

1975/177



THE POLICE REGULATIONS 1959, AMENDMENT NO. 18

DENIS BLUNDELL, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 30th day of June 1975

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Police Act 1958, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Police Regulations 1959, Amendment No. 18, and shall be read together with and deemed part of the Police Regulations 1959* (hereinafter referred to as the principal regulations).

(2) Regulation 4 of these regulations shall be deemed to have come into force on the 1st day of July 1973.

(3) Subject to subclause (2) of this regulation and to regulations 9 (4) and 10 (3) of these regulations, these regulations shall come into force on the day after the date of their notification in the *Gazette*.

2. Rank of Deputy Commissioner—(1) Regulation 3 of the principal regulations is hereby amended by revoking the definition of the term “commissioned officer”, and substituting the following definition:

“‘Commissioned officer’ means the Commissioner, Deputy Commissioner, or any Assistant Commissioner, Chief Superintendent, Superintendent, Chief Inspector, or Inspector.”

(2) Regulation 4 of the principal regulations is hereby amended by inserting, after the word “Commissioner.”, the words “Deputy Commissioner.”.

*S.R. 1959/9 (Reprinted with Amendments Nos. 1-13: S.R. 1968/61)
 Amendment No. 14: S.R. 1968/164
 Amendment No. 15: S.R. 1970/150
 Amendment No. 16: S.R. 1972/195
 Amendment No. 17: S.R. 1973/112

3. Candidates for appointment—(1) Regulation 14 (2) of the principal regulations is hereby amended by revoking paragraph (b), and substituting the following paragraph:

“(b) Be not less than 19 and under 35 years of age:”.

(2) Regulation 2 of the Police Regulations 1959, Amendment No. 7 is hereby consequentially revoked.

4. Seniority—(1) Regulation 20 (2) of the principal regulations (as amended by regulation 4 of the Police Regulations 1959, Amendment No. 7) is hereby amended by revoking the first proviso, and substituting the following proviso:

“Provided that where the Commissioner is satisfied that the appointment of any member to a higher rank has been delayed because he was not certified as physically fit to perform the duties required of a member of that rank, and the Director of Police Medical Services subsequently certifies that the member appears to have been physically fit at the date when, if he had been so certified, he would have been appointed to the higher rank, the Commissioner may direct that for the purposes of seniority the appointment shall be deemed to have been made at the earlier date.”

(2) Regulation 20 of the principal regulations is hereby further amended by adding, after subclause (2) (as amended by regulation 4 of the Police Regulations 1959, Amendment No. 10), the following subclause:

“(2A) Notwithstanding anything to the contrary in this regulation, the seniority of a member serving under regulation 24 of these regulations in any rank shall be determined by the step in the pay of the rank at which he is being paid, and where any two or more of such members are on the same step, then by the length of their respective service on that pay step.”

(3) Regulation 4 of the Police Regulations 1959, Amendment No. 7 is hereby consequentially revoked.

5. Procedure preliminary to inquiry—Regulation 49 of the principal regulations is hereby amended by inserting, after subclause (5), the following subclause:

“(5A) Where a member pleads guilty to a charge he may, instead of appearing before a tribunal, elect to be dealt with in accordance with this subclause, in which case the provisions of subclauses (6) and (7) of this regulation shall not apply. Within 3 days after a member has so elected, the District Commander shall serve on the member a copy of the Summary of Facts together with any submissions by the District Commander on the matter of penalty. The member may, within 7 days after he has been served with the Summary of Facts and submissions as to penalty (if any), make submissions in writing to the Commissioner on the matter of penalty. A copy of any such submissions made by the member shall, within the said period of 7 days, be sent by him to the District Commander.”

6. Procedure at inquiry—(1) Regulation 50 of the principal regulations is hereby amended by revoking subclause (6), and substituting the following subclauses:

“(6) If the member charged has admitted the charge and does not elect to be dealt with in accordance with regulation 49 (5A) of these regulations, or the Tribunal has found that the charge is established, then—

“(a) The prosecutor may make such oral or written submissions as to penalty as he thinks fit. Oral submissions shall be recorded by the Tribunal:

“(b) The member may make such oral or written submissions in mitigation of penalty as he thinks fit. Oral submissions shall be recorded by the Tribunal.

