Revised Regulations of Anguilla: A70-2

ANGUILLA POLICE ACT (R.S.A. c. A70)

POLICE REGULATIONS

Note: These Regulations are enabled under section 75 of the Anguilla Police Act, R.S.A. c. A70[*].

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[*] This Note has been corrected to reflect the renumbering of the Act by Act 10 of 2016.

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INTERPRETATION AND APPLICATION

Interpretation

1. In these Regulations—

"academic subject" means English or mathematics;

"Board" means the Anguilla Police Examination Board referred to in section 2 of Schedule 1;

"Force Standing Order" means a standing order for the Force issued in writing by the Commissioner of Police;

"Government Medical Officer" means a registered medical practitioner who holds a post in government service, or a registered medical practitioner to whom an Inspector, subordinate police officer or constable has been instructed by the Commissioner of Police to present himself for Medical examination;

"Governor's Standing Order" means a standing order for the Force issued in writing by the Governor and applicable to the Force as a whole;

"pass"—

(a) in relation to an academic subject, means to obtain the pass mark in the academic subject determined under section 10 of Schedule 1 or to be deemed to pass the subject under section 5(2) of these Regulations; and

(b) in relation to a police subject, means to obtain the pass mark in the police subject determined under section 11 of Schedule 1 or to be deemed to pass the subject under section 5(5) of these Regulations;

"police subject" means crime, traffic or general police duties;

"qualifying examination" means an examination referred to in section 5(1);

"Station Standing Order" means a standing order for a particular station in the Force area issued by the Commissioner of Police with the approval of the Governor.

Application

2. These Regulations, except sections 10, 24, 25, 26 and 58, shall not apply to Gazetted Police Officers but shall apply only to Inspectors, subordinate police officers and constables of the Force.

ORGANISATION

Command

3. (1) The Commissioner of Police shall have 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.

(2) For administrative purposes, Anguilla shall be divided into the following areas—

(a) Valley Police Station area;

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(b) Sandy Ground Police Post area;

(c) Blowing Point Village Police Post area;

(d) Island Harbour Village Police Post area.

(3) The chief station will be at the Valley.

PROMOTION

When and how qualifying examinations are held

4. (1) A qualifying examination in academic and police subjects for promotion to the rank of sergeant shall be prepared, conducted and marked in accordance with Schedule 1 to these Regulations in any year determined by the Governor on the recommendation of the Commissioner of Police.

(2) In determining whether to recommend to the Governor that qualifying examinations be held in a particular year, the Commissioner of Police shall have regard to the potential number of candidates, the requirements of the police force and the need to give sufficient notice to potential candidates.

Eligibility, pass marks and results

5. (1) A police officer who—

(a) is below the rank of sergeant; and

(b) has completed at least 4 years of service on or before the day applications to sit the qualifying examination are called for by the Commissioner of Police;

is eligible to write the qualifying examination.

(2) An officer who has passed an academic subject at the Caribbean Examination Council examinations or any equivalent examination as determined by the Director of Education is deemed to have passed that academic subject at the qualifying examination.

(3) A candidate passes a qualifying examination if he passes the academic subjects and police subjects.

(4) An officer may pass the academic subjects at any number of sittings of the qualifying examination.

(5) A candidate who—

(a) sits the qualifying examinations in all 3 police subjects; and

(b) passes 2 out of the 3 only;

is deemed to have passed the third subject if—

(c) in the third subject he obtains at least the minimum mark determined by the Board under section 11 of Schedule 1 for that subject; and

(d) the sum of the candidate's marks in all 3 police subjects is equal to or greater than the sum of the pass marks for those 3 subjects determined by the Board under section 11 of Schedule 1 for candidates generally.

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(6) If a candidate passes 2 out of 3 of the police subjects only, the candidate may sit the qualifying examination in the third subject at the next sitting of the qualifying examination.

(7) If a candidate fails to sit the third subject at the next qualifying examination or sits the third subject and fails to pass it, he must sit the qualifying examination in all 3 police subjects when he next sits the qualifying examination in the police subjects.

(8) A candidate shall be informed without delay of his results in each subject that he sits at a qualifying examination.

(9) After the scripts of the candidates in the qualifying examination for a particular year have been marked, a list of the names of the candidates who passed the qualifying examination shall be published without delay by the Commissioner of Police.

List of police officers who have passed examinations

6. A nominal list of all police officers who have passed the respective qualifying examination shall be kept at Force Headquarters.

Re-sitting of examination

7. If at the expiration of 4 years a police officer whose name appears on the nominal list has not been promoted, he shall be required to sit and pass the qualifying examination again or his name will be removed from the nominal list.

Petition for promotion

8. Petitions asking for promotion are strictly forbidden.

Effect of qualifying examination

9. The fact that a member of the Force has passed the qualifying examination shall not entitle him to promotion or to promotion before another member of the Force who has passed such qualifying examination at a later date.

Temporary promotion

10. A subordinate police officer or constable who is required to perform temporarily the duties of a higher rank may be appointed to act in that rank by the Commissioner of Police.

Reverting to substantive post

11. Where an Inspector, subordinate police officer or constable at the end of a period of acting appointment reverts to his substantive rank, he shall thereafter be deemed to have held during his acting appointment the rank to which he reverts.

Promotion to be by selection

12. (1) A promotion to the rank of sergeant or Inspector shall be by selection by a Promotion Selection Board consisting of—

(a) two police officers on the Force above the rank of Inspector appointed by the Governor after consulting with the Commissioner of Police; and

(b) one person appointed by the Governor in his discretion.

