

New Zealand.

## POLICE FORCE.

1908, No. 145.

AN ACT to consolidate certain Enactments of the General Assembly relating to the Police Force and the Police Provident Fund.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. (1.) The Short Title of this Act is "The Police Force Act, 1908." Short Title.

(2.) This Act is a consolidation of the enactments mentioned in the Schedule hereto, and with respect to those enactments the following provisions shall apply:— Enactments consolidated.

(a.) All Orders in Council, orders, warrants, appointments, enrolments, registers, regulations, records, instruments, and generally all acts of authority which originated under any of the said enactments, and are subsisting or in force on the coming into operation of this Act, shall enure for the purposes of this Act as fully and effectually as if they had originated under the corresponding provisions of this Act, and accordingly shall, where necessary, be deemed to have so originated: Savings.

Provided that in the case of current appointments, or engagements, or enrolments for specified terms each such term shall be computed from the date of its original commencement.

(b.) All matters and proceedings commenced under any such enactment, and pending or in progress on the coming into operation of this Act, may be continued, completed, and enforced under this Act.

(3.) This Act is divided into Parts, as follows:—

PART I.—Police Force. (Sections 2 to 16.)

PART II.—Police Provident Fund. (Sections 17 to 41.)

IV—36.

## PART I.

## POLICE FORCE.

Power to Governor  
to embody a Police  
Force;  
1886, No. 18, sec. 2

2. (1.) 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 New Zealand for preserving the peace, and preventing crime, and apprehending offenders against the peace.

(2.) The Police Force established under "The Police Force Act, 1886," shall be deemed to be the Police Force under this Act.

And to appoint  
officers.  
Ibid, sec. 3

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 deems expedient for the general superintendence and management of the said Police Force.

Duty of officers.  
Ibid, sec. 4

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 New Zealand where they may be on duty.

Oath of office  
Ibid, sec. 5

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 or such other person as the Governor may appoint to administer the same:—

I, A. B., do swear that I will well and truly serve our Sovereign Lord the King in the Police Force, without favour or affection, malice or ill-will, until I am legally discharged; that I will see and cause His 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 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.

General powers of  
constables.  
Ibid, sec. 6

6. The constables sworn as aforesaid shall throughout New Zealand 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 from time to time receive from any Commissioner, Inspector, or other officer.

Special power of  
constables.  
Ibid, sec. 7

7. Any such constable may apprehend all loose, drunken, idle, or disorderly persons whom he finds disturbing the public peace, or whom he has just cause to suspect of any evil designs.

Penalty for  
constables taking  
bribes or gratuities.  
Ibid, sec. 8

8. Every constable who takes a bribe or any gratuity whatever for suffering any person lawfully in his custody to escape, or wilfully neglects to execute any warrant intrusted to him or to make any seizure, or shows favour to any person so in custody as aforesaid, is liable for every such offence to a fine not exceeding twenty pounds, or to imprisonment with hard labour for any period not exceeding six months.

Desertion or refusal  
to serve.  
Ibid, sec. 9

9. Every constable who during the period for which he has engaged to serve in the said Force, deserts from the same or refuses to serve therein, is liable for every such offence to a fine not exceeding twenty-pounds.

Power to Commis-  
sioner or Inspector to  
dismiss constables.  
Ibid, sec. 10

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 thinks remiss or negligent in the execution of his duty, or otherwise unfit for the same; and when any such constable is so dismissed, or otherwise ceases to belong to the said Force, all powers and authorities vested in him under this Act shall cease and determine.

11. The Governor may from time to time make 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 he thinks fit.

Regulations.  
1886, No. 18, sec. 11

12. Any Commissioner or Inspector may stop from the pay of any constable offending against any such regulation any sum not exceeding one pound in respect of every such offence, or may cause such constable to be taken before a Commissioner or any two Justices; and every constable convicted of any offence against any such regulation is liable to a fine not exceeding twenty pounds and not less than five shillings.

Breach of regulations.  
Ibid, sec. 12

13. (1.) All fines recovered under this Act shall be paid into the Police Provident Fund hereinafter mentioned.

