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POLICE ACT

39 of 1957.

An Act to amend and consolidate the law relating to the Guyana Police Force.

[10TH AUGUST, 1957]

PART I

PRELIMINARY

Short title.

- 1.** This Act may be cited as the Police Act.

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2. (1) In this Act—

Interpretation.
[4 of 1972
8 of 1977]

“aircraft” means any machine for flying, whether propelled by mechanical means or not, and includes any description of balloon;

“assistant commissioner” means an assistant commissioner of police;

“band” means the police band of musicians;

“bandmaster” means the officer specially appointed to have command of the band and responsible therefor to the Commissioner;

“bandsman” means a member of the Force appointed solely for duty in the band;

“branch” means a part of the Force;

“Commissioner” means the Commissioner of Police;

“communications officer” means the officer specially appointed to maintain the efficiency of the wireless telegraphy system in use in the Force and responsible therefor to the Commissioner;

“constable” means a member of the Force below the rank of corporal;

“corporal”, “sergeant” and “station sergeant” mean a corporal, sergeant and station sergeant of police respectively;

“Deputy Commissioner” means a Deputy Commissioner of Police;

“division” or “sub-division” means a police division or sub-division respectively into which Guyana may be divided by order of the Commissioner under section 28;

“finance officer” means the officer specially appointed to control the finances of the Force and responsible therefor to the Commissioner;

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“inspector” includes a Chief Inspector of Police, an Inspector of Police and a Sub-Inspector of Police;

“member of the Force” includes officers, inspectors, subordinate officers, constables and rural constables, and, during the period that they are called out for full-time service, special constables;

“officer” means a member of the Force holding a rank senior to that of Chief Inspector;

“quartermaster” means the officer specially appointed to control the receipt and issue of all stores and responsible therefor to the Commissioner;

“regulations” means regulations made under section 93;

“senior superintendent”, “superintendent”, “deputy superintendent”, “assistant superintendent” and “cadet officer” mean a senior superintendent of police, a superintendent of police, a deputy superintendent of police, an assistant superintendent of police and a cadet officer of police respectively;

“stores” means any article, equipment, merchandise or commodity required for the use of the Force;

“subordinate officer” means a member of the Force other than a constable below the rank of sub-inspector;

“superintendent of police” includes a senior superintendent of police, a superintendent of police, a deputy superintendent of police and an assistant superintendent of police;

“the Force” or “the Police Force” means the Police Force established under this Act;

“transport officer” means the officer specially appointed to ensure the efficient maintenance of all vehicles and vessels belonging to the Force and responsible therefor to the Commissioner;

“vehicle” means a vehicle of any kind used on a road;

“vessel” means any ship, sloop, boat, bateau, canoe, corial, punt, scow, or any other kind of craft whatsoever.

(2) The Minister may, where in any particular case the facts so warrant, direct, by notice published in the *Gazette*, that the designation of any person appointed as bandmaster under this Act shall be Director of Music.

PART II

CONSTITUTION AND EMPLOYMENT OF THE FORCE

3. (1) There shall be established in Guyana a Police Force to be known as the Guyana Police Force.

Designation and objects of the Force.

(2) The Force shall be employed for the prevention and detection of crime, the preservation of law and order, the preservation of the peace, the repression of internal disturbance, the protection of property, the apprehension of offenders and the due enforcement of all laws and regulations with which it is directly charged and shall perform such military duties within Guyana as may be required of it by or under the authority of the Minister.

(3) It shall be lawful for the Minister to cause to be issued arms and ammunition to the Force and for any member thereof to use the same for the purposes outlined in subsection (2).

4. The Force shall consist of a Commissioner, and such number of Deputy Commissioners, assistant commissioners, senior superintendents, superintendents, deputy superintendents, assistant superintendents, cadet officers, finance officers, quartermasters, communications officers, transport officers, bandmasters, inspectors, subordinate officers, constables, bandsmen and band apprentices as the Minister may from time to time direct.

Composition of the Force. [18 of 1977]

5. There shall be such officers and inspectors as are necessary for the purposes of this Act.

Appointment of officers and inspectors.

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Duties of the
Commissioner.

6. (1) The Commissioner shall, subject to the general orders and directions of the Minister, have the command and superintendence of the Force, and he shall be responsible to the Minister for peace and good order throughout Guyana, for the efficient administration and government of the Force, and for the proper expenditure of all public moneys appropriated for the service thereof.

(2) The Commissioner shall have his headquarters in Georgetown.

Duties of a
Deputy
Commissioner.
[18 of 1977]

7. The Deputy Commissioners shall act as principal assistants to the Commissioner in the performance of his duties and, subject to the Constitution, shall have power when so authorised by him to do or suffer any act or thing which may by law be done or suffered by the Commissioner.

Duties of the
assistant com-
missioners.

8. The assistant commissioners shall perform such duties as the Commissioner may direct.

Duties of other
officers.

9. All other officers of the Force shall be stationed in such divisions or attached to such branches as the Commissioner may direct and they shall perform such duties as the Commissioner may direct.

Officers to be
justices of the
peace.

10. (1) Every officer shall *ex officio* be a justice of the peace in and for the whole of Guyana and he shall take the oaths required to be taken by justices of the peace.

(2) As such justice every officer shall at all times act ministerially for the purpose 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 as a justice, either in any court or in any manner.

Appointment
of subordinate
officers and
constables.

11. (1) There shall be such number of subordinate officers and constables as may be required and the Commissioner may determine the duties to be performed by such subordinate officers and constables.

(2) The classes of constables and the number in each class shall be such as the Minister may from time to time direct.

12. (1) Subsections (2), (3) and (4) of this section shall have effect only by virtue of a proclamation made, in the event of war or other emergency, by the President, directing that the said subsections shall come into operation; and when such a proclamation is made the said subsections shall come into operation on such date as may be specified in the proclamation, shall continue in operation until a further proclamation directing that they shall cease to have effect is made by the Minister, and shall then cease to have effect except in respect of things previously done or omitted to have been done.

Employment
of the Force as
a military
Force.
[24/1966A]

(2) The Force, or any part thereof specified in any proclamation as aforesaid, shall be a military force liable to be employed on military duties in the defence of Guyana, and members of the Force to whom the proclamation applies shall hold, in addition to their police ranks under this Act, such military ranks as may be determined by regulations made by the Minister.