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(2) In a selection, seniority shall not constitute a basis for promotion unless it is combined with merit and efficiency.

(3) No officer shall be promoted to the rank of sergeant unless he—

(a) has passed the qualifying examination; and

(b) has been free from any sentence under section 34 of the Act, other than a reprimand or caution, for at least 2 years before promotion.

(4) No officer shall be promoted to the rank of Inspector unless—

(a) he has served in the rank of sergeant for a least 2 years before the promotion; or

(b) the Commissioner of Police is satisfied that the officer possesses special qualifications for the duties he is to discharge after his promotion;

and he has been free from any sentence under section 35 of the Act, other than reprimand or caution, for at least 2 years immediately before the promotion.

PERSONAL RECORDS

Personal records

13. (1) The Commissioner of Police shall cause to be kept a personal record of each member of the Force.

(2) The personal record shall contain—

(a) the regulation number given to the member on his enlistment or appointment;

(b) a photograph not more than 10 years old of the member taken in accordance with the directions of the Commissioner of Police and at the public expense;

(c) a personal description of the member;

(d) particulars of the member's place and date of birth;

(e) particulars of his marriage (if any) and of his children (if any);

(f) a record of his service (if any) in any branch of Her Majesty's naval, military or air forces, or in the civil service;

(g) a record of his service (if any) in any other police force or as a special constable;

(h) a record of whether he has passed or failed any qualifying examination at which he was a candidate; and

(i) a record of his service in the Force including particulars of all promotions, changes of pay, postings, transfers, injuries received, periods of illness, periods of leave or absence, commendations, rewards, punishments other than cautions, and the date of his ceasing to be a member of the Force with the reason, cause or manner thereof;

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but a punishment involving a fine of less than $5 or a reprimand shall be expunged after 3 years from the date on which the decision imposing the punishment took effect and any other punishment shall be expunged after 7 years from the date on which the decision imposing the punishment took effect if in either case the member so requests and if during that period no punishment has been imposed on him other than a caution.

(3) Where a punishment is expunged from a member's personal record, so much of that personal record as relates to punishment shall be destroyed and a new part made out so as not to disclose that the expunged punishment has been imposed.

(4) A member of the Force shall, if he so requests, be permitted to inspect his record.

Transfer of personal record

14. Where a member of the Force is transferred with the written consent of the Commissioner of Police to another police force his personal record shall be transferred to the Commissioner of Police of that other Force.

Personal record of members leaving Force

15. (1) Where a member of the Force ceases to hold office in the Force, he shall be given a certificate signed by or on behalf of the Commissioner of Police stating—

(a) the rank last held by him in the Force;

(b) the period of his service in the Force, and in any other Police Force;

(c) which, if any, of the circumstances specified in subsection (2) was the reason for his ceasing to be employed in the Force; and

(d) particulars of his personal description.

(2) The circumstances referred to in paragraph (1)(c) are the following—

(a) retirement on completion of service;

(b) retirement in consequence of any injury received on duty;

(c) retirement on account of ill-health;

(d) discharge before completion of period of probation;

(e) compulsory retirement;

(f) resignation;

(g) determination of service;

(h) dismissal.

(3) The Commissioner of Police may append to the certificate any favourable recommendation which he feels justified in giving.

(4) Where a member of the Force ceases to be a member, otherwise than by transfer with the written consent of the Commissioner of Police to another Police Force, his personal records shall be kept for such time as the Commissioner of Police may think fit and shall then be destroyed.

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Fingerprints of police officers

16. (1) Every member of the Force shall in accordance with the directions of the Commissioner of Police have his fingerprints taken.

(2) Fingerprints of members of the Force taken in pursuance of subsection (1) shall be kept in a register separate from any register containing fingerprints taken otherwise than in pursuance of that subsection.

(3) The fingerprints of a member of the Force taken in pursuance of subsection (1) and all copies and records thereof shall be destroyed on his ceasing to be a member of the Force.

PRISONERS

Definition of "prisoner"

17. In sections 18 to 20, "prisoner" means a person who has been arrested but not yet committed to prison after conviction.

Opening of police cells

18. Cells in which prisoners are confined shall not be opened by one police officer alone. Except in cases of emergency, no cell in which a female prisoner is confined shall be opened except by, or in the presence of, a police woman or female turnkey.

Prisoners to be visited

19. Prisoners in police cells shall be visited every hour by the police officer in charge of the Charge Room. A constant watch shall be kept on drunken prisoners until they become sober. Persons suspected to be of unsound mind shall be visited every half hour.

Handcuffs and armed escorts

20. (1) Every police escort shall be provided with handcuffs which may be used in cases of emergency or when otherwise necessary.

(2) Police escorts conveying prisoners may be armed if circumstances so warrant.

POLICE SPORTS CLUB

Membership

21. Every member of the Force shall be a member of the Police Sports Club of which the Commissioner of Police shall be President.

Subscription

22. Members shall pay a subscription to be fixed by the Commissioner of Police after consultation with the Committee of the Police Association.

Management

23. The Police Sports Club shall be managed by a committee to be elected annually by the members and approved by the President.

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Rules of Police Sports Club

24. Rules for the general management of the Police Sports Club shall be made at a general meeting. These Rules shall be subject to the approval of the Commissioner of Police and shall be binding on all members.