“(6A) Notwithstanding anything in subclause (6) (a) of this regulation, the prosecutor may, instead of making any oral or written submissions as to penalty at the hearing, inform the Tribunal that he intends to make written submissions after the hearing. In that case he shall deliver those submissions in writing to the Tribunal within 3 days after so informing the Tribunal, or within such further period as the Tribunal may allow, and shall, within the same period, deliver a copy of those submissions to the member. The member may, within 7 days after receiving those submissions, or within such further period as the Tribunal may allow, send to the Tribunal a written reply to those submissions in which case he shall, within the same period, deliver a copy of that reply to the prosecutor.

“(6B) Notwithstanding anything in subclause 6 (b) of this regulation, the member may, instead of making oral or written submissions in mitigation of penalty at the hearing, inform the Tribunal that he intends to make written submissions after the hearing. In that case he shall deliver those submissions in writing to the Tribunal within 3 days after so informing the Tribunal, or within such further period as the Tribunal may allow, and shall, within the same period, deliver a copy of those submissions to the prosecutor. The prosecutor may, within 3 days after receiving those submissions, apply to the Tribunal for permission to reply to them, and, if the Tribunal is satisfied that there are good reasons for doing so, it may permit the prosecutor to make a reply. Such reply shall be made in writing to the Tribunal within 7 days after the prosecutor is notified that the necessary consent has been granted, and he shall, within the same period, deliver a copy of that reply to the member.”

(2) Regulation 50 of the principal regulations is hereby further amended by revoking subclause (10), and substituting the following subclause:

“(10) In reporting to the Minister or Commissioner, the Tribunal shall forward all submissions as to penalty and all replies to those submissions made by the prosecutor and the member respectively. In addition, the Tribunal may itself make any comment as to penalty based on any evidence, or arising from submissions or replies, heard or received by it.”

(3) The following regulations are hereby consequentially revoked:

(a) Regulation 8 of the Police Regulations 1959, Amendment No. 7:

(b) Regulation 8 of the Police Regulations 1959, Amendment No. 15.

7. Medals for long service and good conduct—Regulation 53 (1) of the principal regulations is hereby amended by omitting the words “service otherwise than as a cadet”, and substituting the words “service, including any service as a cadet”.

8. Pensions in respect of death or disablement—(1) Regulation 54 of the principal regulations is hereby revoked.

(2) The First Schedule to the principal regulations is hereby consequentially revoked.

9. Annual leave entitlement between 6 February 1974 and 30 November 1974—(1) Regulation 76 (1) of the principal regulations (as amended by regulation 4 of the Police Regulations 1959, Amendment No. 11) is hereby amended by omitting the figure “27”, and substituting the figure “28”.

(2) Regulation 76 (5) of the principal regulations (as amended by regulation 7 of the Police Regulations 1959, Amendment No. 13) is hereby amended by—

(a) Omitting the figure “27”, and substituting the figure “28”:

(b) Omitting the figure “54”, and substituting the figure “56”.

(3) Regulation 7 of the Police Regulations 1959, Amendment No. 13 is hereby consequentially revoked.

(4) This regulation shall be deemed to have come into force on the 6th day of February 1974.

(5) This regulation shall be deemed to have continued in force until the 30th day of November 1974, and to have then expired.

10. Annual leave entitlement on and after 1 December 1974—(1) Regulation 76 (1) of the principal regulations (as amended by regulation 9 of these regulations) is hereby amended by—

(a) Omitting the figure “28”, and substituting the figure “33”:

(b) Omitting from the first proviso in each place where they occur the words “sickness or”:

(c) Omitting from that proviso the figure “13”, and substituting the figure “11”.

(2) Regulation 76 (5) of the principal regulations (as amended by regulation 9 of these regulations) is hereby amended by—

(a) Omitting the figure “28”, and substituting the figure “33”:

(b) Omitting the figure “56”, and substituting the figure “66”.