Fines to be paid to Provident Fund.

(2.) When any constable is entitled to the whole or a proportion of any forfeiture, penalty, fine, or seizure under this or any other Act in force for the time being, the amount or proceeds thereof shall be paid into and form part of the aforesaid fund.

Ibid, sec. 13  
1899, No. 10, secs. 4, 7  
Also forfeitures, penalties, and seizures.

14. (1.) The Governor may from time to time, out of any moneys appropriated by Parliament for the expenses of the administration of this Act, award to any officer or constable belonging to the said Force such sum of money as he thinks fit as a reward for extraordinary diligence or exertion, or as a compensation for wounds or severe injuries received in the performance of his duty, or as an allowance on being disabled by bodily injury received.

1886, No. 18, sec. 14  
1899, No. 10, sec. 4

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

Rewards for services.  
1886, No. 18, sec. 15

15. (1.) 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.

Protection to constables.  
Ibid, sec. 16

(2.) The plaintiff in any such action shall not recover if tender of sufficient amends is made before action brought, or if a sufficient sum of money is paid into Court by or on behalf of the defendant after such action is brought, together with the costs incurred up to that time.

(3.) If a verdict is given for the defendant, or the plaintiff is nonsuited, or discontinues any such action, or if judgment is given against the plaintiff, the defendant shall recover his full costs as between solicitor and client; and, though a verdict is given for the plaintiff in any such action, he shall not have costs against the defendant unless the Judge before whom the trial is held certifies his approbation of the action and of the verdict obtained thereupon.

16. The Police Force shall not be deemed to form part of the Civil Service within the meaning of any Act for the time being in force relating to such Civil Service.

Police Force not Civil servants.  
Ibid, sec. 17

## PART II.

## POLICE PROVIDENT FUND.

Interpretation.  
1899, No. 10, sec. 2

17. In this Part of this Act, if not inconsistent with the context,—

“Board” means the Police Provident Fund Board:

“Commissioner” means the Commissioner of Police:

“Fund” means the Police Provident Fund:

“Medically unfit for further duty” in the case of a member means that on the certificate of at least two medical practitioners approved by the Board it is established to the satisfaction of the Board that, by reason of mental or bodily infirmity not caused by irregular or intemperate habits, the member has become permanently unable to perform his duties any longer:

“Member” means an officer or constable of the Police Force established under this Act, but does not include the Commissioner:

“Minister” means the Minister of Justice:

“Pay” of a member means the actual sum paid to him as salary or wages in respect of his service, but does not include allowances:

“Service” means service in the Police Force as a member thereof:

Provided that in the case of a member who has served in the Armed Constabulary Force or any provincial Police Force for any continuous period next preceding the commencement of his service as a member of the Police Force, such continuous period shall for all the purposes of this Act be included in computing the length of his service as a member of the Police Force.

*The Fund.*

Police Provident  
Fund established.  
Ibid, sec. 3

18. (1.) There is hereby established in connection with the Police Force a fund to be called “The Police Provident Fund.”

(2.) The fund established under “The Police Provident Fund Act, 1899,” shall be deemed to be the fund under this Act.

Moneys forming  
such fund.  
Ibid, sec. 4

19. The fund shall consist of—

(a.) The moneys in the fund on the coming into operation of this Act:

(b.) All fines, penalties, and other moneys directed by this Act to be paid into the fund:

(c.) Contributions from members as hereinafter provided:

(d.) All sums paid out of the Consolidated Fund as hereinafter provided:

(e.) All other moneys paid into the fund as portion thereof, including all accumulations of interest on moneys belonging to the fund.

