate police officer or constable, such Inspector, subordinate police officer or constable shall have for his own personal use and benefit the part or share so awarded to him.

Investment of Police Reward Fund

43. It shall be lawful for the Commissioner of Police to direct the investment of any money belonging to the Police Reward Fund, or any portion thereof, in any loan or public security under any Act, or in any bank and the principal and interest of every such investment may be applied in like manner and for like purposes as the Police Reward Fund is by this Act in that behalf made applicable.

PART 5

PENSIONS AND GRATUITIES

Application

44. (1) No pension or gratuity shall be granted under this Part to or in respect of a police officer who retires or otherwise leaves the Police Force or dies after the coming into force of the Police Pensions Act.

(2) The Governor in Council may by regulation increase the amount of a pension granted under this Part and may determine the effective date of the increase.

(3) A regulation under subsection (2) may be made retroactive.

(Act 9/2008, s. 71)

Definition of "pay"

45. For the purposes of this Part, the word "pay" in relation to an Inspector, subordinate police officer or constable includes his salary and the estimated value of free quarters.

Pensions to be charged on Consolidated Fund of Anguilla

46. There shall be charged on and paid out of the Consolidated Fund as hereinafter provided all such sums of money as may from time to time be granted by way of pension, gratuity, or other allowance in accordance with this Part to persons who have been in the Force.

(Act 7/2010, s. 26)

Grant of pensions

47. The Governor, acting in his discretion, may, subject to the provisions of this Part, grant on his retirement to every Inspector, subordinate police officer and constable who has served in the Force for 10 years or upwards, a pension at the rate of fifteen-sixtieths of his pay with an addition of one-sixtieth in respect of each complete year of such service in excess of 10, but no pension granted by virtue of this section shall exceed two-thirds of the average pay of such Inspector, subordinate police officer or constable during the 3 years immediately preceding his retirement.

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

Pay to be taken for computation of pensions, etc.

48. For the purposes of computing the amount of an Inspector's, subordinate police officer's or constable's pension or gratuity—

(a) in the case of an Inspector, subordinate police officer or constable who has held the same rank for a period of 3 years immediately preceding the date of his retirement, the full annual pay enjoyed by him at that date in respect of that rank shall be taken;

(b) in the case of an Inspector, subordinate police officer or constable who at any time during such period of 3 years has been transferred from one rank to another but whose pay has not been changed by reason of such transfer or transfers, the full annual pay enjoyed by him at the date of retirement in respect of the rank then held by him shall be taken;

(c) in other cases one-third of the aggregate pay enjoyed by the Inspector, subordinate police officer or constable in respect of his service during the 3 years of his service immediately preceding the date of his retirement shall be taken, but—

(i) if such one-third is less than the highest annual pay enjoyed by him at the date of any transfer within such period of 3 years, then the highest annual pay shall be taken,

(ii) if such one-third is less than the annual pay which would have been enjoyed by him at the date of his retirement, if he had continued to hold any rank from which he has been transferred at any time during such period of 3 years and had received all increments which, in the opinion of the Governor, would have been granted to him, the annual pay which would have been so enjoyed shall be taken,

(iii) for the purposes of calculating pay for the computation of pensions under this paragraph, an Inspector, subordinate police officer or constable shall be deemed to have been on duty on full pay throughout the 3 years but, if such one-third is less than the pay which would have been enjoyed by him at the date of his retirement, if he had continued to hold any rank from which he has been transferred at any time during such period of 3 years, and had received all increments which, in the opinion of the Governor acting on his discretion, would have been granted to him, the annual pay which would have been enjoyed shall be taken.

Increased pension on findings of a Medical Board after more than 10 but less than 20 years service

49. Every Inspector, subordinate police officer or constable who has been in the service of the Force for more than 10 but less than 20 years, and who retires from the Force on the findings of a Medical Board as provided in section 47(1) may be granted a pension as if his service in the Force had been 20 years.

Circumstances in which pension may be granted

50. (1) Subject to subsection (2), no pension shall be granted—

(a) to any constable or subordinate police officer who has not attained the age of 55 years;

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

(b) to any Inspector, who has not attained the age of 55 years, except in a special case where his retirement from the Force on or after attaining the age of 50 years is permitted by the Governor, acting in his discretion;

unless the Governor, acting in his discretion, is satisfied by the findings of a Medical Board that such Inspector, subordinate police officer or constable is incapacitated by some infirmity of mind or body for further service in the Force and that such infirmity is likely to be permanent.

(2) Where the services of an Inspector, subordinate police officer or constable in the Force are terminated as provided in section 66(2), and a pension, gratuity or other allowance cannot otherwise be granted to him under the provisions of this Part, the Governor, acting in his discretion, may, if he thinks fit, grant such pension, gratuity or other allowance as he thinks just and proper, not exceeding in amount that for which such Inspector, subordinate police officer or constable would be eligible if he had retired from the Force on the findings of a Medical Board as provided in subsection (1).

Gratuity where length of service does not qualify for pension

51. The Governor, acting in his discretion, may grant on his retirement to every Inspector, subordinate police officer and constable who has not completed 10 years' service in the Force a gratuity at the rate of half a month's pay for each complete 6 months of service.

