

No. 39 OF 1955.

A LAW TO AMEND THE POLICE LAW.

CAP. 265.
24 of 1953
31 of 1954
21 of 1955

J. FLETCHER-COOKE,]

[7th September, 1955.

Officer Administering the Government.

BE it enacted by His Excellency the Officer Administering the Government and Commander-in-Chief of the Colony of Cyprus as follows:—

1. This Law may be cited as the Police (Amendment No. 2) Law, 1955, and shall be read as one with the Police Law (hereinafter referred to as "the principal Law").

Short title.
Cap. 265.
24 of 1953
31 of 1954
21 of 1955.

Amendment
of section 2
of the
principal
Law.

2. Section 2 of the principal Law is hereby amended as follows :—

- (a) by the insertion therein, in their proper alphabetical places, of the following definitions :—
 “ ‘Deputy Commissioner’ means the Deputy Commissioner of Police ;
 ‘ Fire Officer ’ means the officer appointed to be in command of the Fire Brigades of the Cyprus Police Force throughout the Colony ;
 ‘ Gazetted Officer ’ means a police officer of and above the rank of Assistant Superintendent of Police and includes the Fire Officer and the Director of Music ;
 ‘ officer ’ means any police officer of or above the rank of inspector ; ” ;
- (b) by the substitution for the definition of “ Assistant Commissioner ” of the following definition :—
 “ ‘ assistant commissioner ’ means an assistant commissioner of police ; ” ;
- (c) by the insertion in the definition of “ inspector ” after the words “ inspector of police ” of the words “ and includes a chief inspector and a sub-inspector ” ;
- (d) by the deletion from the definition of “ non-commissioned officer ” of the words and comma “ district sergeant-major, ” (line 2) and from the definition of “ superintendent ” of the words “ and a cadet officer ” (lines 2 and 3).

Amendment
of section 4
of the
principal
Law.

3. Section 4 of the principal law is hereby amended by the deletion therefrom of paragraph (g) and the relettering of paragraphs (h), (i) and (j) as paragraphs (g), (h) and (i) respectively.

Amendment
of section 12
of the
principal
Law.

4. Sub-section (2) of section 12 of the principal Law is hereby amended by the deletion therefrom of the words “ with the approval of the Governor ” (line 2).

Amendment
of section 13
of the
principal
Law.

5. Section 13 of the principal Law is hereby amended by the substitution for sub-sections (2) to (4) of the following sub-sections :—

“ (2) Subject to the provisions hereinafter contained, enlistment shall be for an initial period of three years (hereinafter referred to as ‘ the probationary period ’) during which the constable shall be on probation.

(3) The Commissioner may, at any time during the probationary period, discharge any constable who, in the opinion of the Commissioner, is unlikely to become an efficient constable.

(4) After the expiration of the probationary period if the constable has given satisfactory service and is in the opinion of the Commissioner, in every respect, suitable for retention in the Force, he shall be confirmed as a constable.

(5) Any constable enlisted on or after the first day of January, nineteen hundred and fifty-three, shall be deemed to have been enlisted under the provisions of this section and any period of service after that date shall be deemed to be a part of his probationary period.

(6) Any constable who on the thirty-first day of December, nineteen hundred and fifty-five, has served in the Force for a period of three years shall be deemed to have been confirmed under this section :

Provided that any such constable may, within three months from the thirty-first day of December, nineteen hundred and fifty-five, by a written notice given to the Commissioner, elect not to come under the provisions of this section and thereupon the provisions of sub-sections (2) to (4) of section 13, as it stood before its amendment by the Police (Amendment No. 2) Law, 1955, shall apply to such constable."

39 of 1955.

6. Section 17 of the principal Law is hereby amended by the deletion therefrom of the proviso and the substitution for the colon at the end of paragraph (c) of a full stop.

Amendment of section 17 of the principal Law.

7. The principal Law is hereby amended by the insertion therein, immediately after section 28, of the following new section :—

Amendment of the principal Law by the insertion of new section 28A.

"Prosecution for offences under the Law or Regulations.

28A. Any police officer accused of an offence under this Law or any Regulations made thereunder may, with the sanction of the Commissioner first obtained, be prosecuted before a Court of Law and on conviction shall be liable to imprisonment not exceeding two years or to a fine not exceeding one hundred pounds or to both such imprisonment and fine."

8. Section 31 of the principal Law is hereby amended as follows :—

Amendment of section 31 of the principal Law.

(a) by the substitution for the words "sentenced to imprisonment by any Court in respect of any offence" (lines 3 and 4) of the words "convicted of an offence punishable with imprisonment" ;

(b) by the substitution for the word "sentence" (line 6) of the word "conviction" .

9. The principal Law is hereby amended by the insertion therein, immediately after section 36, of the following new section :—

Amendment of the principal Law by the insertion of new section 36A.

"Power to make Regulations with respect to special constables.

36A. Notwithstanding anything in this or any other Law contained the Governor may, by Order-in-Council, make Regulations providing for the appointment, status and duties of special constables and may, by those Regulations, provide—

(a) that any special constables to whom the Regulations apply shall, in the execution of their duty, act under such direction as may be specified in the Regulations ;

(b) for the application to special constables to whom the Regulations apply of all or any of the provisions of this Law, or any Law amending

or substituted for the same, subject to such modifications as may be specified in the Regulations ;

- (c) for such supplemental and ancillary matters as may be necessary or expedient for the purpose of giving full effect to the Regulations.”.