The Minister may make regulations for the administration of the Force or part thereof serving as a military force, and generally for giving effect to this section and for those purposes may by such regulations modify or amend the provisions of this Act (other than this section). Subject to such regulations, members of the Force to whom the proclamation applies shall continue to be subject to this Act except so far as the provisions thereof conflict, or are inconsistent, with any provisions of the Defence Act for the time being applicable by virtue of the next following subsection.

(3) Subject to such regulations as aforesaid, the provisions of the Defence Act for the time being in force with respect to discipline shall apply to a military force constituted under this section.

(4) When any member of the Force is killed on actual military service, or dies from wounds or disease contracted on actual military service, provision may be made out of moneys provided by Parliament for his wife and family in accordance with the regulations prescribed by the Minister.

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PART III

OATH

Oath of office.

13. (1) Every officer, inspector, subordinate officer and constable shall on his appointment to the Force, take and subscribe the oath following that is to say—

I,, do swear that I will well and truly serve the State of Guyana in the office of and in such other office in the Police Force as I may at any time here-after be appointed to, without favour or affection, malice or ill-will, and that I will cause the public peace to be kept and preserved by preventing to the utmost of my power all offences against the same; and that while I continue to hold any office in the Force I will obey all orders of the persons placed in authority over me, subject myself to all Acts and regulations relating to the Police and I will to the best of my skill and knowledge discharge all the duties of my office faithfully according to law. So help me God.

(2) Such oath shall be taken by the Commissioner before the President and by every other officer, inspector, subordinate officer and constable before the Commissioner, the Deputy Commissioner or any assistant commissioner.

PART IV

RIGHTS, POWERS, ETC., OF MEMBERS OF THE FORCE

Rights, powers, etc., of members of the Force.

14. Every member of the Force, so long as he continues to be a member thereof, shall have all such rights, powers, authorities, privileges and immunities and shall be liable to all such duties, responsibilities and penalties as any member of the Force duly appointed now has or is subject or liable to, either by the common law or by virtue of any law which now is or may hereafter be in force in Guyana.

15. Where, in any enactment, powers are conferred upon members of the Force of a certain rank, such powers may lawfully be exercised by members of the Force of any higher rank.

General powers of members of the Force.

16. (1) It shall be lawful for any member of the Force to arrest without a warrant—

Power to arrest without warrant.

(a) any person who commits in his view an offence punishable either upon indictment or upon summary conviction; or

(b) any person whom any other person charges with having committed a felony or misdemeanour; or

(c) any person whom any other person—

(i) suspects of having committed a felony or misdemeanour, or

(ii) charges with having committed an offence punishable on summary conviction,

if such other person is willing to accompany the member of the Force effecting the arrest to the police station and to enter into a recognisance to prosecute such charge; or

(d) any person whom such member of the Force finds disturbing the public peace; or

(e) any person whom he has good cause to suspect of having committed or being about to commit any felony, misdemeanour or breach of the peace; or

(f) any person whom he finds between the hours of eight o'clock in the evening and five o'clock in the morning lying or loitering in a highway, yard, or other place and not able to give a satisfactory account of himself.

(2) Without prejudice to the powers conferred upon a member of the Force by the last preceding subsection, it shall be lawful for any member of the Force, and for any person whom he shall call to his assistance, to arrest without warrant any person who within the view of

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any such member of the Force shall offend in any manner against any law and whose name and address shall be unknown to such member of the Force and cannot be ascertained by him.

Duty to assist members of the Force.
[6 of 1997]

17. Any member of the Force may call on any person to assist him if, while acting in the execution of his duty, he is resisted or assaulted, or is otherwise in need of assistance, and anyone so called on who, without reasonable excuse, refuses or neglects to render assistance shall be liable on summary conviction to a fine of nine thousand seven hundred and fifty dollars or to imprisonment for three months.

Power to stop, search or detain aircraft, vessels, vehicles or persons in certain circumstances.

18. Any member of the Force may stop, search and detain any aircraft, vessel or vehicle in or upon which there shall be reason to suspect that anything stolen or unlawfully obtained, or that any person suspected of having committed any indictable offence, may be found; and he may also stop, search and detain any person who may be reasonably suspected of having or conveying in any manner anything stolen or unlawfully obtained.

Powers of members of the Force in command of police boats.

19. It shall be lawful for any member of the Force in command of any police boat to enter, with one or more of the men employed on such boat, on board any vessel in any bay, roadstead, or river and to remain on board such vessel for such reasonable time as he may deem expedient, and, if he has reasonable ground to suspect that there is on board any such vessel any property stolen or unlawfully obtained or any article prohibited to be imported or exported, it shall be lawful for him to search with any assistance any and every part of such vessel, and, after demand and refusal of the keys, to break open any receptacle, and, upon discovery of any property which he may reasonably suspect to have been stolen or unlawfully obtained or any article prohibited to be imported or exported, to take such property or article and the person in whose possession the same is found before any magistrate to be dealt with according to law; and it shall be lawful for any such member of the Force to pursue and detain any person in the act of conveying any such property or article away from any such vessel, whether he has landed or not, together with any property or article so conveyed away or found in his possession.

20. When a person is arrested without a warrant he shall be taken before a magistrate as soon as practicable after he is taken into custody:

Bail of person arrested without a warrant.

Provided that any member of the Force for the time being in charge of a police station may enquire into the case and—

(a) except when the case appears to such member of the Force to be of a serious nature, may release such person upon his entering into a recognisance, with or without sureties, for a reasonable amount to appear before a magistrate at the time, date and place mentioned in the recognisance; or

(b) if it appears to such member of the Force that such enquiry cannot be completed forthwith, he may release such person on his entering into a recognisance, with or without sureties for a reasonable amount, to appear at such police station and at such times as are mentioned in the recognisance, unless he previously receives notice in writing from the officer in charge of that police station that his attendance is not required and any such bond may be enforced as if it were a recognisance conditional for the appearance of the said person before the magistrate.

21. (1) Any warrant lawfully issued to a member of the Force for apprehending a person may be executed by any member of the Force at any time notwithstanding that the warrant is not then in his possession, but the warrant, on the demand of the person apprehended, shall be shown to him as soon as practicable after his arrest.