Retirement on account of injuries or disease contracted in discharge of duty

52. (1) This section shall apply to an Inspector, subordinate police officer or constable who while in the service of the Force either—

(a) is permanently injured in the actual discharge of his duty by some injury specifically attributable to the nature of his duty which is not wholly or mainly due to, or seriously aggravated by, his own serious and culpable negligence or misconduct; or

(b) contracts a disease to which he is specifically exposed by the nature of his duty, not being a disease wholly or mainly due to, or seriously aggravated by, his own serious and culpable negligence or misconduct.

(2) In this section, unless the contrary intention appears, reference to an Inspector, subordinate police officer or constable being injured and to the date on which an injury is sustained shall respectively be construed as including references to such Inspector, subordinate police officer or constable contracting such a disease as is mentioned in subsection (1) and to the date on which such disease is contracted.

(3) Where an Inspector, subordinate police officer or constable to whom this section applies is holding a pensionable office in which he is confirmed—

(a) he may, if his retirement is necessitated or materially accelerated by his injury and he has been in the service of the Force for less than 10 years, be granted *in lieu* of any gratuity under section 51, a pension under section 44 as if the words "for 10 years and upwards" were omitted from section 47;

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

(b) he may be granted on retirement an additional pension at the annual rate of the proportion of his actual pay at the date of his injury appropriate to his case as shown in the following table—

when his capacity to contribute to his support is—

(i)	slightly impaired	forty four-hundred-and-eightieths of a month's pay
(ii)	Impaired	eighty four-hundred-and-eightieths of a month's pay
(iii)	materially impaired	one-hundred-and-twenty four-hundred-and-eightieths of a month's pay
(iv)	totally destroyed	one-hundred-and-sixty four-hundred-and-eightieths of a month's pay

but the amount of additional pension may be reduced to such an extent as the Governor, acting in his discretion, shall think reasonable where the injury is not the cause or the sole cause of retirement.

(4) If, for the purpose of assessing the amount of any additional pension or pension to be granted under paragraph (3)(b), any Inspector, subordinate police officer or constable to whom this section applies, the degree of permanent impairment of his capacity to contribute to his support is in doubt, he may be granted a provisional award to have effect until such time as the degree of permanent impairment can be determined.

(5) If an Inspector, subordinate police officer or constable proceeding by a route approved by the Governor, acting in his discretion, to or from Anguilla or from one island in Anguilla to another, at the commencement or termination of his service in Anguilla, or of a period of leave therefrom is permanently injured as the result of damage to the vessel, aircraft or vehicle, and the Governor, acting in his discretion, is satisfied that such damage or act is attributable to circumstances beyond his control, such Inspector, subordinate police officer or constable shall be deemed for the purposes of this section to have been injured in the circumstances described in subsection (1).

(6) An Inspector, subordinate police officer or constable who is permanently injured while travelling by air in pursuance of official instructions, and whose injury is not wholly or mainly due to, or seriously aggravated by, his own serious and culpable negligence or misconduct, shall be deemed for the purposes of this section to have been injured in the circumstances described in subsection (1), but in such a case the rates of pension prescribed in subsection (3) shall respectively be—

(a) sixty four-hundred-and-eightieths;

(b) one-hundred-and-twenty four-hundred-and-eightieths;

(c) one-hundred-and-eighty four-hundred-and-eightieths; and

(d) two-hundred-and-forty four-hundred-and-eightieths.

(7) Paragraph (3)(b) shall not apply in the case of an Inspector, subordinate police officer or constable selected for appointment in the service of the Force on or after 18 January, 1972, who, in consequence of his injury, is entitled to compensation under the Workmen's Compensation Act.

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

(8) Where the Governor, acting in his discretion, is satisfied that damages have been or will be recovered by an Inspector, subordinate police officer or constable in respect of an injury for which an additional pension or pension may be granted under paragraph (3)(b), the Governor, acting in his discretion, may take the damages into account against such additional pension or pension in such manner and to such extent as he may think fit and may withhold or reduce the additional pension or pension accordingly.

(9) For the purpose of subsection (8), an Inspector, subordinate police officer or constable shall be deemed to recover damages whether they are paid in pursuance of a judgment or order of the Court or by way of settlement or compromise of his claim and whether or not proceedings are instituted to enforce that claim.

Right to take reduced pension and gratuity

53. (1) Every Inspector, subordinate police officer or constable who becomes eligible for pension under the provisions of this Part may at his option exercisable as provided in this section be paid on his retirement a reduced pension and gratuity *in lieu* of the pension provided for by this Part.

(2) The option referred to in subsection (1) shall be exercisable not later than the day immediately preceding the date of retirement of such Inspector, subordinate police officer or constable, but the Governor, acting in his discretion, may, if it appears to him in all the circumstances equitable so to do, allow such Inspector, subordinate police officer or constable to exercise the option at any time between the date of retirement and the date of award of pension under this Part.

(3) If an Inspector, subordinate police officer or constable has exercised the option, his decision shall be irrevocable after the date of his retirement.

(4) If an Inspector, subordinate police officer or constable who has not exercised the option dies after the date of retirement but before a pension has been awarded under this Part, it shall be lawful for the Governor, acting in his discretion, to grant a gratuity and a reduced pension as provided in subsection (1) as if the Inspector, subordinate police officer or constable had exercised the option before his death.

