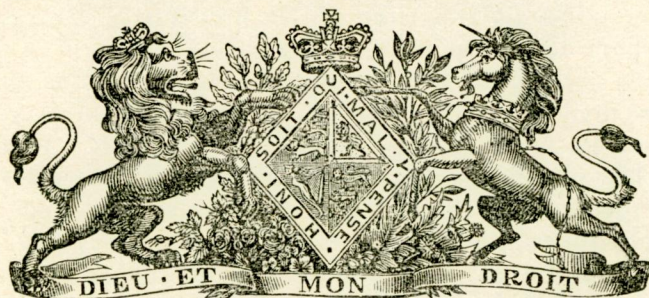


This Act has been amended by the Act No. 28, 1906.

New South Wales.



ANNO SEXAGESIMO TERTIO

VICTORIÆ REGINÆ.

Act No. 20, 1899.

An Act to consolidate the Statute Law relating to the Regulation of the Police Force. [Assented to, 20th November, 1899.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

PART I.

Preliminary and interpretation.

1. This Act may be cited as the "Police Regulation Act, 1899," and is divided into Parts as follows:— Short title and contents.

PART I.—*Preliminary and interpretation—ss. 1-3.*

PART II.—*Appointment, discipline, and duties of the police force—ss. 4-27.*

▲

PART

*Police Regulation.*PART III.—*Police Superannuation Fund and Police Reward Fund—ss. 28-36.*

Repeal and savings.

2. (1) The Acts mentioned in the First Schedule to this Act are to the extent therein expressed hereby repealed, except as to things done or commenced and offences committed before the passing of this Act, which shall be continued and dealt with, and in respect of which every right and liability shall remain as if this Act had not been passed.

(2) All persons appointed under any Act hereby repealed, and holding office at the time of the passing of this Act, shall be deemed to have been appointed under this Act.

(3) All rules, regulations, orders, directions, appointments, and notices made or given under the authority of any Act hereby repealed, and in force at the time of the passing of this Act, shall be deemed to have been made or given under the authority of this Act.

Interpretation.

3. In this Act, unless the context or subject-matter otherwise indicates or requires, the term "*member of the police force*" includes the Inspector-General and every superintendent, inspector, sub-inspector, sergeant, and constable of police.

PART II.

Appointment, discipline, and duties of the police force.

Appointment and authority of Inspector-General.
25 Vic. No. 16, s. 3.

4. (1) The Governor may, from time to time, appoint an Inspector-General of Police.

(2) Such Inspector-General shall, under the direction of the Colonial Secretary, be charged with the superintendence of the police force of New South Wales.

(3) In case of the illness or absence from New South Wales of such Inspector-General, or for any other cause, the Governor may appoint any person to perform all or any of the duties imposed upon the Inspector-General by or under this Act.

Appointment and authority of superintendent, &c.
Ibid. s. 4.

5. (1) The Governor may appoint such number of superintendents, inspectors, and sub-inspectors of police as may be found necessary.

(2) Such superintendents shall, subject to the control and authority of the Inspector-General, be respectively charged with the government, direction, and superintendence of the police force stationed within the districts to which they are respectively assigned by the Governor.

(3) Such inspectors and sub-inspectors shall have such more limited authority in relation to the said police force as the Governor directs.

Police Regulation.

6. (1) The Inspector-General may, subject to disallowance by the Governor, appoint so many sergeants and constables of police of different grades as he deems necessary for the preservation of the peace throughout New South Wales.

Appointment and authority of sergeants and constables.

25 Vic. No. 16, s. 5.

(2) Such constables shall, unless and until their appointments respectively are disallowed by the Governor, have all such powers, privileges, and advantages and be liable to all such duties and responsibility as any constable duly appointed now has or hereafter may have either by the common law or by virtue of any Statute or Act of Council now or hereafter in force in New South Wales.

(3) Any such sergeant or constable stationed at or nearest to any place where a Court of Petty Sessions is held, and where no chief or district constable is stationed, shall do all the acts, perform all the duties, and exercise all the powers authorised by law to be done, performed, or executed by any chief or district constable.

7. (1) No person shall be appointed a constable of police—

Disqualifications of constables.

Ibid. s. 7.

(a) unless he is of sound constitution, able-bodied, and under the age of thirty years, of good character for honesty, fidelity, and activity, and, unless dispensed with for some special necessity, able to read and write;

(b) who has been convicted of any felony, or who is a bailiff, sheriff's bailiff, or parish clerk, or who is a hired servant in the employment of any person whomsoever, or who keeps a house for the sale of beer, wine, or spirituous liquors by retail.

(2) Any constable of police who is or becomes a bailiff, sheriff's bailiff, parish clerk, or hired servant, or acts in any of the said capacities, or sells any beer, wine, or spirituous liquors by retail, shall become incapable of acting, and shall forfeit his appointment as such constable, and all authority, privileges, salary, and gratuity payable to him as such.

8. Whosoever by concealing, after having been dismissed from the police force, the fact of such dismissal, or by any false or forged certificate; or by any false representation obtains admission into and receives pay in the said force, shall, on conviction before two Justices, be liable to imprisonment for a term not exceeding three months.

Penalty on persons obtaining admission into police force in certain cases.

Ibid. s. 17.

9. No person appointed to be a member of the police force shall be capable of holding such office or of acting in any way therein until he has taken and subscribed the following oath:—

Oaths to be taken by members of the police force.

Ibid. s. 10.

I, A.B., do swear that I will well and truly serve our Sovereign Lady the Queen in the office of Inspector-General, superintendent, inspector, sub-inspector, sergeant, or constable of police (as the case may be), without favour or affection, malice or ill-will, for the period of _____ from this date, and until I am legally discharged that I will see and cause Her Majesty's peace to be kept and preserved, and that I will prevent _____

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prevent to the best of my power all offences against the same, and that while I continue to hold the said office I will to the best of my skill and knowledge discharge all the duties thereof faithfully according to law. So help me GOD.

Such oath shall be administered by a Justice, and shall in all cases be subscribed by the person taking the same, and when so taken and subscribed shall be forwarded to the Inspector-General by the Justice before whom the same was taken.

Oath equivalent to an agreement.
25 Vic. No. 16, s. 11.

10. Every person taking and subscribing such oath shall be deemed to have thereby entered into a written agreement with and shall be thereby bound to serve Her Majesty as a member of the police force and in the capacity in which he has taken such oath, at the current rate of pay for such member, and from the day on which such oath has been taken and subscribed until legally discharged :

Provided that—

- (a) no such agreement shall be set aside, cancelled, or annulled for want of reciprocity ;
- (b) such agreement may be cancelled at any time by the lawful discharge, dismissal, or other removal from office of any such person, or by the resignation of any such person accepted by the Inspector-General or other person acting in his stead.

Repute to be evidence of appointment.
Ibid. s. 18.

11. If any question arises as to the right of any member of the police force to hold or execute his office, common reputation shall be deemed evidence of such right, and it shall not be necessary to have or produce any written appointment, or any oath, affidavit, or other document or matter whatsoever in proof of such right.

Rules for government and discipline of police.
Ibid. s. 6.

12. The Governor may make rules for the general government and discipline of the members of the police force.

All such rules shall be published in the Gazette, and copies thereof shall be laid before both Houses of Parliament forthwith if sitting, and if not, then within fourteen days after the opening of the next session.

Constables, &c., to attend at general and petty sessions and execute warrants, &c.
Ibid. s. 8.

13. (1) Every sergeant and constable of police shall when not engaged on actual duty attend at the several Quarter Sessions, and also at the Petty Sessions held at the respective places where such sergeants or constables are stationed, and shall obey and execute in all cases every lawful summons, warrant, execution, order, and command of the Chairman of such Quarter Sessions, and of the Justices at Petty Sessions.

Constable to execute process.
Ibid. s. 9.

(2) Every sergeant and constable of police shall when not engaged on actual duty execute all process directed to him for levying the amount of any recognisance forfeited to Her Majesty, or of any fine imposed on any juror, witness, party, or person at any Assizes or Commission of Oyer and Terminer or Gaol Delivery or Sessions of the Peace, or any other fine imposed under any Act or Imperial Act.

(3)

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(3) Any process or warrant, order, or command of any magistrate directed, delivered, or given to any such sergeant or constable may be executed and enforced by any other sergeant or constable of police or assistant, and every such last-mentioned sergeant and constable and assistant shall have all the same rights, powers, and authorities for and in the execution of such process, warrant, order, or command as if the same had originally been directed to him by name.

One constable may act for another in such cases.

25 Vic. No. 16, s. 9.

14. Any member of the police force who neglects or refuses to obey any lawful order, or execute any process lawfully directed to be by him executed, or is guilty of any other misconduct, neglect, violation of, or absence from, duty shall, on conviction before two Justices, be liable to a penalty not exceeding for the first offence five pounds, or for the second or any subsequent offence twenty pounds.

Penalty on constables for neglect of duty.

Ibid. s. 12.

15. Any member of the police force who—
takes any bribe, pecuniary or otherwise, either directly or indirectly;
or

Penalty for taking a bribe, &c.

Ibid. s. 15.

in any manner, aids, abets, assists, or connives at the escape or any attempt or preparation, to escape of any prisoner from any prison, watch-house, or other place in which such prisoner is legally confined or otherwise in lawful custody; or

deserts his post; or

assaults his superior officer

shall, on conviction before two Justices, be liable to a penalty not exceeding twenty-five pounds, or to imprisonment with hard labour for a term not exceeding six months.

16. (1) Every member of the police force on actual duty and in proper dress or undress as such, and all prisoners under their charge, and all carriages and horses exclusively employed in carrying or conveying such members of the police force, or their prisoners or baggage or returning therefrom, shall be exempt from payment of any tolls or dues in passing any toll-gate, turnpike road, bridge, or ferry.

Exemption from tolls.

Ibid. s. 16.

(2) Any toll-collector who demands or receives any duty or toll contrary to this Act shall, on conviction before a Justice, be liable to a penalty not exceeding ten pounds.

Penalty for demanding same.

Ibid. s. 16.

17. Whosoever not being a member of the police force has in his possession any arms or ammunition, article of clothing, accoutrements, or appointments supplied to any member of the force, and is not able satisfactorily to account for such possession; or

Penalty for personating constables, &c.

Ibid. s. 17.

puts on or assumes the dress, name, designation, or description of any member of the force, or of any class of such members; or gives or offers or promises to give any bribe, recompense, or reward to or makes any collusive agreement with, any member of the police force to induce him in any way to neglect his duty, or

conceal

Police Regulation.

conceal or connive at any act whereby any rule made as aforesaid may be evaded, whether such offer is accepted or acted upon or not,

shall, on conviction before two Justices, be liable in addition to any other punishment to which he may be liable for such offence to a penalty not exceeding ten pounds, to be applied in aid of the Police Reward Fund hereinafter mentioned.

Three months' notice
of resignation to be
given.
25 Vic. No. 16, s. 14.

18. (1) No member of the police force shall be at liberty to resign his office or to withdraw from the duties thereof unless expressly authorised in writing so to do by the Inspector-General or other member of the police force under whom he is placed, or unless he gives to such member of the police force three months' notice of his intention so to resign or withdraw.

(2) Any member of the police force who so resigns or withdraws without such previous permission or notice shall, on conviction before two Justices, be liable to a penalty not exceeding twenty pounds.

Powers and
authorities to cease
upon dismissal or
resignation.
Ibid. s. 13.

19. (1) When any member of the police force is dismissed from or ceases to hold his office, all powers and authorities vested in him shall immediately cease.

(2) Any member of the Police Force so dismissed, or ceasing to hold office, who does not forthwith deliver over all the arms, ammunition, accoutrements, horses, saddles, bridles, clothing, and other appointments and things supplied to him for the execution of such office, or in his custody by virtue thereof, to some person appointed by any order special or general of the Inspector-General shall, upon conviction before two Justices, be liable to imprisonment with hard labour for a term not exceeding three calendar months.

(3) Any Justice may and shall issue his warrant to search for and seize to the use of Her Majesty all and every, the arms, ammunition, accoutrements, horses, saddles, bridles, clothing, and other appointments and things not so delivered over wherever the same are found.

Disposal of effects
on intestacy.
Ibid. s. 29.

20. In the event of any member of the police force dying intestate the Inspector-General, or such other member of the police force as the Governor may appoint, may cause the effects of the deceased to be disposed of by public auction, in such manner as he thinks fit, and the proceeds of such sale, together with any balance of pay or other moneys due to the deceased, shall be applied in the first instance to defray his funeral expenses and debts, and the balance, if it does not exceed twenty-five pounds, shall be handed by the Inspector-General or other member of the police force to the widow or next of kin of the deceased resident in New South Wales.

If such balance exceeds the sum of twenty-five pounds, or if there is no widow or next of kin resident in New South Wales such balance shall be paid to the Curator of Intestate Estates. - 21.

Police Regulation.

21. (1) Any Justice may, whether an information or a complaint in writing has or has not been exhibited, or taken before or by him, summon any person charged with an offence under this Act, to appear before a Justice or Justices as the case may be, on a day appointed in that behalf :

Procedure by summons whether information laid or not.

19 Vic. No. 24, s. 23.

Provided that such Justice may, if he thinks fit, require that an information or a complaint in writing be laid before he grants any such summons.

(2) All proceedings by summons, without information or complaint in writing, shall be as valid and effectual as if an information or a complaint in writing had been first exhibited or taken in that behalf.

(3) A memorandum in the form or to the effect set forth in the Second Schedule to this Act, shall be kept of every charge for which a summons is issued.

Memo. to be kept of every summons issued.

22. (1) All penalties imposed on any person convicted by any Justice or Justices under this Act shall be paid forthwith.

Recovery of penalties.

25 Vic. No. 16, s. 25.

(2) In default of such payment such penalties shall be recovered by distress and sale of the goods and chattels of the person convicted.

(3) In default of sufficient distress the person convicted shall be liable to imprisonment, with or without hard labour,

(a) where the penalty imposed is not above ten pounds, for a term not exceeding two months ;

(b) where the penalty imposed is above ten pounds, and not above twenty pounds, for a term not exceeding four months ;

(c) where the penalty imposed is above twenty pounds, for a term not exceeding six months,

unless he sooner pays such penalty and costs.

23. Any member of the police force for whom imprisonment has been substituted in lieu of a pecuniary penalty under this Act may be confined in any place especially appointed by the Governor as a police prison, instead of a common prison or other place of confinement, and may be kept to such labour therein as the Inspector-General may direct :

Members of police force subject to imprisonment may be confined in any place specially appointed by Governor.

Ibid. s. 26.

Provided that the period of any such confinement shall in no case exceed the term of imprisonment to which such member of the police force has been duly sentenced.

24. No term of imprisonment or confinement of any member of the police force under this Act shall be deemed to be part of any period for which he has engaged to serve in the said force.

Term of imprisonment not to count as service.

Ibid. s. 26.

25. (1) Any person ordered or adjudged by any Justice or Justices under the provisions of this Act to be imprisoned or to pay any penalty exceeding ten pounds may appeal from any such judgment

Appeal to Quarter Sessions.

Ibid. s. 27.

Police Regulation.

judgment or conviction to the next Court of Quarter Sessions held nearest to the place where such judgment or conviction has been given or made.

(2) The execution of the judgment or conviction so appealed from shall be suspended on such person entering immediately before such Justice or Justices into a bond or recognizance to Her Majesty with one or more sufficient surety or sureties in the case of imprisonment in such penal sum as to such Justice or Justices seems proper, and in the case of a penalty in the penal sum of double the amount of such penalty, conditioned to prosecute such appeal with effect, and to be forthcoming to abide the determination of the said Court of Quarter Sessions, and to pay such costs as the said Court shall award.