REGULATION NUMBER

Allocation of regulation number

25. Every subordinate police officer and constable on enlistment shall be given a regulation number which he shall retain throughout his service in the Force. Regulation numbers shall commence with number 1. When a subordinate police officer or constable ceases to be a member of the Force, his number shall not be reissued except in the ordinary course of the next succeeding series.

OFFENCES AND DISCIPLINE

Kinds of offences and by whom triable

26. Offences may be of two kinds, namely—

(a) offences created by the Act; and

(b) disciplinary offences created by section 28 of these Regulations.

Offences created by the Act

27. The offences created by the Act are to be found in sections 32 (mutinous and seditious conduct) and 33 (causing disaffection, etc.) of the Act. These offences are triable only by a court and the method of trial of such offences and the punishments which may be imposed therefor are such as are prescribed by those sections.

Disciplinary offences created by these Regulations

28. The disciplinary offences created by these Regulations are—

(a) discreditable conduct, that is to say, if an Inspector, subordinate police officer or constable acts in a disorderly manner or in any manner prejudicial to discipline or likely to bring discredit on the reputation of the Force;

(b) insubordinate or oppressive conduct, that is to say, if an Inspector, subordinate police officer or constable—

(i) is insubordinate by word, act or demeanour,

(ii) is guilty of oppressive or tyrannical conduct towards an inferior in rank,

(iii) uses obscene, abusive or insulting language to any other member of the Force,

(iv) wilfully or negligently makes any false complaint or statement against any member of the Force,

(v) assaults any other member of the Force, or

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(vi) withholds any complaint or report against any member of the Force;

(c) disobedience to orders, that is to say, if an Inspector, subordinate police officer or constable disobeys or without good or sufficient cause omits or neglects to carry out any lawful order, written or otherwise;

(d) neglect of duty, that is to say, if an Inspector, subordinate police officer or constable—

(i) unlawfully absents himself from his station without the permission of a superior officer,

(ii) neglects, or without good or sufficient cause omits promptly and diligently, to attend to or carry out anything which is his duty as a police officer,

(iii) idles or gossips while on duty,

(iv) fails to work his beat in accordance with orders, or leaves his beat, traffic point, or other place of duty to which he has been ordered without due permission or sufficient cause,

(v) by carelessness or neglect permits a prisoner to escape,

(vi) fails, when knowing where any offender is to be found, to report the same, or to make due exertions for making him amenable to justice,

(vii) fails to report any matter which it is his duty to report,

(viii) sleeps on his post or beat,

(ix) fails to report anything which he knows concerning a criminal charge or fails to disclose any evidence which he, or any person within his knowledge, can give for, or against, any prisoner or defendant to a criminal charge,

(x) omits to make any necessary entry in any official document or book, or

(xi) neglects, or without good or sufficient cause omits, to carry out the instructions of a government medical officer following a medical examination or, while absent from duty on account of sickness, is guilty of any act or conduct calculated to retard his return to duty;

(e) making false statements or falsifying or mutilating books or documents, that is to say, if an Inspector, subordinate police officer or constable—

(i) wilfully and knowingly makes any false statement,

(ii) knowingly makes or is privy or party to the making of any false entry, or with intent to mislead makes any alteration or erasure in any book of complaint, station diary, record, book or other document kept in the normal course of official duty, or

(iii) wilfully mutilates or destroys any book of complaint, station diary, record, book, return or other document kept in the normal course of duty;

(f) breach of confidence, that is to say, if any Inspector, subordinate police officer or constable—

(i) divulges any matter which it is his duty to keep secret,

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(ii) gives notice, directly or indirectly, to any person against whom any warrant or summons has been or is about to be issued, except in the lawful execution of such warrant or service of such summons,

(iii) without proper authority communicates to the public press, or to any unauthorised person, any matter connected with the Force,

(iv) without proper authority shows to any person outside the Force any book or printed document the property of the police authorities, or

(v) makes any anonymous communication to the Commissioner of Police or any other superior officer;

(g) corrupt practice, that is to say, if an Inspector, subordinate police officer or constable—

(i) receives any bribe,

(ii) fails to account for or to make a prompt and true return of any money or property seized or received by him in his official capacity,

(iii) without the knowledge and permission of the Commissioner of Police accepts directly or indirectly any gratuity, present or reward in respect of anything done in the discharge or the duties of his office,

(iv) places himself under pecuniary obligation to any person who holds a licence concerning the granting or renewal of which the police may have to report or give evidence, or

(v) improperly uses his character and position as a member of the Force for his private advantage;

(h) unlawful or unnecessary exercise of authority, that is to say, if an Inspector, subordinate police officer or constable—

(i) without good or sufficient cause makes any unlawful or unnecessary arrest, or

(ii) uses any unnecessary violence to any prisoner or other person with whom he may be brought into contact in the execution of his duty;

(i) malingering, that is to say, if an Inspector, subordinate police officer or constable feigns or exaggerates any sickness or injury with a view to evading duty;

(j) absence without leave or being late for duty, that is to say, if an Inspector, subordinate police officer or constable, without reasonable excuse is absent without leave from, or is late for, parade, court, or and other duty;

(k) uncleanliness, that is to say, if an Inspector, subordinate police officer or constable while on duty or while off duty in uniform in a public place is improperly dressed or is dirty or untidy in his person, clothing or equipment;

(l) damage to clothing or other articles supplied, that is to say, if an Inspector, subordinate police officer or constable—