Contributions of  
members thereto.  
Ibid, sec. 5  
1907, No. 63, secs.  
12, 33

20. The contributions from members shall in the case of each member be at the following rate of percentage of all pay payable to him as a member, that is to say:—

(a.) In the case of a member who became a contributor before the first day of January, one thousand nine hundred and eight

(being the date of the coming into operation of "The Public Service Superannuation Act, 1907"),—

(i.) Five per centum if his age is not more than thirty years at the time when the first contribution becomes payable;

(ii.) Six and a half per centum if his age is then more than thirty but not more than forty years;

(iii.) Eight per centum if his age is then more than forty but not more than fifty years; and

(iv.) Ten per centum if his age is then more than fifty years:

(b.) In the case of a member who becomes a contributor on or after that date,—

(v.) Five per centum if his age does not exceed thirty years at the time when the first contribution becomes payable;

(vi.) Six per centum if his age then exceeds thirty years but does not exceed thirty-five years;

(vii.) Seven per centum if his age then exceeds thirty-five years but does not exceed forty years;

(viii.) Eight per centum if his age then exceeds forty years but does not exceed forty-five years;

(ix.) Nine per centum if his age then exceeds forty-five years but does not exceed fifty years; and

(x.) Ten per centum if his age then exceeds fifty years.

21. The aforesaid percentages shall be deducted from the member's pay as it becomes payable, and the amounts so deducted shall be forthwith paid into the fund by the Government.

Deductions payable direct into fund. 1899, No. 10, sec. 6

22. All moneys belonging or payable to the fund shall be paid to the Public Trustee to the credit of an account in the name of the fund.

Moneys of fund payable to Public Trustee.

23. The fund shall be administered by a Board, to be called "The Police Provident Fund Board," consisting of four members, to wit:—

Ibid, sec. 8  
Board to administer fund.  
Ibid, sec. 9

The Minister :

The Public Trustee :

The Commissioner :

The Inspector of Police in Wellington.

24. With respect to the Board the following provisions shall apply:—

Meetings and procedure of Board. Ibid, sec. 10

(a.) At all meetings of the Board the quorum shall be three.

(b.) In the absence of the Minister any other Minister may attend in his stead.

(c.) In the absence of the Public Trustee the Deputy of the Public Trustee may attend in his stead.

(d.) Subject to regulations under this Act, the Board may prescribe its own procedure.

#### *Benefits.*

25. The fund shall be held and applied for the benefit of members in the manner and subject to the conditions hereinafter set forth.

Application of Fund.

26. Every member who, with the consent or by the direction of the Minister, retires from the Police Force on the ground of being medically

Ibid, sec. 11  
Benefits to members unfit for duty, on retirement.  
Ibid, sec. 12

unfit for further duty shall on his retirement be entitled to receive from the fund such of the following benefits as his length of service warrants, that is to say:—

- (a.) If his length of service is less than five years, a refund of the amount of his contributions to the fund:
- (b.) If his length of service is less than fifteen but not less than five years, a sum computed at the rate of one month's pay for each full year's service; provided that the total sum shall not exceed twelve month's pay:
- (c.) If his length of service is not less than fifteen years, an allowance for the rest of his life at the yearly rate of one-sixtieth of a year's pay for each year's service; provided that the total yearly allowance shall not exceed thirty-six sixtieths of a year's pay.

Allowance to member retiring on account of age.  
1899, No. 10, sec. 13

27. Any member whose length of service is not less than twenty-five years, and whose age is not less than sixty years, may at any time thereafter retire from the Police Force at the expiration of three months' notice of intention so to do; and in such case he shall on his retirement be entitled to receive from the fund an allowance for the rest of his life at the yearly rate mentioned in paragraph (c) of the last preceding section, but not exceeding the maximum amount therein limited.

Special allowance to member unfit for further duty.  
Ibid, sec. 14

28. If a member becomes medically unfit for further duty owing to injuries received in the execution of his duty, and by reason thereof retires from the Police Force with the consent or by the direction of the Minister, the Board, if of opinion that the benefit provided under section twenty-six hereof is not sufficient, may in lieu thereof grant him out of the fund an allowance for the rest of his life at such yearly rate as in the special circumstances of the case the Board thinks just, not exceeding three-fifths of a year's pay.

