



THE POLICE REGULATIONS 1959, AMENDMENT NO. 21

KEITH HOLYOAKE, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 28th day of November 1977

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. 21, and shall be read together with and deemed part of the Police Regulations 1959* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the day after the date of their notification in the *Gazette*.

2. Rank of Deputy Assistant Commissioner—(1) Regulation 3 of the principal regulations (as amended by regulation 2 of the Police Regulations 1959, Amendment No. 18) is hereby amended by inserting in the definition of the term “commissioned officer”, after the words “Assistant Commissioner,”, the words “Deputy Assistant Commissioner,”.

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

3. Specially designated ranks—(1) The said regulation 3 (as so amended) is hereby further amended by adding to the definition of the term “commissioned officer” the words “; and includes such other

*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
 Amendment No. 18: S.R. 1973/177
 Amendment No. 19: S.R. 1976/85
 Amendment No. 20: S.R. 1977/143

specially designated commissioned ranks as the Commissioner may from time to time establish by appointment or promotion under regulation 24 of these regulations”.

(2) The said regulation 3 (as so amended) is hereby further amended by adding to the definition of the term “non-commissioned officer”, the words “; and includes such other specially designated non-commissioned ranks as the Commissioner may from time to time establish by appointment or promotion under regulation 24 of these regulations”.

(3) The said regulation 4 is hereby further amended by adding the words “Such other specially designated ranks as the Commissioner may from time to time establish by appointment or promotion under regulation 24 of these regulations.”.

4. Appointments for special purposes—The principal regulations are hereby amended by repealing regulation 24, and substituting the following regulation:

“24. (1) Persons possessing special qualifications may be appointed or promoted pursuant to any of sections 4, 4A, 5, 7, 8, 10, and 12 of the Act, with such specially designated ranks as the Commissioner thinks fit, for the purpose of performing duties of a specialised nature.

“(2) Any specially designated rank applied to any appointment or promotion under subclause (1) of this regulation shall be made to an existing rank salary level in the Police salary scale, and when making any recommendation for appointment to any such specially designated rank the Promotion Board shall specify the salary level applied to that rank and whether the rank is to be commissioned or non-commissioned.

“(3) Any candidate who does not comply with the requirements of subclause (2) of regulation 14 of these regulations may be appointed permanently to the Police for the purposes of this regulation.

“(4) The provisions of these regulations shall apply to every person so appointed:

“Provided that the provisions of subclauses (6) and (7) of regulation 15 of these regulations shall not apply to any member to whom this regulation applies.

“(5) To qualify for promotion to higher rank any member to whom this regulation applies may be required to pass or shall have passed such examination as may be specified by the Commissioner and any such member shall not for that purpose be required to pass any examination under any of regulations 16, 17, and 18 of these regulations.

“(6) An appointment or promotion under this regulation shall not, in the case of a serving member of the Police so appointed or promoted (not being a member who is a serving member of the Police by virtue of a prior appointment under this regulation), affect either the seniority of that member or his eligibility for promotion to any rank that is not a specially designated rank.

“(7) Any appointment or promotion to a specially designated rank may be specified to take effect on and from any date before the date on which the appointment or promotion is made, in any case where the member to whom the appointment or promotion relates would have been qualified for that specially designated rank at that earlier date if, at that date, the rank had been established pursuant to this regulation.

“(8) A member appointed or promoted under this regulation shall retain the rank to which he is so appointed or promoted only while continuing to serve for the appropriate special purpose.”

5. Procedure preliminary to inquiry—Regulation 49 of the principal regulations is hereby amended by revoking subclause (1), and substituting the following subclause:

“(1) When a member is to be reported for an alleged offence against any of the provisions of the Act or these regulations, he shall be informed as soon as practicable that he is to be reported, and of the nature of the act or omission constituting the alleged offence. It shall not be necessary to specify the provision of the Act or these regulations against which he is alleged to have committed the offence.”

6. Procedure at inquiry—(1) Regulation 50 of the principal regulations is hereby amended by adding to subclause (1) the words “If the member appears in answer to the charge, it shall be presumed, in the absence of evidence to the contrary, that he is a member of the Police.”

(2) The said regulation 50 is hereby further amended by revoking subclause (5), and substituting the following subclause:

“(5) The evidence shall be recorded.”