(i) wilfully or by carelessness causes any waste, loss or damage to arms, article of clothing or equipment, uniform, or to any book, document or other property supplied to him, or used

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by him, or entrusted to his care, or entrusted to the care of any other member of the Force, or

(ii) fails to report any loss or damage as above however caused;

(m) drinking on duty or soliciting drink, that is to say, if an Inspector, subordinate police officer or constable—

(i) without the consent of a superior officer, drinks, or receives from any other person, any intoxicating liquor while he is on duty, or

(ii) demands, or endeavours to persuade any other person to give him any intoxicating liquor while he is on duty;

(n) entering licensed premises where liquor is stored or distributed while on duty, that is to say, if an Inspector, subordinate police officer or constable enters any premises licensed under the liquor licensing laws, or any other premises where liquors are stored or distributed, when his presence there is not required in the execution of his duty;

(o) incurring debt without any reasonable prospect or intention of repaying it, or having incurred any debt, making no reasonable effort to repay it;

(p) gambling or betting in barracks;

(q) breaking arrest or breaking out of barracks;

(r) appropriating to his own use, losing by neglect, or making away with any arms, ammunition, article of clothing or equipment, uniform or other articles supplied to him, or to any other police officer, or any Government property committed to his charge; and

(s) breach of any of sections 33 to 41, or any Force Standing Order or Station Standing Order.

Trial and determination of disciplinary offences created by Regulations

29. A charge or complaint in respect of any of the offences specified in section 28 shall be heard and determined in compliance with section 35 of the Act.

Representation by counsel or solicitor

30. (1) On hearing of any charge or complaint involving any of the disciplinary offences mentioned in section 28 before the Magistrate, counsel or a solicitor shall be entitled to appear on behalf of the offender on prior application being made to the Magistrate hearing the case.

(2) On hearing of any such charge or complaint as aforesaid before a Gazetted Police Officer, if the offender so desires, he may be permitted to have another serving member of the Force, selected by himself, who is of the same rank as or higher rank than himself, to assist him in representing the case.

Appeals

31. Any Inspector, subordinate police officer or constable who is dissatisfied with a decision of any of the disciplinary offences mentioned in section 28 with which he is charged may appeal therefrom in the manner provided by section 36 of the Act.

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Pay during suspension, etc.

32. Any Inspector, subordinate police officer or constable against whom any complaint, information or charge is laid in respect of an offence to which reference is made in section 26(a) or (b) may, pending and until the final determination of such complaint, information or charge be dealt with in such manner, and shall receive such pay as may be prescribed in section 39 of the Act.

COMPORTMENT OF RANKS

Duties

33. Inspectors and subordinate police officers in charge of stations or sections shall perform such duties as they may be lawfully directed by their superior officers. They shall be responsible that all orders and regulations issued for the government of the Force are known to those under their command and that such orders are strictly obeyed.

Absence

34. Inspectors and subordinate police officers in charge of Police areas shall not without the permission of the Commissioner of Police absent themselves from duty except in cases of urgent necessity when a full report of the circumstances shall be made to the Commissioner of Police as soon as practicable.

Responsibility

35. Inspectors and subordinate police officers in charge of stations or substations shall be responsible for the state of their command. In the absence of a superior his authority and responsibility shall devolve upon the next in rank, unless otherwise specially directed.

Loans

36. No senior officer shall borrow money from any member of the Force who is below him in rank nor shall any member of the Force lend money to an officer who is superior to him in rank.

Appearance and bearing

37. Members of the Force must always be cleanly and smartly turned out. They must always be alert on duty, smart in their movements and respectful in their bearing and manner. The hair of the head shall be kept short, the chin and underlip shaved. The shaving of the upper lip is optional. Whiskers shall not be worn.

Partisanship

38. Members of the Force shall not make public expression of political or sectarian opinions but shall bear themselves with impartiality in all such matters.

Public meetings

39. Except with the permission of the Commissioner of Police first obtained no member of the Force shall institute or take part with other persons in any procession, demonstration or public meeting.

Presentations and addresses

40. Except with the consent of the Commissioner of Police, no member of the Force shall be tendered by, or receive from any other member of the Force of subordinate rank to him any present, complimentary address or congratulatory expression, and when it is intended that the Commissioner of Police himself should be the recipient of any such present, complimentary address, or other congratulatory expression, he shall not receive the same except with the permission of the Governor.

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Complaint

41. Any member of the Force desiring to make a complaint shall complain to his immediate senior officer, and if he considers himself wronged by his senior officer, he may complain to the Governor through such senior officer who shall transmit the complaint. Any officer to whom a complaint is made shall cause inquiries to be made into such complaint and, if satisfied with the justice of the complaint, shall take such steps as may be necessary for giving full redress, if within his powers, or refer the case to the Governor.

PAY AND ALLOWANCES

Rates of pay

42. The rates of pay of Gazetted Police Officers, Inspectors, subordinate police officers and constables shall be the rates of pay approved by the Governor, from time to time and provided in the annual estimates.

Increments

43. (1) When an Inspector, subordinate police officer or constable is on an incremental scale of pay the officer in charge of the Force shall, one month before the annual increment becomes due for payment, consider whether he can sign the certificate to the effect that the Inspector, subordinate police officer or constable has served with efficiency, diligence and fidelity during the past year.

(2) If the Commissioner of Police considers that the increment should be granted, he shall sign the certificate and approve the increment.