Arrest of person on a warrant. [4 of 1972]

(2) Any other warrant lawfully issued to any member of the Force may be executed only by a member of the Force having it in his possession at the time it is executed and on the demand of the person affected thereby it shall be then shown to that person or at any time thereafter.

22. When any writ, warrant, order, or summons of any magistrate or justice of the peace is delivered or given to a constable, he shall if time permits, show or deliver it to the officer, inspector or subordinate officer of the Force under whose immediate command he then is, and

Indorsement of process.

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the officer, inspector or subordinate officer shall, if necessary, nominate and appoint by indorsement thereon, any assistant or assistants to him, the officer, inspector or subordinate officer thinks proper, to execute the writ, warrant, order, or summons; and every constable or other constable whose name is so indorsed, and every assistant aforesaid, shall have all the same rights, powers and authorities for and in the execution of the writ, warrant, order, or summons as if it had been originally directed to him expressly by name.

Service of process.

23. Any summons lawfully issued by a Court may be served by any member of the Force at any time between the hours of five o'clock in the morning and eight o'clock in the evening.

Action against member of the Force acting in obedience to a warrant.

24. (1) When any action is brought against any member of the Force for any act done in obedience to the warrant of any magistrate or justice of the peace, he shall not be held responsible for any irregularity in the issuing of the warrant, or for any want of jurisdiction in the magistrate or justice issuing it, and may plead the general issue and give the warrant in evidence.

(2) Upon production of the warrant and proof that the warrant was signed and that the signature purports to be that of the magistrate or justice whose name appears subscribed thereto, and that the act or acts of which complaint is made, was or were done in obedience to the warrant, the court shall give judgment for the member of the Force and he shall recover the full costs of the suit as between solicitor and client.

Power to take measurements, photographs and fingerprints.

25. (1) It shall be lawful for any member of the Force to take and record for the purpose of identification any measurements, photographs and fingerprint impressions of all persons who may from time to time be in lawful custody:

Provided that if such measurements, photographs and fingerprint impressions 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, photographs and fingerprint impressions shall forthwith be destroyed or handed over to such person.

(2) Any person who shall refuse to submit to the taking and recording of his measurements, photographs or fingerprint impressions shall be taken before a magistrate who, on being satisfied that such person is in lawful custody, shall make such order as he thinks fit authorising any member of the Force to take the measurements, photographs and fingerprint impressions of such person.

(3) For the purpose of this section a person shall be deemed to be in lawful custody where he is lawfully detained at any police station in connection with the commission of any crime or offence within the meaning of section 2 of the Prevention of Crimes Act.

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26. (1) Notwithstanding any other Act, any officer, inspector or subordinate officer may, if he considers it necessary so to do for the maintenance and preservation of law and order or for the prevention or detection of crime, erect or place, or cause to be erected or placed, barriers in or across any road or street or in any public place within Guyana in such manner as he may think fit.

Road barriers.
[6 of 1997]

(2) Any member of the Force may take all reasonable steps to prevent any vehicle being driven past such barrier and any driver of any vehicle who fails to comply with any reasonable signal of a member of the Force in uniform, requiring such person to stop such vehicle before reaching any such barrier, shall be liable on summary conviction to a fine of forty-eight thousand seven hundred and fifty dollars and to imprisonment for twelve months.

(3) No member of the Force shall be liable for any loss or damage resulting to any such vehicle or for any injury to the driver or any other occupant of such vehicle as a result of the driver of such vehicle failing to obey any member of the Force acting under subsection (2).

PART V

POLICE DIVISION AND BUILDINGS

27. The Commissioner may by order divide Guyana into police divisions or police sub-divisions for the purposes of this Act.

Boundaries of
police
divisions and
sub-divisions.
[4 of 1972]

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Provision of buildings for the Force.

28. The Minister may assign for the use of the Force such buildings and premises as may respectively be provided or available for that purpose and may make any further provision necessary for the accommodation of members of the Force.

PART VI

CONDITIONS OF SERVICE OF SUBORDINATE OFFICERS AND
CONSTABLES APPOINTED BY THE COMMISSIONER

Constable on joining to be on probation. [6 of 1997]

29. (1) Subject to the provisions hereinafter contained, a person joining the Force as a constable shall be on probation for a period of two years. At the expiration of that period a probationer if efficient, of good character and qualified as hereinafter stated for further service, shall be confirmed in his appointment in the Force.

(2) During the probationary period aforesaid the services of any constable may be dispensed with at any time if the Commissioner 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 or well conducted constable.

(3) A constable whose services are dispensed with under this section shall be entitled to receive one month's notice of the termination of his services or one month's pay in lieu of such notice.

(4) If any candidate for appointment to the Force knowingly and wilfully makes, or in connection with his application for appointment, any false statement, he shall be liable on summary conviction to a fine of nine thousand seven hundred and fifty dollars or to imprisonment for three months.

Apprentices in the band.

30. (1) Every person selected as an apprentice in the band shall be liable to serve for seven years whether he is promoted or not to any higher rank in the band, but the Commissioner may dismiss him for misconduct, or may accept his resignation, or may discharge him after giving him six months' notice of his intention to do so.

(2) Every such apprentice engaged for service in the band shall be between the age of fourteen and eighteen years:

Provided that no person shall be engaged for service in the band as an apprentice except with the consent of his parent or guardian, such consent being in writing and signed by the parent or guardian in the presence of the Commissioner or officer delegated by the Commissioner for that purpose.

31. (1) A member of the Force may be discharged at any time, if, without the consent of the Commissioner—

Engaging in trade or business.

(a) he carries on any business or trade or holds any other office or employment for hire or gain;

(b) he resides at any premises where any member of his family keeps a shop or carries on any like business;

(c) he holds, or any member of his family living with him holds, any licence granted in pursuance of the liquor licensing laws or the laws regulating places of public entertainment, or he has any pecuniary interest in any shop or business carried on by virtue of such licence; or

(d) his wife, not being separated or divorced from him, keeps a shop or carries on any like business in Guyana.

(2) For the purpose of this section, the expression “member of his family” shall include a parent, son or daughter, brother or sister, husband or wife.