(3) This regulation shall be deemed to have come into force on the 1st day of December 1974.

11. Long service leave—The principal regulations are hereby amended by inserting, after regulation 76, the following regulation:

“76A. (1) For the purposes of this regulation—

“‘Continuous service’ shall not include any period of less than 6 months continuous service, nor any period of service followed by any break in service for more than 3 months, other than on leave of absence without pay for more than 3 months, nor any period of service served after relinquishment of office on retirement other than retirement from the Armed Forces:

“ ‘Service’ means service in, or leave of absence on pay from or leave of absence without pay for not more than 3 months from, employment in the Police Department, or employment in any Department of the Public Service mentioned in the Second Schedule to the State Services Act 1962, or by any Education Board, or in the Post Office, the New Zealand Government Railways Department, the Legislative Department, the Parliamentary Counsel Office, or the Armed Forces.

“(2) Members shall, on the completion of 20 years continuous service, be granted 20 working days long service leave in accordance with this regulation.

“(3) Long service leave shall be granted no more than once to any member, and no period of service by any member after the grant to him of long service leave, whether by the Police Department or by any other employer in respect of service, shall entitle him to any further grant of long service leave by the Police Department.

“(4) Long service leave shall be taken in a single period, except that in an emergency situation the Commissioner may recall a member from long service leave. In that case the member shall be permitted to complete the remainder of such leave on the completion of the duty for which he was recalled.

“(5) Long service leave shall be forfeited if not taken within 5 years after the completion of 20 years continuous service, or before the date the member relinquishes his office:

“Provided that—

“(a) A member who is within 2 years of retirement from office when he qualifies for long service leave may, at the Commissioner’s discretion, take long service leave immediately following the date he relinquishes office together with any other leave due or granted to him on retirement, and the member shall be deemed to be a supernumerary during the period of his leave. His retirement shall then be effective as from the date on which all such leave expires:

“(b) A member who would have been qualified for long service leave on the 1st day of April 1970 had this regulation been then in force, may, subject to subclause (8) of this regulation, and to the Commissioner’s discretion, take that leave at any time before the 1st day of April 1980.

“(6) If a married member dies after qualifying for long service leave but before he has taken or forfeited the leave in accordance with this regulation, his widow shall be paid a cash grant equivalent in value to the salary which would otherwise have been paid to the member in respect of long service leave.

“(7) Notwithstanding subclause (5) of this regulation, where a member has qualified for long service leave, and he has been retired as medically unfit before taking or forfeiting such leave, he will be permitted to take such long service leave after he has relinquished his office.

“(8) A member who resigns or who has given notice of resignation shall forfeit any long service leave to which he would otherwise be entitled.”

12. Leave without pay—The principal regulations are hereby amended by revoking regulation 77, and substituting the following regulation:

“77. Leave without pay may be granted by the Commissioner in special cases, subject to such conditions as he thinks fit. Such conditions may be determined in a particular case, or may be prescribed generally in General Instructions.”

13. Maternity leave—The principal regulations are hereby amended by inserting, after regulation 77 (as substituted by regulation 12 of these regulations), the following regulation:

“77A. **Maternity leave**—(1) Maternity leave without pay for a period not exceeding 6 months may be granted by the Commissioner to a married female member.

“(2) An application for maternity leave shall be accompanied by a certificate to the effect that the applicant is pregnant, signed by a registered medical practitioner.

“(3) A member who resumes duty after a period of maternity leave and who then completes a period of 6 months service may be granted by the Commissioner retrospective payment for such period of the maternity leave as is covered by the member’s sick leave entitlement.”

14. Bereavement leave—Regulation 78 of the principal regulations is hereby amended by inserting, after the word “husband,” the words “father-in-law, mother-in-law,”.

P. G. MILLEN,
Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations amend the Police Regulations 1959. Their principal purpose is to bring the leave entitlement and related conditions of service enjoyed by members of the Police into line with those enjoyed by persons employed in the other sectors of the public service.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 3 July 1975.

These regulations are administered in the Police Department.