Allowance to widow and children if death occurs through execution of duty.  
Ibid, sec. 15

29. (1.) If a member dies while in the Police Force from injuries received in the execution of his duty, the Board may out of the fund grant to or for the benefit of his widow (if any) an allowance at the rate of not more than eighteen pounds per year so long as she remains his widow, and to or for the benefit of his children (if any) a further allowance of not more than five shillings per week in the case of each child until the child attains the age of fourteen years.

Payment when death occurs through other causes.  
Ibid, sec. 16

(2.) If a member while in the Police Force dies from any cause other than injuries received in the execution of his duty, the Board may out of the fund grant for the benefit of his widow and infant children (if any) such sum as it thinks fit, not exceeding the total amount of his contributions to the fund.

Board may make grant to member on dismissal.  
Ibid, sec. 17

30. If a member is dismissed from the Police Force, or his services are otherwise dispensed with for misconduct, the Board may out of the fund grant him such sum as it thinks fit, not exceeding one-half the total amount of his contributions to the fund.

Payment to member voluntarily resigning.  
Ibid, sec. 18

31. If a member whose length of service is not less than ten nor more than twenty-five years voluntarily resigns from the Police Force, and his resignation is accepted by the Minister, he shall on his resignation be entitled to receive from the fund a sum equal to three-fourths of the total amount of his contributions to the fund.

32. With respect to every life allowance granted under this Part of this Act the following provisions shall apply:—

- (a.) The life allowance shall be payable by equal monthly instalments, and the first instalment shall be payable one month after the date of the grantee's retirement.
- (b.) The grantee may on his retirement, or at any time before receiving his first instalment, elect to accept in lieu of his life allowance a sum equal to the total amount of his contributions to the fund; and in such case he shall be entitled to receive that sum in lieu of the life allowance.
- (c.) If, not having elected as aforesaid, he dies before the total amount paid to him in respect of life allowance is equal to the total amount of his contributions to the fund, the Board may out of the fund apply for the benefit of his widow and infant children (if any) such sum as it thinks fit, not exceeding the difference between the aforesaid amounts.
- (d.) His life allowance, or any one or more instalments thereof, may be forfeited by the Board in any of the following events, that is to say:—

- (i.) If he is convicted of any crime on indictment; or
- (ii.) If he knowingly becomes the associate of thieves, prostitutes, or other persons of bad repute; or
- (iii.) In the case of a member whose life allowance has been granted before he attained the age of sixty years on the grounds of his being medically unfit for further duty, if he fails or refuses to submit himself for further medical examination whenever required by the Minister so to do, or if, having so submitted himself and having been reported to be medically fit for further duty, he fails or refuses to return to duty whenever required by the Minister so to do.

33. Where a member by the direction or with the consent of the Minister returns to duty while in receipt of a life allowance, the following provisions shall apply as and from the date of such return:—

- (a.) His life allowance shall cease, and all his rights and liabilities under this Act as a member shall revive.
- (b.) The percentage of his pay to be deducted by way of contribution to the fund shall be the same as at the time of his retirement.
- (c.) For the purpose of computing the benefits to which he may become entitled, in so far as they depend upon the length of his service, the period of his service prior to such retirement shall be added to the period of his new service, but the period of such retirement shall be excluded.

34. Where any life allowance or other money granted to a member on his retirement is computed on the basis of his pay, such pay shall be deemed to be the rate of pay he was receiving at the time of his retirement, unless within the previous five years he has served in any rank beneath that held by him at the time of his retirement, in which case such pay shall be deemed to be the average rate of pay received by him during the seven years next preceding his retirement.

35. In no case shall any life allowance or other money granted under this Part of this Act be in any way assigned, transferred, or alienated from the grantee, or be subject to "The Bankruptcy Act, 1908."

Special provisions as to life allowances. 1899, No. 10, sec. 19

Rights of member returning to duty while receiving life allowance.

Ibid, sec. 20-

Mode of computing allowances.

Ibid, sec. 21

Allowances absolutely protected. Ibid, sec. 22

*Miscellaneous.*

Deficiency in fund payable out of Consolidated Fund. 1899, No. 10, sec. 23

36. (1.) If at any time the fund is unable to meet the charges upon it, and as often as such event occurs, the Board shall forthwith report the fact to the Minister of Finance, setting forth the amount of the deficiency and the causes thereof.