32. (1) The Minister may provide hospital accommodation, medical and dental treatment and, subject to regulations, the issue of spectacles and essential dentures for the members of the Force, at such places as he may think fit, and may cause medicine, food, attendance and other necessaries to be supplied to sick members of the Force in hospital, and may order any deductions requisite to defray all or any of the charges so incurred to be made from the salary or pay of the sick members of the Force according to their rank as he may think fit:

Provision of hospital accommodation and treatment.

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Provided that no such deduction shall be made from the salary or pay of a member of the Force while under treatment on account of any injury received or illness suffered by him in the performance of his duty.

(2) If any member of the Force is incapacitated for duty by his own misconduct, the Commissioner may order that he shall forfeit the whole or any part of his salary or pay for the period during which he is so incapacitated.

PART VII

WITHDRAWAL FROM THE FORCE

Withdrawal
from the
Force.

33. (1) Subject to subsection (2) an inspector, subordinate officer or constable may withdraw from the Force on giving to the Commissioner at least six months' notice in writing of his intention to do so:

Provided that an inspector, with the prior consent of the Minister in writing, and a subordinate officer or constable, with the prior consent of the Commissioner also in writing, may withdraw from the Force without giving such notice.

(2) No inspector, subordinate officer or constable may withdraw from the Force during any period which may be certified by the President for the purpose of this subsection, to be a period of hostilities, apprehended hostilities, internal disorder or other grave emergency.

Discharge.

34 (1) The Commissioner may at any time discharge any subordinate officer or constable from the Force on the ground that, having regard to the conditions of the Force, the usefulness of the subordinate officer or constable thereto and any other relevant circumstance, such discharge is desirable in the public interest:

Provided that any subordinate officer or constable discharged under section 31 or this section may be granted a pension, gratuity or other allowance which has accrued to him by virtue of any Act relating

to pensions then in force save that the amount so awarded shall not exceed the amount for which a public officer would be eligible if he retires from the public service in the circumstances described in section 8 (d) of the Pensions Act.

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(2) Where any person is discharged from the Force in pursuance of section 30, section 31 or subsection (1) of this section, he may, within a period of fourteen days from the date of his discharge, appeal to the Police Service Commission against such discharge, in a manner prescribed by regulations.

(3) Where the Police Service Commission allows an appeal, the subordinate officer or constable shall be re-instated in the Force, and shall for all purposes be regarded as if he had not been discharged from the Force.

35. Except with the approval of the Minister the services of any inspector, subordinate officer or constable shall not extend beyond the age of fifty-five years.

Retiring age.

36. Any member of the Force whose period of service expires during the occurrence or apprehended occurrence of hostilities, internal disorder, or other grave emergency of any kind, may be retained and his service prolonged for such further period not exceeding twelve months, as the Minister may direct.

Prolongation of service in certain cases.

37. Any person who—

- (a) knowingly aids or abets any inspector, subordinate officer or constable illegally to withdraw from the Force; or
- (b) knowingly conceals any inspector, subordinate officer or constable who has illegally withdrawn from the Force; or
- (c) knowing that any inspector, subordinate officer or constable has illegally withdrawn from the Force aids him to quit Guyana,

Aiding in illegal withdrawal from the Force.
[6 of 1997]

shall be liable on summary conviction to a fine of nine thousand seven hundred and fifty dollars or to imprisonment for three months.

PART VIII

OFFENCES

Entertaining
inspector,
subordinate
officer or
constable on
duty.
[6 of 1997]

38. (1) Any person who, knowing that any inspector, subordinate officer or constable is on duty, harbours or entertains, or either directly or indirectly sells or gives any intoxicating liquor to the inspector, subordinate officer or constable or permits the inspector, subordinate officer or constable to abide or remain in his house (except in extreme urgency), shall be liable on summary conviction to a fine of nine thousand seven hundred and fifty dollars or to imprisonment for three months.

(2) If any person being a licensed distiller or the holder of a licence for the sale of intoxicating liquor or employed in connection with the business of any such distiller or holder of such licence be convicted under this section, the proceedings and the evidence shall be forwarded to the Minister, and the said distiller or keeper or other person shall, in addition to any other penalty under this section be liable to have his licence forfeited or suspended by the Minister, irrespective of any penalty suffered under the conviction. Notice in the *Gazette* of such forfeiture or suspension shall be sufficient notice thereof for all purposes.

Causing
disaffection,
etc. amongst
members of
the Force.
[6 of 1997]

39. Any person who causes, or attempts to cause or does any act calculated to cause disaffection amongst the members of the Force, or induces or attempts to induce, or does any act calculated to induce, any member of the Force to withhold his services or commit any breach of discipline, shall be liable on summary conviction to a fine of twenty-six thousand dollars and to imprisonment for six months, and in either case, if a member of the Force, shall forfeit all pension rights and be disqualified from being a member of the Force.

Surrender of
articles on
death.
[6 of 1997]

40. (1) When any member of the Force dies possessed of any article which has been supplied to him for the execution of his office but which he has not been expressly authorised to keep for his private benefit, his personal representative or heir, or the person in whose

house he dies, shall within fourteen days after his death, deliver all those articles whatsoever to the person authorised by the Commissioner for that purpose.

(2) Any person who contravenes this section shall be liable on summary conviction to a fine of four thousand eight hundred and seventy-five dollars or to imprisonment for three months; and any justice of the peace may issue his warrant to search for and seize all such articles which are not so delivered, wherever the same may be found, and to arrest the person in whose possession the same are found.

41. Every person who has in his possession any article whatsoever supplied at the public expense to any member of the Force which that member of the Force has not been expressly authorised to keep for his private benefit, and who does not satisfactorily account for his possession thereof, shall be guilty of an offence, for which he may be arrested without warrant by any member of the Force, and shall on summary conviction be liable to a fine of four thousand eight hundred and seventy-five dollars or to imprisonment for three months.

Improper possession of articles supplied.
[6 of 1997]

42. Every person who puts on or assumes, either in whole or in part, the dress, name, designation, or description of any member of the Force to which he is not entitled, for the purpose of obtaining admission into any house or other place, or of doing or promising to be done any other act which he would not by law be entitled to do or promise to be done on his own authority, shall be liable on summary conviction to a fine of nine thousand seven hundred and fifty dollars or to imprisonment for three months.