(5) The date of the exercise of the option by an Inspector, subordinate police officer or constable shall be deemed to be the date of the receipt of his written notification addressed to the Commissioner of Police.

Definition of reduced pension and gratuity

54. Reduced pension shall be a pension equal to three-fourths of the amount of pension which would be payable under this Part including any allowance granted under section 52 and a gratuity shall be the amount which one-fourth of the pension payable under this Part, including such allowance when multiplied by 12½ shall represent.

Gratuity where Inspector, subordinate police officer or constable dies in service or after retirement

55. (1) Subject to section 56, where an Inspector, subordinate police officer or constable who is not on probation or agreement dies while in the service of the Force, it shall be lawful for the Governor, acting in his discretion, to grant to his legal personal representative a gratuity of an amount not exceeding either his annual pay, or his commuted pension gratuity, if any, whichever is the greater.

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

(2) For the purposes of this section—

"annual pay" means the pay which would be taken for the purpose of computing any pension or gratuity granted to an Inspector, subordinate police officer or constable if he had retired from the Force at the date of his death on the findings of a Medical Board as provided in section 50(1);

"commuted pension gratuity" means the gratuity, if any, which might have been granted to an Inspector, subordinate police officer or constable under section 53 if his services had been wholly in Anguilla and if he had retired from the Force at the date of his death on the findings of a Medical Board as provided in section 50(1) and had elected to receive a reduced pension and gratuity.

(3) Where any such Inspector, subordinate police officer or constable to whom a gratuity or other allowance has been granted under this Part dies after his retirement from the Force, and the sums paid or payable to him at his death on account of any pension, gratuity or other allowance in respect of his service in the Force are less than the amount of the annual pay enjoyed by him at the date of his retirement, it shall be lawful for the Governor, acting in his discretion, to grant to his legal personal representative a gratuity equal to the deficiency.

Gratuity where death due to injuries received or disease contracted in the discharge of duty

56. Where an Inspector, subordinate police officer or constable dies—

(a) in the actual discharge of his duty by some injury specifically attributable to the nature of his duty which is not wholly or mainly due to, or seriously aggravated by, his own serious and culpable negligence or misconduct; or

(b) as a result of contracting a disease to which he is specifically exposed by the nature of his duty, not being a disease wholly or mainly due to, or seriously aggravated by, his own serious and culpable negligence or misconduct;

while in the service of the Force, and such death occurs within 7 years of the date of the injury or contracting the disease, it shall be lawful for the Governor, acting in his discretion, to grant to the legal personal representative of such Inspector, subordinate police officer or constable either a gratuity of an amount to be at the discretion of the Governor, acting in his discretion, but not exceeding 2 years' pay of such Inspector, subordinate police officer or constable, or a gratuity under section 55, whichever is the greater.

Pension to dependants where Inspector, etc., dies of injuries received or disease contracted in discharge of his duties

57. (1) Where an Inspector, subordinate police officer or constable dies—

(a) in the actual discharge of his duty by some injury specifically attributable to the nature of his duty which is not wholly or mainly due to, or seriously aggravated by, his own serious and culpable negligence or misconduct; or

(b) as a result of contracting a disease to which he is specifically exposed by the nature of his duty, not being a disease wholly or mainly due to, or seriously aggravated by, his own serious and culpable negligence or misconduct, while in the service of the Force;

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

and such death occurs within 7 years of the date of the injury or contracting the disease, it shall be lawful for the Governor, acting in his discretion, to grant, in addition to the grant, if any, made to his legal personal representative under section 55 or 56—

(c) if such Inspector, subordinate police officer or constable leaves a widow, a pension to her while unmarried at a rate not exceeding ten-sixtieths of his pay at the date of the injury or $96 a year, whichever is the greater;

(d) if such Inspector, subordinate police officer or constable leaves a widow to whom a pension is granted under paragraph (c) and a child or children, a pension in respect of each child, until such child attains the age of 19 years, of an amount not exceeding one-eighth of the pension prescribed under paragraph (c);

(e) if such Inspector, subordinate police officer or constable leaves a child or children but does not leave a widow or no pension is granted to the widow, a pension in respect of each child until such child attains the age of 19 years, of double the amount prescribed by paragraph (d);

(f) if such Inspector, subordinate police officer or constable leaves a child or children and a widow to whom a pension is granted under paragraph (c) and the widow subsequently dies, a pension in respect of each child as from the date of the death of the widow until such child attains the age of 19 years, of double the amount prescribed in paragraph (d);

(g) if such Inspector, subordinate police officer or constable does not leave a widow, or if no pension is granted to his widow and if his mother were wholly or mainly dependent on him for her support, a pension to the mother while without adequate means of support, of an amount not exceeding the pension which might have been granted to his widow;

(h) if such Inspector, subordinate police officer or constable does not leave a widow or mother, or if no pension is granted to his widow or mother, and if his father were wholly or mainly dependent on him for his support, a pension to the father, while without adequate means of support, of an amount not exceeding the pension which might have been granted to his widow; and