(3) When the certificate is signed and approved, the original certificate shall be attached to the next pay voucher on which pay is authorised and shall constitute authority for payment of the increment and the duplicate shall be retained by the Commissioner of Police for attachment to the record of the Inspector, subordinate police officer or constable.

(4) If for any reason the Commissioner of Police is unable to approve the grant of the increment to such Inspector, subordinate police officer or constable, the increment shall be suspended, deferred or stopped for such period as the Commissioner of Police may decide and the Inspector, subordinate police officer or constable shall be informed of the decision and given the detailed reasons therefor; but any Inspector, subordinate police officer or constable who is dissatisfied with any decisions given in his case under this subsection shall have the right of appeal as if his case came within the provisions of section 36 of the Act.

Plain clothes and outfit allowances

44. (1) Inspectors, subordinate police officers and constables who are attached to the Criminal Investigation Department shall be eligible to receive a plain clothes allowance of $350 per month.

(2) An outfit allowance of $500 shall be paid to every Gazetted Police Officer on his first appointment as a Gazetted Police Officer.

(R.A. 69/2020, s. 2)

Transfer allowance

45. (1) Gazetted Police Officers, Inspectors, subordinate police officers and constables who are permanently transferred from one station to another within Anguilla shall be eligible to receive a transfer allowance calculated in accordance with the following provisions—

(a) on permanent transfer from one station to another in Anguilla—

(i) married Inspectors, subordinate police officers and constables, $30,

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(ii) unmarried Inspectors, subordinate police officers and constables, $10;

(b) on temporary transfer from one station to another in Anguilla, Inspectors, subordinate police officers and constables shall not be eligible for a transfer allowance but shall be eligible for subsistence allowance in accordance with section 46;

but—

(c) a married police officer or constable shall be eligible for a transfer allowance as if he was unmarried where the wife of such officer or constable does not within 6 months of his transfer to a new district take up residence therein; and

(d) no transfer allowance or subsistence allowance shall be payable in the case of a temporary transfer when the Inspector, subordinate police officer or constable himself continues to reside at his normal place of residence.

(2) Notwithstanding anything contained in subsection (1), a transfer allowance shall not be paid in the case of transfers which are made at the request of an Inspector, subordinate police officer or constable or as a result of misconduct or disciplinary proceedings.

Subsistence allowance

46. The rate of subsistence allowance will be the same as for other public servants.

Fees for special duties

47. (1) Subordinate police officers and constables who are assigned to special duties in connection with private functions such as dances, cinemas, race meetings and games or in a ship at the request of the captain or agent shall be eligible to receive payment at the following rates—

(a) between the hours of 6 a.m. and 6 p.m. ..... $1.10 for the first hour of such duty and 55¢ for each succeeding hour or part thereof;

(b) between the hours of 6 p.m. and 6 a.m. ..... $1.65 for the first hour of such duty and $1.10 for each succeeding hour or part thereof.

(2) Such duties shall only be assigned to subordinate police officers and constables who are off duty or are on rest day and shall not be performed by subordinate police officers and constables on reserve in barracks.

Funeral allowance

48. Allowances shall be paid at such rates as may be approved from time to time by the Governor to assist in defraying the funeral expenses of Inspectors, subordinate police officers and constables.

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LEAVE

Leave

49. (1) The annual leave entitlement in a calendar year of an officer with a rank specified in Column 1 below is set out opposite that rank in Column 2—

COLUMN 1	COLUMN 2
Ranks above Inspector	30 days
Inspector	28 days
Sergeant	25 days
Constable	21 days
Corporal	21 days

(2) Notwithstanding subsection (1), no officer is entitled—

(a) to annual leave unless the exigencies of the Force permit; or

(b) to remain on annual leave when his leave is cancelled.

(3) When an officer's leave is cancelled, he is entitled, in the discretion of the Commissioner of Police—

(a) to compensation relevant to the period of leave cancelled; or

(b) to take the amount of cancelled leave later in the calendar year.

(4) When an officer cannot be granted annual leave because of the exigencies of the Force, he is entitled, in the discretion of the Commissioner of Police—

(a) to compensation relevant to the period of annual leave not granted; or

(b) to take the amount of annual leave not granted in the next calendar year.

(5) The annual leave earned by an officer for a part of a calendar year shall be calculated in accordance with the following formula—

$$L = \frac{D}{365} \times E$$

where—

L is the leave earned by the officer for a part of the calendar year;

D is the number of days in the part of the calendar year during which the officer was in the employ of the Force; and

E is the annual leave entitlement under subsection (1) for the rank that the officer held during the part of the year.

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(6) No leave may be carried forward from one calendar year to the next without the approval of the Commissioner of Police.

(7) An officer who is granted leave shall furnish any information required by the Commissioner of Police as to how the Officer may be contacted while on leave.

(8) No interest shall be payable in respect of any compensation payable under this section.

(9) Notwithstanding anything in this section, an officer shall not be entitled to take any annual leave accumulated but not granted by the Commissioner of Police before 31st December, 1997 but shall be compensated for it when the officer leaves the force or dies, whichever occurs first, at the rate of pay of the period to which the leave relates.

Leave certificate

50. An officer who is granted leave in accordance with section 49 shall be furnished with a leave certificate, which the officer shall produce without delay upon request by a senior officer.

Over-staying leave

51. (1) Any Inspector, subordinate police officer or constable who fails without reasonable cause to return to duty at his station on the day following the date on which his leave expires shall forfeit his pay for such day or days that he has over-stayed his leave, in addition to any punishment to which he may otherwise be liable.