Personation of member of the Force.
[6 of 1997]

PART IX

POLICE ASSOCIATION

43. (1) For the purpose of enabling inspectors, subordinate officers and constables to consider and bring to the notice of the Commissioner and the Minister matters affecting their general welfare and efficiency, there shall be established an organisation to be called the Police

Constitution of Police Association.
[4 of 1972]

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Association which shall act through Branch Boards, Central Conferences and a Central Committee as provided for by rules made under section 44.

(2) The Police Association shall be entirely independent of and unassociated with any body outside the Force and shall have no power to make representations in relation to any matter of discipline, promotion, transfer or leave or any other matter affecting individuals.

Police Association rules. [4 of 1972]

44. The Commissioner may with the approval of the Minister make rules for the constitution and governance of the Police Association and as to any matters appertaining thereto.

PART X

PROHIBITED ASSOCIATIONS

Definition.

45. For the purpose of this Part, a “prohibited association” means—

c. 98:03

- (a) any trade union as defined by the Trade Unions Act, whether the union is registered or incorporated or not;
- (b) any league, organisation 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 organisation, 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 shall, with the approval of the Minister, declare to be a prohibited association.

Members of the Force not to join prohibited association. [6 of 1997]

46. (1) It shall not be lawful for any member of the Force to be or to become a member of any prohibited association.

(2) If any member of the Force, becomes a member of a prohibited association, such member of the Force, the association, and every officer of the association who is knowingly a party to the

admission or enrolment of such member of the Force shall be liable, on summary conviction, for each offence to a fine of nine thousand seven hundred and fifty dollars.

47. (1) It shall not be lawful for any prohibited association to permit any member of the Force to receive any benefit, financial or otherwise, from the association, or for any such association to receive any money from a member of the Force.

Prohibition of member of the Force receiving benefits from prohibited associations. [6 of 1997]

(2) If there shall be a contravention of this section, the member of the Force, the association and every officer of the association who is knowingly a party to such contravention, shall be liable, on summary conviction, for each offence to a fine of nine thousand seven hundred and fifty dollars.

PART XI

PENSIONS

48. Subject to this Act, pensions, gratuities and allowances shall be paid in respect of service in the Force at the rate prescribed by, and in accordance with, the provisions of the Pensions Act or any ordinance relating to the award of pensions, gratuities and allowances to public officers for the time being in force.

Award of pensions. c. 27:02

49. For the purposes of this Part, leave of absence for active service with the Guyana Defence Force, or for special duty in connection with any war in which Guyana may be engaged, shall be counted as service for pension and shall be deemed to be continuous service in the Force.

Leave of absence on military duty.

50. Notwithstanding section 48, any person who, upon the commencement of this Act, is in receipt of a pension by virtue of the provisions of any Act relating to the Force, shall continue to receive pension at the rate prescribed by such Act.

Saving.

51. (1) The Commissioner may, with the approval of the Minister, require any inspector, subordinate officer or constable who has attained the age of fifty years to retire from the Force.

Retirement.

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(2) Subject to the approval of the Minister, any inspector, subordinate officer or constable who has attained the age of fifty years may, at his own request, retire from the Force.

Preservation of pension rights on secondment or temporary transfer.

52. (1) An inspector, subordinate officer or constable may be seconded or temporarily transferred for duty (not being duty as a member of the Force) in the service of Guyana or, with the consent of the President, for service in another Commonwealth territory.

(2) Where an inspector, subordinate officer or constable is seconded or temporarily transferred under subsection (1), and he is seconded or temporarily transferred for duty in an office or employment which would not entitle him to pension under this Act, the period during which he shall serve in such office or employment as aforesaid shall count for pension as if the inspector, subordinate officer or constable had not been seconded or temporarily transferred.

Interpretation of "constable".

53. For the purposes of this Part the term "constable" shall include privates and apprentices appointed to the band.

PART XII

MISCELLANEOUS PROVISIONS

Arms, clothing and equipment.

54. The Force shall be armed, clothed and equipped at the public expense.

Protection of inspectors, subordinate officers and constables from civil process for debt.

55. (1) No person may without the consent in writing of an inspector, subordinate officer or constable, and then only with the approval of the Commissioner, deduct from the pay or allowances of an inspector, subordinate officer or constable any amount on account of any order, charge, or incumbrance given, made or created by the inspector, subordinate officer or constable on his pay or allowance except for reasonable and *bona fide* charges for not more than three months' arrears of house or land rent due by the inspector, subordinate officer or constable.

(2) No pay or allowances aforesaid or any part thereof shall be paid to any person other than the inspector, subordinate officer or constable to whom it is due, except in the case of absence, illness or other incapacity or in any other case at the special request of the inspector, subordinate officer or constable, when the pay or allowances due to the inspector, subordinate officer or constable may be delivered to any agent duly authorised by him in writing to receive it.

(3) No pay or allowances aforesaid, or any part thereof, shall be liable to be attached, seized, or taken in execution by any process of law or otherwise howsoever.

(4) No inspector, subordinate officer or constable shall be liable to imprisonment under the order of a court by reason of the non-payment of any debt or demand he has incurred or for which he has become liable.

(5) The provisions of this section relating to the stoppage of pay shall not be construed to apply to any penalties or stoppages incurred by an inspector, subordinate officer or constable under this Act or under any of the regulations or standing orders made under this Act.

56. (1) Every inspector, subordinate officer and constable shall be liable to contribute to the maintenance of his wife and children, and also to the maintenance of any illegitimate children of whom he is proved to be or admits that he is the father, to the same extent as if he were not a member of the Force.

Liability of inspector, subordinate officer or constable for maintenance of wife and children.

(2) If an inspector, subordinate officer or constable fails to contribute a sufficient amount for the maintenance of his wife and children, the Commissioner may deduct such an amount from his pay, not exceeding one-third thereof, as may appear to him to be necessary, and may apply that amount towards the maintenance of such wife and children as aforesaid in any manner the Commissioner thinks fit.

57. The funeral expenses of any member of the Force dying whilst in the Force shall be defrayed by the Commissioner from any moneys provided by Parliament for that purpose.