(i) if such Inspector, subordinate police officer or constable does not leave a child or children who may be eligible for a pension under this section, and if any brother or sister were wholly or mainly dependent on him for support, a pension to any such brother or sister until he or she attains the age of 19 years while without adequate means of support, of an amount not exceeding the pension which might have been granted under paragraphs (d) and (e);

but—

(j) if in the opinion of the Governor, acting in his discretion, there are compassionate grounds for so doing, he may grant to any child of such Inspector, subordinate police officer or constable being a child who at the date of the death of such Inspector, subordinate police officer or constable was wholly or mainly dependent on him for support and who had attained the age of 19 years, a pension for such period as the Governor, acting in his discretion, may determine, of an amount not exceeding the pension which may be granted under paragraph (d);

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

(k) where an Inspector, subordinate police officer or constable leaves a child who was incapacitated at the time of such Inspector's, subordinate police officer's or constable's death (hereinafter in this section referred to as an "incapacitated child"), the Governor, acting in his discretion, may, notwithstanding any pension which may have been granted under paragraph (d) or (e), grant an additional pension in respect of such incapacitated child after he has attained the age of 19 years and so long as his incapacity shall continue, of an amount not exceeding one-half of the pension which may be granted under paragraph (d) or (e);

(l) where compensation in respect of the death is payable under the Workmen's Compensation Act, the Governor, acting in his discretion, may reduce the pension which may be payable under this section to such an extent as he may consider reasonable;

(m) no pension shall be payable under this subsection at any time in respect of more than 6 children exclusive of incapacitated children;

(n) in the case of a pension granted under paragraph (g), if the mother is a widow at the time of the grant of the pension and subsequently remarries, such pension shall cease as from the date of re-marriage; and if it appears to the Governor, acting in his discretion, at any time that the mother is adequately provided with other means of support, such pension shall cease as from such date as the Governor, acting in his discretion, may determine;

(o) a pension granted to a female child under this section shall cease upon the marriage of such child under the age of 19 years.

(2) If an Inspector, subordinate police officer or constable proceeding by a route approved by the Governor, acting in his discretion, to or from Anguilla at the commencement or termination of his service in Anguilla, or of a period of leave therefrom, dies as the result of damage to the vessel, aircraft or vehicle in which he is travelling, or of any act of violence directed against such vessel, aircraft or vehicle, and the Governor, acting in his discretion, is satisfied that such damage or act is attributable to circumstances beyond his control such officer shall be deemed, for the purposes of this section, to have died in the circumstances described in paragraph (1)(a).

(3) If an Inspector, subordinate police officer or constable dies as a result of an injury received while travelling by air in pursuance of official instructions, which injury is not wholly or mainly due to or seriously aggravated by, his own serious and culpable negligence or misconduct, he shall be deemed to have died in the circumstances described in paragraph (1)(a), but in such a case the rates of pension prescribed in paragraphs (1)(c) and (d) shall be fifteen-sixtieths and one-sixth respectively.

(4) Where the Governor, acting in his discretion, is satisfied that damages have been or will be recovered in respect of the death for which an additional pension or pension may be granted under subsection (1), the Governor, acting in his discretion, may take those damages into account against such additional pension or pension in such manner and to such extent as he may think fit and may withhold or reduce the additional pension or pension accordingly.

(5) For the purpose of subsection (4), an Inspector, subordinate police officer or constable shall be deemed to recover damages whether they are paid in pursuance of a judgment or order of a court or by way of settlement or compromise of his claim and whether or not proceedings are instituted to enforce that claim.

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

(6) For the purposes of this section—

"brother", in relation to a person, includes every male child of his father or his mother;

"child" includes—

(a) a posthumous child;

(b) a step-child or illegitimate child born before the date of the injury or contracting the disease, as the case may be, and wholly or mainly dependent upon such Inspector, subordinate police officer or constable for support; and

(c) an adopted child, adopted in a manner recognised by law, before the date of the injury or contracting the disease, as the case may be, and dependent as aforesaid;

"incapacitated" means in relation to a child, incapacitated by reason of some specific bodily or mental disability of earning his own living, and a child who is in any event too young to earn his own living shall be treated as incapacitated for the purposes of this section if it appears that, by reason of any specific bodily or mental disability, he will be incapable of earning his own living when he attains the age at which he would otherwise be capable of doing so;

"mother", in relation to a person, includes his stepmother and a female person by whom he has been adopted;

"sister", in relation to a person, includes every female child of her father or her mother.

Pension not as of right

58. No Inspector, subordinate police officer or constable shall have an absolute right to compensation for past services, or to any pension, gratuity or other allowance under this Part, nor shall anything therein limit the right of the Crown to dismiss any such Inspector, subordinate police officer or constable without compensation.

Pension not to be assignable

59. No pension granted under this Part shall be assignable or transferable or liable to be attached, sequestered, or levied upon, for or in respect of any debt or claim whatsoever.

Pension to cease on conviction

60. If any Inspector, subordinate police officer or constable to whom a pension has been granted under this Part is convicted before any court in one of Her Majesty's dominions of any crime or offence for which he is sentenced to death or penal servitude or any term of imprisonment exceeding 12 months, and does not within 2 months after such conviction receive Her Majesty's free pardon, then in every such case such pension shall forthwith cease, but, in the case of an Inspector, subordinate police officer or constable who after conviction as above described, receives Her Majesty's free pardon at any time, the Secretary of State may or, if the Inspector, subordinate police officer or constable is resident in Anguilla, the Governor, acting in his discretion, may, if he thinks fit, restore the pension.