(3) Such Court shall hear and determine the matter of every such appeal, and the decision of such Court shall be final between the parties to all intents and purposes.

For protection of
constables.
25 Vic. No. 16, s. 28.

26. (1) When any action is brought against any member of the police force for any act done in obedience to the warrant of any Justice, such member of the police force shall not be responsible for any irregularity in the issuing of such warrant or for any want of jurisdiction in the Justice issuing the same, and may plead the general issue, and give such warrant in evidence.

(2) Upon the production of such warrant and proof that the signature thereto is in the handwriting of the person whose name appears subscribed thereto, and that such person is reputed to be and acts as a Justice possessing jurisdiction in the case, and that the act complained of was done in obedience to such warrant, the jury who try the said issue shall find a verdict for such member of the police force, and he shall recover his costs of suit.

Existing laws
affecting constables
saved.
Ibid. s. 32.

27. Nothing in this Act contained shall be deemed to diminish the duties or restrict or affect the liabilities of constables at common law, or under any Act now in force or hereafter to be passed.

PART III.

Police Superannuation Fund and Police Reward Fund.

Superannuation
Fund.
Ibid. s. 19.

28. There shall be deducted from the pay and salary of the several members of the police force appointed under this Act the sum of two pounds per centum per annum, and so ratably from any pay or salary of whatever amount, which sums so deducted shall be invested in such manner as may be directed by the Governor, and the interest and dividends thereof, or so much of the same as shall not be required for the purposes hereinafter mentioned, shall be invested in like manner and accumulate so as to form a fund to be called the "Police Superannuation Fund," and to be applied as occasion may require for the payment

Police Regulation.

payment of such superannuation or retiring allowances or gratuities as may be ordered or appointed by the Governor, under the powers hereinafter given to him, to be charged on the said fund or payable thereout.

29. Upon the petition of a member of the police force in office at the commencement of this Act, or appointed under this Act (and in case of any constable upon such recommendations and certificates as the Governor may require), it shall be lawful for the Governor to order and direct that such member of the police force shall be superannuated and shall receive such yearly allowance, remuneration, superannuation, or gratuity, and upon such conditions and not exceeding such proportion as to age, length of service, and other circumstances as hereinafter mentioned and provided for, and thereupon such person shall cease to hold such office.

Officers how
superannuated.
25 Vic. No. 16, s. 20.

Every such allowance, remuneration, superannuation, or gratuity shall be chargeable upon and paid out of the said "Police Superannuation Fund," so far as it is adequate to discharge the same, together with those previously charged and made payable out of the said fund.

30. The conditions and proportions of such allowance, remuneration, or superannuation shall be as follows, that is to say:—

Conditions of
superannuation, &c.
Ibid. s. 21.

- (1) Where the person applying has served with diligence and fidelity it shall be lawful to grant him by way of superannuation—
- (a) if he has served for fifteen years and less than twenty years, an annual sum not exceeding one-half of the salary of his office;
 - (b) if for twenty years and less than twenty-five years, an annual sum not exceeding two-thirds of such salary;
 - (c) if for twenty-five years and less than thirty years, an annual sum not exceeding three-fourths of such salary;
 - (d) if for thirty years or upwards, an annual sum not exceeding the whole of such salary:

Provided that—

where the person applying for the same is under sixty years of age, such allowance, compensation, remuneration, or superannuation shall, except as hereinafter provided, be granted only upon certificate from two legally qualified medical practitioners, duly appointed in that behalf by the Governor, that such person is incapable from infirmity of mind or body to discharge the duties of his office.

Where applicant
under sixty certificate
of infirmity
necessary.

- (2) Where any member of the police force has been disabled by any wound or injury received in the actual execution of the duty of his office, it shall be lawful to grant to him such yearly

Where disabled in
execution of duty.

B

allowance

Police Regulation.

allowance or remuneration, not exceeding the whole of the salary of his office, as may in the opinion of the Governor be proportioned to the nature of the injury received, without reference to the length of his service.

When gratuities may
be granted.
25 Vic. No. 16, s. 22.

31. Where any member of the police force has been duly certified to be unfit for service and to have served with diligence and fidelity for any number of years not exceeding ten, it shall be lawful for the Governor to order that a gratuity not exceeding one month's pay for each year's service shall be paid to him, and a further gratuity of two months' pay for each year he shall have so served exceeding ten years and not exceeding fifteen years.

Period of service,
how calculated.
Ibid. s. 21.

32. In calculating the period for which any person has served in the police force, the time he may have served in any class or grade thereof before the commencement of this Act shall be reckoned.

Forfeiture of
allowance in certain
cases.
Ibid. s. 23.

33. (1) Any person to whom any allowance, compensation, remuneration, or superannuation has been granted under the provisions of this Act who—

refuses when called upon by any Justice or member of the police force to assist in the suppression of any riot or breach of the peace or in the apprehension of any offender; or

is convicted of any felony, misdemeanour, or other disgraceful conduct; or

commits any fraud with respect to the claiming, obtaining, or receiving such allowance, compensation, remuneration, or superannuation, or conceals his enjoyment of the same for the purpose of evading the provisions of this Act, or assumes a false name, or makes a false statement as to his place of residence for the same or any other fraudulent purpose; or

fails to conform to any rule respecting notification of residence and changes of residence laid down for his guidance,

shall be liable, in addition to any other punishment to which he may by law be liable, at the pleasure of the Governor, to forfeit the whole or any part of such allowance, compensation, remuneration, or superannuation.

(2) Any such person who without leave previously granted by the Governor departs from New South Wales shall be liable to the like forfeiture during his absence.

Police Reward Fund.
Ibid. s. 24.

34. All penalties imposed on any member of the police force under this Act, and all penalties or portions of penalties and damages awarded by any Justice on any summary conviction to any member of the police force as the prosecutor of any information or otherwise, shall, instead of being paid to him, be paid to the Colonial Treasurer, to be by him applied and set apart towards a fund to be called the "Police Reward Fund," out of which shall be paid to the constables appointed under

Police Regulation.

under this Act, or to the widows of any such constables, such rewards, gratuities, bounties, pensions, or other allowances as may be directed by any rules made as hereinbefore provided.

35. (1) Any goods and chattels which have lawfully come to the possession of any member of the police force, and which are unclaimed, shall be sold and disposed of by the direction of the Inspector-General by public auction (a notice of such sale having been previously published thrice in the Gazette), and the clear produce of such sale shall, unless claimed within twelve months thereafter, be applied in aid of the Police Reward Fund.

Unclaimed goods in possession of police may be sold by Inspector-General, and proceeds applied to Police Reward Fund.

25 Vic. No. 16, s. 30.

(2) Every such sale shall be valid against all persons.

(3) No persons selling any goods or chattels under this section shall be liable to pay any auction or other duty in consequence of such sale.

36. (1) All sums of money now at the credit of any "Police Superannuation Fund" shall be transferred to the "Police Superannuation Fund" named in this Act, and all sums of money now in the hands of the Colonial Treasurer for and in respect of any "Police Reward Fund" shall be transferred to the "Police Reward Fund" named in this Act, and such funds respectively shall be dealt with and appropriated according to this Act.

Existing Police Superannuation Fund and Reward Fund transferred to purposes of this Act. *Ibid.* s. 31.

(2) An account in detail of the appropriation of the said "Police Superannuation Fund" and "Police Reward Fund" or any part thereof during every year shall be laid before both Houses of Parliament within thirty days next after the opening of the Session after such appropriation has been made :

Provided that the Governor may if it be deemed necessary or convenient at any time transfer and carry over a portion of either of such funds to the other of them.

SCHEDULES.

See s. 2.

FIRST SCHEDULE.

Repeal of Acts.

Reference to Act.	Title or Short title.	Extent of repeal.
19 Vic. No. 24 ...	Police (General)	So much of section 23 as relates to procedure under Police Regulation Acts.
25 Vic. No. 16 ..	Police Regulation Act of 1862...	The whole.

SECOND

Police Regulation.

Sec. 21.

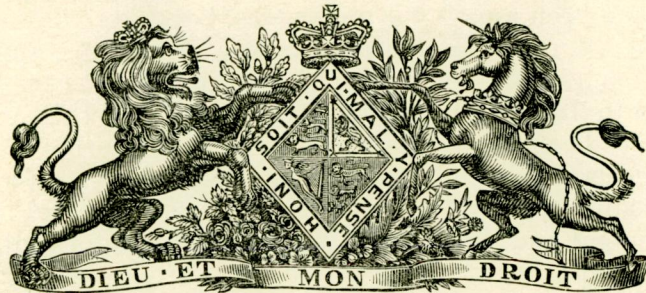
SECOND SCHEDULE.

Memorandum of charge.

[Name of complainant.]	A.B. of No.	street, Sydney, sergeant of police.
[Name of defendant.]	C.D. of No.	street, Sydney, constable of police.
[Date of offence.]	on the	day of inst. or last.
[Offence.]	[e.g., assault the said A.B., his superior officer, at Sydney aforesaid.]	
[Date of issuing summons.]	The	day of , 18
[Signed by]	L.Z. J.P.	
[Summons returnable.]	The	day of inst. or next.

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New South Wales.



ANNO SEXAGESIMO TERTIO

VICTORIÆ REGINÆ.

Act No. 20, 1899.

An Act to consolidate the Statute Law relating to the Regulation of the Police Force. [Assented to, 20th November, 1899.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

PART I.

Preliminary and interpretation.

1. This Act may be cited as the "Police Regulation Act, 1899," Short title and contents. and is divided into Parts as follows:—

PART I.—*Preliminary and interpretation*—ss. 1-3.

PART II.—*Appointment, discipline, and duties of the police force*—ss. 4-27.

A

PART

*Police Regulation.*PART III.—*Police Superannuation Fund and Police Reward Fund—ss. 28–36.*

Repeal and savings.

2. (1) The Acts mentioned in the First Schedule to this Act are to the extent therein expressed hereby repealed, except as to things done or commenced and offences committed before the passing of this Act, which shall be continued and dealt with, and in respect of which every right and liability shall remain as if this Act had not been passed.

(2) All persons appointed under any Act hereby repealed, and holding office at the time of the passing of this Act, shall be deemed to have been appointed under this Act.

(3) All rules, regulations, orders, directions, appointments, and notices made or given under the authority of any Act hereby repealed, and in force at the time of the passing of this Act, shall be deemed to have been made or given under the authority of this Act.

Interpretation.

3. In this Act, unless the context or subject-matter otherwise indicates or requires, the term "*member of the police force*" includes the Inspector-General and every superintendent, inspector, sub-inspector, sergeant, and constable of police.

PART II.

Appointment, discipline, and duties of the police force.

Appointment and
authority of
Inspector-General.
25 Vic. No. 16, s. 3.

4. (1) The Governor may, from time to time, appoint an Inspector-General of Police.

(2) Such Inspector-General shall, under the direction of the Colonial Secretary, be charged with the superintendence of the police force of New South Wales.

(3) In case of the illness or absence from New South Wales of such Inspector-General, or for any other cause, the Governor may appoint any person to perform all or any of the duties imposed upon the Inspector-General by or under this Act.

Appointment and
authority of
superintendent, &c.
Ibid. s. 4.

5. (1) The Governor may appoint such number of superintendents, inspectors, and sub-inspectors of police as may be found necessary.

(2) Such superintendents shall, subject to the control and authority of the Inspector-General, be respectively charged with the government, direction, and superintendence of the police force stationed within the districts to which they are respectively assigned by the Governor.

(3) Such inspectors and sub-inspectors shall have such more limited authority in relation to the said police force as the Governor directs.

Police Regulation.

6. (1) The Inspector-General may, subject to disallowance by the Governor, appoint so many sergeants and constables of different grades as he deems necessary for the preservation of the peace throughout New South Wales.

Appointment and authority of sergeants and constables.

25 Vic. No. 16, s. 5.

(2) Such constables shall, unless and until their appointments respectively are disallowed by the Governor, have all such powers, privileges, and advantages and be liable to all such duties and responsibility as any constable duly appointed now has or hereafter may have either by the common law or by virtue of any Statute or Act of Council now or hereafter in force in New South Wales.

(3) Any such sergeant or constable stationed at or nearest to any place where a Court of Petty Sessions is held, and where no chief or district constable is stationed, shall do all the acts, perform all the duties, and exercise all the powers authorised by law to be done, performed, or executed by any chief or district constable.

7. (1) No person shall be appointed a constable of police—

(a) unless he is of sound constitution, able-bodied, and under the age of thirty years, of good character for honesty, fidelity, and activity, and, unless dispensed with for some special necessity, able to read and write;

Disqualifications of constables.

Ibid. s. 7.

(b) who has been convicted of any felony, or who is a bailiff, sheriff's bailiff, or parish clerk, or who is a hired servant in the employment of any person whomsoever, or who keeps a house for the sale of beer, wine, or spirituous liquors by retail.

(2) Any constable of police who is or becomes a bailiff, sheriff's bailiff, parish clerk, or hired servant, or acts in any of the said capacities, or sells any beer, wine, or spirituous liquors by retail, shall become incapable of acting, and shall forfeit his appointment as such constable, and all authority, privileges, salary, and gratuity payable to him as such.

8. Whosoever by concealing, after having been dismissed from the police force, the fact of such dismissal, or by any false or forged certificate, or by any false representation obtains admission into and receives pay in the said force, shall, on conviction before two Justices, be liable to imprisonment for a term not exceeding three months.

Penalty on persons obtaining admission into police force in certain cases.

Ibid. s. 17.

9. No person appointed to be a member of the police force shall be capable of holding such office or of acting in any way therein until he has taken and subscribed the following oath:—

Oaths to be taken by members of the police force.

Ibid. s. 10.

I, A.B., do swear that I will well and truly serve our Sovereign Lady the Queen in the office of Inspector-General, superintendent, inspector, sub-inspector, sergeant, or constable of police (as the case may be), without favour or affection, malice or ill-will, for the period of _____ from this date, and until I am legally discharged that I will see and cause Her Majesty's peace to be kept and preserved, and that I will prevent

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prevent to the best of my power all offences against the same, and that while I continue to hold the said office I will to the best of my skill and knowledge discharge all the duties thereof faithfully according to law. So help me God.

Such oath shall be administered by a Justice, and shall in all cases be subscribed by the person taking the same, and when so taken and subscribed shall be forwarded to the Inspector-General by the Justice before whom the same was taken.

Oath equivalent to an agreement.
25 Vic. No. 16, s. 11.

10. Every person taking and subscribing such oath shall be deemed to have thereby entered into a written agreement with and shall be thereby bound to serve Her Majesty as a member of the police force and in the capacity in which he has taken such oath, at the current rate of pay for such member, and from the day on which such oath has been taken and subscribed until legally discharged :

Provided that—

- (a) no such agreement shall be set aside, cancelled, or annulled for want of reciprocity ;
- (b) such agreement may be cancelled at any time by the lawful discharge, dismissal, or other removal from office of any such person, or by the resignation of any such person accepted by the Inspector-General or other person acting in his stead.

Repute to be evidence of appointment.
Ibid. s. 18.

11. If any question arises as to the right of any member of the police force to hold or execute his office, common reputation shall be deemed evidence of such right, and it shall not be necessary to have or produce any written appointment, or any oath, affidavit, or other document or matter whatsoever in proof of such right.

Rules for government and discipline of police.
Ibid. s. 6.

12. The Governor may make rules for the general government and discipline of the members of the police force.

All such rules shall be published in the Gazette, and copies thereof shall be laid before both Houses of Parliament forthwith if sitting, and if not, then within fourteen days after the opening of the next session.

Constables, &c., to attend at general and petty sessions and execute warrants, &c.
Ibid. s. 8.

