

## New Zealand.



### ANALYSIS.

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| <p>Title.</p> <ol style="list-style-type: none"> <li>1. Short Title.</li> <li>2. Power to Governor to embody a Police Force.</li> <li>3. And to appoint officers.</li> <li>4. Duty of officers.</li> <li>5. Oath of office.</li> <li>6. General powers of constables.</li> <li>7. Special power of constables.</li> <li>8. Penalty for constables taking bribes or gratuities.</li> <li>9. Penalty for desertion or refusal to serve.</li> <li>10. Power to Commissioner or Inspector to dismiss constables.</li> </ol> | <ol style="list-style-type: none"> <li>11. Power to Governor to make regulations.</li> <li>12. Penalty for breach of regulations.</li> <li>13. Fines and penalties to be paid to Reward Fund.</li> <li>14. Also forfeitures, penalties, and seizures.</li> <li>15. Rewards for services.</li> <li>16. Protection to constables.</li> <li>17. Constables in Armed Constabulary deemed enrolled under this Act.</li> <li>18. Allocation of Armed Constabulary Reward Fund.</li> <li>19. Repeal.</li> </ol> |
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### 1886, No. 18.

- Title.** AN ACT to provide for the Establishment and Maintenance of a Police Force. [31st July, 1886.]
- Short Title.** BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—  
 1. The Short Title of this Act is “The Police Force Act, 1886.”  
 It shall come into force on such day as the Governor shall appoint by Proclamation in that behalf, except section ten, which shall come into force on the passing hereof.
- Power to Governor to embody a Police Force.** 2. The Governor may from time to time cause a sufficient number of fit and able men to be embodied to serve as a Police Force, who shall be sworn to act as constables in and throughout the colony for preserving the peace, and preventing crime, and apprehending offenders against the peace.
- And to appoint officers.** 3. The Governor may also, by warrant under his hand from time to time, appoint such Commissioners, Inspectors, and Sub-Inspectors, or other officers as he may deem expedient for the general superintendence and management of the said Police Force, and may displace and remove any such officers, and appoint others in their place, as to him shall seem meet.
- Duty of officers.** 4. It shall be the duty of the Commissioners, Inspectors, and other officers of the said force to suppress all tumults, riots, affrays, or breaches of the peace, and all public nuisances and offences against the law, in any part of the colony where they may be on duty.
- Oath of office.** 5. Every officer shall on his appointment to, and every constable shall on his enrolment in, the Police Force take the following oath before a Justice of the Peace or such other person as the Governor may appoint to administer such oath:—

“I, A.B., do swear that I will well and truly serve our Sovereign Lady the Queen in the Police Force, without favour or affection, malice or ill-will, for the period of three years from this date, and until I am legally discharged; that I will see and cause Her Majesty’s peace to be kept and preserved; that I will prevent to the best of my power all offences against the same, and that while I shall 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.”

Provided that any person objecting to take an oath, may make a solemn affirmation to the same effect as the oath.

6. The constables sworn as aforesaid shall throughout the colony have all such powers and privileges, and be liable to all such duties and responsibilities, as any constable may by law have or be liable to, and shall obey all lawful directions touching the execution of their office which they may from time to time receive from any Commissioner, Inspector, or other officer.

General powers of constables.

7. It shall be lawful for any such constable to apprehend all loose, drunken, idle, or disorderly persons whom he shall find disturbing the public peace, or whom he shall have just cause to suspect of any evil designs.

Special power of constables.

8. If any such constable shall take a bribe or any gratuity whatever for suffering any person lawfully in his custody to escape, or shall wilfully neglect to execute any warrant intrusted to him or to make any seizure, or shall show favour to any person so in custody as aforesaid, every such constable shall be liable for every such offence to a penalty not exceeding twenty pounds, or to be imprisoned and kept to hard labour for any period not exceeding six months, as to the convicting Justice shall seem meet.

Penalty for constables taking bribes or gratuities.

9. If any such constable shall, during the period for which he shall have engaged to serve in the said force, desert from the same or refuse to serve therein, every such offender shall be liable, for every such offence, to a penalty not exceeding twenty pounds, to be recovered in a summary way.

Penalty for desertion or refusal to serve.

10. Any Commissioner may suspend or dismiss, or any Inspector may suspend until the decision of a Commissioner is known, from his employment any such constable whom he shall think remiss or negligent in the execution of his duty, or otherwise unfit for the same; and when any such constable shall be so dismissed, or shall otherwise cease to belong to the said force, all powers and authorities vested in him by virtue of this Act shall cease and determine.

Power to Commissioner or Inspector to dismiss constables.