Pension to cease on bankruptcy

61. If any Inspector, subordinate police officer or constable to whom a pension has been granted under this Part becomes a bankrupt, then such pension shall forthwith cease, but, in any case where a

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

pension ceases by reason of the bankruptcy of the pensioner, the Secretary of State may or, if such pensioner is resident in Anguilla, the Governor, acting in his discretion, may from time to time during the remainder of such pensioner's life or during such shorter period or periods either continuous or discontinuous, as the Secretary of State or the Governor, acting in his discretion, shall think fit, pay all or any part of the money to which such pensioner would have been entitled by way of pension had he not become a bankrupt to, or apply the same for the maintenance and personal support or benefit of all or any, exclusive of the other or others, of the following persons, namely, such pensioner and any wife, child, or children of his, in such proportions and manner as the Secretary of State or the Governor, acting in his discretion, thinks proper.

Suspension of pension on re-employment

62. If any Inspector, or subordinate police officer or constable to whom a pension has been granted under this Part is appointed to any office in the Public Service or re-appointed to the Force, the payment of his pension may, if the Governor, acting in his discretion, thinks fit, be suspended during the period of his re-employment.

Application to members of the Force

63. This Part shall apply to every Inspector, subordinate police officer and constable serving in the Force on 18th January, 1972 or who shall thereafter be appointed to or promoted in the Force.

PART 6

POLICE ASSOCIATION AND MEMBERSHIP IN PROHIBITED ASSOCIATIONS

Establishment of Police Association

64. (1) For the purpose of enabling Inspectors, subordinate police officers and constables of the Force to consider and bring to the notice of the Commissioner of Police and the Governor matters affecting their general welfare and efficiency, there shall be established an organisation to be called the Police Association which shall act through its main committee and shall be provided by rules made under section 65.

(2) No representation shall be made by the Police Association in relation to any question of discipline, promotion, transfer or leave, unless some question of principle is involved.

(3) The Police Association shall be entirely independent of and not associated with any body outside the Force.

Police Association Rules

65. The Governor may make Rules for the constitution and governance of the Police Association and any matter appertaining to the Police Association.

Police officers not to join prohibited associations

66. (1) It shall not be lawful for any police officer to be or become a member of any prohibited association.

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

(2) If any police officer becomes a member of a prohibited association, such police officer is liable on summary conviction to a fine of $240 and such member shall be dismissed from the Force.

(3) For the purposes of this section, a "prohibited association" means—

(a) any Trade Union as defined by the Trade Unions Act whether the Trade Union is registered or incorporated or not;

(b) any league or association or body of persons, whether registered or not, which has for its objects or one of its objects, the promotion of feelings of ill-will and hostility between different classes or races;

(c) any other association, society or club, any of the objects of which may be subversive of good discipline on the part of a member of the Force and which the Commissioner of Police shall by regulation with the approval of the Governor, after consultation with the Executive Council, declare to be a prohibited association.

PART 7

GENERAL ADMINISTRATION

Hospital treatment and medical attention at Government expense

67. (1) All police officers shall be entitled to hospital treatment and medical and surgical attention (but such entitlement shall not include any form of dental treatment save where such treatment is required as a result of an injury sustained in the actual discharge of his duty) within Anguilla at Government expense.

(2) If any police officer is incapacitated for duty by his own misconduct, the Governor, acting in his discretion, may order that he shall forfeit the whole or any part of his pay for the period during which he is so incapacitated.

Reduction for inefficiency

68. (1) The Commissioner of Police may for inefficiency reduce any Inspector or subordinate police officer to a lower grade.

(2) If, on the recommendation of the Commissioner of Police, the Governor, acting in his discretion, considers that the services of any Inspector, subordinate police officer or constable should be terminated on the ground that, having regard to the conditions of the Force, the usefulness of such Inspector, subordinate police officer or constable therein and all the other circumstances of the case, such termination is desirable in the interest of the Force, he may, subject to subsection (3), require such Inspector, subordinate police officer or constable to retire from the Force, and the services of such Inspector, subordinate police officer or constable shall accordingly terminate on such date as the Governor, acting in his discretion, shall specify. In every such case the question of pension shall be dealt with under section 50(2).

(3) Before requiring any Inspector, subordinate police officer or constable to retire from the Force as provided in subsection (2), the Governor, acting in his discretion, shall call for a full report from the Commissioner of Police, and, if after considering that report and giving such Inspector,

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

subordinate police officer or constable an opportunity of submitting a reply to the complaint by reason of which his retirement is contemplated, the Governor, acting in his discretion, is satisfied, having regard as aforesaid, that it is desirable in the interest of the Force that such Inspector, subordinate police officer or constable should be retired his retirement shall have effect accordingly.

Retirement from the Force

69. Every constable and subordinate police officer may be required to retire from the Force on attaining the age of 50 years and every Inspector, subordinate police officer and constable shall be required to retire from the Force on his attaining the age of 55 years, but it shall be lawful for the Governor, acting in his discretion, in special cases to permit an Inspector to retire on or after attaining the age of 55 years.