13. (1) Every sergeant and constable of police shall when not engaged on actual duty attend at the several Quarter Sessions, and also at the Petty Sessions held at the respective places where such sergeants or constables are stationed, and shall obey and execute in all cases every lawful summons, warrant, execution, order, and command of the Chairman of such Quarter Sessions, and of the Justices at Petty Sessions.

Constable to execute process.
Ibid. s. 9.

(2) Every sergeant and constable of police shall when not engaged on actual duty execute all process directed to him for levying the amount of any recognisance forfeited to Her Majesty, or of any fine imposed on any juror, witness, party, or person at any Assizes or Commission of Oyer and Terminer or Gaol Delivery or Sessions of the Peace, or any other fine imposed under any Act or Imperial Act.

(3)

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(3) Any process or warrant, order, or command of any magistrate directed, delivered, or given to any such sergeant or constable may be executed and enforced by any other sergeant or constable of police or assistant, and every such last-mentioned sergeant and constable and assistant shall have all the same rights, powers, and authorities for and in the execution of such process, warrant, order, or command as if the same had originally been directed to him by name.

One constable may act for another in such cases.

25 Vic. No. 16, s. 9.

14. Any member of the police force who neglects or refuses to obey any lawful order, or execute any process lawfully directed to be by him executed, or is guilty of any other misconduct, neglect, violation of, or absence from, duty shall, on conviction before two Justices, be liable to a penalty not exceeding for the first offence five pounds, or for the second or any subsequent offence twenty pounds.

Penalty on constables for neglect of duty.

Ibid. s. 12.

15. Any member of the police force who—
takes any bribe, pecuniary or otherwise, either directly or indirectly;
or

Penalty for taking a bribe, &c.

Ibid. s. 15.

in any manner, aids, abets, assists, or connives at the escape or any attempt or preparation to escape of any prisoner from any prison, watch-house, or other place in which such prisoner is legally confined or otherwise in lawful custody; or

deserts his post; or

assaults his superior officer

shall, on conviction before two Justices, be liable to a penalty not exceeding twenty-five pounds, or to imprisonment with hard labour for a term not exceeding six months.

16. (1) Every member of the police force on actual duty and in proper dress or undress as such, and all prisoners under their charge, and all carriages and horses exclusively employed in carrying or conveying such members of the police force, or their prisoners or baggage or returning therefrom, shall be exempt from payment of any tolls or dues in passing any toll-gate, turnpike road, bridge, or ferry.

Exemption from tolls.

Ibid. s. 16.

(2) Any toll-collector who demands or receives any duty or toll contrary to this Act shall, on conviction before a Justice, be liable to a penalty not exceeding ten pounds.

Penalty for demanding same.

Ibid. s. 16.

17. Whosoever not being a member of the police force has in his possession any arms or ammunition, article of clothing, accoutrements, or appointments supplied to any member of the force, and is not able satisfactorily to account for such possession; or

Penalty for personating constables, &c.

Ibid. s. 17.

puts on or assumes the dress, name, designation, or description of any member of the force, or of any class of such members; or gives or offers or promises to give any bribe, recompense, or reward to or makes any collusive agreement with, any member of the police force to induce him in any way to neglect his duty, or

conceal

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conceal or connive at any act whereby any rule made as aforesaid may be evaded, whether such offer is accepted or acted upon or not,

shall, on conviction before two Justices, be liable in addition to any other punishment to which he may be liable for such offence to a penalty not exceeding ten pounds, to be applied in aid of the Police Reward Fund hereinafter mentioned.

Three months' notice
of resignation to be
given.
25 Vic. No. 16, s. 14.

18. (1) No member of the police force shall be at liberty to resign his office or to withdraw from the duties thereof unless expressly authorised in writing so to do by the Inspector-General or other member of the police force under whom he is placed, or unless he gives to such member of the police force three months' notice of his intention so to resign or withdraw.

(2) Any member of the police force who so resigns or withdraws without such previous permission or notice shall, on conviction before two Justices, be liable to a penalty not exceeding twenty pounds.

Powers and
authorities to cease
upon dismissal or
resignation.
Ibid. s. 13.

19. (1) When any member of the police force is dismissed from or ceases to hold his office, all powers and authorities vested in him shall immediately cease.

(2) Any member of the Police Force so dismissed, or ceasing to hold office, who does not forthwith deliver over all the arms, ammunition, accoutrements, horses, saddles, bridles, clothing, and other appointments and things supplied to him for the execution of such office, or in his custody by virtue thereof, to some person appointed by any order special or general of the Inspector-General shall, upon conviction before two Justices, be liable to imprisonment with hard labour for a term not exceeding three calendar months.

(3) Any Justice may and shall issue his warrant to search for and seize to the use of Her Majesty all and every, the arms, ammunition, accoutrements, horses, saddles, bridles, clothing, and other appointments and things not so delivered over wherever the same are found.

Disposal of effects
on intestacy.
Ibid. s. 29.

20. In the event of any member of the police force dying intestate the Inspector-General, or such other member of the police force as the Governor may appoint, may cause the effects of the deceased to be disposed of by public auction, in such manner as he thinks fit, and the proceeds of such sale, together with any balance of pay or other moneys due to the deceased, shall be applied in the first instance to defray his funeral expenses and debts, and the balance, if it does not exceed twenty-five pounds, shall be handed by the Inspector-General or other member of the police force to the widow or next of kin of the deceased resident in New South Wales.

If such balance exceeds the sum of twenty-five pounds, or if there is no widow or next of kin resident in New South Wales such balance shall be paid to the Curator of Intestate Estates.

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21. (1) Any Justice may, whether an information or a complaint in writing has or has not been exhibited, or taken before or by him, summon any person charged with an offence under this Act, to appear before a Justice or Justices as the case may be, on a day appointed in that behalf :

Procedure by summons whether information laid or not.
19 Vic. No. 24, s. 23.

Provided that such Justice may, if he thinks fit, require that an information or a complaint in writing be laid before he grants any such summons.

(2) All proceedings by summons, without information or complaint in writing, shall be as valid and effectual as if an information or a complaint in writing had been first exhibited or taken in that behalf.

(3) A memorandum in the form or to the effect set forth in the Second Schedule to this Act, shall be kept of every charge for which a summons is issued.

Memo. to be kept of every summons issued.

22. (1) All penalties imposed on any person convicted by any Justice or Justices under this Act shall be paid forthwith.

Recovery of penalties.
25 Vic. No. 16, s. 25.

(2) In default of such payment such penalties shall be recovered by distress and sale of the goods and chattels of the person convicted.

(3) In default of sufficient distress the person convicted shall be liable to imprisonment, with or without hard labour,

- (a) where the penalty imposed is not above ten pounds, for a term not exceeding two months ;
- (b) where the penalty imposed is above ten pounds, and not above twenty pounds, for a term not exceeding four months ;
- (c) where the penalty imposed is above twenty pounds, for a term not exceeding six months,

unless he sooner pays such penalty and costs.

23. Any member of the police force for whom imprisonment has been substituted in lieu of a pecuniary penalty under this Act may be confined in any place especially appointed by the Governor as a police prison, instead of a common prison or other place of confinement, and may be kept to such labour therein as the Inspector-General may direct :

Members of police force subject to imprisonment may be confined in any place specially appointed by Governor.
Ibid. s. 26.

Provided that the period of any such confinement shall in no case exceed the term of imprisonment to which such member of the police force has been duly sentenced.

24. No term of imprisonment or confinement of any member of the police force under this Act shall be deemed to be part of any period for which he has engaged to serve in the said force.

Term of imprisonment not to count as service.
Ibid. s. 26.

25. (1) Any person ordered or adjudged by any Justice or Justices under the provisions of this Act to be imprisoned or to pay any penalty exceeding ten pounds may appeal from any such judgment

Appeal to Quarter Sessions.
Ibid. s. 27.

Police Regulation.

judgment or conviction to the next Court of Quarter Sessions he nearest to the place where such judgment or conviction has been given or made.

(2) The execution of the judgment or conviction so appealed from shall be suspended on such person entering immediately before such Justice or Justices into a bond or recognizance to Her Majesty with one or more sufficient surety or sureties in the case of imprisonment in such penal sum as to such Justice or Justices seems proper, and in the case of a penalty in the penal sum of double the amount of such penalty, conditioned to prosecute such appeal with effect, and to be forthcoming to abide the determination of the said Court of Quarter Sessions, and to pay such costs as the said Court shall award.

(3) Such Court shall hear and determine the matter of every such appeal, and the decision of such Court shall be final between the parties to all intents and purposes.

For protection of
constables.
25 Vic. No. 16, s. 28.

26. (1) When any action is brought against any member of the police force for any act done in obedience to the warrant of any Justice, such member of the police force shall not be responsible for any irregularity in the issuing of such warrant or for any want of jurisdiction in the Justice issuing the same, and may plead the general issue, and give such warrant in evidence.

(2) Upon the production of such warrant and proof that the signature thereto is in the handwriting of the person whose name appears subscribed thereto, and that such person is reputed to be and acts as a Justice possessing jurisdiction in the case, and that the act complained of was done in obedience to such warrant, the jury who try the said issue shall find a verdict for such member of the police force, and he shall recover his costs of suit.

Existing laws
affecting constables
saved.
Ibid. s. 32.

27. Nothing in this Act contained shall be deemed to diminish the duties or restrict or affect the liabilities of constables at common law, or under any Act now in force or hereafter to be passed.

PART III.

Police Superannuation Fund and Police Reward Fund.

Superannuation
Fund.
Ibid. s. 19.

28. There shall be deducted from the pay and salary of the several members of the police force appointed under this Act the sum of two pounds per centum per annum, and so ratably from any pay or salary of whatever amount, which sums so deducted shall be invested in such manner as may be directed by the Governor, and the interest and dividends thereof, or so much of the same as shall not be required for the purposes hereinafter mentioned, shall be invested in like manner and accumulate so as to form a fund to be called the "Police Superannuation Fund," and to be applied as occasion may require for the payment

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payment of such superannuation or retiring allowances or gratuities as may be ordered or appointed by the Governor, under the powers hereinafter given to him, to be charged on the said fund or payable thereout.

29. Upon the petition of a member of the police force in office at the commencement of this Act, or appointed under this Act (and in case of any constable upon such recommendations and certificates as the Governor may require), it shall be lawful for the Governor to order and direct that such member of the police force shall be superannuated and shall receive such yearly allowance, remuneration, superannuation, or gratuity, and upon such conditions and not exceeding such proportion as to age, length of service, and other circumstances as hereinafter mentioned and provided for, and thereupon such person shall cease to hold such office.

Officers how
superannuated.
25 Vic. No. 16, s. 20.

Every such allowance, remuneration, superannuation, or gratuity shall be chargeable upon and paid out of the said "Police Superannuation Fund," so far as it is adequate to discharge the same, together with those previously charged and made payable out of the said fund.

30. The conditions and proportions of such allowance, remuneration, or superannuation shall be as follows, that is to say:—

Conditions of
superannuation, &c.
Ibid. s. 21.

- (1) Where the person applying has served with diligence and fidelity it shall be lawful to grant him by way of superannuation—
- (a) if he has served for fifteen years and less than twenty years, an annual sum not exceeding one-half of the salary of his office;
 - (b) if for twenty years and less than twenty-five years, an annual sum not exceeding two-thirds of such salary;
 - (c) if for twenty-five years and less than thirty years, an annual sum not exceeding three-fourths of such salary;
 - (d) if for thirty years or upwards, an annual sum not exceeding the whole of such salary:

Provided that—

where the person applying for the same is under sixty years of age, such allowance, compensation, remuneration, or superannuation shall, except as hereinafter provided, be granted only upon certificate from two legally qualified medical practitioners, duly appointed in that behalf by the Governor, that such person is incapable from infirmity of mind or body to discharge the duties of his office.

Where applicant
under sixty certificate
of infirmity
necessary.

- (2) Where any member of the police force has been disabled by any wound or injury received in the actual execution of the duty of his office, it shall be lawful to grant to him such yearly allowance

Where disabled in
execution of duty.

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allowance or remuneration, not exceeding the whole of the salary of his office, as may in the opinion of the Governor be proportioned to the nature of the injury received, without reference to the length of his service.

When gratuities may be granted.

25 Vic. No. 16, s. 22.

31. Where any member of the police force has been duly certified to be unfit for service and to have served with diligence and fidelity for any number of years not exceeding ten, it shall be lawful for the Governor to order that a gratuity not exceeding one month's pay for each year's service shall be paid to him, and a further gratuity of two months' pay for each year he shall have so served exceeding ten years and not exceeding fifteen years.

Period of service, how calculated.

Ibid. s. 21.

32. In calculating the period for which any person has served in the police force, the time he may have served in any class or grade thereof before the commencement of this Act shall be reckoned.

Forfeiture of allowance in certain cases.

Ibid. s. 23.

33. (1) Any person to whom any allowance, compensation, remuneration, or superannuation has been granted under the provisions of this Act who—

refuses when called upon by any Justice or member of the police force to assist in the suppression of any riot or breach of the peace or in the apprehension of any offender; or is convicted of any felony, misdemeanour, or other disgraceful conduct; or commits any fraud with respect to the claiming, obtaining, or receiving such allowance, compensation, remuneration, or superannuation, or conceals his enjoyment of the same for the purpose of evading the provisions of this Act, or assumes a false name, or makes a false statement as to his place of residence for the same or any other fraudulent purpose; or fails to conform to any rule respecting notification of residence and changes of residence laid down for his guidance,

shall be liable, in addition to any other punishment to which he may by law be liable, at the pleasure of the Governor, to forfeit the whole or any part of such allowance, compensation, remuneration, or superannuation.

(2) Any such person who without leave previously granted by the Governor departs from New South Wales shall be liable to the like forfeiture during his absence.

Police Reward Fund.

Ibid. s. 24.

34. All penalties imposed on any member of the police force under this Act, and all penalties or portions of penalties and damages awarded by any Justice on any summary conviction to any member of the police force as the prosecutor of any information or otherwise, shall, instead of being paid to him, be paid to the Colonial Treasurer, to be by him applied and set apart towards a fund to be called the "Police Reward Fund," out of which shall be paid to the constables appointed under

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under this Act, or to the widows of any such constables, such rewards, gratuities, bounties, pensions, or other allowances as may be directed by any rules made as hereinbefore provided.

35. (1) Any goods and chattels which have lawfully come to the possession of any member of the police force, and which are unclaimed, shall be sold and disposed of by the direction of the Inspector-General by public auction (a notice of such sale having been previously published thrice in the Gazette), and the clear produce of such sale shall, unless claimed within twelve months thereafter, be applied in aid of the Police Reward Fund.

Unclaimed goods in possession of police may be sold by Inspector-General, and proceeds applied to Police Reward Fund.
25 Vic. No. 16, s. 30.

(2) Every such sale shall be valid against all persons.

(3) No persons selling any goods or chattels under this section shall be liable to pay any auction or other duty in consequence of such sale.

36. (1) All sums of money now at the credit of any "Police Superannuation Fund" shall be transferred to the "Police Superannuation Fund" named in this Act, and all sums of money now in the hands of the Colonial Treasurer for and in respect of any "Police Reward Fund" shall be transferred to the "Police Reward Fund" named in this Act, and such funds respectively shall be dealt with and appropriated according to this Act.

Existing Police Superannuation Fund and Reward Fund transferred to purposes of this Act.
Ibid. s. 31.

(2) An account in detail of the appropriation of the said "Police Superannuation Fund" and "Police Reward Fund" or any part thereof during every year shall be laid before both Houses of Parliament within thirty days next after the opening of the Session after such appropriation has been made :

Provided that the Governor may if it be deemed necessary or convenient at any time transfer and carry over a portion of either of such funds to the other of them.