(2) Unless otherwise stated on the leave certificate, the time of resumption of duty shall be 6:00 a.m. of the day immediately following the last day of leave.

Weekly rest day

52. All Inspectors, subordinate police officers and constables shall be eligible for one day free from duty in every 7 days.

Plain clothes to be worn on leave

53. Unless he has special permission to wear his uniform, an Inspector, subordinate police officer or constable on leave shall wear plain clothes.

Why leave is not granted

54. Absence on any leave except sick leave shall not be granted to any Inspector, subordinate police officer or constable who—

(a) is under punishment;

(b) is charged with an offence which has not been finally decided; or

(c) is required as prosecutor or witness in any case pending before a court of justice unless he is able to return from leave in time to attend such case.

Sick leave

55. (1) Sick leave on full pay may be granted by the Commissioner of Police to any Inspector, subordinate police officer or constable for a period not exceeding 3 months in the aggregate on the production of a medical certificate signed by a Government Medical Officer.

(2) Any Inspector, subordinate police officer or constable who has been on continuous sick leave for a period of 3 months shall be required to present himself for examination by a Medical Board.

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(3) On the recommendation of a Medical Board, an Inspector, subordinate police officer or constable in whose case the Medical Board certifies that there is reasonable prospect of eventual recovery may be granted further sick leave with full pay up to a maximum period, including any period of sick leave granted under subsection (1), of 6 months in any year.

(4) If the illness or incapacity is due to an injury received or illness suffered by such Inspector, subordinate police officer or constable in the actual discharge of his duty and without his own default and is on account of circumstances specifically attributable to the nature of his duties, he shall be entitled to be granted further sick leave with full pay, beyond the period mentioned in subsection (3), for a period not exceeding 6 months in any period of 12 months until the Medical Board certifies him as fit to return to duty or recommends his discharge from the Force on medical grounds.

(5) In every other case other than that set out in subsection (4), such Inspector, subordinate police officer or constable shall be entitled to be granted further sick leave with half pay, beyond the period mentioned in subsection (3), for a period not exceeding 6 months in any period of 12 months until the Medical Board certifies him as fit to return to duty or recommends his discharge from the Force on medical grounds.

(6) The provisions of subsection (3), shall apply to Gazetted Police Officers as they apply to Inspectors, subordinate police officers or constables except that, for the reference to subsection (1), there shall be substituted a reference to the General Orders for the Civil Service, Anguilla.

Leave passages

56. Inspectors shall be eligible for the grant of leave passages or for proportionate leave passage grants on the terms and conditions applicable to the Civil Service, Anguilla.

Passages on termination of service

57. (1) An Inspector, subordinate police officer or constable who has retired from the Force shall, if he so desires, be provided with passages for himself, his spouse and children, up to a maximum of 4 passages in addition to his own, to the place where he was recruited or to an alternative destination together with the reasonable cost of transporting his personal effects and, in the case of a married officer only, his household effects, but—

(a) where an alternative destination is chosen the Inspector, subordinate police officer or constable shall be eligible only for the amount of such passages and expenses to be provided in the case of his return to the place of recruitment;

(b) no passages or expenses shall be provided after a lapse of 6 months from the day of retirement; and

(c) no passages or expenses shall be met in the case of an Inspector, subordinate police officer or constable who has been dismissed from the Force.

(2) Subsection (1) does not apply in respect of any Inspector, subordinate police officer or constable who becomes a member of the Force on or after January 1st, 1998.

Passages for widows and dependents of deceased officers

58. (1) Where an Inspector, subordinate police officer or constable dies whilst in the service of the Force, his widow and dependent children who are unmarried and under the age of 18 years shall be provided with passages to the place of recruitment of such Inspector, subordinate police officer or constable or to an alternative destination chosen by the widow and being—

(a) within the Caribbean; or

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(b) the place of birth of the widow;

and the reasonable expenses of transporting the widow's household effects and the personal effects of the widow and dependent children to any place within the Caribbean shall be met from public funds.

(2) Subsection (1) does not apply in respect of the widow or any dependent child or any Inspector, subordinate police officer or constable who becomes a member of the Force on or after January 1st, 1998.

UNIFORMS, BADGES AND EQUIPMENT

Uniforms to be worn

59. (1) Gazetted Police Officers, Inspectors and constables shall wear the uniform and equipment prescribed in Schedule 2.

(2) The pattern of uniform prescribed in Schedule 2 shall be strictly adhered to and no deviation whatever shall be permitted except as provided in subsection (3).

(3) Notwithstanding subsections (1) and (2), Inspectors, subordinate police officers and constables who are attached to the Criminal Investigation Department shall wear plain clothes whilst on duty.

(4) Except as provided in section 53 (wearing of plain clothes when on leave) and subsection (3) all Inspectors, subordinate police officers and constables shall invariably appear in uniform whilst on duty.

(R.A. 69/2020, s. 3)

Uniforms

60. The uniforms and occasions on which they are worn shall be as specified in Schedule 2.

Tactical Uniform

61. (1) Gazetted Police Officers, Inspectors and constables shall wear tactical uniforms as specified in Schedule 2 when the Senior Commander Superintendent or an officer of a higher rank orders that the tactical uniform be worn.

(2) The Senior Commander Superintendent or an officer of a higher rank may order that a tactical uniform be worn where in his opinion the operational duties would be more effectively undertaken by wearing a tactical uniform.