Constitution of Medical Board

70. (1) There shall be a Medical Board for the purposes of determining questions relating to a police officer's physical or mental fitness, including questions relating to the following—

(a) physical or mental fitness for continued service;

(b) sick leave;

(c) disability, including probable duration of disability;

(d) whether an injury received by a police officer is an injury received in the execution of the police officer's duty as a police officer without his own default;

for the purposes of this Act and the Police Pensions Act.

(2) The Medical Board shall consist of 3 medical practitioners appointed by the Governor.

(3) The Governor shall appoint a member of the Medical Board to be the chairperson of the Medical Board.

(4) A quorum of the Medical Board is all its members.

(5) A decision of the majority of the members is a decision of the Medical Board.

(Act 9/2008, s. 71 and Act 20/2009, s. 1)

Procedure of Medical Board

71. (1) The Medical Board may consult with such other medical practitioners as it considers appropriate.

(2) Subject to this Act and the Police Pensions Act, the Medical Board may regulate its own procedure.

(Act 9/2008, s. 71)

Appeal of decision of Medical Board

72. (1) A police officer who is aggrieved by a decision of the Medical Board that the police officer was not on duty when an injury was received may appeal that decision to the Magistrate by giving notice of appeal to the Magistrate and to the Medical Board within 30 days of the decision.

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

(2) The notice of appeal shall—

(a) be in writing, signed by the person requesting reconsideration or by the legal representative of that person;

(b) set out the grounds for appeal; and

(c) state the reasons in support of the appeal, including presenting any new information or facts pertinent to the issue raised by the notice of appeal.

(3) Without delay upon receipt of a notice of appeal under subsection (1), the Medical Board shall cause a record of its decision to be given to the Magistrate.

(4) Before a decision is made concerning the appeal, the Magistrate—

(a) shall consider the record received from the Medical Board under subsection (3); and

(b) may hear oral arguments if the Magistrate is of the opinion that oral arguments are necessary to clarify issues raised in the appeal.

(5) The decision of the Magistrate is final.

(6) For the purposes of this section, "record", in relation to a decision of the Medical Board, includes a statement of the reasons therefor and a copy of the documents forming the basis of the decision.

(Act 9/2008, s. 71)

Examination by Medical Board

73. The Governor may require any Inspector, subordinate police officer or constable whom he may consider to be incapacitated from further performance of police duties to be examined by a Medical Board.

Discharge on medical grounds

74. The Governor, acting in his discretion, may discharge from the Force, any Inspector, subordinate police officer or constable who is certified by a Medical Board to be incapacitated for further service by reason of some infirmity of mind or body which is likely to be permanent.

Power to make regulations

75. (1) The Governor, after consultation with the Executive Council, may make regulations relating to all or any of the following matters—

(a) the description and issue of arms, ammunition, accoutrements, badges of rank, uniforms and necessaries to be supplied to the Force;

(b) the conditions subject to which allowances may be paid to members of the Force;

(c) the conditions subject to which repatriation expenses may be paid to widows and dependants of deceased members of the Force;

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

(d) the leave of absence and the periods and conditions thereof which may be granted to Inspectors, subordinate police officers and constables;

(e) establishing salaries to be paid to police officers;

(Act 9/2008, s. 71)

(f) generally, for the good government of the Force and all such other matters as may, from time to time, be deemed expedient for rendering the Force efficient in the discharge of its duties and for securing proper discipline therein.

(2) Except for a regulation made under paragraph (1)(e), such regulations shall come into operation upon publication in the *Gazette* or upon such subsequent day as may be named in that behalf therein.

(Act 9/2008, s. 71)

(3) Regulations made under paragraph (1)(e) may be made retroactive to 1July, 2006 and may validate the payment of salaries paid to police officers on or after that date.

(Act 9/2008, s. 71)

(4) All rules and regulations made under this Act shall have the force and effect of law as if they had been incorporated in this Act.

PART 8

SPECIAL CONSTABLES

Appointment of special constables

76. (1) The Commissioner of Police may, with the approval of the Governor, at any time that he thinks it expedient in the public interest so to do, appoint fit and proper persons to be special constables to act as such for the preservation of the peace and may at any time cancel any appointment so made.

(2) Every such appointment shall be for such period not exceeding 3 years as may be specified in such appointment.

General powers, etc., of special constables

77. Every special constable shall, during his term of office, have all such powers, authorities and immunities, and be subject to all such duties and responsibilities as are conferred or imposed upon a member of the Force, and shall on appointment, take and subscribe before the Magistrate or Justice of the Peace the following oath—

"I …… do swear that I will well and truly serve our Sovereign Lady the Queen in the office of special constable in Anguilla without favour or affection, malice or ill-will and that I will cause Her Majesty's peace to be preserved, and will prevent to the utmost of my powers offences against the same. So help me God.".

Arms of special constables

78. (1) Every special constable shall be provided by the Commissioner of Police at the public expense, with such badge, staff, weapons, and other accoutrements as may be necessary, and such

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

badge, staff, weapons and other accoutrements shall be returned to the Commissioner of Police or such other officer at such time and place as he may direct.

(2) Any special constable wilfully neglecting or refusing to make such return is guilty of an offence and is liable on summary conviction to a penalty of $250, and in default of payment to imprisonment for a term of 4 months.