SCHEDULES.

See s. 2.

FIRST SCHEDULE.

Repeal of Acts.

Reference to Act.	Title or Short title.	Extent of repeal.
19 Vic. No. 24 ...	Police (General)	So much of section 23 as relates to procedure under Police Regulation Acts.
25 Vic. No. 16 ..	Police Regulation Act of 1862...	The whole.

SECOND

Police Regulation.

See s. 21.

SECOND SCHEDULE.

Memorandum of charge.

[<i>Name of complainant.</i>]	A.B. of No.	street, Sydney, sergeant of police.
[<i>Name of defendant.</i>]	C.D. of No.	street, Sydney, constable of police.
[<i>Date of offence.</i>]	on the	day of inst. or last.
[<i>Offence.</i>]	[<i>e.g.</i> , assault the said A.B., his superior officer, at Sydney aforesaid.]	
[<i>Date of issuing summons.</i>]	The	day of , 18
[<i>Signed by</i>]	L.Z. J.P.	
[<i>Summons returnable.</i>]	The	day of inst. or next.

 By Authority: WILLIAM APPELATE GULLICK, Government Printer, Sydney, 1899.

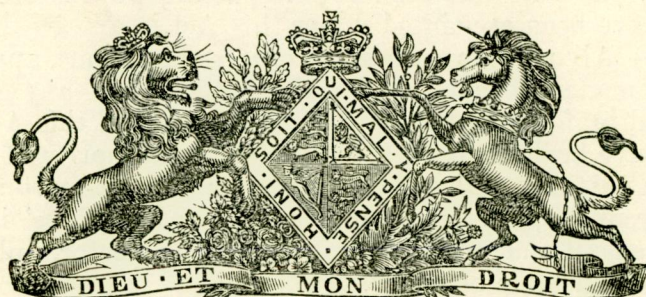
[9d.]

I Certify that this PUBLIC BILL, which originated in the LEGISLATIVE COUNCIL, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

*Legislative Council Chamber,
Sydney, 8th November, 1899.* }

JOHN J. CALVERT,
Clerk of the Parliaments.

New South Wales.



ANNO SEXAGESIMO TERTIO

VICTORIÆ REGINÆ.

Act No. 20, 1899.

An Act to consolidate the Statute Law relating to the Regulation of the Police Force. [Assented to, 20th November, 1899.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

PART I.

Preliminary and interpretation.

1. This Act may be cited as the "Police Regulation Act, 1899," Short title and contents. and is divided into Parts as follows:—

PART I.—*Preliminary and interpretation*—ss. 1-3.

PART II.—*Appointment, discipline, and duties of the police force*—ss. 4-27.

PART

*Police Regulation.*PART III.—*Police Superannuation Fund and Police Reward Fund—ss. 28–36.*

Repeal and savings.

2. (1) The Acts mentioned in the First Schedule to this Act are to the extent therein expressed hereby repealed, except as to things done or commenced and offences committed before the passing of this Act, which shall be continued and dealt with, and in respect of which every right and liability shall remain as if this Act had not been passed.

(2) All persons appointed under any Act hereby repealed, and holding office at the time of the passing of this Act, shall be deemed to have been appointed under this Act.

(3) All rules, regulations, orders, directions, appointments, and notices made or given under the authority of any Act hereby repealed, and in force at the time of the passing of this Act, shall be deemed to have been made or given under the authority of this Act.

Interpretation.

3. In this Act, unless the context or subject-matter otherwise indicates or requires, the term "*member of the police force*" includes the Inspector-General and every superintendent, inspector, sub-inspector, sergeant, and constable of police.

PART II.

Appointment, discipline, and duties of the police force.

Appointment and
authority of
Inspector-General.
25 Vic. No. 16, s. 3.

4. (1) The Governor may, from time to time, appoint an Inspector-General of Police.

(2) Such Inspector-General shall, under the direction of the Colonial Secretary, be charged with the superintendence of the police force of New South Wales.

(3) In case of the illness or absence from New South Wales of such Inspector-General, or for any other cause, the Governor may appoint any person to perform all or any of the duties imposed upon the Inspector-General by or under this Act.

Appointment and
authority of
superintendent, &c.
Ibid. s. 4.

5. (1) The Governor may appoint such number of superintendents, inspectors, and sub-inspectors of police as may be found necessary.

(2) Such superintendents shall, subject to the control and authority of the Inspector-General, be respectively charged with the government, direction, and superintendence of the police force stationed within the districts to which they are respectively assigned by the Governor.

(3) Such inspectors and sub-inspectors shall have such more limited authority in relation to the said police force as the Governor directs.

Police Regulation.

6. (1) The Inspector-General may, subject to disallowance by the Governor, appoint so many sergeants and constables of police of different grades as he deems necessary for the preservation of the peace throughout New South Wales.

Appointment and authority of sergeants and constables.

25 Vic. No. 16, s. 5.

(2) Such constables shall, unless and until their appointments respectively are disallowed by the Governor, have all such powers, privileges, and advantages and be liable to all such duties and responsibility as any constable duly appointed now has or hereafter may have either by the common law or by virtue of any Statute or Act of Council now or hereafter in force in New South Wales.

(3) Any such sergeant or constable stationed at or nearest to any place where a Court of Petty Sessions is held, and where no chief or district constable is stationed, shall do all the acts, perform all the duties, and exercise all the powers authorised by law to be done, performed, or executed by any chief or district constable.

7. (1) No person shall be appointed a constable of police—

(a) unless he is of sound constitution, able-bodied, and under the age of thirty years, of good character for honesty, fidelity, and activity, and, unless dispensed with for some special necessity, able to read and write;

Disqualifications of constables.

Ibid. s. 7.

(b) who has been convicted of any felony, or who is a bailiff, sheriff's bailiff, or parish clerk, or who is a hired servant in the employment of any person whomsoever, or who keeps a house for the sale of beer, wine, or spirituous liquors by retail.

(2) Any constable of police who is or becomes a bailiff, sheriff's bailiff, parish clerk, or hired servant, or acts in any of the said capacities, or sells any beer, wine, or spirituous liquors by retail, shall become incapable of acting, and shall forfeit his appointment as such constable, and all authority, privileges, salary, and gratuity payable to him as such.

8. Whosoever by concealing, after having been dismissed from the police force, the fact of such dismissal, or by any false or forged certificate, or by any false representation obtains admission into and receives pay in the said force, shall, on conviction before two Justices, be liable to imprisonment for a term not exceeding three months.

Penalty on persons obtaining admission into police force in certain cases.

Ibid. s. 17.

9. No person appointed to be a member of the police force shall be capable of holding such office or of acting in any way therein until he has taken and subscribed the following oath:—

Oaths to be taken by members of the police force.

Ibid. s. 10.

I, A.B., do swear that I will well and truly serve our Sovereign Lady the Queen in the office of Inspector-General, superintendent, inspector, sub-inspector, sergeant, or constable of police (as the case may be), without favour or affection, malice or ill-will, for the period of _____ from this date, and until I am legally discharged that I will see and cause Her Majesty's peace to be kept and preserved, and that I will prevent

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prevent to the best of my power all offences against the same, and that while I continue to hold the said office I will to the best of my skill and knowledge discharge all the duties thereof faithfully according to law. So help me God.

Such oath shall be administered by a Justice, and shall in all cases be subscribed by the person taking the same, and when so taken and subscribed shall be forwarded to the Inspector-General by the Justice before whom the same was taken.

Oath equivalent to an agreement.
25 Vic. No. 16, s. 11.

10. Every person taking and subscribing such oath shall be deemed to have thereby entered into a written agreement with and shall be thereby bound to serve Her Majesty as a member of the police force and in the capacity in which he has taken such oath, at the current rate of pay for such member, and from the day on which such oath has been taken and subscribed until legally discharged :

Provided that—

- (a) no such agreement shall be set aside, cancelled, or annulled for want of reciprocity ;
- (b) such agreement may be cancelled at any time by the lawful discharge, dismissal, or other removal from office of any such person, or by the resignation of any such person accepted by the Inspector-General or other person acting in his stead.

Repute to be evidence of appointment.
Ibid. s. 18.

11. If any question arises as to the right of any member of the police force to hold or execute his office, common reputation shall be deemed evidence of such right, and it shall not be necessary to have or produce any written appointment, or any oath, affidavit, or other document or matter whatsoever in proof of such right.

Rules for government and discipline of police.
Ibid. s. 6.

12. The Governor may make rules for the general government and discipline of the members of the police force.

All such rules shall be published in the Gazette, and copies thereof shall be laid before both Houses of Parliament forthwith if sitting, and if not, then within fourteen days after the opening of the next session.

Constables, &c., to attend at general and petty sessions and execute warrants, &c.
Ibid. s. 8.

13. (1) Every sergeant and constable of police shall when not engaged on actual duty attend at the several Quarter Sessions, and also at the Petty Sessions held at the respective places where such sergeants or constables are stationed, and shall obey and execute in all cases every lawful summons, warrant, execution, order, and command of the Chairman of such Quarter Sessions, and of the Justices at Petty Sessions.

Constable to execute process.
Ibid. s. 9.

(2) Every sergeant and constable of police shall when not engaged on actual duty execute all process directed to him for levying the amount of any recognisance forfeited to Her Majesty, or of any fine imposed on any juror, witness, party, or person at any Assizes or Commission of Oyer and Terminer or Gaol Delivery or Sessions of the Peace, or any other fine imposed under any Act or Imperial Act.

(3)

Police Regulation.

(3) Any process or warrant, order, or command of any magistrate directed, delivered, or given to any such sergeant or constable may be executed and enforced by any other sergeant or constable of police or assistant, and every such last-mentioned sergeant and constable and assistant shall have all the same rights, powers, and authorities for and in the execution of such process, warrant, order, or command as if the same had originally been directed to him by name.

One constable may act for another in such cases.
25 Vic. No. 16, s. 9.

14. Any member of the police force who neglects or refuses to obey any lawful order, or execute any process lawfully directed to be by him executed, or is guilty of any other misconduct, neglect, violation of, or absence from, duty shall, on conviction before two Justices, be liable to a penalty not exceeding for the first offence five pounds, or for the second or any subsequent offence twenty pounds.

Penalty on constables for neglect of duty.
Ibid. s. 12.

15. Any member of the police force who—
takes any bribe, pecuniary or otherwise, either directly or indirectly;
or
in any manner, aids, abets, assists, or connives at the escape or any attempt or preparation to escape of any prisoner from any prison, watch-house, or other place in which such prisoner is legally confined or otherwise in lawful custody; or
deserts his post; or
assaults his superior officer
shall, on conviction before two Justices, be liable to a penalty not exceeding twenty-five pounds, or to imprisonment with hard labour for a term not exceeding six months.

Penalty for taking a bribe, &c.
Ibid. s. 15.

16. (1) Every member of the police force on actual duty and in proper dress or undress as such, and all prisoners under their charge, and all carriages and horses exclusively employed in carrying or conveying such members of the police force, or their prisoners or baggage or returning therefrom, shall be exempt from payment of any tolls or dues in passing any toll-gate, turnpike road, bridge, or ferry.

Exemption from tolls.
Ibid. s. 16.

(2) Any toll-collector who demands or receives any duty or toll contrary to this Act shall, on conviction before a Justice, be liable to a penalty not exceeding ten pounds.

Penalty for demanding same.
Ibid. s. 16.

17. Whosoever not being a member of the police force has in his possession any arms or ammunition, article of clothing, accoutrements, or appointments supplied to any member of the force, and is not able satisfactorily to account for such possession; or

Penalty for personating constables, &c.
Ibid. s. 17.

puts on or assumes the dress, name, designation, or description of any member of the force, or of any class of such members; or gives or offers or promises to give any bribe, recompense, or reward to or makes any collusive agreement with, any member of the police force to induce him in any way to neglect his duty, or
conceal

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conceal or connive at any act whereby any rule made as aforesaid may be evaded, whether such offer is accepted or acted upon or not,

shall, on conviction before two Justices, be liable in addition to any other punishment to which he may be liable for such offence to a penalty not exceeding ten pounds, to be applied in aid of the Police Reward Fund hereinafter mentioned.

Three months' notice
of resignation to be
given.
25 Vic. No. 16, s. 14.

18. (1) No member of the police force shall be at liberty to resign his office or to withdraw from the duties thereof unless expressly authorised in writing so to do by the Inspector-General or other member of the police force under whom he is placed, or unless he gives to such member of the police force three months' notice of his intention so to resign or withdraw.

(2) Any member of the police force who so resigns or withdraws without such previous permission or notice shall, on conviction before two Justices, be liable to a penalty not exceeding twenty pounds.

Powers and
authorities to cease
upon dismissal or
resignation.
Ibid. s. 13.

19. (1) When any member of the police force is dismissed from or ceases to hold his office, all powers and authorities vested in him shall immediately cease.

(2) Any member of the Police Force so dismissed, or ceasing to hold office, who does not forthwith deliver over all the arms, ammunition, accoutrements, horses, saddles, bridles, clothing, and other appointments and things supplied to him for the execution of such office, or in his custody by virtue thereof, to some person appointed by any order special or general of the Inspector-General shall, upon conviction before two Justices, be liable to imprisonment with hard labour for a term not exceeding three calendar months.

(3) Any Justice may and shall issue his warrant to search for and seize to the use of Her Majesty all and every, the arms, ammunition, accoutrements, horses, saddles, bridles, clothing, and other appointments and things not so delivered over wherever the same are found.

Disposal of effects
on intestacy.
Ibid. s. 29.

20. In the event of any member of the police force dying intestate the Inspector-General, or such other member of the police force as the Governor may appoint, may cause the effects of the deceased to be disposed of by public auction, in such manner as he thinks fit, and the proceeds of such sale, together with any balance of pay or other moneys due to the deceased, shall be applied in the first instance to defray his funeral expenses and debts, and the balance, if it does not exceed twenty-five pounds, shall be handed by the Inspector-General or other member of the police force to the widow or next of kin of the deceased resident in New South Wales.

If such balance exceeds the sum of twenty-five pounds, or if there is no widow or next of kin resident in New South Wales such balance shall be paid to the Curator of Intestate Estates.

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21. (1) Any Justice may, whether an information or a complaint in writing has or has not been exhibited, or taken before or by him, summon any person charged with an offence under this Act, to appear before a Justice or Justices as the case may be, on a day appointed in that behalf :

Provided that such Justice may, if he thinks fit, require that an information or a complaint in writing be laid before he grants any such summons.

(2) All proceedings by summons, without information or complaint in writing, shall be as valid and effectual as if an information or a complaint in writing had been first exhibited or taken in that behalf.

(3) A memorandum in the form or to the effect set forth in the Second Schedule to this Act, shall be kept of every charge for which a summons is issued.

22. (1) All penalties imposed on any person convicted by any Justice or Justices under this Act shall be paid forthwith.

(2) In default of such payment such penalties shall be recovered by distress and sale of the goods and chattels of the person convicted.

(3) In default of sufficient distress the person convicted shall be liable to imprisonment, with or without hard labour,

(a) where the penalty imposed is not above ten pounds, for a term not exceeding two months;

(b) where the penalty imposed is above ten pounds, and not above twenty pounds, for a term not exceeding four months;

(c) where the penalty imposed is above twenty pounds, for a term not exceeding six months,

unless he sooner pays such penalty and costs.

23. Any member of the police force for whom imprisonment has been substituted in lieu of a pecuniary penalty under this Act may be confined in any place especially appointed by the Governor as a police prison, instead of a common prison or other place of confinement, and may be kept to such labour therein as the Inspector-General may direct :

Provided that the period of any such confinement shall in no case exceed the term of imprisonment to which such member of the police force has been duly sentenced.