(3) The said regulation 50 is hereby further amended by inserting, after subclause (8), the following subclause:

“(8A) Subject to the provisions of section 33 of the Act, no member of the Tribunal shall disclose any part of the Tribunal’s findings to any other person (except another member of the Tribunal) without the consent of the Minister, in any case where the member charged is a commissioned officer below the rank of Chief Superintendent, or the Commissioner, where the person charged is a non-commissioned officer or a constable.”

(4) The said regulation 50 is hereby further amended by inserting, after subclause (9), the following subclause:

“(9A) The Tribunal shall advise the member charged in writing of its findings at the same time as it reports to the Minister or (as the case may be) the Commissioner, unless it has sooner notified the member of its findings.”

7. Procedure relating to appeals in disciplinary proceedings—Regulation 52 of the principal regulations is hereby amended by inserting, after subclause (1), the following subclause:

“(1A) In every appeal to the Appeal Board (other than an appeal against sentence) the appellant or his solicitor shall, at least 7 clear days before the date of the hearing, file with the Appeal Board and serve on the other party a note setting out the grounds of appeal in sufficient detail to advise reasonably the Appeal Board and the other party what issues are to be involved in the appeal, unless that information has been stated with reasonable particularity in the notice of appeal.”

8. Medals for long service and good conduct—(1) Regulation 53 of the principal regulations is hereby revoked.

(2) The following regulations are hereby consequentially revoked:

(a) Regulation 9 of the Police Regulations 1959, Amendment No. 7:

(b) Regulation 7 of the Police Regulations 1959, Amendment No. 18.

9. Permanent appointment of person appointed as temporary constable before commencement of principal regulations—Regulation 94 of the principal regulations is hereby amended by revoking subclause (3), and substituting the following subclause:

“(3) Notwithstanding anything to the contrary in these regulations, a member who, before the commencement of these regulations, was appointed a temporary constable, may be appointed a constable pursuant to section 10 of the Act if the Commissioner considers that, having regard to that member’s length and record of service with the Police, he would be justified in making that appointment.”

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.

Regulation 1 relates to the Title and commencement.

Regulation 2 is consequential upon section 2 of the Police Amendment Act 1976 which created the new rank of Deputy Assistant Commissioner.

Regulations 3 and 4 relate to appointments of persons for specialist functions. At present, each such person, in addition to his special designation, is appointed to a specified rank in the Police Force. The amendments provide that such a person will instead be appointed to a specially designated rank.

Regulation 5 makes it clear that, when a member is to be reported for an alleged offence against the Police Act 1958 or the principal regulations, it is sufficient if he is informed of the act or omission to which the charge relates. It is not necessary to inform him of the specific provision of the Act or regulations against which he is alleged to have committed the offence.

Regulation 6: Subclause (1) creates a presumption that a member who appears in answer to a charge is in fact a member of the Police. Subclause (2) requires evidence given at disciplinary inquiries to be recorded. The present provision requires evidence to be taken down in writing, read over to or by the witness, and signed by him. The present provision for the recording of unsworn statements is also omitted.

Subclause (3) provides for the confidentiality of findings of disciplinary tribunals.

Subclause (4) requires the Tribunal to give written notice of its findings to the member charged.

Regulation 7 requires an appellant against a recommendation of a disciplinary tribunal to give to the other party proper notice of the grounds of his appeal.

Regulation 8 revokes regulation 53 of the principal regulations which empowered the Commissioner to award to members of the Police medals for long service and good conduct. The revocation of this provision is consequent upon the institution of the New Zealand Police Long Service and Good Conduct Medal by Her Majesty’s Royal Warrant dated 8 September 1976.

Regulation 9 amends regulation 94 of the principal regulations by revoking subclause (3), which was a transitional provision, and substituting a new subclause. The present provision allowed a member who was appointed a temporary constable before the commencement of the principal regulations to be appointed a constable at any time within 4 years after his original appointment if he was under 40 years of age. The new subclause provides that any member who was appointed a temporary constable before the commencement of the principal regulations may be appointed a constable, at the Commissioner’s discretion, having regard to the member’s length and record of service.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 1 December 1977.

These regulations are administered in the Police Department.