(3) It shall be lawful for the Magistrate or any Justice of the Peace to issue his warrant to search for and seize all such weapons, articles, or accoutrements which are not so delivered over wherever the same may be found, and to arrest the person in whose possession the same may be found.

Direction of special constables

79. Special constables shall be under the orders of such officers as may be appointed to command them by the Commissioner of Police.

Offences by special constables

80. Any special constable, who without reasonable cause, refuses or neglects to take the prescribed oath when called upon so to do by the Magistrate or Justice of the Peace, or who refuses or neglects to serve when called upon so to do, or to obey any lawful command, is on summary conviction liable to a penalty of $500, and, in default of payment, to imprisonment for any term of 6 months.

Remuneration of special constables

81. The Governor, after consultation with the Executive Council, is hereby authorised to pay for the services and expenses of special constables such sum as he may deem reasonable from the Consolidated Fund.

(Act 1/2007, s. 88 and Act 7/2010, s. 46)

Pensions and gratuities to special constables

82. (1) When a special constable is injured or killed without his own default while carrying out a police duty, it shall be lawful for the Governor, acting in his discretion, to grant to such special constable such pension, or, in the case of death, to the personal representative of such special constable, such gratuity not exceeding 2 years' emoluments of such special constable, as he thinks just.

(Act 1/2007, s. 88)

(2) All such pensions and gratuities shall be charged on and paid out of the Consolidated Fund.

(Act 7/2010, s. 26)

(3) Sections 59 to 61 shall apply *mutatis mutandis* to every pension granted by virtue of subsection (1).

Application

83. (1) No pension or gratuity shall be granted under section 82 to or in respect of a special constable who is injured or killed without his own default after the coming into force of the Police Pensions Act.

(2) The Governor in Council may by regulation increase the amount of a pension granted under section 82 and may determine the effective date of the increase.

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

(3) A regulation under subsection (2) may be made retroactive.

(Act 9/2008, s. 71)

Employment of police officers on special duty at expense of private persons

84. The Commissioner of Police may, subject to the directions of the Governor, on the application of any person and on being satisfied as to the necessity therefor, detail any number of police officers for special duty at any place in Anguilla and for such period as he may consider necessary. Such police officers shall, subject to the provisions of this Act, be exclusively under the orders of the officer in charge of the division and shall, unless the Governor otherwise directs, be employed at the expense of the person making the application, but, any person on whose application police officers have been detailed for special duty at any place may require that such police officers shall be withdrawn and at the expiration of one month from the date of such notice or such less period as the Commissioner of Police may determine such person shall be relieved of any further expense in connection with the employment of such police officers.

PART 9

MISCELLANEOUS

Members of Force not liable for irregularity of warrant

85. When any action is brought against any police officer for any act done in obedience to the warrant of the Magistrate, the party against whom such action is brought shall not be responsible for any irregularity in the issuing of such warrant, or for any want of jurisdiction of the Magistrate issuing the same, but may plead the general issue and give such warrant in evidence; and, on proving that the signature thereto is the handwriting of the person whose name appears subscribed thereto, and that such person was reputed to be and acted as the Magistrate and that the act or acts complained of was or were done in obedience to such warrant, the Court shall give judgment for the defendant in such action, who shall recover his full costs of suit.

Satisfaction of civil judgment

86. When any judgment is obtained in any civil court against any Inspector, subordinate police officer or constable, no execution shall be issued thereon, but a certificate setting forth the full particulars of such judgment and the nature of the action in which such judgment was obtained, shall be forwarded to the Commissioner of Police by the Registrar or Magistrate, as the case may be, of the Court in which such judgment shall have been obtained, and the Commissioner of Police shall make such order thereon as to the mode and manner in which such judgment shall be satisfied by such Inspector, subordinate police officer or constable as to the Commissioner of Police shall seem meet; and the Commissioner of Police shall, pursuant to such order, cause the amount of such judgment, including costs, to be deducted from the pay of such Inspector, subordinate police officer or constable, and shall pay the amount or, from time to time pay the amounts so deducted to such Registrar or Magistrate, as the case may be, to be applied in satisfaction of such judgment according to law.

Harbouring, inducing, etc.

87. (1) Every person who knowingly harbours, or knowingly and with intent improperly to influence any Inspector, subordinate police officer or constable, entertains or either directly or indirectly sells or gives any intoxicating liquor to such police officer, or permits any Inspector,

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

subordinate police officer or constable to abide or remain in his house (except in case of extreme urgency) when on duty, is guilty of an offence.

(2) Every person who by threats or by offer of money, gift, spirituous liquors, or any other thing, induces or endeavours to induce any Inspector, subordinate police officer or constable to commit a breach of his duty as such or to omit any part of such duty is guilty of an offence.

(3) On the trial of any complaint in respect of any offence under this section, if the other facts constituting the offence are established, it shall not be necessary to prove guilty knowledge or intention, but the onus of disproving it shall lie upon the defendant.

(4) Any person guilty of an offence against this section is liable on summary conviction to a penalty of $125 or to imprisonment for one month.