Amendment of the principal Law by the insertion of new part VIA and sections.

10. The principal Law is hereby amended by the insertion therein, immediately after section 42, of the following new Part and sections :—

“ PART VIA.

AUXILIARY POLICE FORCE.

Establishment and status of Auxiliary Police Force.

42A.—(1) Whenever it appears to the Commissioner that owing to disturbed conditions within the Colony and the insufficiency of the ordinary police officers to preserve the peace and protect property it is necessary that an Auxiliary Police Force should be established, the Commissioner may, with the approval of the Governor, direct, by a notice in the *Gazette*, the establishment of such Auxiliary Police Force under the provisions of this Part.

(2) The Auxiliary Police Force shall consist of such persons as may voluntarily undertake to serve therein and be accepted for such service.

(3) A member of the Auxiliary Police Force shall when on duty have all the powers, privileges and protection of a police officer and shall be bound to perform the same duties, be liable to the same penalties, and be subordinate to the same authorities, as a police officer.

Provisions relating to members of Auxiliary Police Force.

42B.—(1) The following provisions shall have effect as to the enlistment, engagement and termination of engagement of members of the Auxiliary Police Force :—

- (a) a person volunteering and accepted for service in the Auxiliary Police Force shall be enlisted for an initial period of three months, with the option thereafter, on either side, to terminate the engagement upon giving a fourteen days prior notice in this respect to the other party :

Provided that the Commissioner may at any time determine the engagement of any member of the Auxiliary Police Force who, in his opinion, is proved to be unsuitable for service in such Force ;

- (b) upon enlistment every member of the Auxiliary Police Force shall take and subscribe an oath as set out in Part II of the Second Schedule hereto, (substituting for the words “ special constable ” (lines 2 and 3) the words “ member of the Auxiliary Police Force ”) before a police officer of or above the rank of Superintendent and in the presence of a witness ;

Second Schedule.

(c) a member of the Auxiliary Police Force shall wear such uniform and carry such equipment (including arms) as may be directed by the Commissioner.

(2) Subject to the provisions of sub-section (1), the conditions for the acceptance of persons as members of the Auxiliary Police Force, the conditions of service of members thereof (including conditions as to allowances) and the conditions of any disciplinary action against such member shall be such as may be provided by Regulations made under this section by the Commissioner, with the approval of the Governor, and published in the *Gazette*.

Refusal of member of Auxiliary Police Force to take oath or serve.

42C. If any person enlisted as a member of the Auxiliary Police Force refuses to take and subscribe an oath as in paragraph (b) of sub-section (1) of section 42B of this Law provided or, neglects to serve or to obey such lawful orders and directions as may be given to him for the performance of the duties of his office, he shall be liable to a fine not exceeding twenty-five pounds, unless he satisfies the Court that he was prevented by sickness or such other unavoidable cause as may, in the opinion of the Court, be a sufficient excuse.

Pensions and Gratuities.

42D.—(1) It shall be lawful for the Governor-in-Council to grant a pension, gratuity or allowance of such an amount and under such terms and conditions as the Governor-in-Council may determine—

(a) to any member of the Auxiliary Police Force, enlisted under this Part, who has received any injury whilst in the execution of his duty ;

(b) to any of the legal personal representatives of such member of the Auxiliary Police Force who has died as the direct result of an injury received whilst in the execution of his duty.

Cap. 152.

Cap. 206.

(2) For the purposes of this section the Civil Defence Organization (Emergency Provisions) Law shall apply *mutatis mutandis* to this section as if that Law applied to members of the Auxiliary Police Force enlisted under this Law.

Date of coming into operation of this part.

42E. This Part shall be deemed to have come into operation on the first day of August, 1955.”.

11. Section 46 of the principal Law is hereby amended by the deletion therefrom of its three last lines commencing with the words “ who shall have command ” (line 4) and ending with the words “ the fire ” (lines 5 and 6).

Amendment of section 46 of the principal Law.

Amendment
of section
52A of the
principal
Law.

12. Sub-section (1) of section 52A of the principal Law (as set out in section 3 of Law 24 of 1953) is hereby amended by the substitution for the words " Cadet Officer " (line 2) of the words " assistant superintendent ".

Amendment
of section 58
of the
principal
Law.

13. Sub-section (2) of section 58 of the principal Law (as set out in section 5 of Law 31 of 1954) is hereby amended as follows :—

(a) by the insertion in paragraph (a) thereof, immediately after sub-paragraph (i), of the following sub-paragraph :—
" (ia) extra duty or fatigue ; " ;

(b) by the insertion in the first proviso, immediately after the words " rate of pay " (line 2) of the following commas and words :—
" , other than any such punishment on any constable , " .

Repeal of
Special
Constables
Law, 1952.
14 of 1952.

14. The Special Constables Law, 1952, is hereby repealed :

Provided that any Regulations made thereunder, until revoked by any Regulations made under section 36A of the principal Law, shall be deemed to have been made and shall have effect as if made under the provisions of that section.

7th September, 1955.

J. W. SYKES,
Acting Colonial Secretary.