Funeral expenses of a member of the Force dying while serving.

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Prosecution
and procedure.

58. Subject to this Act, all offences under this Act shall be punishable on summary conviction, and all fines and penalties imposed or incurred by or under this Act may be sued for and recovered under any Act for the time being in force regulating procedure before magistrates exercising jurisdiction and appeals from magistrates' decisions.

Right of
officer,
inspector,
subordinate
officer to
prosecute
police cases.

59. Where a member of the Force lays an information or makes a complaint against anyone, any officer, inspector or subordinate officer may appear before the magistrate who is trying or inquiring into the matter of the information or complaint and shall have the same privileges as to addressing the magistrate and examining the witnesses adduced in the matter as the member of the Force who laid the information or made the complaint would have had.

Grant of
special award.

60. If on the trial of any criminal cause in the High Court, the judge before whom the cause is tried is of the opinion that any member of the Force has distinguished himself in apprehending or detecting and bringing to justice the perpetrator or abettor of a crime, the judge shall have authority to grant a reward, not exceeding twenty dollars to that member of the Force; and the reward shall be paid by the Accountant General, on the certificate of the judge, out of moneys provided for that purpose by Parliament.

Sale of
unclaimed
articles in the
hands of the
Force.
[15 of 1983]

61. (1) All articles coming into the possession of any member of the Force as unclaimed property or property found and remaining unclaimed for the period of three months may be sold, after due advertisement of sale for fourteen days:

Provided that—

- (a) an animal, remaining unclaimed for seven days, may be sold, after due notice of sale for seven days; and
- (b) perishable goods may be sold before they become unfit; if they are unfit for use they may be destroyed.

(2) The proceeds of all sales aforesaid shall be paid into the Consolidated Fund for the public use.

62. Where any property has come into the possession of the police in connection with any criminal charge or as the result of any search carried out by a member of the Force, a court of summary jurisdiction may, on the application either by an officer or by a claimant of the property, make an order for the delivery of the property to the person appearing to the court to be the owner thereof, or, if the owner cannot be ascertained, for the property to be dealt with in the manner provided by section 61.

Power to make orders with respect to property in possession of police.
[15 of 1983]

63. Where in this or any other enactment or in any rule, regulation, by-law, or order, the expression “Chief Officer of Police” is used, it shall mean the officer having command of the police in any division and shall include any person authorised by such said Chief Officer of Police to act in that behalf.

Definition of Chief Officer.

64. A member of the Force of or below the rank of Sergeant may, at the request of the officer, inspector or subordinate officer under whose immediate command he is, execute any warrant when he is off duty, and for the execution thereof he shall be paid the sum of one hundred and thirty dollars or such other sum as may be fixed by order of the Minister and on the coming into operation of any such order this section shall be construed and have effect accordingly.

Remuneration of certain members of the Force for executing warrants.
[25 of 1975
6 of 1997]

PART XIII

SPECIAL CONSTABULARY

65. There shall be maintained a supplemental body of police styled the “Special Constabulary”, any member of which may be called out for service by the Commissioner, the Deputy Commissioner, any assistant Commissioner, or any officer in charge of a division in any case where additional police are required for the preservation of good order.

Designation and objects of Special Constabulary.

66. (1) Subject to the general order and directions of the Minister, the Commissioner shall have the general command and superintendence of the Special Constabulary.

Commissioner to command the Special Constabulary.

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(2) The Special Constabulary in any division shall consist of such grades of officers, inspectors, subordinate officers and constables as the Commissioner, with the approval of the Minister, may direct.

Appointment of officers.

67. Fit and proper persons shall be appointed to be officers of the Special Constabulary, and such officers shall be assigned to such division as the Commissioner may direct.

Appointment of inspectors, subordinate officers and constables.

68. The appointment of inspectors, subordinate officers and constables in the Special Constabulary shall be effected by delivering to each of such persons a precept authorising him so to act. Such inspectors, subordinate officers and constables shall upon appointment, take the oath of office as prescribed in section 13.

Refusal to take Oath.
[6 of 1997]

69. Any person appointed a special constable who—

(a) refuses to take the oath hereinbefore mentioned when required to do so, or refuses or neglects to appear at the time and place for which he is summoned for the purpose of taking the oath; or

(b) being called upon to serve, refuses or neglects to serve or obey the lawful orders and directions given to him for the performance of the duties of his office,

shall be liable on summary conviction to a fine of two thousand six hundred dollars, unless he proves to the satisfaction of the Court before which he is tried that he was prevented by illness or some unavoidable accident, in the opinion of the Court constituting a sufficient excuse.

Clothing and equipment.

70. It shall be lawful for the Minister to provide at public expense, for the use of members of the Special Constabulary, clothing and equipment for the proper carrying out of the duties of their office.

Resignation.

71. Any member of the Special Constabulary may, except when called out for full-time service, resign from the Special Constabulary by giving to the Minister in the case of officers and to the Commissioner in all other cases, one month's notice in writing:

Provided that any such notice may in any fit case be dispensed with.

72. (1) Every member of the Special Constabulary when called out for full-time service shall be deemed for all purposes a member of the Force and shall be subject to all the provisions of this Act as regards the discipline, powers and immunities of constables under Part IV, and shall be paid for his services from such moneys as may be provided by Parliament, at the same rates as a regular member of the Force of equivalent rank.

Discipline, authority and pay.

(2) Except as provided for in section 75(2) and (3), nothing contained in this Part shall entitle a member of the Special Constabulary to any pension or gratuity under this Act.

73. No member of the Special Constabulary shall leave or absent himself from the division in which he is stationed during any period in which he has been called out for full-time service, without the permission of the officer in charge of the division.

Member of Special Constabulary to remain in his division when called out for full-time service.

74. Every member of the Special Constabulary who—

Offences.
[6 of 1997]

- (a) when called out for full-time service, neglects or refuses to serve, or neglects or refuses to obey any lawful command; or
- (b) contravenes section 73,

shall be liable on summary conviction to a fine of four thousand eight hundred and seventy-five dollars.

75. (1) Where any member of the Special Constabulary, through no fault of his own, contracts any illness or sustains bodily injury while in the actual discharge of his duties as such—

Illness, bodily injury and death.
[4 of 1972]

- (a) he shall be provided with medicines, medical comforts and medical attendance at the public expense on the written authority of the Commissioner;

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(b) he shall receive full pay according to his rank in the Special Constabulary during any period of incapacitation but not exceeding three months without a recommendation from a medical board, and in no case exceeding twelve months.

(2) Where any member of the Special Constabulary sustains bodily injury in the circumstances specified in subsection (1), and is permanently disabled (either totally or partially) as a result thereof, the President may grant him a pension or gratuity, the amount of which shall be subject to the approval of the National Assembly.

(3) Where the aforesaid bodily injury results in death, the President may award to the dependants (including any illegitimate children to whose support the deceased was contributing) a pension or gratuity, the amount of which shall be subject to the approval of the National Assembly.

(4) This section shall apply to a member of the Special Constabulary notwithstanding the fact that by reason of his illness, injury or death, he or his dependants as defined under the National Insurance and Social Security Act are entitled to benefits under that Act.

c. 36:01

PART XIV

SUPERNUMERARY CONSTABLES, SUBORDINATE OFFICERS,
INSPECTORS AND OFFICERS

Supernumerary constables, subordinate officers, inspectors and officers.

76. (1) If in any case application is made by any person to the Commissioner for constables, subordinate officers and/or inspectors to be employed in his service on special duties, the nature of which duties shall be specified in the application, the Commissioner may, if he thinks fit, appoint men as supernumerary constables, subordinate officers and inspectors to be employed on the special duties specified in the application.

(2) The Commissioner may appoint fit and proper persons to be officers.

(3) The men so appointed and employed shall be subject to all the provisions of this Act and the regulations made thereunder relating to discipline, punishment, powers and immunities of constables.

(4) The pay and expenses and the cost of uniform of supernumerary constables, subordinate officers, inspectors or officers shall be defrayed by the person requiring their services. The cost of the uniform shall be paid annually in advance and the pay and expenses shall be paid monthly in advance to the Commissioner.

(5) Proceedings for any sum payable under this section may, on the complaint of an officer of police, be taken before any magistrate against the person liable to pay the sum.

(6) Whenever any person availing himself of the services of supernumerary constables, subordinate officers, inspectors or officers no longer desires to maintain such supernumerary constables, subordinate officers, inspectors or officers, or wishes to reduce the number of such supernumerary constables, subordinate officers, inspectors or officers in his service, he may terminate their services by giving two months' notice thereof in writing to the Commissioner. A supernumerary constable, subordinate officer or inspector shall be given one month's notice of the termination of his employment by an officer of police. c. 36:01

(7) Nothing in this section confers on any supernumerary constable, subordinate officer, inspector or officer, any claim for a pension or gratuity under this Act.

PART XV

RURAL CONSTABULARY

77. In this Part—

Interpretation.

“the superintendent” means the superintendent of police assigned by the Commissioner to have charge of the rural constabulary;

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“officer of the rural constabulary” includes the Commissioner, the superintendent, and any police officer having the command and superintendence of any rural constabulary;

“the rural constabulary” means the body of rural constables appointed and acting under this Act;

“rural constable” means one of those constables and includes any subordinate officer of the rural constabulary.

Establishment of rural constabulary.

78. The rural constabulary shall be maintained under this Act and shall consist of the subordinate officers of the rural constabulary and rural constables as hereinafter provided.

Objects of the rural constabulary.

79. The principal objects for which the rural constabulary is established are that its members may be capable—

(a) in time of peace, of acting as an efficient auxiliary to the Force in the performance of such of their ordinary duties as the Commissioner shall deem fit; and

(b) in the time of internal disturbance or of external aggression, of at once assuming to the extent found requisite by the Commissioner the ordinary duties of the Force.

Powers of officers of the Force.

80. Every officer of the Force shall, within the limits of the place in which he exercises authority in matters relating to the Force, have the control and command of the rural constabulary and perform the duties in relation thereto directed by the Commissioner or as prescribed by the regulations.

Appointment of inspectors in divisions.

81. Inspectors or subordinate officers of the Force may from time to time be appointed to be inspectors of the rural constabulary in each division.

Number and distribution of the rural constabulary.

82. Subject to the provisions hereinbefore contained, the rural constabulary shall consist of the number and grades of subordinate officers of the rural constabulary and rural constables from time to time directed by the Minister.

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83. (1) On the appointment of any person as a rural constable, the Commissioner shall deliver or cause to be delivered to him a precept authorising him to act as a rural constable.

Precept of appointment and oath of office.

(2) When he receives the precept, the person so appointed shall take the oath of office specified in section 13.

84. (1) Every rural constable—

General powers and duties. [4 of 1972]

(a) shall have all the powers and shall be entitled to all the privileges and immunities conferred upon any constable by any law or Act for the time being in force;

(b) may serve and execute any summons, warrant, or other process in any cause or matter, whether criminal, quasi-criminal or civil, issued by any magistrate or justice of the peace; and

(c) shall obey all orders lawfully given to him by a magistrate, or a justice of the peace, or by a superior officer, inspector, or subordinate officer.

(2) The privileges and immunities, however, to which a rural constable is entitled by virtue of subsection (1) (a) shall be subject to the following modifications:

(a) the expression “pay and allowance” means pay or allowance in respect only of a rural constable’s employment or services as a rural constable;

(b) a rural constable shall not be exempt from liability to be imprisoned under the order of a court by reason of the non-payment of any debt or demand he has incurred or for which he has become liable;

(c) a rural constable shall have no claim to any pension or gratuity under this Act.

85. (1) The Commissioner may at any time call out members of the rural constabulary for active service, and in the case of an emergency, any officer may call out for active service the members of the rural constabulary subject to his orders.

Liability for full-time service. [4 of 1972 6 of 1997]

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(2) Except in the case of an emergency, a rural constable shall not be required to serve beyond the limits of the division in which he resides.

(3) When a call is made, every rural constable so called out shall forthwith, or at the appointed time, unless he is specially excused by the Commissioner or an officer, repair to the appointed place of muster and there place himself under the orders of the officer in command for the services required of him and during the necessary period.

(4) Any rural constable who refuses or neglects to comply with the requirements of this section shall be liable on summary conviction to a fine of two thousand six hundred dollars or to imprisonment for two months.

(5) In any proceedings against a rural constable, under this section, proof that a notice calling out rural constables for full-time service was served upon such rural constable shall be conclusive proof that the call came to his knowledge.

Illness, bodily injury and death.

86. Where any member of the rural constabulary is called out for full-time service, and through no fault of his own contracts any illness or sustains bodily injury while in the actual discharge of his duties as such, he shall be entitled to the same privileges and be subject to the same disability as is provided by section 75 with respect to any member of the Special Constabulary.

Remuneration of rural constables. Schedule.

87. Whenever any rural constable is called out or employed on full-time service with the Force or whenever he serves or executes any process mentioned in section 84 he shall be paid at the rates specified in the Schedule, or at any other rates from time to time fixed by order of the Minister.

Resignation.

88. (1) A rural constable may resign his appointment on giving one month's notice in writing of his intention to do so to the superintendent of police of the division in which he resides:

Provided that the Commissioner may, if he thinks fit, refuse to accept the resignation for any period he deems necessary.

(2) Whenever he thinks fit to do so, the Commissioner may allow a rural constable to resign his appointment without giving notice.

89. (1) When any rural constable resigns, or is dismissed from, or ceases to hold and exercise his office, all powers and authorities vested in him as a rural constable, shall immediately cease and determine, and he shall within seven days after deliver all articles or appointments supplied to him for the execution of his office to the inspector or subordinate officer of the district in which he resides.

Surrender of appointments of rural constable on resignation or dismissal.
[6 of 1997]

(2) Every rural constable who contravenes any of the provisions of this section shall be liable on summary conviction to a fine of two thousand six hundred dollars or to imprisonment for two months, and any justice of the peace may issue his warrant to search for and seize all articles or appointments not so delivered over wherever they are found, and to arrest the person in whose possession they are found.

90. (1) When any rural constable dies, his heir, executor, or other representative, or the person in whose house he dies, possessed of any articles or appointments supplied to the rural constable for the execution of his office, shall, within fourteen days after the death, deliver up to the inspector or subordinate officer of the division in which the rural constable resided, all articles or appointments supplied to, and in the possession of, the rural constable for the execution of his office at the time of his death.

Surrender of appointments of rural constable upon death.
[6 of 1997]

(2) Every person who contravenes any of the provisions of this section shall be liable on summary conviction to a fine of two thousand six hundred dollars or to imprisonment for two months, and any justice of the peace may issue his warrant to search for and seize all articles or appointments not so delivered over wherever they are found, and to arrest the person in whose possession they are found.

91. Subject to section 86, where a rural constable sustains bodily injury while in the actual discharge of his duty, he shall be provided with medicines, medical comforts and medical attendance at the public expense on the written authority of any officer.

Bodily injury to rural constable.

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Granting of special reward for apprehension of criminal.

92. If, on the trial of any case in the High Court in its criminal jurisdiction, the judge before whom the case is tried, is of the opinion that any rural constable has distinguished himself in apprehending or detecting and bringing to justice the perpetrator or abettor of any crime, the judge may grant a reward, not exceeding ten dollars to the rural constable, and the reward shall be paid by the Accountant General on the certificate of the judge out of moneys provided by Parliament for that purpose.

PART XVI

REGULATIONS

Regulations.
[4 of 1972
16 of 1975]

93. The Commissioner may from time to time, with the approval of the Minister, make regulations with regard to all or any of the following matters, that is to say—

(a) the description and issue of arms, ammunition, accoutrements, uniforms, dentures, spectacles and necessaries to be supplied to members of the Force;

(b) the qualifications of persons seeking appointment to any part of the Force, their general government with respect to their classification and rank, their training, the services required of them and their conduct in the performance thereof;

(c) the distribution of personnel throughout Guyana and the requiring of any officer, inspector, subordinate officer or constable to reside in the quarters provided for him and the conditions under which he shall reside;

(d) the management and good governance of any police depot, quarters, stations, offices, hospitals, training school, rifle ranges, and cells and of the persons confined therein;

(e) the establishment and the good management of any canteen, shop and recreation room for the benefit of the Force;

(f) messing and accommodation of members of the Force;

(g) the taking of measurements, photographs and fingerprint impressions of persons in lawful custody;

(h) leave and weekly rest days;

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- (i) the periodical muster and drill of the Special and Rural Constabularies;
- (j) public and private entertainments by the band;
- (k) generally for the good order and governance of the Force.

PART XVII

GENERAL

94. All members of the Force shall, in respect of any matter not provided for in this Act, be subject to the provisions of any regulations or other written laws relating to the administration of the public service as are in force from time to time.

Application of Regulations and General Orders.

SCHEDULE

[O. 2/1968
55/1968
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TABLE OF FEES AND ALLOWANCES PAYABLE
TO RURAL CONSTABLES

	\$
1. For execution of a warrant of commitment.....	130.00
2. For making any arrest where a warrant of apprehension has been issued, or for making any arrest where a warrant has not been issued if the magistrate considers the arrest was properly made	195.00
3. For preparing a summons if the summons has been initialled by an officer of Rural Constabulary or the Inspector of Rural Constabulary.....	130.00
4. For attendance at court	260.00
5. For executing in the prescribed manner any warrant of distress or levy or warrant of ejection, or other process issued by a magistrate	195.00

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- 6. For performance of police duties when required to assist the police—
 - (a) for the first eight hours or part thereof 260.00
 - (b) for each hour after the first eight hours..... 65.00

 - 7. For the attendance at any muster to a subordinate officer or constable *per diem* 195.00

 - 8. Travelling allowance to a constable when engaged in the execution of his duty, on the scale for the time being sanctioned for the police force.

 - 9. (a) The allowance specified in item 8 shall be in the discretion of the magistrate, and shall be paid by the magistrate at the conclusion of the case or the completion of the service. The account shall be made out by the police.
 - (b) In any case under item 2 the Commissioner of Police may, on the recommendation of the magistrate, award special remuneration not exceeding \$650.00.
 - (c) Where any constable receives any monthly pay or salary from public funds, he shall not be entitled to any fees or allowances under this Act, unless the Minister expressly authorises the payment.
- _____