(2.) The Minister of Finance, upon being satisfied that the deficiency exists, and that provision is necessary therefor, shall, without further appropriation than this Act, pay into the Police Provident Fund out of the Consolidated Fund a sum sufficient to meet the deficiency.

(3.) The Board's report, together with a statement by the Minister of Finance of his action thereon, shall within ten days after the receipt of the report be laid by him before Parliament if sitting, or if not, then within ten days after the commencement of the next ensuing session thereof.

Members exempt from Act not entitled to benefits. Ibid, sec. 24

37. Notwithstanding anything hereinbefore contained to the contrary, it is hereby declared that any member who under section twenty-four of "The Police Provident Fund Act, 1899," has elected to be exempt from the operation of that Act shall not be liable to contribute to the fund under this Act and shall not be entitled to any of its benefits.

Provisions as to fund and its accounts. Ibid, sec. 25

38. With respect to the fund and its accounts the following provisions shall apply:—

- (a.) The Board shall cause full and faithful accounts to be kept of all moneys received and expended, and of all credits and liabilities.
- (b.) Within twenty-one days after the close of each financial year ending the thirty-first day of March the Board shall cause a balance-sheet for the year to be prepared, together with a statement of receipts and disbursements for the year.
- (c.) Such balance-sheet and statement shall be so prepared as to show fully and faithfully the financial position of the fund.
- (d.) Within twenty-eight days after the close of each financial year the Board shall cause the balance-sheet and statement of accounts for the year to be submitted to the Audit Office for audit.
- (e.) The balance-sheet and statement of accounts, duly audited, together with a report, shall within ten days after the audit is completed be laid by the Minister before Parliament if sitting, and if not, then within ten days after the commencement of the next ensuing session.

Actuarial examination of fund. Ibid, sec. 26

39. (1.) For the period ending on the thirty-first day of March, one thousand nine hundred and nine, and for each triennial period thereafter, an actuarial examination of the fund shall be made by an Actuary appointed by the Governor.

Actuary to make report. Ibid, sec. 27

(2.) The Actuary shall set forth the result of such examination in a report showing the state of the fund at the close of the period, and its expectant state at the close of the next ensuing triennial period, having regard to the prospective receipts and charges during such period.

Copies of report to be supplied to members. Ibid, sec. 28

(3.) The Board shall cause such report to be printed, and a copy thereof to be supplied to each member of the Police Force.

(4.) The Minister, within ten days after the receipt by the Board of the report, shall lay a copy thereof before Parliament if sitting, or if not, then within ten days after the commencement of the next ensuing session.

Report to be laid before Parliament. 1899, No. 10, sec. 29.

40. The rights and benefits provided for by the provisions of this Act relating to the Police Provident Fund, whether the same have or have not been actually acquired, shall be subject to all such modifications as may be provided by any Act hereafter passed in amendment or repeal of this Act:

Benefits granted subject to any amending Act. Ibid, sec. 30.

Provided that nothing in this section shall affect any payments actually made to any member or other person under this Act prior to the passing of such amending or repealing Act.

41. The Governor may from time to time, by Order in Council gazetted, make such regulations as he thinks necessary for any of the following purposes:—

Regulations. Ibid, sec. 31.

- (a.) Prescribing the powers, functions, and procedure of the Board;
- (b.) Prescribing the securities in which the moneys in the fund may be invested;
- (c.) Prescribing the mode in which the contributions of members shall be deducted from their pay or emolument;
- (d.) Generally prescribing whatever else he thinks necessary in order to give full effect to the provisions of this Act relating to the Police Provident Fund.

## SCHEDULE.

### ENACTMENTS CONSOLIDATED.

1886, No. 18.—“The Police Force Act, 1886.”

1899, No. 10.—“The Police Provident Fund Act, 1899.”

1907, No. 63.—“The Public Service Superannuation Act, 1907” Sections 12 and 38, so far as applicable.