24. No term of imprisonment or confinement of any member of the police force under this Act shall be deemed to be part of any period for which he has engaged to serve in the said force.

25. (1) Any person ordered or adjudged by any Justice or Justices under the provisions of this Act to be imprisoned or to pay any penalty exceeding ten pounds may appeal from any such judgment

Procedure by summons whether information laid or not.
19 Vic. No. 24, s. 23.

Memo. to be kept of every summons issued.

Recovery of penalties.
25 Vic. No. 16, s. 25.

Members of police force subject to imprisonment may be confined in any place specially appointed by Governor.
Ibid. s. 26.

Term of imprisonment not to count as service.
Ibid. s. 26.

Appeal to Quarter Sessions.
Ibid. s. 27.

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judgment or conviction to the next Court of Quarter Sessions he nearest to the place where such judgment or conviction has been given or made.

(2) The execution of the judgment or conviction so appealed from shall be suspended on such person entering immediately before such Justice or Justices into a bond or recognizance to Her Majesty with one or more sufficient surety or sureties in the case of imprisonment in such penal sum as to such Justice or Justices seems proper, and in the case of a penalty in the penal sum of double the amount of such penalty, conditioned to prosecute such appeal with effect, and to be forthcoming to abide the determination of the said Court of Quarter Sessions, and to pay such costs as the said Court shall award.

(3) Such Court shall hear and determine the matter of every such appeal, and the decision of such Court shall be final between the parties to all intents and purposes.

For protection of
constables.
25 Vic. No. 16, s. 28.

26. (1) When any action is brought against any member of the police force for any act done in obedience to the warrant of any Justice, such member of the police force shall not be responsible for any irregularity in the issuing of such warrant or for any want of jurisdiction in the Justice issuing the same, and may plead the general issue, and give such warrant in evidence.

(2) Upon the production of such warrant and proof that the signature thereto is in the handwriting of the person whose name appears subscribed thereto, and that such person is reputed to be and acts as a Justice possessing jurisdiction in the case, and that the act complained of was done in obedience to such warrant, the jury who try the said issue shall find a verdict for such member of the police force, and he shall recover his costs of suit.

Existing laws
affecting constables
saved.
Ibid. s. 32.

27. Nothing in this Act contained shall be deemed to diminish the duties or restrict or affect the liabilities of constables at common law, or under any Act now in force or hereafter to be passed.

PART III.

Police Superannuation Fund and Police Reward Fund.

Superannuation
Fund.
Ibid. s. 19.

28. There shall be deducted from the pay and salary of the several members of the police force appointed under this Act the sum of two pounds per centum per annum, and so ratably from any pay or salary of whatever amount, which sums so deducted shall be invested in such manner as may be directed by the Governor, and the interest and dividends thereof, or so much of the same as shall not be required for the purposes hereinafter mentioned, shall be invested in like manner and accumulate so as to form a fund to be called the "Police Superannuation Fund," and to be applied as occasion may require for the payment

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payment of such superannuation or retiring allowances or gratuities as may be ordered or appointed by the Governor, under the powers hereinafter given to him, to be charged on the said fund or payable thereout.

29. Upon the petition of a member of the police force in office at the commencement of this Act, or appointed under this Act (and in case of any constable upon such recommendations and certificates as the Governor may require), it shall be lawful for the Governor to order and direct that such member of the police force shall be superannuated and shall receive such yearly allowance, remuneration, superannuation, or gratuity, and upon such conditions and not exceeding such proportion as to age, length of service, and other circumstances as hereinafter mentioned and provided for, and thereupon such person shall cease to hold such office.

Officers how
superannuated.
25 Vic. No. 16, s. 20.

Every such allowance, remuneration, superannuation, or gratuity shall be chargeable upon and paid out of the said "Police Superannuation Fund," so far as it is adequate to discharge the same, together with those previously charged and made payable out of the said fund.

30. The conditions and proportions of such allowance, remuneration, or superannuation shall be as follows, that is to say:—

Conditions of
superannuation, &c.
Ibid. s. 21.

- (1) Where the person applying has served with diligence and fidelity it shall be lawful to grant him by way of superannuation—
 - (a) if he has served for fifteen years and less than twenty years, an annual sum not exceeding one-half of the salary of his office;
 - (b) if for twenty years and less than twenty-five years, an annual sum not exceeding two-thirds of such salary;
 - (c) if for twenty-five years and less than thirty years, an annual sum not exceeding three-fourths of such salary;
 - (d) if for thirty years or upwards, an annual sum not exceeding the whole of such salary:

Provided that—

where the person applying for the same is under sixty years of age, such allowance, compensation, remuneration, or superannuation shall, except as hereinafter provided, be granted only upon certificate from two legally qualified medical practitioners, duly appointed in that behalf by the Governor, that such person is incapable from infirmity of mind or body to discharge the duties of his office.

Where applicant
under sixty certificate
of infirmity
necessary.

- (2) Where any member of the police force has been disabled by any wound or injury received in the actual execution of the duty of his office, it shall be lawful to grant to him such yearly allowance

Where disabled in
execution of duty.

Police Regulation.

allowance or remuneration, not exceeding the whole of the salary of his office, as may in the opinion of the Governor be proportioned to the nature of the injury received, without reference to the length of his service.

When gratuities may be granted.
25 Vic. No. 16, s. 22.

31. Where any member of the police force has been duly certified to be unfit for service and to have served with diligence and fidelity for any number of years not exceeding ten, it shall be lawful for the Governor to order that a gratuity not exceeding one month's pay for each year's service shall be paid to him, and a further gratuity of two months' pay for each year he shall have so served exceeding ten years and not exceeding fifteen years.

Period of service, how calculated.
Ibid. s. 21.

32. In calculating the period for which any person has served in the police force, the time he may have served in any class or grade thereof before the commencement of this Act shall be reckoned.

Forfeiture of allowance in certain cases.
Ibid. s. 23.

33. (1) Any person to whom any allowance, compensation, remuneration, or superannuation has been granted under the provisions of this Act who—

refuses when called upon by any Justice or member of the police force to assist in the suppression of any riot or breach of the peace or in the apprehension of any offender; or is convicted of any felony, misdemeanour, or other disgraceful conduct; or

commits any fraud with respect to the claiming, obtaining, or receiving such allowance, compensation, remuneration, or superannuation, or conceals his enjoyment of the same for the purpose of evading the provisions of this Act, or assumes a false name, or makes a false statement as to his place of residence for the same or any other fraudulent purpose; or fails to conform to any rule respecting notification of residence and changes of residence laid down for his guidance,

shall be liable, in addition to any other punishment to which he may by law be liable, at the pleasure of the Governor, to forfeit the whole or any part of such allowance, compensation, remuneration, or superannuation.

(2) Any such person who without leave previously granted by the Governor departs from New South Wales shall be liable to the like forfeiture during his absence.

Police Reward Fund.
Ibid. s. 24.

34. All penalties imposed on any member of the police force under this Act, and all penalties or portions of penalties and damages awarded by any Justice on any summary conviction to any member of the police force as the prosecutor of any information or otherwise, shall, instead of being paid to him, be paid to the Colonial Treasurer, to be by him applied and set apart towards a fund to be called the "Police Reward Fund," out of which shall be paid to the constables appointed under

Police Regulation.

under this Act, or to the widows of any such constables, such rewards, gratuities, bounties, pensions, or other allowances as may be directed by any rules made as hereinbefore provided.

35. (1) Any goods and chattels which have lawfully come to the possession of any member of the police force, and which are unclaimed, shall be sold and disposed of by the direction of the Inspector-General by public auction (a notice of such sale having been previously published thrice in the Gazette), and the clear produce of such sale shall, unless claimed within twelve months thereafter, be applied in aid of the Police Reward Fund.

Unclaimed goods in possession of police may be sold by Inspector-General, and proceeds applied to Police Reward Fund.

25 Vic. No. 16, s. 30.

(2) Every such sale shall be valid against all persons.

(3) No persons selling any goods or chattels under this section shall be liable to pay any auction or other duty in consequence of such sale.

36. (1) All sums of money now at the credit of any "Police Superannuation Fund" shall be transferred to the "Police Superannuation Fund" named in this Act, and all sums of money now in the hands of the Colonial Treasurer for and in respect of any "Police Reward Fund" shall be transferred to the "Police Reward Fund" named in this Act, and such funds respectively shall be dealt with and appropriated according to this Act.

Existing Police Superannuation Fund and Reward Fund transferred to purposes of this Act. *Ibid.* s. 31.

(2) An account in detail of the appropriation of the said "Police Superannuation Fund" and "Police Reward Fund" or any part thereof during every year shall be laid before both Houses of Parliament within thirty days next after the opening of the Session after such appropriation has been made :

Provided that the Governor may if it be deemed necessary or convenient at any time transfer and carry over a portion of either of such funds to the other of them.

SCHEDULES.

See s. 2.

FIRST SCHEDULE.

Repeal of Acts.

Reference to Act.	Title or Short title.	Extent of repeal.
19 Vic. No. 24 ...	Police (General)	So much of section 23 as relates to procedure under Police Regulation Acts.
25 Vic. No. 16 ...	Police Regulation Act of 1862...	The whole.

SECOND

Police Regulation.

See s. 21.

SECOND SCHEDULE.

Memorandum of charge.

[<i>Name of complainant.</i>]	A.B. of No.	street, Sydney, sergeant of police.
[<i>Name of defendant.</i>]	C.D. of No.	street, Sydney, constable of police.
[<i>Date of offence.</i>]	on the	day of inst. or last.
[<i>Offence.</i>]	[<i>e.g., assault the said A.B., his superior officer, at Sydney aforesaid.</i>]	
[<i>Date of issuing summons.</i>]	The	day of , 18
[<i>Signed by</i>]	L.Z. J.P.	
[<i>Summons returnable.</i>]	The	day of inst. or next.

In the name and on the behalf of Her Majesty I assent to this Act.

*Government House,
Sydney, 20th November, 1899.*

BEAUCHAMP,
Governor.

Memo. and Certificate to accompany the Police Regulation Bill.

THIS Bill consolidates the whole or part of the following Acts :—

19 Vic. No. 24 ;

25 Vic. No. 16.

Clause 25 (1). What appears to be a manifest omission has been here supplied. An appeal is given in the original Act to any person who has been fined more than £10, but none to a person sentenced to imprisonment. This is now remedied.

The procedure for recovery of penalties has been made consistent throughout.

None of the other verbal changes which have been made in the sections here consolidated amount to alterations of the meaning, and I certify that this Bill solely consolidates and in no way alters, adds to, or amends the law contained in the enactments thereby consolidated.

CHAS. G. HEYDON,
Commissioner for the Consolidation of the Statute Law.

Police Regulation Act.

TABLE showing how the sections of Acts consolidated have been dealt with.

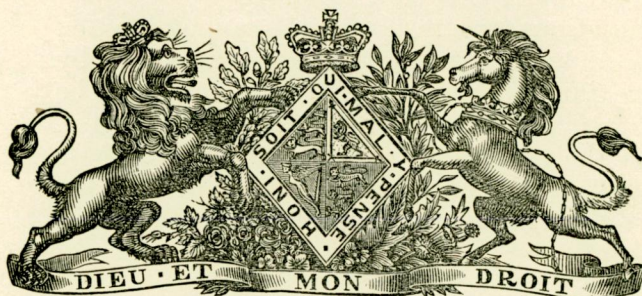
Section of Repealed Acts.	Section of Consolidated Act.	Remarks.
		19 VICTORIA No. 24.
23 (part of)	21	The part not dealt with here is not repealed, and will be dealt with in the consolidation of the Police (Towns), &c., Acts.
		25 VICTORIA No. 16.
1	Omitted ; repeals.
2	Omitted ; term " Water Police " not now used in any Act.
3	4	
4	5	
5	6	
6	12	
7	7	
8	13 (1)	
9	13 (2), (3)	
10	9	
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17	8, 17	
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25	22	
26	23, 24	
27	25	
28	26	
29	20	
30	35	
31	36	
32	27	
33	Omitted ; short title.

This PUBLIC BILL originated in the LEGISLATIVE COUNCIL, and, having this day passed, is now ready for presentation to the LEGISLATIVE ASSEMBLY for its concurrence.

Legislative Council Chamber,
Sydney, 2nd August, 1899. }

JOHN J. CALVERT,
Clerk of the Parliaments.

New South Wales.



ANNO SEXAGESIMO TERTIO

VICTORIÆ REGINÆ.

Act No. , 1899.

An Act to consolidate the Statute Law relating to the Regulation of the Police Force.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

PART I.

Preliminary and interpretation.

1. This Act may be cited as the "Police Regulation Act, 1899," and is divided into Parts as follows:— Short title and contents.

PART I.—*Preliminary and interpretation*—ss. 1-3.

PART II.—*Appointment, discipline, and duties of the police force*—ss. 4-27.

c 24—A

PART

*Police Regulation.*PART III.—*Police Superannuation Fund and Police Reward Fund—ss. 28–36.*

2. (1) The Acts mentioned in the First Schedule to this Act are Repeal and savings. to the extent therein expressed hereby repealed, except as to things done or commenced and offences committed before the passing of this Act, which shall be continued and dealt with, and in respect of which every right and liability shall remain as if this Act had not been passed.

(2) All persons appointed under any Act hereby repealed, and holding office at the time of the passing of this Act, shall be deemed to have been appointed under this Act.

(3) All rules, regulations, orders, directions, appointments, and notices made or given under the authority of any Act hereby repealed, and in force at the time of the passing of this Act, shall be deemed to have been made or given under the authority of this Act.

3. In this Act, unless the context or subject-matter otherwise Interpretation. indicates or requires, the term “*member of the police force*” includes the Inspector-General and every superintendent, inspector, sub-inspector, sergeant, and constable of police.

PART II.

Appointment, discipline, and duties of the police force.

4. (1) The Governor may, from time to time, appoint an Appointment and authority of Inspector-General. Inspector-General of Police.

(2) Such Inspector-General shall, under the direction of the 25 Vic. No. 16, s. 3. Colonial Secretary, be charged with the superintendence of the police force of New South Wales.

(3) In case of the illness or absence from New South Wales of such Inspector-General, or for any other cause, the Governor may appoint any person to perform all or any of the duties imposed upon the Inspector-General by or under this Act.

5. (1) The Governor may appoint such number of superintendents, inspectors, and sub-inspectors of police as may be found Appointment and authority of superintendent, &c. Ibid. s. 4. necessary.

(2) Such superintendents shall, subject to the control and authority of the Inspector-General, be respectively charged with the government, direction, and superintendence of the police force stationed within the districts to which they are respectively assigned by the Governor.

(3) Such inspectors and sub-inspectors shall have such more limited authority in relation to the said police force as the Governor directs.

Police Regulation.

6. (1) The Inspector-General may, subject to disallowance by the Governor, appoint so many sergeants and constables of different grades as he deems necessary for the preservation of the peace throughout New South Wales.

Appointment and authority of sergeants and constables.

25 Vic. No. 16, s. 5.

(2) Such constables shall, unless and until their appointments respectively are disallowed by the Governor, have all such powers, privileges, and advantages and be liable to all such duties and responsibility as any constable duly appointed now has or hereafter may have either by the common law or by virtue of any Statute or Act of Council now or hereafter in force in New South Wales.

(3) Any such sergeant or constable stationed at or nearest to any place where a Court of Petty Sessions is held, and where no chief or district constable is stationed, shall do all the acts, perform all the duties, and exercise all the powers authorised by law to be done, performed, or executed by any chief or district constable.

7. (1) No person shall be appointed a constable of police—

Disqualifications of constables.

Ibid. s. 7.