(3) The shirt of the tactical uniform shall bear the word "POLICE" on the front and the back of the shirt and the word "POLICE" shall be in bold and be clearly visible.

(4) The tactical uniforms shall be used by the officers referred to in subsection (1) on the following occasions—

(a) armed response duties;

(b) night duties between the hours of 22:00 and 06:00 (for better tactical response in tackling crime); and

(c) when deemed necessary by a Senior Commander pursuant to subsection (2).

(R.A. 69/2020, s. 4)

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Distinguishing marks and badges

62. Gazetted Police Officers, Inspectors, subordinate police officers and constables shall wear the distinguishing marks and badges specified in Schedule 3.

Uniforms, etc., to conform

63. The several articles of uniform prescribed in Schedules 2 and 3 shall conform strictly to the approved patterns.

Clothing and equipment for Gazetted Police Officers

64. On first appointment Gazetted Police Officers shall provide themselves with the clothing specified in Schedule 4.

Equipment for Inspectors

65. On first appointment Inspectors shall be supplied on loan at public expense with the equipment and clothing specified in Schedule 5.

Equipment for subordinate police officers and constables

66. (1) Subordinate police officers and constables shall be supplied with the uniform and equipment specified in Schedule 6.

(2) Every subordinate police officer and constable shall be supplied with a box according to approved pattern and marked with his name and number in white letters one and a half inches long.

(3) Subordinate police officers and constables shall keep all articles issued to them constantly clean and serviceable and shall report to a superior officer any loss of or damage to any article issued to them.

Inspections

67. At musters and inspections of kit, any articles of equipment and clothing issued to subordinate police officers and constables shall be laid out in such manner as may be prescribed from time to time by the Commissioner of Police.

New equipment and issues

68. New equipment will not be issued as long as serviceable articles are available and new issues will not be made unless replacement is essential.

Crown property

69. All equipment and clothing provided at the public expense shall remain the property of the Crown and the Inspectors, subordinate police officers and constables to whom they are issued will be responsible for the proper care of them and for handing over the several articles of their equipment on the termination of employment or when ordered to do so by a superior officer. They will be liable to make good by stoppage from pay any damage to or loss of any arms, equipment or clothing otherwise than by fair wear and tear or through injury sustained in the performance of duty, unless they can show that such loss or damage did not arise from their own default or negligence.

Variation of dress

70. Notwithstanding anything to the contrary in these Regulations, strict adherence to the dress and uniforms prescribed in the Schedules on the several occasions mentioned therein shall not be required and the badges or rank prescribed in Schedule 3 and the equipment prescribed in Schedules 2 and 4, when not available, may be dispensed with.

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FINAL PROVISIONS

Citation

71. These Regulations may be cited as the Police Regulations, Revised Regulations of Anguilla, A70-2.

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SCHEDULE 1
(Section 4(1))

PREPARING, CONDUCTING AND MARKING QUALIFYING EXAMINATIONS

Objective of examination

1. The object of a qualifying examination is to test the academic and professional knowledge of a candidate.

Composition of Board

2. The Anguilla Police Examination Board consisting of the Commissioner of Police, an Inspector appointed by the Commissioner of Police and a person appointed by the Governor shall conduct a qualifying examination.

Postponement of examination

3. The Board may with the approval of the Governor direct that the qualifying examination or any part of it be held on a day later than the day on which it was originally set.

Examinations in academic subjects

4. The Anguilla Department of Education—

(a) shall prepare or arrange for the preparation of the examination papers in the academic subjects; and

(b) not later than 14 days before the day fixed for the commencement of the qualifying examination, shall forward the examination papers to the Governor.

Examinations in police subjects

5. The Governor shall prepare or arrange for the preparation of the examination papers in the police subjects.

Marking of scripts

6. The candidate's scripts shall be sent to the Governor who shall—

(a) mark or arrange for the marking of the scripts in the police subjects; and

(b) forward the scripts in the academic subjects to the Anguilla Board of Education.

Conduct of examination

7. The qualifying examination shall be conducted by an Inspector or an officer above the rank of Inspector in accordance with the rules made by the Board.

Marking of academic subjects

8. The Anguilla Department of Education shall mark the scripts and return them and the marks to the Board within one month after it receives the scripts.

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Marking of police subjects

9. The Governor shall mark or arrange for the marking of the scripts in the police subjects within one month after he receives them.

Pass marks in academic subjects

10. The Anguilla Department of Education shall—

(a) determine the pass mark for each academic subject; and

(b) may change any pass mark;

before the day fixed in a particular year for sitting the qualifying examination.

Pass marks in police subjects

11. Subject to the approval of the Governor, the Board shall—

(a) determine the pass mark and the minimum mark for each police subject at a qualifying examination; and

(b) may change the pass mark or minimum mark;

before the day fixed in a particular year for sitting the qualifying examination.

