



THE POLICE REGULATIONS 1959, AMENDMENT NO. 22

KEITH HOLYOAKE, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington this 25th day of June 1979

Present:

THE RIGHT HON. R. D. MULDOON PRESIDING 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. 22, 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. Candidates for appointment—Regulation 14 of the principal regulations is hereby amended by revoking subclause (3), and substituting the following subclauses:

“(3) Candidates who do not comply with the requirements of paragraph (a) or paragraph (b) of subclause (2) of this regulation may be appointed temporary members.

“(3A) A temporary member may subsequently be appointed a permanent member pursuant to section 7 or section 8 or section 10 of the Act if the Minister, or, as the case may require, 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.”

3. Law examinations—(1) Regulation 18 of the principal regulations is hereby amended by revoking subclause (3) (as substituted by regulation 4 (2) of the Police Regulations 1959, Amendment No. 13) and subclause (4), and substituting the following subclauses:

“(3) No member shall be eligible to sit for any subject in the senior sergeant’s examination unless he has previously passed the equivalent subject in the sergeant’s examination.

“(4) No member shall be eligible to sit for any subject in the commissioned officer’s examination unless he has previously passed the equivalent subject in the senior sergeant’s examination.”

(2) The said regulation 18 is hereby further amended by repealing subclause (7) (as substituted by regulation 2 (1) of the Police Regulations 1959, Amendment No. 16), and substituting the following subclauses:

“(7) The commissioned officer’s law examination shall consist of the following subjects:

- (a) Criminology:
- (b) Criminal law:
- (c) Police administration:
- (d) Practical police duties—

within such limits for each subject as may be prescribed in general instructions.

“(7A) For the purposes of the commissioned officer’s law examination,—

“(a) The subject of evidence in the sergeant’s and senior sergeant’s examination shall be an equivalent subject to, and a pre-requisite for sitting for, the subject of criminology:

“(b) The subject of statutes in the sergeant’s and senior sergeant’s examination shall be an equivalent subject to, and a pre-requisite for sitting for, the subject of criminal law.

“(7B) Notwithstanding anything in subclause (7) or subclause (7A) of this regulation,—

“(a) Any member who, before the 1st day of January 1971, has passed or been credited with the subject of evidence for the commissioned officer’s law examination shall not be required to pass the subject of criminology; and

“(b) Any member who, before the 1st day of January 1968, has passed or been credited with the subject of statutes for the commissioned officer’s law examination shall not be required to pass the subject of criminal law.”

(3) The following regulations are hereby consequentially revoked:

- (a) Regulation 4 (2) of the Police Regulations 1959, Amendment No. 13:
- (b) Regulation 2 (2) of the Police Regulations 1959, Amendment No. 20.

4. Senior constables—The principal regulations are hereby amended by inserting, after regulation 27, the following regulation:

“27A. (1) Any member who has held the rank of constable for a continuous period of at least 14 years may be designated senior constable by the Commissioner.

“(2) For the purposes of subclause (1) of this regulation, any period of service as a temporary constable may be included in determining whether a member is eligible to be designated senior constable, but no member shall be entitled to be so designated unless he has been permanently appointed.

“(3) Designation as a senior constable shall entitle the member to use the designation in official communications, but shall not be deemed to be a change in the member’s rank.”

5. Permission to marry no longer required—Regulations 44 and 46 (25) are hereby revoked.

6. Sickness—Regulation 81 of the principal regulations is hereby amended—

- (a) By omitting from the proviso to subclause (1) the expression “72 hours”, and substituting the expression “120 hours”:
- (b) By omitting from the first proviso to subclause (6) the expression “72 hours”, and substituting the expression “120 hours”:
- (c) By omitting from the second proviso to subclause (6) (as added by regulation 4 of the Police Regulations 1959, Amendment No. 14) the expression “7 days”, and substituting the expression “10 days”.

7. Sickness at home—(1) The principal regulations are hereby amended by inserting, after regulation 81, the following regulation:

“81A. (1) The Commissioner may, by general instructions, authorise a member to charge against his sick leave entitlement any period during which it was necessary for the member to remain at home because of the illness or injury of his spouse or (where his spouse is ill or injured or otherwise unable to attend to the child) the illness or injury of any child of the member, being a child under the age of 13 years.

“(2) Where, in such a case, the member is likely to be absent for a period exceeding 120 hours, he shall arrange for a medical certificate indicating the nature of the illness or injury from which the spouse or child is suffering to be furnished to the Officer in Charge of the district as soon as practicable.

“(3) Subject to the provisions of this regulation, the provisions of regulation 81 of these regulations, so far as they are applicable and subject to any necessary modifications, shall apply in respect of absences under this regulation.”

(2) Regulation 82 (1) of the principal regulations is hereby consequentially amended by inserting, after the words “unfit for duty”, the words “, or is absent in accordance with regulation 81A of these regulations,”.

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 are made pursuant to the Police Act 1958, and amend the Police Regulations 1959.

Regulation 1 relates to the Title and commencement.

Regulation 2 amends regulation 14 of the principal regulations. That regulation provides that a person who does not meet the requirements for permanent appointment relating to age or health may nevertheless be appointed a temporary

constable. This provision is continued. However, whereas the present provision provides that no such person may subsequently be permanently appointed (unless he meets the requirements), the new provision empowers the Minister or Commissioner to appoint a temporary constable to be a permanent constable where he considers such an appointment warranted, having regard to the constable's length and record of service with the Police.

Regulation 3 amends regulation 18 of the principal regulations, which provides for law examinations for eligibility for promotion to certain ranks. At present, a member cannot sit any examination for promotion to a higher rank until he has passed all the examinations for promotion to the preceding rank. Under the amendment, a member will be entitled to sit for an examination for promotion to a higher rank if he has already passed that subject (or its equivalent) for promotion to the preceding rank.

Regulation 4 empowers the Commissioner to designate any constable of 14 years' service a senior constable. This does not involve a promotion, but he will be entitled to use the designation in official communications.

Regulation 5 removes the requirement that members of the Police below the rank of Senior Sergeant must obtain the Commissioner's permission to marry. Permission is not presently required for other ranks.

Regulation 6 amends regulation 81 of the principal regulations relating to sick leave. The regulation extends from 72 hours to 120 hours the period of sickness for which no medical certificate is required unless demanded by the Officer in Charge.

The present regulation provides that such a certificate may be evidence of fitness to resume duties if it states that the member will be fit to return to work within 7 days after the date of the certificate. This period is extended to 10 days by this amendment.

Regulation 7 empowers the Commissioner to issue general instructions authorising members to take sick leave to attend to illness at home in certain cases. The power extends to sickness or injury suffered by the member's spouse or any child of his under 13 years of age.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 28 June 1979.

These regulations are administered in the Police Department.