(a) unless he is of sound constitution, able-bodied, and under the age of thirty years, of good character for honesty, fidelity, and activity, and, unless dispensed with for some special necessity, able to read and write;

(b) who has been convicted of any felony, or who is a bailiff, sheriff's bailiff, or parish clerk, or who is a hired servant in the employment of any person whomsoever, or who keeps a house for the sale of beer, wine, or spirituous liquors by retail.

(2) Any constable of police who is or becomes a bailiff, sheriff's bailiff, parish clerk, or hired servant, or acts in any of the said capacities, or sells any beer, wine, or spirituous liquors by retail, shall become incapable of acting, and shall forfeit his appointment as such constable, and all authority, privileges, salary, and gratuity payable to him as such.

8. Whosoever by concealing, after having been dismissed from the police force, the fact of such dismissal, or by any false or forged certificate, or by any false representation obtains admission into and receives pay in the said force, shall, on conviction before two Justices, be liable to imprisonment for a term not exceeding three months.

Penalty on persons obtaining admission into police force in certain cases.

Ibid. s. 17.

9. No person appointed to be a member of the police force shall be capable of holding such office or of acting in any way therein until he has taken and subscribed the following oath:—

Oaths to be taken by members of the police force.

Ibid. s. 10.

I, A.B., do swear that I will well and truly serve our Sovereign Lady the Queen in the office of Inspector-General, superintendent, inspector, sub-inspector, sergeant, or constable of police (as the case may be), without favour or affection, malice or ill-will, for the period of _____ from this date, and until I am legally discharged that I will see and cause Her Majesty's peace to be kept and preserved, and that I will prevent _____

Police Regulation.

prevent to the best of my power all offences against the same, and that while I continue to hold the said office I will to the best of my skill and knowledge discharge all the duties thereof faithfully according to law. So help me God.

Such oath shall be administered by a Justice, and shall in all cases be subscribed by the person taking the same, and when so taken and subscribed shall be forwarded to the Inspector-General by the Justice before whom the same was taken.

10. Every person taking and subscribing such oath shall be deemed to have thereby entered into a written agreement with and shall be thereby bound to serve Her Majesty as a member of the police force and in the capacity in which he has taken such oath, at the current rate of pay for such member, and from the day on which such oath has been taken and subscribed until legally discharged :

Provided that—

- (a) no such agreement shall be set aside, cancelled, or annulled for want of reciprocity ;
- (b) such agreement may be cancelled at any time by the lawful discharge, dismissal, or other removal from office of any such person, or by the resignation of any such person accepted by the Inspector-General or other person acting in his stead.

11. If any question arises as to the right of any member of the police force to hold or execute his office, common reputation shall be deemed evidence of such right, and it shall not be necessary to have or produce any written appointment, or any oath, affidavit, or other document or matter whatsoever in proof of such right.

12. The Governor may make rules for the general government and discipline of the members of the police force.

All such rules shall be published in the Gazette, and copies thereof shall be laid before both Houses of Parliament forthwith if sitting, and if not, then within fourteen days after the opening of the next session.

13. (1) Every sergeant and constable of police shall when not engaged on actual duty attend at the several Quarter Sessions, and also at the Petty Sessions held at the respective places where such sergeants or constables are stationed, and shall obey and execute in all cases every lawful summons, warrant, execution, order, and command of the Chairman of such Quarter Sessions, and of the Justices at Petty Sessions.

(2) Every sergeant and constable of police shall when not engaged on actual duty execute all process directed to him for levying the amount of any recognisance forfeited to Her Majesty, or of any fine imposed on any juror, witness, party, or person at any Assizes or Commission of Oyer and Terminer or Gaol Delivery or Sessions of the Peace, or any other fine imposed under any Act or Imperial Act.

(3)

Police Regulation.

(3) Any process or warrant, order, or command of any magistrate directed, delivered, or given to any such sergeant or constable may be executed and enforced by any other sergeant or constable of police or assistant, and every such last-mentioned sergeant and constable and assistant shall have all the same rights, powers, and authorities for and in the execution of such process, warrant, order, or command as if the same had originally been directed to him by name.

One constable may act for another in such cases.
25 Vic. No. 16, s. 9.

14. Any member of the police force who neglects or refuses to obey any lawful order, or execute any process lawfully directed to be by him executed, or is guilty of any other misconduct, neglect, violation of, or absence from, duty shall, on conviction before two Justices, be liable to a penalty not exceeding for the first offence five pounds, or for the second or any subsequent offence twenty pounds.

Penalty on constables for neglect of duty.
Ibid. s. 12.

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takes any bribe, pecuniary or otherwise, either directly or indirectly;
or
in any manner, aids, abets, assists, or connives at the escape or any attempt or preparation to escape of any prisoner from any prison, watch-house, or other place in which such prisoner is legally confined or otherwise in lawful custody; or
deserts his post; or
assaults his superior officer
shall, on conviction before two Justices, be liable to a penalty not exceeding twenty-five pounds, or to imprisonment with hard labour for a term not exceeding six months.

Penalty for taking a bribe, &c.
Ibid. s. 15.

16. (1) Every member of the police force on actual duty and in proper dress or undress as such, and all prisoners under their charge, and all carriages and horses exclusively employed in carrying or conveying such members of the police force, or their prisoners or baggage or returning therefrom, shall be exempt from payment of any tolls or dues in passing any toll-gate, turnpike road, bridge, or ferry.

Exemption from tolls.
Ibid. s. 16.

(2) Any toll-collector who demands or receives any duty or toll contrary to this Act shall, on conviction before a Justice, be liable to a penalty not exceeding ten pounds.

Penalty for demanding same.
Ibid. s. 16.

17. Whosoever not being a member of the police force has in his possession any arms or ammunition, article of clothing, accoutrements, or appointments supplied to any member of the force, and is not able satisfactorily to account for such possession; or

Penalty for personating constables, &c.
Ibid. s. 17.

puts on or assumes the dress, name, designation, or description of any member of the force, or of any class of such members; or gives or offers or promises to give any bribe, recompense, or reward to or makes any collusive agreement with, any member of the police force to induce him in any way to neglect his duty, or
conceal

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conceal or connive at any act whereby any rule made as aforesaid may be evaded, whether such offer is accepted or acted upon or not, shall, on conviction before two Justices, be liable in addition to any other punishment to which he may be liable for such offence to a penalty not exceeding ten pounds, to be applied in aid of the Police Reward Fund hereinafter mentioned.

18. (1) No member of the police force shall be at liberty to resign his office or to withdraw from the duties thereof unless expressly authorised in writing so to do by the Inspector-General or other member of the police force under whom he is placed, or unless he gives to such member of the police force three months' notice of his intention so to resign or withdraw.

Three months' notice of resignation to be given.
25 Vic. No. 16, s. 14.

(2) Any member of the police force who so resigns or withdraws without such previous permission or notice shall, on conviction before two Justices, be liable to a penalty not exceeding twenty pounds.

19. (1) When any member of the police force is dismissed from or ceases to hold his office, all powers and authorities vested in him shall immediately cease.

Powers and authorities to cease upon dismissal or resignation.

(2) Any member of the Police Force so dismissed, or ceasing to hold office, who does not forthwith deliver over all the arms, ammunition, accoutrements, horses, saddles, bridles, clothing, and other appointments and things supplied to him for the execution of such office, or in his custody by virtue thereof, to some person appointed by any order special or general of the Inspector-General shall, upon conviction before two Justices, be liable to imprisonment with hard labour for a term not exceeding three calendar months.

Ibid. s. 13.

(3) Any Justice may and shall issue his warrant to search for and seize to the use of Her Majesty all and every, the arms, ammunition, accoutrements, horses, saddles, bridles, clothing, and other appointments and things not so delivered over wherever the same are found.

20. In the event of any member of the police force dying intestate the Inspector-General, or such other member of the police force as the Governor may appoint, may cause the effects of the deceased to be disposed of by public auction, in such manner as he thinks fit, and the proceeds of such sale, together with any balance of pay or other moneys due to the deceased, shall be applied in the first instance to defray his funeral expenses and debts, and the balance, if it does not exceed twenty-five pounds, shall be handed by the Inspector-General or other member of the police force to the widow or next of kin of the deceased resident in New South Wales.

Disposal of effects on intestacy.
Ibid. s. 29.

If such balance exceeds the sum of twenty-five pounds, or if there is no widow or next of kin resident in New South Wales such balance shall be paid to the Curator of Intestate Estates.

Police Regulation.

21. (1) Any Justice may, whether an information or a complaint in writing has or has not been exhibited, or taken before or by him, summon any person charged with an offence under this Act, to appear before a Justice or Justices as the case may be, on a day appointed in that behalf :

Procedure by summons whether information laid or not.
19 Vic. No. 24, s. 23.

Provided that such Justice may, if he thinks fit, require that an information or a complaint in writing be laid before he grants any such summons.

(2) All proceedings by summons, without information or complaint in writing, shall be as valid and effectual as if an information or a complaint in writing had been first exhibited or taken in that behalf.

(3) A memorandum in the form or to the effect set forth in the Second Schedule to this Act, shall be kept of every charge for which a summons is issued.

Memo. to be kept of every summons issued.

22. (1) All penalties imposed on any person convicted by any Justice or Justices under this Act shall be paid forthwith.

Recovery of penalties.
25 Vic. No. 16, s. 25.

(2) In default of such payment such penalties shall be recovered by distress and sale of the goods and chattels of the person convicted.

(3) In default of sufficient distress the person convicted shall be liable to imprisonment, with or without hard labour,

(a) where the penalty imposed is not above ten pounds, for a term not exceeding two months ;

(b) where the penalty imposed is above ten pounds, and not above twenty pounds, for a term not exceeding four months ;

(c) where the penalty imposed is above twenty pounds, for a term not exceeding six months,

unless he sooner pays such penalty and costs.

23. Any member of the police force for whom imprisonment has been substituted in lieu of a pecuniary penalty under this Act may be confined in any place especially appointed by the Governor as a police prison, instead of a common prison or other place of confinement, and may be kept to such labour therein as the Inspector-General may direct :

Members of police force subject to imprisonment may be confined in any place specially appointed by Governor.

Ibid. s. 26.

Provided that the period of any such confinement shall in no case exceed the term of imprisonment to which such member of the police force has been duly sentenced.

24. No term of imprisonment or confinement of any member of the police force under this Act shall be deemed to be part of any period for which he has engaged to serve in the said force.

Term of imprisonment not to count as service.

Ibid. s. 26.

25. (1) Any person ordered or adjudged by any Justice or Justices under the provisions of this Act to be imprisoned or to pay any penalty exceeding ten pounds may appeal from any such judgment

Appeal to Quarter Sessions.

Ibid. s. 27.

Police Regulation.

judgment or conviction to the next Court of Quarter Sessions held nearest to the place where such judgment or conviction has been given or made.

(2) The execution of the judgment or conviction so appealed from shall be suspended on such person entering immediately before such Justice or Justices into a bond or recognizance to Her Majesty with one or more sufficient surety or sureties in the case of imprisonment in such penal sum as to such Justice or Justices seems proper, and in the case of a penalty in the penal sum of double the amount of such penalty, conditioned to prosecute such appeal with effect, and to be forthcoming to abide the determination of the said Court of Quarter Sessions, and to pay such costs as the said Court shall award.

(3) Such Court shall hear and determine the matter of every such appeal, and the decision of such Court shall be final between the parties to all intents and purposes.

26. (1) When any action is brought against any member of the police force for any act done in obedience to the warrant of any Justice, such member of the police force shall not be responsible for any irregularity in the issuing of such warrant or for any want of jurisdiction in the Justice issuing the same, and may plead the general issue, and give such warrant in evidence.

For protection of constables.
25 Vic. No. 16, s. 28.

(2) Upon the production of such warrant and proof that the signature thereto is in the handwriting of the person whose name appears subscribed thereto, and that such person is reputed to be and acts as a Justice possessing jurisdiction in the case, and that the act complained of was done in obedience to such warrant, the jury who try the said issue shall find a verdict for such member of the police force, and he shall recover his costs of suit.

27. Nothing in this Act contained shall be deemed to diminish the duties or restrict or affect the liabilities of constables at common law, or under any Act now in force or hereafter to be passed.

Existing laws affecting constables saved.
Ibid. s. 32.

PART III.

Police Superannuation Fund and Police Reward Fund.

28. There shall be deducted from the pay and salary of the several members of the police force appointed under this Act the sum of two pounds per centum per annum, and so ratably from any pay or salary of whatever amount, which sums so deducted shall be invested in such manner as may be directed by the Governor, and the interest and dividends thereof, or so much of the same as shall not be required for the purposes hereinafter mentioned, shall be invested in like manner and accumulate so as to form a fund to be called the "Police Superannuation Fund," and to be applied as occasion may require for the payment

Superannuation Fund.
Ibid. s. 19.

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payment of such superannuation or retiring allowances or gratuities as may be ordered or appointed by the Governor, under the powers hereinafter given to him, to be charged on the said fund or payable thereout.

29. Upon the petition of a member of the police force in office at the commencement of this Act, or appointed under this Act (and in case of any constable upon such recommendations and certificates as the Governor may require), it shall be lawful for the Governor to order and direct that such member of the police force shall be superannuated and shall receive such yearly allowance, remuneration, superannuation, or gratuity, and upon such conditions and not exceeding such proportion as to age, length of service, and other circumstances as hereinafter mentioned and provided for, and thereupon such person shall cease to hold such office.

Officers how
superannuated.
25 Vic. No. 16, s. 20.

Every such allowance, remuneration, superannuation, or gratuity shall be chargeable upon and paid out of the said "Police Superannuation Fund," so far as it is adequate to discharge the same, together with those previously charged and made payable out of the said fund.

30. The conditions and proportions of such allowance, remuneration, or superannuation shall be as follows, that is to say:—

Conditions of
superannuation, &c.
Ibid. s. 21.

- (1) Where the person applying has served with diligence and fidelity it shall be lawful to grant him by way of superannuation—
- (a) if he has served for fifteen years and less than twenty years, an annual sum not exceeding one-half of the salary of his office;
 - (b) if for twenty years and less than twenty-five years, an annual sum not exceeding two-thirds of such salary;
 - (c) if for twenty-five years and less than thirty years, an annual sum not exceeding three-fourths of such salary;
 - (d) if for thirty years or upwards, an annual sum not exceeding the whole of such salary:

Provided that—

where the person applying for the same is under sixty years of age, such allowance, compensation, remuneration, or superannuation shall, except as hereinafter provided, be granted only upon certificate from two legally qualified medical practitioners, duly appointed in that behalf by the Governor, that such person is incapable from infirmity of mind or body to discharge the duties of his office.

Where applicant
under sixty certificate
of infirmity
necessary.

- (2) Where any member of the police force has been disabled by any wound or injury received in the actual execution of the duty of his office, it shall be lawful to grant to him such yearly allowance

Where disabled in
execution of duty.

Police Regulation.

allowance or remuneration, not exceeding the whole of the salary of his office, as may in the opinion of the Governor be proportioned to the nature of the injury received, without reference to the length of his service.

31. Where any member of the police force has been duly certified to be unfit for service and to have served with diligence and fidelity for any number of years not exceeding ten, it shall be lawful for the Governor to order that a gratuity not exceeding one month's pay for each year's service shall be paid to him, and a further gratuity of two months' pay for each year he shall have so served exceeding ten years and not exceeding fifteen years.

When gratuities may be granted.
25 Vic. No. 16, s. 22.

32. In calculating the period for which any person has served in the police force, the time he may have served in any class or grade thereof before the commencement of this Act shall be reckoned.

Period of service, how calculated.
Ibid. s. 21.

33. (1) Any person to whom any allowance, compensation, remuneration, or superannuation has been granted under the provisions of this Act who—

Forfeiture of allowance in certain cases.
Ibid. s. 23.

refuses when called upon by any Justice or member of the police force to assist in the suppression of any riot or breach of the peace or in the apprehension of any offender; or
is convicted of any felony, misdemeanour, or other disgraceful conduct; or
commits any fraud with respect to the claiming, obtaining, or receiving such allowance, compensation, remuneration, or superannuation, or conceals his enjoyment of the same for the purpose of evading the provisions of this Act, or assumes a false name, or makes a false statement as to his place of residence for the same or any other fraudulent purpose; or
fails to conform to any rule respecting notification of residence and changes of residence laid down for his guidance,

shall be liable, in addition to any other punishment to which he may by law be liable, at the pleasure of the Governor, to forfeit the whole or any part of such allowance, compensation, remuneration, or superannuation.

(2) Any such person who without leave previously granted by the Governor departs from New South Wales shall be liable to the like forfeiture during his absence.

34. All penalties imposed on any member of the police force under this Act, and all penalties or portions of penalties and damages awarded by any Justice on any summary conviction to any member of the police force as the prosecutor of any information or otherwise, shall, instead of being paid to him, be paid to the Colonial Treasurer, to be by him applied and set apart towards a fund to be called the "Police Reward Fund," out of which shall be paid to the constables appointed under

Police Reward Fund.
Ibid. s. 24.

Police Regulation.

under this Act, or to the widows of any such constables, such rewards, gratuities, bounties, pensions, or other allowances as may be directed by any rules made as hereinbefore provided.

35. (1) Any goods and chattels which have lawfully come to the possession of any member of the police force, and which are unclaimed, shall be sold and disposed of by the direction of the Inspector-General by public auction (a notice of such sale having been previously published thrice in the Gazette), and the clear produce of such sale shall, unless claimed within twelve months thereafter, be applied in aid of the Police Reward Fund.

Unclaimed goods in possession of police may be sold by Inspector-General, and proceeds applied to Police Reward Fund.
25 Vic. No. 16, s. 30.

(2) Every such sale shall be valid against all persons.

(3) No persons selling any goods or chattels under this section shall be liable to pay any auction or other duty in consequence of such sale.

36. (1) All sums of money now at the credit of any "Police Superannuation Fund" shall be transferred to the "Police Superannuation Fund" named in this Act, and all sums of money now in the hands of the Colonial Treasurer for and in respect of any "Police Reward Fund" shall be transferred to the "Police Reward Fund" named in this Act, and such funds respectively shall be dealt with and appropriated according to this Act.

Existing Police Superannuation Fund and Reward Fund transferred to purposes of this Act.
Ibid. s. 31.

(2) An account in detail of the appropriation of the said "Police Superannuation Fund" and "Police Reward Fund" or any part thereof during every year shall be laid before both Houses of Parliament within thirty days next after the opening of the Session after such appropriation has been made :

Provided that the Governor may if it be deemed necessary or convenient at any time transfer and carry over a portion of either of such funds to the other of them.

SCHEDULES.

See s. 2.

FIRST SCHEDULE.

Repeal of Acts.

Reference to Act.	Title or Short title.	Extent of repeal.
19 Vic. No. 24 ...	Police (General)	So much of section 23 as relates to procedure under Police Regulation Acts.
25 Vic. No. 16 ..	Police Regulation Act of 1862...	The whole.

SECOND

Police Regulation.

SECOND SCHEDULE.

See s. 21.

Memorandum of charge.

[<i>Name of complainant.</i>]	A.B. of No.	street, Sydney, sergeant of police.
[<i>Name of defendant.</i>]	C.D. of No.	street, Sydney, constable of police.
[<i>Date of offence.</i>]	on the	day of inst. or last.
[<i>Offence.</i>]	[<i>e.g.</i> , assault the said A.B., his superior officer, at Sydney aforesaid.]	
[<i>Date of issuing summons.</i>]	The	day of , 18
[<i>Signed by</i>]	L.Z. J.P.	
[<i>Summons returnable.</i>]	The	day of inst. or next.

Memo. and Certificate to accompany the Police Regulation Bill.

THIS Bill consolidates the whole or part of the following Acts :—

19 Vic. No. 24 ;

25 Vic. No. 16.

Clause 25 (1). What appears to be a manifest omission has been here supplied. An appeal is given in the original Act to any person who has been fined more than £10, but none to a person sentenced to imprisonment. This is now remedied.

The procedure for recovery of penalties has been made consistent throughout.

None of the other verbal changes which have been made in the sections here consolidated amount to alterations of the meaning, and I certify that this Bill solely consolidates and in no way alters, adds to, or amends the law contained in the enactments thereby consolidated.

CHAS. G. HEYDON,
Commissioner for the Consolidation of the Common Law.

Police Regulation Act.

TABLE showing how the sections of Acts consolidated have been dealt with.

Section of Repealed Acts.	Section of Consolidated Act.	Remarks.
		19 VICTORIA No. 24.
23 (part of)	21	The part not dealt with here is not repealed, and will be dealt with in the consolidation of the Police (Towns), &c., Acts.
		25 VICTORIA No. 16.
1	Omitted ; repeals.
2	Omitted ; term " Water Police " not now used in any Act.
3	4	
4	5	
5	6	
6	12	
7	7	
8	13 (1)	
9	13 (2), (3)	
10	9	
11	10	
12	14	
13	19	
14	18	
15	15	
16	16	
17	8, 17	
18	11	
19	28	
20	29	
21	30, 32	
22	31	
23	33	
24	34	
25	22	
26	23, 24	
27	25	
28	26	
29	20	
30	35	
31	36	
32	27	
33	Omitted ; short title.

Police Regulation Act

Enacted in pursuance of the provisions of the Act in relation to the Police Regulation Act

Section of the Act	Section of the Regulation
Section 1	Section 1
Section 2	Section 2
Section 3	Section 3
Section 4	Section 4
Section 5	Section 5
Section 6	Section 6
Section 7	Section 7
Section 8	Section 8
Section 9	Section 9
Section 10	Section 10
Section 11	Section 11
Section 12	Section 12
Section 13	Section 13
Section 14	Section 14
Section 15	Section 15
Section 16	Section 16
Section 17	Section 17
Section 18	Section 18
Section 19	Section 19
Section 20	Section 20
Section 21	Section 21
Section 22	Section 22
Section 23	Section 23
Section 24	Section 24
Section 25	Section 25
Section 26	Section 26
Section 27	Section 27
Section 28	Section 28
Section 29	Section 29
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Section 32	Section 32
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Section 36	Section 36
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Section 38	Section 38
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Section 40	Section 40
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Section 48	Section 48
Section 49	Section 49
Section 50	Section 50
Section 51	Section 51
Section 52	Section 52
Section 53	Section 53
Section 54	Section 54
Section 55	Section 55
Section 56	Section 56
Section 57	Section 57
Section 58	Section 58
Section 59	Section 59
Section 60	Section 60
Section 61	Section 61
Section 62	Section 62
Section 63	Section 63
Section 64	Section 64
Section 65	Section 65
Section 66	Section 66
Section 67	Section 67
Section 68	Section 68
Section 69	Section 69
Section 70	Section 70
Section 71	Section 71
Section 72	Section 72
Section 73	Section 73
Section 74	Section 74
Section 75	Section 75
Section 76	Section 76
Section 77	Section 77
Section 78	Section 78
Section 79	Section 79
Section 80	Section 80
Section 81	Section 81
Section 82	Section 82
Section 83	Section 83
Section 84	Section 84
Section 85	Section 85
Section 86	Section 86
Section 87	Section 87
Section 88	Section 88
Section 89	Section 89
Section 90	Section 90
Section 91	Section 91
Section 92	Section 92
Section 93	Section 93
Section 94	Section 94
Section 95	Section 95
Section 96	Section 96
Section 97	Section 97
Section 98	Section 98
Section 99	Section 99
Section 100	Section 100

Enacted in pursuance of the provisions of the Act in relation to the Police Regulation Act

Enacted in pursuance of the provisions of the Act in relation to the Police Regulation Act

Legislative Council.

No. —, 1899.

A BILL

To consolidate the Statute Law relating to the Regulation of
the Police Force.

[MR. HUGHES;—27 July, 1899.]

BE it enacted by the Queen's Most Excellent Majesty, by and with
the advice and consent of the Legislative Council and Legislative
Assembly of New South Wales in Parliament assembled, and by the
authority of the same, as follows:—

PART I.

Preliminary and interpretation.

1. This Act may be cited as the "Police Regulation Act, 1899," and is divided into Parts as follows:—

Short title and
contents.

PART I.—*Preliminary and interpretation*—ss. 1-3.

PART II.—*Appointment, discipline, and duties of the police
force*—ss. 4-27.

C 24—A

PART

PART III.—*Police Superannuation Fund and Police Reward Fund—ss. 28–36.*

Repeal and savings.

2. (1) The Acts mentioned in the First Schedule to this Act are to the extent therein expressed hereby repealed, except as to things done or commenced and offences committed before the passing of this Act, which shall be continued and dealt with, and in respect of which every right and liability shall remain as if this Act had not been passed.

(2) All persons appointed under any Act hereby repealed, and holding office at the time of the passing of this Act, shall be deemed to have been appointed under this Act.

(3) All rules, regulations, orders, directions, appointments, and notices made or given under the authority of any Act hereby repealed, and in force at the time of the passing of this Act, shall be deemed to have been made or given under the authority of this Act.

Interpretation.

3. In this Act, unless the context or subject-matter otherwise indicates or requires, the term "*member of the police force*" includes the Inspector-General and every superintendent, inspector, sub-inspector, sergeant, and constable of police.

PART II.

Appointment, discipline, and duties of the police force.

Appointment and
authority of
Inspector-General.
25 Vic. No. 16, s. 3.

4. (1) The Governor may, from time to time, appoint an Inspector-General of Police.

(2) Such Inspector-General shall, under the direction of the Colonial Secretary, be charged with the superintendence of the police force of New South Wales.

(3) In case of the illness or absence from New South Wales of such Inspector-General, or for any other cause, the Governor may appoint any person to perform all or any of the duties imposed upon the Inspector-General by or under this Act.

Appointment and
authority of
superintendent, &c.
Ibid. s. 4.

5. (1) The Governor may appoint such number of superintendents, inspectors, and sub-inspectors of police as may be found necessary.

(2) Such superintendents shall, subject to the control and authority of the Inspector-General, be respectively charged with the government, direction, and superintendence of the police force stationed within the districts to which they are respectively assigned by the Governor.

(3) Such inspectors and sub-inspectors shall have such more limited authority in relation to the said police force as the Governor directs.

6. (1) The Inspector-General may, subject to disallowance by the Governor, appoint so many sergeants and constables of police of different grades as he deems necessary for the preservation of the peace throughout New South Wales.

Appointment and authority of sergeants and constables.
25 Vic. No. 16, s. 5.

(2) Such constables shall, unless and until their appointments respectively are disallowed by the Governor, have all such powers, privileges, and advantages and be liable to all such duties and responsibility as any constable duly appointed now has or hereafter may have either by the common law or by virtue of any Statute or Act of Council now or hereafter in force in New South Wales.

(3) Any such sergeant or constable stationed at or nearest to any place where a Court of Petty Sessions is held, and where no chief or district constable is stationed, shall do all the acts, perform all the duties, and exercise all the powers authorised by law to be done, performed, or executed by any chief or district constable.

7. (1) No person shall be appointed a constable of police—
- (a) unless he is of sound constitution, able-bodied, and under the age of thirty years, of good character for honesty, fidelity, and activity, and, unless dispensed with for some special necessity, able to read and write;
 - (b) who has been convicted of any felony, or who is a bailiff, sheriff's bailiff, or parish clerk, or who is a hired servant in the employment of any person whomsoever, or who keeps a house for the sale of beer, wine, or spirituous liquors by retail.

Disqualifications of constables.
Ibid. s. 7.

(2) Any constable of police who is or becomes a bailiff, sheriff's bailiff, parish clerk, or hired servant, or acts in any of the said capacities, or sells any beer, wine, or spirituous liquors by retail, shall become incapable of acting, and shall forfeit his appointment as such constable, and all authority, privileges, salary, and gratuity payable to him as such.

8. Whosoever by concealing, after having been dismissed from the police force, the fact of such dismissal, or by any false or forged certificate, or by any false representation obtains admission into and receives pay in the said force, shall, on conviction before two Justices, be liable to imprisonment for a term not exceeding three months.

Penalty on persons obtaining admission into police force in certain cases.
Ibid. s. 17.

9. No person appointed to be a member of the police force shall be capable of holding such office or of acting in any way therein until he has taken and subscribed the following oath:—

Oaths to be taken by members of the police force.
Ibid. s. 10.

I, A.B., do swear that I will well and truly serve our Sovereign Lady the Queen in the office of Inspector-General, superintendent, inspector, sub-inspector, sergeant, or constable of police (as the case may be), without favour or affection, malice or ill-will, for the period of _____ from this date, and until I am legally discharged that I will see and cause Her Majesty's peace to be kept and preserved, and that I will prevent

prevent to the best of my power all offences against the same, and that while I continue to hold the said office I will to the best of my skill and knowledge discharge all the duties thereof faithfully according to law. So help me God.

Such oath shall be administered by a Justice, and shall in all cases be subscribed by the person taking the same, and when so taken and subscribed shall be forwarded to the Inspector-General by the Justice before whom the same was taken.

Oath equivalent to an agreement.
25 Vic. No. 16, s. 11.

10. Every person taking and subscribing such oath shall be deemed to have thereby entered into a written agreement with and shall be thereby bound to serve Her Majesty as a member of the police force and in the capacity in which he has taken such oath, at the current rate of pay for such member, and from the day on which such oath has been taken and subscribed until legally discharged :

Provided that—

- (a) no such agreement shall be set aside, cancelled, or annulled for want of reciprocity ;
- (b) such agreement may be cancelled at any time by the lawful discharge, dismissal, or other removal from office of any such person, or by the resignation of any such person accepted by the Inspector-General or other person acting in his stead.

Repute to be evidence of appointment.
Ibid. s. 18.

11. If any question arises as to the right of any member of the police force to hold or execute his office, common reputation shall be deemed evidence of such right, and it shall not be necessary to have or produce any written appointment, or any oath, affidavit, or other document or matter whatsoever in proof of such right.

Rules for government and discipline of police.
Ibid. s. 6.

12. The Governor may make rules for the general government and discipline of the members of the police force.

All such rules shall be published in the Gazette, and copies thereof shall be laid before both Houses of Parliament forthwith if sitting, and if not, then within fourteen days after the opening of the next session.

Constables, &c., to attend at general and petty sessions and execute warrants, &c.
Ibid. s. 8.

13. (1) Every sergeant and constable of police shall when not engaged on actual duty attend at the several Quarter Sessions, and also at the Petty Sessions held at the respective places where such sergeants or constables are stationed, and shall obey and execute in all cases every lawful summons, warrant, execution, order, and command of the Chairman of such Quarter Sessions, and of the Justices at Petty Sessions.

Constable to execute process.
Ibid. s. 9.

(2) Every sergeant and constable of police shall when not engaged on actual duty execute all process directed to him for levying the amount of any recognisance forfeited to Her Majesty, or of any fine imposed on any juror, witness, party, or person at any Assizes or Commission of Oyer and Terminer or Gaol Delivery or Sessions of the Peace, or any other fine imposed under any Act or Imperial Act.

(3)

(3) Any process or warrant, order, or command of any magistrate directed, delivered, or given to any such sergeant or constable may be executed and enforced by any other sergeant or constable of police or assistant, and every such last-mentioned sergeant and constable and assistant shall have all the same rights, powers, and authorities for and in the execution of such process, warrant, order, or command as if the same had originally been directed to him by name.

One constable may act for another in such cases.
25 Vic. No. 16, s. 9.

14. Any member of the police force who neglects or refuses to obey any lawful order, or execute any process lawfully directed to be by him executed, or is guilty of any other misconduct, neglect, violation of, or absence from, duty shall, on conviction before two Justices, be liable to a penalty not exceeding for the first offence five pounds, or for the second or any subsequent offence twenty pounds.

Penalty on constables for neglect of duty.
Ibid. s. 12.

15. Any member of the police force who—
takes any bribe, pecuniary or otherwise, either directly or indirectly;
or

Penalty for taking a bribe, &c.
Ibid. s. 15.

in any manner, aids, abets, assists, or connives at the escape or any attempt or preparation to escape of any prisoner from any prison, watch-house, or other place in which such prisoner is legally confined or otherwise in lawful custody; or

deserts his post; or
assaults his superior officer

shall, on conviction before two Justices, be liable to a penalty not exceeding twenty-five pounds, or to imprisonment with hard labour for a term not exceeding six months.

16. (1) Every member of the police force on actual duty and in proper dress or undress as such, and all prisoners under their charge, and all carriages and horses exclusively employed in carrying or conveying such members of the police force, or their prisoners or baggage or returning therefrom, shall be exempt from payment of any tolls or dues in passing any toll-gate, turnpike road, bridge, or ferry.

Exemption from tolls.
Ibid. s. 16.

(2) Any toll-collector who demands or receives any duty or toll contrary to this Act shall, on conviction before a Justice, be liable to a penalty not exceeding ten pounds.

Penalty for demanding same.
Ibid. s. 16.

17. Whosoever not being a member of the police force has in his possession any arms or ammunition, article of clothing, accoutrements, or appointments supplied to any member of the force, and is not able satisfactorily to account for such possession; or

Penalty for personating constables, &c.
Ibid. s. 17.

puts on or assumes the dress, name, designation, or description of any member of the force, or of any class of such members; or gives or offers or promises to give any bribe, recompense, or reward to or makes any collusive agreement with, any member of the police force to induce him in any way to neglect his duty, or conceal

conceal or connive at any act whereby any rule made as aforesaid may be evaded, whether such offer is accepted or acted upon or not,

shall, on conviction before two Justices, be liable in addition to any other punishment to which he may be liable for such offence to a penalty not exceeding ten pounds, to be applied in aid of the Police Reward Fund hereinafter mentioned.

Three months' notice of resignation to be given.

25 Vic. No. 16, s. 14.

18. (1) No member of the police force shall be at liberty to resign his office or to withdraw from the duties thereof unless expressly authorised in writing so to do by the Inspector-General or other member of the police force under whom he is placed, or unless he gives to such member of the police force three months' notice of his intention so to resign or withdraw.

(2) Any member of the police force who so resigns or withdraws without such previous permission or notice shall, on conviction before two Justices, be liable to a penalty not exceeding twenty pounds.

Powers and authorities to cease upon dismissal or resignation.

Ibid. s. 13.

19. (1) When any member of the police force is dismissed from or ceases to hold his office, all powers and authorities vested in him shall immediately cease.

(2) Any member of the Police Force so dismissed, or ceasing to hold office, who does not forthwith deliver over all the arms, ammunition, accoutrements, horses, saddles, bridles, clothing, and other appointments and things supplied to him for the execution of such office, or in his custody by virtue thereof, to some person appointed by any order special or general of the Inspector-General shall, upon conviction before two Justices, be liable to imprisonment with hard labour for a term not exceeding three calendar months.

(3) Any Justice may and shall issue his warrant to search for and seize to the use of Her Majesty all and every, the arms, ammunition, accoutrements, horses, saddles, bridles, clothing, and other appointments and things not so delivered over wherever the same are found.

Disposal of effects on intestacy.

Ibid. s. 29.

20. In the event of any member of the police force dying intestate the Inspector-General, or such other member of the police force as the Governor may appoint, may cause the effects of the deceased to be disposed of by public auction, in such manner as he thinks fit, and the proceeds of such sale, together with any balance of pay or other moneys due to the deceased, shall be applied in the first instance to defray his funeral expenses and debts, and the balance, if it does not exceed twenty-five pounds, shall be handed by the Inspector-General or other member of the police force to the widow or next of kin of the deceased resident in New South Wales.

If such balance exceeds the sum of twenty-five pounds, or if there is no widow or next of kin resident in New South Wales such balance shall be paid to the Curator of Intestate Estates.

21. (1) Any Justice may, whether an information or a complaint in writing has or has not been exhibited, or taken before or by him, summon any person charged with an offence under this Act, to appear before a Justice or Justices as the case may be, on a day appointed in that behalf :

Procedure by summons whether information laid or not.

19 Vic. No. 24, s. 23.

Provided that such Justice may, if he thinks fit, require that an information or a complaint in writing be laid before he grants any such summons.

(2) All proceedings by summons, without information or complaint in writing, shall be as valid and effectual as if an information or a complaint in writing had been first exhibited or taken in that behalf.

(3) A memorandum in the form or to the effect set forth in the Second Schedule to this Act, shall be kept of every charge for which a summons is issued.

Memo. to be kept of every summons issued.

22. (1) All penalties imposed on any person convicted by any Justice or Justices under this Act shall be paid forthwith.

Recovery of penalties.

25 Vic. No. 16, s. 25.

(2) In default of such payment such penalties shall be recovered by distress and sale of the goods and chattels of the person convicted.

(3) In default of sufficient distress the person convicted shall be liable to imprisonment, with or without hard labour,

(a) where the penalty imposed is not above ten pounds, for a term not exceeding two months ;

(b) where the penalty imposed is above ten pounds, and not above twenty pounds, for a term not exceeding four months ;

(c) where the penalty imposed is above twenty pounds, for a term not exceeding six months,

unless he sooner pays such penalty and costs.

23. Any member of the police force for whom imprisonment has been substituted in lieu of a pecuniary penalty under this Act may be confined in any place especially appointed by the Governor as a police prison, instead of a common prison or other place of confinement, and may be kept to such labour therein as the Inspector-General may direct :

Members of police force subject to imprisonment may be confined in any place specially appointed by Governor.

Ibid. s. 26.

Provided that the period of any such confinement shall in no case exceed the term of imprisonment to which such member of the police force has been duly sentenced.

24. No term of imprisonment or confinement of any member of the police force under this Act shall be deemed to be part of any period for which he has engaged to serve in the said force.

Term of imprisonment not to count as service.

Ibid. s. 26.

25. (1) Any person ordered or adjudged by any Justice or Justices under the provisions of this Act to be imprisoned or to pay any penalty exceeding ten pounds may appeal from any such

Appeal to Quarter Sessions.

Ibid. s. 27.

judgment

judgment or conviction to the next Court of Quarter Sessions held nearest to the place where such judgment or conviction has been given or made.

(2) The execution of the judgment or conviction so appealed from shall be suspended on such person entering immediately before such Justice or Justices into a bond or recognizance to Her Majesty with one or more sufficient surety or sureties in the case of imprisonment in such penal sum as to such Justice or Justices seems proper, and in the case of a penalty in the penal sum of double the amount of such penalty, conditioned to prosecute such appeal with effect, and to be forthcoming to abide the determination of the said Court of Quarter Sessions, and to pay such costs as the said Court shall award.

(3) Such Court shall hear and determine the matter of every such appeal, and the decision of such Court shall be final between the parties to all intents and purposes.

For protection of constables.
25 Vic. No. 16, s. 28.

26. (1) When any action is brought against any member of the police force for any act done in obedience to the warrant of any Justice, such member of the police force shall not be responsible for any irregularity in the issuing of such warrant or for any want of jurisdiction in the Justice issuing the same, and may plead the general issue, and give such warrant in evidence.

(2) Upon the production of such warrant and proof that the signature thereto is in the handwriting of the person whose name appears subscribed thereto, and that such person is reputed to be and acts as a Justice possessing jurisdiction in the case, and that the act complained of was done in obedience to such warrant, the jury who try the said issue shall find a verdict for such member of the police force, and he shall recover his costs of suit.

Existing laws affecting constables saved.
Ibid. s. 32.

27. Nothing in this Act contained shall be deemed to diminish the duties or restrict or affect the liabilities of constables at common law, or under any Act now in force or hereafter to be passed.

PART III.

Police Superannuation Fund and Police Reward Fund.

Superannuation Fund.
Ibid. s. 19.

28. There shall be deducted from the pay and salary of the several members of the police force appointed under this Act the sum of two pounds per centum per annum, and so ratably from any pay or salary of whatever amount, which sums so deducted shall be invested in such manner as may be directed by the Governor, and the interest and dividends thereof, or so much of the same as shall not be required for the purposes hereinafter mentioned, shall be invested in like manner and accumulate so as to form a fund to be called the "Police Superannuation Fund," and to be applied as occasion may require for the payment

payment of such superannuation or retiring allowances or gratuities as may be ordered or appointed by the Governor, under the powers hereinafter given to him, to be charged on the said fund or payable thereout.

29. Upon the petition of a member of the police force in office at the commencement of this Act, or appointed under this Act (and in case of any constable upon such recommendations and certificates as the Governor may require), it shall be lawful for the Governor to order and direct that such member of the police force shall be superannuated and shall receive such yearly allowance, remuneration, superannuation, or gratuity, and upon such conditions and not exceeding such proportion as to age, length of service, and other circumstances as hereinafter mentioned and provided for, and thereupon such person shall cease to hold such office.

Officers how
superannuated.
25 Vic. No. 16, s. 20.

Every such allowance, remuneration, superannuation, or gratuity shall be chargeable upon and paid out of the said "Police Superannuation Fund," so far as it is adequate to discharge the same, together with those previously charged and made payable out of the said fund.

30. The conditions and proportions of such allowance, remuneration, or superannuation shall be as follows, that is to say:—

Conditions of
superannuation, &c.
Ibid. s. 21.

- (1) Where the person applying has served with diligence and fidelity it shall be lawful to grant him by way of superannuation—
 - (a) if he has served for fifteen years and less than twenty years, an annual sum not exceeding one-half of the salary of his office;
 - (b) if for twenty years and less than twenty-five years, an annual sum not exceeding two-thirds of such salary;
 - (c) if for twenty-five years and less than thirty years, an annual sum not exceeding three-fourths of such salary;
 - (d) if for thirty years or upwards, an annual sum not exceeding the whole of such salary:

Provided that—

where the person applying for the same is under sixty years of age, such allowance, compensation, remuneration, or superannuation shall, except as hereinafter provided, be granted only upon certificate from two legally qualified medical practitioners, duly appointed in that behalf by the Governor, that such person is incapable from infirmity of mind or body to discharge the duties of his office.

Where applicant
under sixty certificate
of infirmity
necessary.

- (2) Where any member of the police force has been disabled by any wound or injury received in the actual execution of the duty of his office, it shall be lawful to grant to him such yearly allowance

Where disabled in
execution of duty.

allowance or remuneration, not exceeding the whole of the salary of his office, as may in the opinion of the Governor be proportioned to the nature of the injury received, without reference to the length of his service.

When gratuities may
be granted.
25 Vic. No. 16, s. 22.

31. Where any member of the police force has been duly certified to be unfit for service and to have served with diligence and fidelity for any number of years not exceeding ten, it shall be lawful for the Governor to order that a gratuity not exceeding one month's pay for each year's service shall be paid to him, and a further gratuity of two months' pay for each year he shall have so served exceeding ten years and not exceeding fifteen years.

Period of service,
how calculated.
Ibid. s. 21.

32. In calculating the period for which any person has served in the police force, the time he may have served in any class or grade thereof before the commencement of this Act shall be reckoned.

Forfeiture of
allowance in certain
cases.
Ibid. s. 23.

33. (1) Any person to whom any allowance, compensation, remuneration, or superannuation has been granted under the provisions of this Act who—

refuses when called upon by any Justice or member of the police force to assist in the suppression of any riot or breach of the peace or in the apprehension of any offender; or
is convicted of any felony, misdemeanour, or other disgraceful conduct; or

commits any fraud with respect to the claiming, obtaining, or receiving such allowance, compensation, remuneration, or superannuation, or conceals his enjoyment of the same for the purpose of evading the provisions of this Act, or assumes a false name, or makes a false statement as to his place of residence for the same or any other fraudulent purpose; or
fails to conform to any rule respecting notification of residence and changes of residence laid down for his guidance,

shall be liable, in addition to any other punishment to which he may by law be liable, at the pleasure of the Governor, to forfeit the whole or any part of such allowance, compensation, remuneration, or superannuation.

(2) Any such person who without leave previously granted by the Governor departs from New South Wales shall be liable to the like forfeiture during his absence.

Police Reward Fund.
Ibid. s. 24.

34. All penalties imposed on any member of the police force under this Act, and all penalties or portions of penalties and damages awarded by any Justice on any summary conviction to any member of the police force as the prosecutor of any information or otherwise, shall, instead of being paid to him, be paid to the Colonial Treasurer, to be by him applied and set apart towards a fund to be called the "Police Reward Fund," out of which shall be paid to the constables appointed under

under this Act, or to the widows of any such constables, such rewards, gratuities, bounties, pensions, or other allowances as may be directed by any rules made as hereinbefore provided.

35. (1) Any goods and chattels which have lawfully come to the possession of any member of the police force, and which are unclaimed, shall be sold and disposed of by the direction of the Inspector-General by public auction (a notice of such sale having been previously published thrice in the Gazette), and the clear produce of such sale shall, unless claimed within twelve months thereafter, be applied in aid of the Police Reward Fund.

Unclaimed goods in possession of police may be sold by Inspector-General, and proceeds applied to Police Reward Fund.

25 Vic. No. 16, s. 30.

(2) Every such sale shall be valid against all persons.

(3) No persons selling any goods or chattels under this section shall be liable to pay any auction or other duty in consequence of such sale.

36. (1) All sums of money now at the credit of any "Police Superannuation Fund" shall be transferred to the "Police Superannuation Fund" named in this Act, and all sums of money now in the hands of the Colonial Treasurer for and in respect of any "Police Reward Fund" shall be transferred to the "Police Reward Fund" named in this Act, and such funds respectively shall be dealt with and appropriated according to this Act.

Existing Police Superannuation Fund and Reward Fund transferred to purposes of this Act. *Ibid.* s. 31.

(2) An account in detail of the appropriation of the said "Police Superannuation Fund" and "Police Reward Fund" or any part thereof during every year shall be laid before both Houses of Parliament within thirty days next after the opening of the Session after such appropriation has been made:

Provided that the Governor may if it be deemed necessary or convenient at any time transfer and carry over a portion of either of such funds to the other of them.

SCHEDULES.

See s. 2.

FIRST SCHEDULE.

Repeal of Acts.

Reference to Act.	Title or Short title.	Extent of repeal.
19 Vic. No. 24 ...	Police (General)	So much of section 23 as relates to procedure under Police Regulation Acts.
25 Vic. No. 16 ...	Police Regulation Act of 1862...	The whole.

SECOND

See s. 21.

SECOND SCHEDULE.

Memorandum of charge.

[Name of complainant.]	A.B. of No.	street, Sydney, sergeant of police.
[Name of defendant.]	C.D. of No.	street, Sydney, constable of police.
[Date of offence.]	on the	day of inst. or last.
[Offence.]	[e.g., assault the said A.B., his superior officer, at Sydney aforesaid.]	
[Date of issuing summons.]	The	day of , 18
[Signed by]	L.Z. J.P.	
[Summons returnable.]	The	day of inst. or next.

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[1s.]