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SCHEDULE 2

(Section 59(1))

UNIFORMS AND OCCASIONS ON WHICH THEY ARE TO BE WORN

GAZETTED POLICE OFFICERS AND INSPECTORS

Uniform		***Occasion***
White shirt-short sleeve		Ordinary Duties
Epaulettes		
Black pants with white stripe		
Black lanyard		
Black shoes		
Black socks		
White tunic		Guard of Honour
Black pants with white stripe		
Black lanyard		
Black shoes		
Black socks		
Medal ribbons		
White tunic		Ceremonial
Black pants with white stripe		
Blue sash	Commissioner of Police	
	Deputy Commissioner of Police	
	Superintendent of Police	
Sam Browne	Inspector	
Black lanyard		
Black shoes		
Black socks		
Medal ribbons		
Black jacket		Evening Wear
White shirt—long sleeve		
Black necktie		

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Black pants
Black lanyard
Black shoes
Black socks

Black jacket — High Court
White shirt—long sleeve
Black necktie
Black pants with white stripe
Black lanyard
Black shoes
Black socks

SUBORDINATE POLICE OFFICERS AND CONSTABLES

Uniform		***Occasion***
No.1 – Working Dress		
Men	Women	
White tunic	White blouse	Ordinary Duties or
Blue trousers with white stripe	Blue skirt or blue pants with white stripe	other occasions when
White helmet	Blue socks	specially ordered
White cap cover (as ordered)	Black shoes	
Black boots	Blue cap	
Blue cap	Waist belt	
Waist belt	Medal ribbons	
Baton		
Medal ribbons		
White shirt with short sleeves	White shirt with short sleeves	
Baton		
Blue trousers with white stripe		

(R.A. 7/2002, s. 1)

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No.2 – Tactical Uniform	
Men	Women
Blue or black tactical short sleeve shirt	Blue or black tactical short sleeve shirt special operations
Blue or black light weight rip stop	Blue or black light weight rip stop
Cargo pants	Cargo pants
Tactical boots	Tactical boots
Police bump cap	Police bump cap

(R.A. 69/2020, s. 5)

No.3 – Drill Order

Men	Women	
White shirt	White shirt	Drill Parades
Blue trousers with white stripe	Blue skirt or blue pants with white stripe	
Black boots	Blue socks	
White helmet or cap	Black shoes	
(as ordered)	Blue cap	

No.4 – Guard of Honour

Men	Women	
White/Tunic with long sleeves	White/Tunic and white shirt with long sleeves	Guard of Honour
Blue pants with white stripe	Blue skirt with white stripe	
Black shoe	Black neck tie	
White helmet	Blue cap	
	Blue Sash (Sergeants)	

No.5 – Ceremonial

Men	Women	
White/Tunic with long sleeves	White/Tunic and white shirt with long sleeves	Ceremonial
Blue pants with white stripe	Blue skirt with white stripe	
	Black neck tie	
Black shoe	Black shoe	
White helmet	Blue cap	
	Blue Sash (Sergeants)	

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SCHEDULE 3

(Section 62)

BADGES

(1) BADGES OF RANK

GAZETTED POLICE OFFICERS

For Assistant Superintendent	Three Stars
For Inspector	Two Stars

(R.A. 7/2002 s.2)

SUBORDINATE POLICE OFFICERS

For Station Sergeants	Crown over three silver chevrons
For Sergeants	Three silver chevrons
For Corporals	Two silver chevrons

Badges to be worn on both sleeves above the elbows.

(2) FIRST AID BADGES

As issued by the St. John Ambulance Brigade.

To be worn on left sleeve of both shirt and tunic.

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SCHEDULE 4

(Section 64)

EQUIPMENT AND CLOTHING FOR GAZETTED POLICE OFFICERS

1 Black Sam Browne equipment

1 Blue lanyard and whistle

Buttons, badges of rank and jacket lapels as required

1 Waterproof coat

2 White shirt

2 Blue pants with white stripe

1 Blue cloth cap

(R.A. 7/2002, s. 3)

SCHEDULE 5

(Section 65)

UNIFORM AND EQUIPMENT TO BE SUPPLIED ON LOAN AT PUBLIC EXPENSE TO INSPECTORS

	Articles	***Issue***	***Remarks on periods of issue and wear***
(1)	Equipment		
	Black Sam Browne equipment		Every 10 years
	Whistle and chain		Every 10 years
(2)	Head-Dress		
	Caps (blue officers' pattern)	1	Every 5 years
(3)	Clothing		
	Blue lanyard	1	Every 3 years
	Trousers (blue serge, fine)	2	Every 3 years
	Cap (blue)	1	Every 5 years
(4)	Shoes		

(R.A. 7/2002, s. 4)

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SCHEDULE 6

(Section 66)

UNIFORM AND EQUIPMENT OF SUBORDINATE POLICE OFFICERS AND CONSTABLES

	Article	*Issue*	*Remarks on periods of issue and wear*
(a)	Equipment		
	Waist belt	1	Every 10 years
	Whistle and chain	1	Every 10 years
	Kit bag	1	Every 4 years
(b)	Head-Dress		
	Helmet (white)	1	As required (average serviceable wear 5 years)
	Cap (blue)	1	Every 2 years
	Cap covers (white)	2	As required
(c)	Clothing		
	Jackets (white/Black tunic)	4	As required
	Trousers (blue serge)	3	As required
	Skirts/pants(blue serge)	3	As required
	Cap (blue cloth)	1	As required (average period of wear 8 years)
	Boots (black)	–	As required (not more than 2 pairs annually)
	Shoes (black)	–	As required (not more than 2 pairs annually)
Rank chevrons and good conduct badges		–	As required (average period of wear 3 years)
Shirts (white) lightweight		–	As required
Blouses (white)		4	As required
Stockings (black)		3 prs	Annually
Socks (black) (women)		4 prs	As required
Socks (black) (men)		4 prs	As required

(R.A. 7/2002, s. 5)

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