11. The Governor from time to time may make, alter, or revoke such regulations respecting the training, arms and accoutrements, clothing, and equipment of such force, and respecting all other matters connected therewith, as may be required for promoting the discipline and efficiency thereof, and also may from time to time direct the employment and distribution of the said force as to him shall seem meet.

Power to Governor to make regulations.

12. Any Commissioner or Inspector may stop from the pay of any constable offending against the regulations made as aforesaid any sum not exceeding twenty shillings in respect of every such offence,

Penalty for breach of regulations.

or may cause such constable to be taken before a Commissioner or any two Justices of the Peace; and every such constable, upon conviction of any offence against any such regulation, shall be liable to a penalty not exceeding twenty pounds nor less than five shillings, to be recovered in a summary way under "The Justices of the Peace Act, 1882."

Fines and penalties to be paid to Reward Fund.

13. All fines and penalties which may be recovered by virtue of this Act shall be paid into the Public Trust Office, to be placed to a separate fund to be called "The Police Reward Fund," which shall be appropriated for the benefit of the officers and men belonging to the said force at such times, and in such proportions, and according to such regulations as the Governor shall direct and determine; and, in default of any such regulations and directions, the same shall be paid to the person entitled thereto immediately upon the recovery thereof.

Also forfeitures, penalties, and seizures.

14. When any constable belonging to the said force shall be entitled to the whole or a proportion of any forfeiture, penalty, or seizure under this or any other Act in force for the time being, the amount or proceeds thereof shall be paid into the Public Trust Office and form part of the aforesaid Police Reward Fund.

Rewards for services.

15. The Governor may from time to time, out of any moneys appropriated by the General Assembly for the expenses of the administration of this Act, award to any of the officers or constables belonging to the said force such sum of money as to him shall seem meet as a reward for extraordinary diligence or exertion, or as a compensation for wounds or severe injuries received in the performance of their duty, or as an allowance to such of them as shall be disabled by bodily injury received, or shall be worn out by length of service.

All rewards given for special services shall be paid at once to the persons entitled to receive the same.

Protection to constables.

16. For the protection of persons acting in the execution of this Act, all actions and prosecutions to be commenced against any person for anything done in pursuance of this Act shall be commenced within four months after the act committed, and not otherwise, and notice in writing of such action and of the cause thereof shall be given to the defendant one month at least before the commencement of the action.

No plaintiff shall recover in any such action if tender of sufficient amends is made before such action brought, or if a sufficient sum of money is paid into Court after such action is brought, by or on behalf of the defendant, together with the costs incurred up to that time; and if a verdict shall be given for the defendant, or the plaintiff be nonsuited, or discontinued any such action after issue joined, or if judgment shall be given against the plaintiff, the defendant shall recover his full costs as between attorney and client; and, though a verdict shall be given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant unless the Judge before whom the trial shall be shall certify his approbation of the action and of the verdict obtained thereupon.

Constables in Armed Constabulary deemed enrolled under this Act.

17. All officers and constables enrolled under "The Armed Constabulary Act, 1867," or any Act amending the same, who, at the commencement of this Act, may be serving as a Civil Police Force,

shall be deemed to have been duly appointed to the Police Force constituted under this Act, and shall continue therein without being resworn, until the expiration of the term for which they were enrolled under the aforesaid Acts; when they may be enrolled under this Act, or take the discharge to which they are entitled under the said Acts.

Nothing herein contained shall prejudice or affect the rights or responsibilities under the Acts hereinabove first mentioned, or either of them, of any officers or constables enrolled thereunder respectively; nor shall prevent any such officer or constable being resworn forthwith under this Act if he consents thereto, whereupon all rights under the first-mentioned Acts shall cease and be determined.

The police force shall not be deemed to form part of the Civil Service of the Government of the colony within the meaning of "The Civil Service Act, 1866."

18. The balance standing to the credit of the Armed Constabulary Reward Fund established by section twenty-seven of "The Armed Constabulary Act, 1867," shall be divided into two parts in the proportion of the numbers of non-commissioned officers and privates or constables respectively in the Permanent Militia and the Police Force established by "The Defence Act, 1886," and this Act respectively; and such parts shall respectively be paid over to the Reward Funds established by the said Acts.

Allocation of Armed  
Constabulary  
Reward Fund.

19. The Ordinance of the Lieutenant-Governor of New Zealand and the Legislative Council thereof, and the several Acts hereunder enumerated, are hereby repealed.

Repeal.

ACTS REPEALED.

1846, Sess. VII., No. 2.—An Ordinance to provide for the Establishment and Maintenance of a Constabulary Force.

1868, No. 54.—The Constabulary Force Ordinance Amendment Act, 1868.

1867, No. 37.—The Armed Constabulary Act, 1867.

1869, No. 58.—The Armed Constabulary Act Amendment Act, 1869.