Persons dismissed from the Force to deliver up articles

88. (1) Every Inspector, subordinate police officer or constable who is dismissed from the Force or resigns his office or otherwise ceases to belong to the Force shall forthwith deliver over to the person appointed for that purpose by the Commissioner of Police or the Gazetted Police Officer, Inspector or subordinate police officer under whose command he was at the time of his dismissal or ceasing to belong to the Force every article whatsoever which has been supplied to him at the public expense for the execution of his office.

(2) Every person who contravenes this section is liable, on summary conviction, to a penalty of $250 or to imprisonment for any period of 4 months; and it shall be lawful for the Magistrate to issue his warrant to search for and seize all such articles which are not so delivered over wherever the same may be found, and to arrest the person in whose possession the same may be found.

Improper possession of articles supplied to the Force

89. Every person who has in his possession any article whatsoever which has been supplied at the public expense to any police officer for the execution of his office and who does not satisfactorily account for his possession of such article is guilty of an offence, and may be arrested without warrant by any police officer and on summary conviction is liable to a penalty of $600 or to imprisonment for a term of 6 months.

Personation of police officer

90. Every person, not being a police officer who—

(a) without the permission of a Gazetted Police Officer wears, either in whole or in part, the dress, or assumes the name, designation or description of any police officer or wears any dress or assumes any name or designation resembling and intended to resemble the dress, name or designation of any police officer; or

(b) in any way pretends to be a police officer, for the purpose of obtaining admission into any house or other place or of doing any act which such person would not by law be entitled to do of his own authority;

is liable, on summary conviction to a penalty of $600 or to imprisonment for a term of 6 months but paragraph (a) shall not prevent persons from wearing the dress of a police officer in the course of a stage play or concert or a circus performance.

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

Delivery up of articles supplied to deceased police officers

91. (1) When any Inspector, subordinate police officer or constable dies, his next of kin, executor or other personal representative, or the person in whose house he dies, being possessed of any article which has been supplied to such Inspector, subordinate police officer or constable for the execution of his office shall be bound, after due notice by any Gazetted Police Officer, to deliver up to the person appointed for that purpose by the Commissioner of Police or to the Gazetted Police Officer, Inspector or subordinate police officer under whose command the deceased was immediately prior to his death, all articles whatsoever which may have been supplied at the public expense to or which at the time of his death may have been in the possession of such deceased police officer for the execution of his office.

(2) Every person who contravenes this section is liable on summary conviction to a penalty of $250 or to imprisonment for 4 months; and it shall be lawful for the Magistrate to issue his warrant to search for and seize all such articles which are not so delivered over, wherever the same may be found, and to arrest the person in whose possession they may be found.

Unclaimed articles

92. (1) Where any property has come into the possession of the Force in connection with any criminal charge, the Magistrate may, on application by a police officer or by a claimant of the property, make an order for the delivery of the property to the person appearing to such Magistrate to be the owner thereof or, if the owner cannot be ascertained, make such order with respect to the property as to the Magistrate may seem meet.

(2) Any order under this section shall not affect the right of any person to take, within 6 months from the date of the order, legal proceedings against any person in possession of property delivered by virtue of the order for the recovery of the property, but on the expiration of those 6 months the right shall cease.

(3) All property which has come into the possession of the Force under the circumstances mentioned in subsection (1) and all property which has otherwise come into the possession of the Force in respect of which the owner has not been ascertained and no order of a competent court has been made with respect thereto shall be dealt with as follows—

(a) when such property is a perishable article, or its custody involves unreasonable expense or inconvenience, such property may be sold as soon as convenient after it has come into the possession of the Force;

(b) when such property consists of money, such property shall be dealt with in all respects as is hereinafter provided with regard to the proceeds of sales hereby authorised after it has remained in the possession of the Force for 3 months;

(c) in the case of any other property such property may be publicly sold at auction as soon as may be after it has remained in the possession of the Force for 3 months and has been advertised for 14 days.

(4) The proceeds of all sales hereby authorised shall, after deduction of expenses, be received by the Commissioner of Police and shall be paid or transmitted to the Accountant General who shall deposit such proceeds to the credit of the Police Reward Fund, but property found by any person other than a police officer not being otherwise provided for by any law and which has not been claimed by the real owner may be delivered to the finder on his claiming the property but such delivery to the finder shall not be made until the property has remained in the possession of the Force for 3 months.

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

(5) In the event of such property being of a nature which necessitates an immediate sale, the proceeds of the sale shall be paid or transmitted to the Accountant General who shall deposit such proceeds to the credit of the Police Reward Fund. On the expiration of 3 months such proceeds, after deduction of the expenses of sale, may be delivered to the finder on his claiming the proceeds of the sale provided that such proceeds have not been claimed by the real owner.

(6) In all cases in which property deposited with the Force, or the proceeds of the sale of such property, are delivered to the finder, such finder may be required to execute a bond of indemnity to the Force in respect of such delivery.

Recovery of penalties

93. All fines and penalties imposed by this Act shall be recovered under the Magistrates' Code of Procedure Act before the Magistrate, and all fines and penalties imposed on any Inspector, subordinate police officer or constable for the breach of any rules and regulations made under this Act, may be enforced by deducting the entire amount thereof or monthly deductions of not more than half a month's pay from any pay due or accruing due to any such Inspector, subordinate police officer or constable.

Citation

94. This Act may be cited as the Anguilla Police Act, Revised Statutes of Anguilla, Chapter A70.

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai