

REPRINT

POLICE ACT (CAP. 110)

As in force at: 1 October 2009

STATUS: REPEALED

This version is that in force at the date stated above.

For list of amendments see Endnotes

Repealed by the Police Act 2013 (No. 2 of 2013) from 1 March 2014

AN ACT TO MAKE PROVISION FOR THE ORGANISATION, DISCIPLINE, POWERS AND DUTIES OF THE POLICE FORCE, AND FOR MATTERS INCIDENTAL THERETO

POLICE ACT (CAP. 110)

Table of provisions

PART I	PRELIMINARY.....	1
1	Short title	1
2	Interpretation	1
PART II	CONSTITUTION AND ADMINISTRATION....	2
3	Previous Force to continue	2
4	Constitution of Force	2
5	Functions of Force	2
6	Employment of Force in times of emergency	2
7	General powers of Commissioner	3
8	Administration of Force	4
PART III	APPOINTMENT, ENLISTMENT, SERVICE AND DISCHARGE.....	4
9	Appointments	4
10	Enlistment	4
11	Declaration on enlistment	4
12	Certificate of appointment	5
13	Liability for service	5
14	Police officers not to engage in other employment or in political activities	5
15	Police officer not to be member of trade union, etc.	5
16	Resignation	6
17	Prolongation of service in event of hostilities, etc.	6
18	Discharge	7
19	Arms and equipment to be delivered up on ceasing to be a police officer	7
20	Police officers liable to same provisions as other public officers	7
PART IV	POWERS, DUTIES AND PRIVILEGES OF POLICE OFFICERS.....	8
21	General powers and duties of police officers	8

22	Power to take photographs, etc. of accused or convicted persons	8
23	Power of police officer to make complaint, etc.	9
24	Non-liability for act done under authority of warrant	9
25	Power to inspect licences or permits	9
26	Power to erect barriers, etc.	10
27	Duty of Force to keep order on public roads	10
28	Persons furnishing false name and address	11
29	Disposal of unclaimed property	11
30	Power of police officers to enter and break open premises in case of fire, etc.	12

PART V DISCIPLINE..... 12

31	Suspension or interdiction of gazetted officers	12
32	Interdiction of Inspectors and subordinate officers	12
33	Offences by police officers	13
34	Offences against discipline	14
35	Power of arrest	15
36	Trial and punishment of offences against discipline	15
37	Review by Commissioner	16
38	Appeal	17
39	Power to summon witnesses	18
40	Procedure in cases of grave or repeated offences	18
41	Dismissal and reeducation in rank of police officers convicted by court	19
42	Summary admonishment and reprimand	19
43	Fines to be recovered by stoppage of pay	19
44	Loss or damage to arms and equipment to be made good by stoppage of pay	19
45	Pay not to accrue during absence without leave or imprisonment	20
46	Place of confinement of offenders	20

PART VI POLICE FUND..... 20

47	Police Fund	20
----	-------------	----

PART VII GENERAL OFFENCES AND PENALTIES. 22

48	Unlawful possession of articles supplied to police officers	22
49	Penalty for assaulting, etc. police officer in execution of duty, or misleading officer by false information	22

50	Penalty for making false report of commission of offence, etc.	22
51	Penalty on persons causing disaffection, etc.	23
52	Penalty for disorderly conduct in police station, etc.	23
53	Power to prosecute under other laws not to be affected	23

PART VIII RECIPROCAL PROVISIONS AS TO SERVICE IN NEIGHBOURING TERRITORIES..... 24

54	Neighbouring territory defined	24
55	Power to order service outside Solomon Islands	24
56	Effect of punishment of police officer in neighbouring territory	24
57	Provisions as to officers of neighbouring territory serving in Solomon Islands	24

PART IX SPECIAL CONSTABULARY.....25

58	Previous force to continue	25
59	Composition of Constabulary	26
60	Commissioner to command Constabulary	26
61	Declaration to be made by special constables	26
62	Certificate of appointment	26
63	Training and duties	26
64	Calling out for active service	26
65	Powers, privileges and protection of special constables	27
66	Pay and allowances, etc.	28
67	Clothing and equipment, etc. for special constables	28
68	Offences against discipline	28
69	Trial of offences against discipline	28
70	Illness, bodily injury, damage to property, or death	29
71	Resignation and termination of appointment	30

PART X MISCELLANEOUS..... 31

72	Regulations	31
73	Special duty and expenses thereof	32

SCHEDULE 33

POLICE ACT (Cap. 110)

As in force at: 1 October 2009

PART I PRELIMINARY

1 Short title

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

2 Interpretation

In this Act, unless the context otherwise requires:

“arms” includes firearms;

“commanding officer” means the Commissioner, the Deputy Commissioner, a gazetted officer and any Inspector in control of the police in any province;

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

“Constable” means a police officer under the rank of Corporal, and includes a recruit constable;

“Deputy Commissioner” means the Deputy Commissioner of Police appointed under this Act;

“the Force” means the Solomon Islands Police Force referred to in section 3;

“gazetted officer” means a police officer of or above the rank of Inspector;

“Inspector” means a police officer of the rank of Inspector of any grade;

“special constable” means a member of the Special Constabulary referred to in section 58;

“subordinate officer” means a police officer below the rank of Inspector;

“superior” or **“superior officer”**, when used in relation to any act done or thing suffered by a police officer, means a police officer senior in rank to the police officer doing the act or suffering the thing;

“traffic” includes animals in the charge or under the control of any person, pedestrians and vehicles in or on any public thoroughfare and whether in motion or not.

PART II CONSTITUTION AND ADMINISTRATION

3 Previous Force to continue

The Police Force established by the *Police Act* repealed by this Act shall continue in being, shall be subject to this Act and shall continue to be called the Solomon Islands Police Force.

4 Constitution of Force

The Force shall be formally enrolled and shall consist of a Commissioner of Police, two or more Deputy Commissioners of Police and such other ranks as may be prescribed in accordance with the *Constitution*.

5 Functions of Force

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

Provided that no firearms shall be carried except with the authority of the Commissioner given under and in accordance with the general or special directions of the Prime Minister acting in his discretion.

6 Employment of Force in times of emergency

- (1) If Her Majesty is at war or it appears to the Prime Minister that a grave threat to the defence or internal security of Solomon Islands has

arisen, the Prime Minister in his discretion may direct that the Force or any part thereof:

- (a) shall be employed as a military force;
 - (b) shall comply with the orders of any military authority that he may specify.
- (2) A direction under subsection (1) that the Force shall comply with the orders of a military authority shall not affect:
- (a) any powers of appointment, dismissal or disciplinary control of members of the Force conferred upon any person or authority by this Act; or
 - (b) except so far as the Prime Minister may otherwise direct, the command, superintendence and direction of the Force vested in the Commissioner by section 7.

7 General powers of Commissioner

- (1) The Commissioner shall have the command, superintendence and direction of the Force and, subject to the provisions of this Act, may:
- (a) make such appointments and promotions in respect of all police officers, other than gazetted officers, as he may see fit; and
 - (b) from time to time make orders for the general government of police officers in relation to their enlistment, discharge, training, arms, clothing, equipment and other appointments, and particular services as well as their distribution and inspection, and such other orders as he may deem expedient for preventing neglect and for promoting efficiency and discipline on the part of police officers in the discharge of their duties.
- (2) Any act or thing which may be done, ordered or performed by the Commissioner may, subject to the orders and directions of the Commissioner, be done or performed by the Deputy Commissioner or, to such extent as the Commissioner may delegate any of such powers to him, by any gazetted officer:

Provided that nothing in this subsection shall empower the

Commissioner to delegate any power to, nor empower the Deputy Commissioner to, hear any appeal under this Act relating to any offence against discipline or to impose upon a police officer any punishment which includes reduction in rank or dismissal.

8 Administration of Force

- (1) The administration of the Force throughout Solomon Islands shall be vested in the Commissioner.
- (2) Subject to the orders and directions of the Commissioner, the control of the police in any place shall be vested in such police officer as may be appointed by the Commissioner to be in charge thereof.

PART III APPOINTMENT, ENLISTMENT, SERVICE AND DISCHARGE

9 Appointments

- (1) Gazetted officers shall be appointed by the Police and Prisons Service Commission.
- (2) Subject to the provisions of this Act, police officers other than gazetted officers shall be appointed by the Commissioner.

10 Enlistment

Every Constable shall be enlisted in the Force for a period of two years on probation and shall, on the conclusion of such probationary period to the satisfaction of the Commissioner, be confirmed by the Commissioner in his appointment.

11 Declaration on enlistment

- (1) Every police officer shall, on joining the Force or before entering on the duties of his office, make before the Commissioner or any gazetted officer a declaration on oath or affirmation in the form specified in the Schedule.
- (2) Every police officer required to make a declaration under subsection (1) shall, on joining the Force and before making such declaration, answer truly any question which may be put to him as to his previous

service in any of Her Majesty's Forces or police and as to whether he has at any time been convicted of any offence.

- (3) Any person who wilfully makes a false statement in reply to any question put to him under the provisions of subsection (2) shall be guilty of an offence and liable to a fine of twenty penalty units or to imprisonment for one month, or to both such fine and such imprisonment.

12 Certificate of appointment

A certificate of appointment, in such form as shall be determined by the Commissioner, signed by the Commissioner or by any gazetted officer authorised by the Commissioner in that behalf, shall be issued to every police officer and shall be evidence of the appointment of such officer under the provisions of this Act.

13 Liability for service

All police officers shall be bound to proceed to and serve at any place in Solomon Islands, or on board any vessel or aircraft in the service of the Government, or, subject to the provisions of Part VIII, at any place outside Solomon Islands.

14 Police officers not to engage in other employment or in political activities

No police officer shall:

- (a) engage in any trade, business, employment or office whatsoever, or take part in any commercial undertaking, outside the scope of his duties under this Act, except with the authority of the Commissioner; or
- (b) take any active part in any political organisation or electoral campaign or engage in any other activity which is likely to interfere with the impartial discharge of his duties under this Act.

15 Police officer not to be member of trade union, etc.

- (1) For the purpose of enabling police officers to consider and bring to the notice of the Government any matter affecting their welfare and

efficiency, other than questions of discipline and promotion, the Prime Minister may in his discretion by order establish and provide for the regulation of one or more police associations which, including any branch or branches thereof, shall be entirely independent of, and unassociated with, any body or person outside the Force, and shall be deemed not to be a trade union within the meaning of the *Trade Unions Act*.

- (2) Subject to the provisions of subsection (1), no police officer shall become a member of any trade union, or of any association the object or one of the objects of which is to control or influence the pay, pensions or conditions of service of any police force or body or of the public service of Solomon Islands or any part thereof or of any association with political objects; and any police officer who contravenes this provision shall be guilty of an offence and liable to a fine of eighty penalty units or to imprisonment for two months, or to both such fine and such imprisonment.
- (3) Any question whether any body is a trade union or association to which subsection (2) applies shall be determined by the Prime Minister in his discretion, and such determination shall be final and conclusive and shall not be questioned in any proceedings whatsoever.

16 Resignation

Any police officer may resign from the Force at any time by giving not less than three months' notice of his intention to resign in writing to the Commissioner:

Provided that in any case the Commissioner may in his discretion waive the provisions of this section regarding the period of notice to be given.

17 Prolongation of service in event of hostilities, etc.

Any police officer whose period of service expires during a state of war, insurrection or hostilities or whenever the Prime Minister is satisfied that a state of civil commotion which threatens the public safety exists or is likely to arise in Solomon Islands or in any part thereof, may be retained and his service prolonged for such further period, not exceeding six months after the cessation of such state of

war, insurrection, hostilities or civil commotion which threatens the public safety, as the Prime Minister may in his discretion direct.

18 Discharge

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

Provided that no Constable shall be so discharged unless he has been given one month's notice of the intention to discharge him or, at the option of the Commissioner, one month's pay in lieu of such notice.

19 Arms and equipment to be delivered up on ceasing to be a police officer

- (1) When a police officer ceases to be a member of the Force he shall forthwith deliver up to the person appointed by the Commissioner for that purpose, or to the police officer in charge at the place at which he was last stationed, his certificate of appointment and all arms, ammunition, equipment, uniform and other appointments which have been supplied to him and which are the property of the Government.
- (2) Any police officer who, having ceased to belong to the Force, fails without good cause to comply with the provisions of subsection (1) shall be guilty of an offence and liable to a fine of eighty penalty units or to imprisonment for two months, or to both such fine and such imprisonment, and, in addition thereto, shall be liable to pay the value of the property not delivered up, which value may be ascertained by the court in a summary manner and shall be recoverable as a fine.

20 Police officers liable to same provisions as other public officers

Save as otherwise provided in this Act, every police officer shall be subject to the same provisions as are applicable to other public officers of corresponding status.

PART IV POWERS, DUTIES AND PRIVILEGES OF POLICE OFFICERS

21 General powers and duties of police officers

- (1) Every police officer shall exercise such powers and perform such duties as are by law conferred or imposed upon a police officer, and shall obey all lawful directions in respect of the execution of his office which he may from time to time receive from his superiors in the Force or from any other police officer in the same rank as himself but senior in service.
- (2) Every police officer shall be deemed to be on duty at all times.
- (3) It shall be the duty of every police officer promptly to obey and execute all orders and warrants lawfully issued to him by any competent authority, to collect and communicate intelligence affecting the public peace, to prevent the commission of offences and public nuisances, to detect and bring offenders to justice, and to apprehend all persons whom he is legally authorised to apprehend and for whose apprehension sufficient ground exists.

22 Power to take photographs, etc. of accused or convicted persons

- (1) Any police officer may cause to be taken, for use and record in the registry of the Force, photographs, descriptions, measurements, fingerprints, palmprints and footprints of any person in lawful custody for any offence punishable by imprisonment, whether such person has been convicted of such offence or not.
- (2) On the acquittal of any person whose photographs, descriptions, measurements, fingerprints, palmprints or footprints have been taken under the provisions of this section such photographs, descriptions, measurements, fingerprints, palmprints, and footprints shall be destroyed.
- (3) Any person in lawful custody for any offence who refuses to submit to the taking of any of the methods of identification authorised to be taken under the provisions of subsection (1) shall be guilty of an offence and liable to a fine of eighty penalty units or to imprisonment for two months, or to both such fine and such imprisonment and, after

conviction, reasonable force may be used to take such methods of identification.

23 Power of police officer to make complaint, etc.

It shall be lawful for any police officer to make a complaint or charge against any person before a Magistrate and to apply for a summons, warrant, search warrant or such other legal process as may by law issue against any person.

24 Non-liability for act done under authority of warrant

- (1) Where the defence to any suit instituted against a police officer is that the act complained of was done in obedience to a warrant purporting to be issued by a Judge or a Magistrate, the court shall, upon production of the warrant containing the signature of the Judge or Magistrate, and upon proof that the act complained of was done in obedience to such warrant, enter judgment in favour of such police officer.
- (2) No proof of the signature of the Judge or Magistrate shall be required unless the court has reason to doubt the genuineness thereof; and where it shall be proved that such signature is not genuine, judgment shall nevertheless be given in favour of such police officer if it is proved that, at the time when the act complained of was committed, he believed on reasonable grounds that such signature was genuine.

25 Power to inspect licences or permits

- (1) It shall be lawful for any police officer to stop and detain any person whom he sees doing any act for which a licence or permit is required under the provisions of any law and to require such person to produce his licence or permit.
- (2) Any person who fails to produce such licence or permit when called upon by a police officer may be arrested without a warrant unless he gives his name and address and otherwise satisfies the police officer that he will duly answer any summons or other proceedings which may be taken against him.

26 Power to erect barriers, etc.

- (1) It shall be lawful for any police officer, other than a subordinate officer, if he considers it necessary for the maintenance and preservation of law and order, the prevention or detection of crime or for the apprehension of offenders, to erect or place barriers in or across any road or street or in any other public place in such manner as he may think fit.
- (2) Any police officer may take all such reasonable steps as he considers necessary to prevent any person or vehicle from passing any barrier erected or placed under subsection (1), and any such person, or the driver of any such vehicle, who fails to comply with any reasonable signal made by a police officer under this subsection shall be guilty of an offence and liable to a fine of two hundred penalty units or to imprisonment for six months, or to both such fine and such imprisonment.
- (3) No police officer shall be liable for any loss, damage or injury occasioned to any vehicle or suffered by any person as a result of any reasonable or necessary steps taken by such police officer under the authority of this section.

27 Duty of Force to keep order on public roads

- (1) It shall be the duty of the Force:
 - (a) to regulate and control traffic;
 - (b) to divert all or any particular kind of traffic, when it is in the public interest to do so;
 - (c) to keep order on public roads, streets, thoroughfares and landing places, and at other places of public resort or places to which the public have access; and
 - (d) to prevent obstruction on the occasions of assemblies and processions on the public roads and streets, and in any case when any road, street, thoroughfare or landing place may be thronged or may be liable to be obstructed.
- (2) Any person who opposes or disobeys any lawful order given by any

police officer in the performance of his duty under any of the provisions of this section shall be guilty of an offence and liable to a fine of eighty penalty units or to imprisonment for six months, or to both such fine and such imprisonment.

- (3) Any person who opposes or disobeys any lawful order given by a police officer in the performance of his duty under any of the provisions of this section may be arrested without a warrant unless he gives his name and address and otherwise satisfies a police officer that he will duly answer any summons or other proceedings which may be taken against him.

28 Persons furnishing false name and address

Any person who having been asked by a police officer in the execution of his duty to give his name and address refuses to do so or gives to such police officer a false name or address shall be guilty of an offence and liable to a fine of two hundred penalty units or to imprisonment for six months, or to both such fine and such imprisonment; and any police officer may without warrant arrest such person.

29 Disposal of unclaimed property

- (1) It shall be the duty of every police officer to take charge of all unclaimed property handed to him by any other person, or found by such police officer to be unclaimed, and to deliver the same to the officer in charge of the nearest police station, who shall cause to be posted, in some conspicuous place at the police station, a notice specifying such property, and calling upon any person who may have any claim thereto to appear and establish his claim within two months from the date of such notice.
- (2) Such property, if no person shall within two months from the date of the notice aforesaid establish his claim thereto, may be sold or otherwise disposed of or destroyed in such manner as the Commissioner may direct.
- (3) The proceeds of the sale of such property shall, if no claim thereto has been established within two months from the date of the notice aforesaid, and after the deduction of any expenses incurred in such sale, be paid into and form part of the Consolidated Fund established

by the *Constitution*.

- (4) In the case of any perishable property delivered as unclaimed property to the officer in charge of a police station, he shall forthwith cause the same to be sold if practicable but otherwise he shall cause the same to be destroyed. The proceeds of any sale under this subsection shall, after the deduction of any expenses incurred in such sale, be held by the officer in charge of the police station and be dealt with in accordance with subsection (1) and, in the event of a claim to the same not being established within two months from the date of the notice referred to in subsection (1), in accordance with subsection (3).

30 Power of police officers to enter and break open premises in case of fire, etc.

Any police officer may enter and, if necessary, break into any building being or reasonably supposed to be on fire, or any building or land adjoining or near thereto, and any building threatened with damage by floodwater or other hazard, without the consent of the owner or occupier, and may do all such acts and things as he may deem necessary for extinguishing fire in any such building, or for protecting the same, or for rescuing any person or property therein from fire, floodwater or other hazard.

PART V DISCIPLINE

31 Suspension or interdiction of gazetted officers

A gazetted officer suspended or interdicted under the provisions of the General Orders of Solomon Islands shall not by reason of such suspension or interdiction cease to be a police officer:

Provided that the powers, privileges and benefits vested in him as a police officer shall be in abeyance during the period of such suspension or interdiction but he shall remain subject to the same responsibilities, discipline and penalties and to the same authority as if he had not been suspended or interdicted.

32 Interdiction of Inspectors and subordinate officers

- (1) The Commissioner may interdict from duty any Inspector or

subordinate officer pending any investigation or inquiry into, or trial of, any offence against discipline under this Act or any offence against any written law, and pending the determination of any appeal.

- (2) A police officer interdicted from duty under this section shall not by reason of such interdiction cease to be a police officer:

Provided that the powers, privileges and benefits vested in him as a police officer shall during his interdiction be in abeyance but he shall remain subject to the same responsibilities, discipline and penalties and to the same authority as if he had not been interdicted.

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

Provided that:

- (a) he shall be allowed to receive such portion of his pay not being less than one half as the Commissioner may think fit; and
- (b) if the proceedings against any such officer do not result in the dismissal of the officer, he shall be entitled to the full amount of the emoluments which he would have received if he had not been interdicted.

33 Offences by police officers

- (1) Any police officer who:

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

shall be guilty of an offence and liable to imprisonment for three years.

(2) Any police officer who:

- (a) deserts;
- (b) persuades, procures or assists any police officer to desert, or being cognisant of any such desertion, or intended desertion, does not without delay give information thereof to his superior officer;
- (c) knowing that any police officer has deserted or intends to desert, does not without delay give information to his superior officer; or
- (d) being present at any assemblage tending to riot, does not use his utmost endeavours to suppress such assemblage,

shall be guilty of an offence and liable to a fine of two hundred penalty units or to imprisonment for six months, or to both such fine and such imprisonment.

- (3) No police officer shall be found guilty of the offence of desertion unless the court is satisfied that there was an intention on the part of the police officer not to return to the Force.
- (4) Any police officer who absents himself from duty without leave or reasonable cause for a period exceeding twenty-eight days, shall, unless the contrary is proved, be deemed to have had the intention not to return to the Force.
- (5) Upon reasonable suspicion that any person is a deserter, any police officer may arrest him without warrant.

34 Offences against discipline

Any police officer, other than a gazetted officer, who commits any offence against discipline as may be prescribed under this Act shall be liable to suffer punishment in accordance with the provisions of this Act:

Provided that:

- (a) nothing in this connection shall be construed to exempt any such officer from being proceeded against for any offence by

any other process of law;

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

35 Power of arrest

- (1) Any police officer may arrest without warrant any police officer not being an officer of his own or of a higher rank who is accused of any offence against discipline under this Act.
- (2) A police officer, other than a commanding officer, effecting an arrest under this section shall forthwith bring the accused person before a commanding officer or in the absence of such an officer before the most senior police officer readily accessible.

36 Trial and punishment of offences against discipline

- (1) Any offence against discipline under this Act may be inquired into and dealt with, in the case of any officer other than a gazetted officer, by the Commissioner, and, in the case of a subordinate officer, by any commanding officer.
- (2) The Commissioner shall have the power to impose any one or more of the following punishments:
 - (i) reprimand;
 - (ii) severe reprimand;
 - (iii) fine not exceeding ten days' pay;
 - (iv) reduction in rank;
 - (v) dismissal;
 - (vi) in the case of a subordinate officer, confinement to quarters for any period not exceeding fourteen days with or without extra guards, fatigues or other duty.
- (3) A commanding officer shall have power to impose any one or more of the following punishments on any subordinate officer:
 - (i) reprimand;

- (ii) confinement to quarters for any period not exceeding seven days with or without extra guards, fatigues or other duty;
 - (iii) fine not exceeding five days' pay.
- (4) No police officer shall be convicted of an offence against discipline unless the charge has been read and inquired into in his presence and he has been given sufficient opportunity to make his defence thereto.
- (5) Any police officer upon whom a punishment is inflicted which entitles him to appeal to the Police and Prisons Service Commission under section 38 shall, at the time when such punishment is imposed, be informed of his right of appeal.

37 Review by Commissioner

- (1) The Commissioner shall have power to review all disciplinary proceedings under this Act, other than proceedings conducted by himself.
- (2) Upon review, the Commissioner, if he thinks that such proceedings ought to be revised, shall have power:
 - (a) to quash the finding;
 - (b) to alter the finding and find the accused guilty of another offence;
 - (c) with or without altering the finding:
 - (i) to reduce or increase the punishment;
 - (ii) with or without such reduction or increase, to alter the nature of the punishment; or
 - (d) to remit the proceedings to the officer who heard them, or to another officer for rehearing:

Provided that the Commissioner shall not:

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

the proceedings was not empowered to impose;

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

38 Appeal

- (1) Any police officer upon whom the Commissioner has imposed any punishment which includes:

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

may appeal in the manner hereinafter provided to the Police and Prisons Service Commission against either the finding or the punishment or both, and the Police and Prisons Service Commission may confirm, set aside or vary the finding and confirm, set aside, reduce, suspend or otherwise vary the punishment:

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

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

Provided that the Chairman of the Police and Prisons Service Commission may in his discretion extend the time within which an appeal may be so lodged.

- (3) Any police officer upon whom any commanding officer other than the Commissioner has imposed any punishment for the commission of an offence against discipline may within seven days of the imposition of the punishment, or such further time as the Commissioner may allow, appeal to the Commissioner, who, for the purpose of disposing of such appeal, shall have all the powers provided in section 37(2).

39 Power to summon witnesses

- (1) A commanding officer shall, for the purpose of inquiring into any offence against discipline, or for the purpose of disposing of any appeal under section 38(3), have power to summon and examine witnesses on oath or affirmation and to require the production of all documents relevant to the inquiry or appeal, and to adjourn such proceedings from time to time.
- (2) Any person summoned as a witness under subsection (1) who fails to attend at the time and place mentioned in the summons, or an adjournment, or refuses to answer any question that is lawfully put to him, shall be guilty of an offence and liable to a fine of twenty penalty units or to imprisonment for one month, or to both such fine and such imprisonment:

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

40 Procedure in cases of grave or repeated offences

In any case where a police officer has upon inquiry been found to have committed an offence against discipline and where it appears to the officer conducting the inquiry that, by reason of the gravity of the offence or by reason of previous offences or for any other reason, the offender would not be adequately punished by any of the punishments he is empowered to impose, such officer shall record any statement which the offender wishes to make in mitigation and shall stay the proceedings and transmit them to the Commissioner, and the Commissioner may impose such punishment as he deems to be warranted or he may direct that the case be dealt with by the officer who transmitted it:

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

41 Dismissal and reduction in rank of police officers convicted by court

- (1) The Commissioner may by order reduce in rank, or may dismiss from the Force, any police officer, other than a gazetted officer, who has been convicted by any court in respect of any offence, whether against this Act or otherwise, unless such officer has successfully appealed from such conviction.
- (2) Any police officer who is aggrieved by an order of the Commissioner made under subsection (1) may appeal to the Police and Prisons Service Commission under section 38(1).

42 Summary admonishment and reprimand

Notwithstanding anything to the contrary contained in this Act or the General Orders of Solomon Islands, the Commissioner may summarily administer an admonishment or reprimand to any police officer in the case of minor misconduct.

43 Fines to be recovered by stoppage of pay

- (1) All fines imposed on a police officer in respect of offences against discipline under this Act may be recovered by stoppage of such officer's pay.
- (2) The amount of stoppage in respect of any fine or for any other cause authorised by this Act shall be in the discretion of the officer by whom the fine was imposed or the cause dealt with, as the case may be, but shall in no case exceed one-third of the offender's monthly pay; and whenever more than one order of stoppage is in force against the same person so much only of his pay shall be stopped as shall leave him a residue of at least two-thirds of his monthly pay.
- (3) Where more than one order of stoppage is made upon the same person, the orders later in date shall, if necessary, be postponed as to their enforcement until the earlier orders have been discharged.

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

If any police officer pawns, sells, loses by neglect, makes away with

or wilfully or by neglect damages any arms, ammunition, equipment, clothing or other appointments supplied to him or any Government property committed to his charge he may, in addition to or in lieu of any other punishment, be ordered to make good either partially or wholly the amount of such loss or damage, and such amount may be recovered by stoppage from his pay, subject to subsections (2) and (3) of section 43:

Provided that no such amount shall be ordered to be made good if it exceeds one-third of the officer's monthly pay unless the officer admits liability to make good that amount.

45 Pay not to accrue during absence without leave or imprisonment

Subject to General Orders of the Solomon Islands, no pay shall accrue to any police officer in respect of any period exceeding twenty-four hours during which he is absent from duty without leave, or is undergoing any sentence of imprisonment, either for any offence against discipline or for any other offence whatsoever:

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

46 Place of confinement of offenders

Any police officer arrested for any offence against discipline under the provisions of this Act may be confined to his quarters, or in any building or part thereof set apart as a guard room or cell, or in any other suitable premises under the control of the Force.

PART VI POLICE FUND

47 Police Fund

- (1) There shall be established a fund to be known as the Police Fund.
- (2) Such fund shall consist of:
 - (a) fines inflicted on police officers under the powers conferred by this Act;

- (b) donations offered to the fund and accepted by the Commissioner; and
 - (c) such sums as may be voted by the National Parliament.
- (3) Subject to any regulations made under this Act, the Police Fund shall be administered by the Commissioner, and shall be applied for the purpose of:
- (a) assistance to the wives or families of deceased police officers or special constables other than gazetted officers, or to any police officer or special constable discharged from the Force as medically unfit for further service;
 - (b) contributions towards prizes to be given at athletic meetings and similar events organised by or for the benefit of the Force;
 - (c) purchase of ammunition for the encouragement of range practice amongst police officers or special constables;
 - (d) payments to police officers or special constables, other than gazetted officers, as rewards for meritorious acts or service in the execution of duty, if such payments are not met from public funds;
 - (e) expenditure for the benefit and advancement of authorised recreation and sport and other branches of police activity organised within the Force;
 - (f) any other purpose which the Commissioner considers to be for the general welfare of police officers or special constables.
- (4) In this section “**police officer**” includes any member of a police force present in Solomon Islands under the provisions of Part VIII.
- (5) Upon the coming into force of this Act all monies comprised in the Police Rewards and Fines Fund constituted by the *Police Act* repealed by this Act shall be deemed to be transferred to and shall form part of the Police Fund constituted by this Act.

PART VII GENERAL OFFENCES AND PENALTIES

48 Unlawful possession of articles supplied to police officers

Any person not being a police officer or special constable who is found in possession of any article whatsoever which has been supplied to any police officer or special constable for the execution of his duty, or any medal or decoration granted to any police officer or special constable for service or good conduct, and who fails to account satisfactorily for the possession thereof, or who without due authority purchases or receives any such article, medal or decoration from any police officer or special constable or who aids or abets any police officer or special constable to sell or dispose of any such article, medal or decoration, shall be guilty of an offence and liable to a fine of eighty penalty units or to imprisonment for two months, or to both such fine and such imprisonment.

49 Penalty for assaulting, etc. police officer in execution of duty, or misleading officer by false information

Any person who assaults or resists any police officer acting in the execution of his duty, or aids or incites any person so to assault or resist, or refuses to assist any such officer in the execution of his duty when called upon to do so, or who, by the giving of false information with intent to defeat or delay the ends of justice, wilfully misleads or attempts to mislead any such officer, shall be guilty of an offence and liable to a fine of two hundred penalty units or to imprisonment for six months, or to both such fine and such imprisonment.

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

Any person who knowingly:

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

shall be guilty of an offence and liable to a fine of two hundred penalty units or to imprisonment for six months, or to both such fine and such imprisonment.

51 Penalty on persons causing disaffection, etc.

- (1) Any person who causes or attempts to cause or does any act calculated to cause disaffection amongst police officers or special constables or induces or attempts to induce or does any act calculated to induce any police officer or constable to withhold his services or to commit any breach of discipline shall be guilty of an offence and liable to a fine of four hundred penalty units or to imprisonment for two years, or to both such fine and such imprisonment.
- (2) Any police officer not below the rank of Inspector may, without warrant, arrest any person who is reasonably suspected of having committed an offence under this section.
- (3) In this section, “**police officer**” includes any member of the police force of a neighbouring territory present in Solomon Islands under the provisions of Part VIII.

52 Penalty for disorderly conduct in police station, etc.

Any person who, in any police station, police post or cell, or in any part of a police compound to which the public has access, is guilty of any riotous, indecent, disorderly or insulting behaviour shall be guilty of an offence and liable to a fine of eighty penalty units or to imprisonment for two months, or to both such fine and such imprisonment.

53 Power to prosecute under other laws not to be affected

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

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

PART VIII RECIPROCAL PROVISIONS AS TO SERVICE IN NEIGHBOURING TERRITORIES

54 Neighbouring territory defined

For the purposes of this Part, the expression “neighbouring territory” means any territory which the Prime Minister may, by notice, declare to be a neighbouring territory for the purposes of this Part:

Provided that no such notice shall be published in respect of any territory unless and until the Prime Minister is satisfied that satisfactory arrangements have been or will be made for the inclusion in the law of that territory of provisions reciprocal to those of this Part.

55 Power to order service outside Solomon Islands

The Prime Minister acting in his discretion may, on the application of the Government of a neighbouring territory, order such number of police officers as he may think fit to proceed to such territory for service therein.

56 Effect of punishment of police officer in neighbouring territory

Where a police officer is punished under the law of a neighbouring territory, or under any provisions of this Act applied by the law of such territory to a police officer whilst serving therein, for any offence (whether against discipline or otherwise) committed whilst such officer was serving therein in pursuance of an order under section 55 he shall be deemed for all purposes to have been so punished in Solomon Islands for a like offence committed within Solomon Islands.

57 Provisions as to officers of neighbouring territory serving in Solomon Islands

Whenever any police officers from the police force of a neighbouring territory are present in Solomon Islands in response to an application made by the Prime Minister for the purpose of assisting the Force in a temporary emergency, the following provisions shall have effect with regard to such officers:

- (a) they shall be under the orders of their own officers present with

them (if any), subject, however, to the command of the Commissioner;

- (b) they shall have and may exercise the powers, and shall be liable to perform the duties, of police officers of equivalent rank in the Force, and shall for those purposes be deemed to be members of the Force;
- (c) the provisions of any law affecting the discipline, punishment or terms and conditions of service of such officers whilst serving in such neighbouring territory shall, so far as circumstances admit, be applied in Solomon Islands as if such law were part of the general law of Solomon Islands:

Provided that:

- (i) no such law as aforesaid shall be interpreted in its application within the Solomon Islands as conferring any power on any officer of the Force to punish any officer of the police force of the neighbouring territory for any offence against discipline;
- (ii) where any such law confers on a court of the neighbouring territory jurisdiction to try and punish any such offence as aforesaid, such jurisdiction may be exercised by a court possessing comparable jurisdiction within Solomon Islands;
- (d) any contract of service between any such officer and the Government of the neighbouring territory may be enforced in Solomon Islands in the same manner and with the like effect as if it were made between the officer and the Government of Solomon Islands.

PART IX SPECIAL CONSTABULARY

58 Previous force to continue

- (1) The force of special constables established under the *Police Act* repealed by this Act, shall continue in being, shall be subject to the provisions of this Act and shall be known as the Special Constabulary.

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

59 Composition of Constabulary

The Special Constabulary shall consist of such number of special constables of or above the rank of Assistant Superintendent as the Police and Prisons Service Commission may in its discretion appoint, and of such special constables of other ranks as the Commissioner may appoint.

60 Commissioner to command Constabulary

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

61 Declaration to be made by special constables

Every special constable shall on being appointed make before the Commissioner or any gazetted officer a declaration on oath or affirmation in the form specified in the Schedule.

62 Certificate of appointment

A certificate of appointment, in such form as may be determined by the Commissioner, signed by the Commissioner or by any gazetted officer authorised by him in that behalf, shall be issued to every special constable and shall be evidence of his appointment under this Act.

63 Training and duties

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

64 Calling out for active service

- (1) For any purpose connected with the peace and good order of Solomon Islands, the Commissioner may, with the prior approval of the Prime Minister acting in his discretion, by order call out the Special Constabulary or any part or member thereof for active service and such active service shall continue until an order is made

by the Commissioner, with the prior approval of the Prime Minister acting in his discretion, specifying the date of the termination of such service.

- (2) For the purpose of assisting the Force, the Commissioner may by departmental order call out the Special Constabulary or any part or member thereof for duty for a period to be specified in such order.
- (3) Notwithstanding anything contained in subsection (1), the Commissioner may direct any member called out for active service or duty:
 - (a) to stand down from active service or duty; and
 - (b) to report back for active service or duty at such place and on such date and at such time as may be directed.
- (4) On receipt of a direction under paragraph (a) of subsection (3), such member shall be deemed to have ceased to be engaged on active service and, on receipt of a direction under paragraph (b) of that subsection, such member shall be deemed to have been called out in pursuance of a new order under subsection (1).
- (5) Any special constable on being called out for active service under the provisions of this section who, unless he satisfies the court that he was prevented by sickness or such other unavoidable cause as may in the opinion of the court be sufficient excuse, refuses or neglects to serve shall be guilty of an offence and liable to a fine of one hundred penalty units or to imprisonment for three months, or to both such fine and such imprisonment.

65 Powers, privileges and protection of special constables

- (1) Every special constable while on duty or during training shall have the same powers, privileges (other than rights under the *Pensions Act* except as provided in section 70 of this Act) and protection, including the carrying of arms, and shall be liable to perform the same duties as a police officer.
- (2) Every special constable shall be subordinate to the same authorities as a police officer and to special constables of superior rank to himself.

66 Pay and allowances, etc.

- (1) Subject to subsection (2), a special constable shall serve voluntarily and shall not be entitled to claim or receive any remuneration for his services other than such allowances and gratuity payable from public funds as may from time to time be prescribed.
- (2) A special constable, when called out for active service under section 64, shall receive such pay and allowances as may be prescribed by order by the Prime Minister acting in his discretion.

67 Clothing and equipment, etc. for special constables

The Commissioner may provide, at the public expense for the use of special constables, such arms, ammunition, equipment, clothing and appointments as are necessary for the proper carrying out of the duties of their office:

Provided that no firearms shall be provided save under and in accordance with the general or special directions of the Prime Minister acting in his discretion.

68 Offences against discipline

Any special constable who commits any offence against discipline as may be prescribed under this Act shall be liable to suffer punishment in accordance with the next succeeding section:

Provided that:

- (a) nothing in this connection shall be construed to exempt any special constable from being proceeded against for any offence by any other process of law;
- (b) no special constable shall be punished twice for the same offence.

69 Trial of offences against discipline

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

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

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

70 Illness, bodily injury, damage to property, or death

- (1) If any special constable is temporarily incapacitated by reason of any wound or injury received or sickness contracted by him in the performance of any duty or training by him under this Act and such wound or injury is received or such sickness is contracted in the actual discharge of his duty as a special constable and without his own default, he shall be eligible to receive free medical treatment therefor and full pay for the period of such incapacity.
- (2) If any special constable receives any permanent disablement attributable to any wound or injury received or sickness contracted by him in the circumstances referred to in subsection (1), the Governor-General may in his discretion award to such special constable such gratuity or pension as to him may seem just.
- (3) If any special constable is killed or dies as a result of any wound or injury received or sickness contracted by him in the circumstances referred to in subsection (1), the Governor-General may in his discretion grant to the dependants of such special constable such pension or allowance as to him may seem just.
- (4) If the property of any special constable is damaged during the performance of any duty or training by him under this Act, such property being damaged without his default and on account of circumstances specifically attributable to the nature of his duties as a special constable, the Governor-General may in his discretion award such special constable such compensation as to him may seem just.

- (5) The Governor-General shall not award to any special constable or to the dependants of any special constable any gratuity, pension or allowance under subsections (2) or (3) if such special constable or such dependants is or are eligible to receive a gratuity, pension or other allowance in respect of the same disablement or death under the *Pensions Act*.
- (6) A special constable shall not in respect of such appointment be regarded as a workman for the purpose of the *Workmen's Compensation Act*.
- (7) A gratuity, pension, allowance or any compensation paid under this section shall not be assignable or transferable nor liable to be attached, sequestered or levied upon except for the purpose of satisfying:
 - (a) a debt due to the Crown; or
 - (b) an order of any court for the payment of periodical sums of money towards the maintenance of the wife or former wife or minor child of the person to whom the pension, gratuity or other allowance has been granted.

71 Resignation and termination of appointment

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

Provided that the Governor-General acting in his discretion, or the Commissioner, as the case may be, may waive the provisions of this subsection regarding the period of notice to be given:

Provided further that in time of war, emergency or civil commotion or during any other period when the Commissioner considers it necessary to employ the Special Constabulary or any part or member thereof for the preservation of the public peace, a special constable may not resign without the permission of the Commissioner.

- (2) The Police and Prisons Services Commission, in the case of a special constable of or above the rank of Assistant Superintendent,

or the Commissioner in all other cases, may terminate the appointment of any special constable whose services are no longer required, and shall forthwith give notice thereof in writing to the special constable concerned.

- (3) Every special constable shall, within one week of his resignation or of the receipt of the notice terminating his appointment under subsection (2), deliver up to such person at such time and place as may be stated in such notice as aforesaid, or to one of his superior officers, his certificate of appointment and all arms, ammunition, equipment, clothing and appointments whatsoever which have been supplied to him under this Act and which are the property of the Government.
- (4) Any special constable who, having ceased to belong to the Special Constabulary, fails without good cause to comply with the provisions of subsection (3) shall be guilty of an offence and liable to a fine of eighty penalty units or to imprisonment for two months, or to both such fine and such imprisonment.

PART X MISCELLANEOUS

72 Regulations

The Prime Minister may in his discretion make such regulations as may seem to him expedient for the good order and government of the Force and for carrying into effect any of the purposes or provisions of this Act and, without derogation from the generality of the foregoing, for all or any of the following purposes:

- (a) the numerical establishment of the Force, the conditions of service therein and for the various grades, ranks and appointments therein;
- (b) the duties to be performed by members of the Force and for their guidance in the discharge of such duties;
- (c) the pay, retirement benefits and allowances of members of the Force;
- (d) prescribing anything required to be prescribed under this Act;

- (e) the description and issue of arms, ammunition, accoutrements, uniforms and necessities to be supplied under this Act;
- (f) the control, administration and application of the Police Fund;
- (g) the discipline of members of the Force and offences against discipline; and
- (h) regulating the procedure in inquiries into offences against discipline under this Act.

73 Special duty and expenses thereof

- (1) On the application of any person, the Commissioner may, if he thinks fit, detail any police officer to perform special police services in, upon or about any place, premises, business or vessel specified by the applicant.
- (2) The applicant shall pay to the Commissioner for the services of any such officer so detailed such fees as may be prescribed from time to time or, if and so far as no such fees have been prescribed, then, as the Commissioner may think fit.
- (3) All fees so received by the Commissioner shall be paid by him into the Treasury forthwith, and every sum of money due for such services shall be deemed a debt due to the Crown and be recoverable by the Chief Accountant by summons returnable before any Magistrate.

SCHEDULE

(Sections 11 and 61)

FORM OF OATH OR AFFIRMATION

I

Swear by Almighty God*

Do solemnly and sincerely affirm* that I will well and faith-

fully serve Her Majesty and Her Heirs and Successors according to law as a

*Police Officer,

that I will obey, uphold and

*Special Constable,

maintain the laws of Solomon Islands, that I will execute the powers and duties of my office honestly, faithfully and diligently without fear or favour to any person and with malice or illwill towards none and that I will obey without question all lawful orders of those set in authority over me.

Sworn*)

Affirmed* at)

this day of)

19,)

)

) Signature of officer taking the

) oath or making the affirmation.

Before me)

.....

*Delete as necessary.

ENDNOTES

1

KEY

amd = amended	Pt = Part
Ch = Chapter	rem = remainder
Div = Division	renum = renumbered
exp = expires/expired	rep = repealed
GN = Gazette Notice	Sch = Schedule
hdg = heading	Sdiv = Subdivision
ins = inserted	SIG = Solomon Islands Gazette
lt = long title	st = short title
LN = Legal Notice	sub = substituted
nc = not commenced	

NOTE

This Reprint comprises the Act and amendments as in force on 1 March 1996 and published as Chapter 110 of the Revised Edition of the Laws of Solomon Islands, together with amendments made to the Act from that date to 1 October 2009.

2

LIST OF LEGISLATION

Police Act (Cap. 110)

<i>Constituent legislation:</i>	6 of 1972 (Commenced 1 August 1972)
	LN 46A of 1978
	LN 88 of 1978

Police (Amendment) Act 2005 (No. 3 of 2005)

Assent date	6 September 2005
Gazetted	20 September 2005
Commenced	20 September 2005

Penalties Miscellaneous Amendments Act 2009 (No. 14 of 2009)

Assent date	29 July 2009
Gazetted	1 October 2009
Commenced	1 October 2009

Repealed by Police Act 2013 (No. 2 of 2013)

Assent date	23 May 2013
Gazetted	1 November 2013
Commenced	1 March 2014

3

LIST OF AMENDMENTS

s 4	amd by Act No. 3 of 2005
s 11	amd by Act No 14 of 2009
s 15	amd by Act No 14 of 2009
s 19	amd by Act No 14 of 2009
s 22	amd by Act No 14 of 2009
s 26	amd by Act No 14 of 2009
s 27	amd by Act No 14 of 2009
s 28	amd by Act No 14 of 2009
s 33	amd by Act No 14 of 2009
s 39	amd by Act No 14 of 2009
s 48	amd by Act No 14 of 2009
s 49	amd by Act No 14 of 2009
s 50	amd by Act No 14 of 2009
s 51	amd by Act No 14 of 2009
s 52	amd by Act No 14 of 2009
s 64	amd by Act No 14 of 2009
s 71	amd by Act No 14 of 2009