



## **ST. CHRISTOPHER AND NEVIS**

### **CHAPTER 19.21**

## **ISLAND CONSTABLES ACT**

### **Revised Edition**

showing the law as at 31 December 2009

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## **CHAPTER 19.21**

### **ISLAND CONSTABLES ACT**

AN ACT TO PROVIDE FOR THE APPOINTMENT AND EMPLOYMENT OF ISLAND CONSTABLES AND FOR RELATED MATTERS.

#### **Short title.**

1. This Act may be cited as the Island Constables Act.

#### **Interpretation.**

2. In this Act—

“Commissioner of Police” means the Chief of Police appointed under section 11 of the Police Act;

“island constable” means a constable appointed and acting in accordance with section 4 of this Act;

“Minister” means the Minister responsible for National Security;

“Police Act” means the Police Act, No. Cap. 19.07,

“Police Force” means the Royal Saint Christopher and Nevis Police Force as established by the Constitution of Saint Christopher and Nevis and the Police Act.

#### **Qualifications for appointment.**

3. (1) A person who is—

- (a) over eighteen and under sixty years of age;
- (b) residing within Saint Christopher and Nevis;
- (c) able bodied; and
- (d) of good character,

is qualified for appointment as an island constable.

(2) Notwithstanding the generality of subsection (1), the following persons shall be given priority consideration when selecting persons for appointment as island constables—

- (a) former police officers;
- (b) former members of the Defence Force;
- (c) former members of the Fire and Rescue Services Department;
- (d) former prison officers;
- (e) former members of the Saint Christopher and Nevis Coast Guard;
- (f) security guards in active service; and
- (g) watchmen in active service.

(3) Notwithstanding the generality of subsection (1), the following persons shall not be qualified to be appointed as island constables—

- (a) an undischarged bankrupt, having been adjudged or otherwise declared bankrupt under any law; or

- (b) a person certified to be insane or otherwise adjudged to be of unsound mind under any law.

#### **Appointment of island constables.**

4. The Governor-General may, acting on the advice of the Commissioner of Police, appoint any qualified person to be an island constable.

#### **Precept and oath.**

5. (1) On appointing any person to be an island constable the Governor-General shall—

- (a) deliver to him or her a precept in the form contained in Part I of the Schedule authorising him to act as an island constable;
- (b) administer the oath or affirmation of office set out in Part II of the Schedule.

(2) The Governor-General shall cause a notice of the appointment of an island constable to be published in the *Official Gazette*.

#### **Precept and oath constitute appointment.**

6. On receiving the precept and taking the oath the person so appointed shall be an island constable, and shall and may act as an island constable generally throughout Saint Christopher and Nevis.

#### **Equipment and uniform.**

7. (1) An island constable shall be provided with—

- (a) a baton;
- (b) a whistle;
- (c) a note-book;
- (d) an instruction book;
- (e) a uniform; and
- (f) an armband bearing the letters "I.C.",

by the Commissioner of Police.

(2) Notwithstanding the generality of subsection (1), the Commissioner of Police may, after consultation with the Minister, provide an island constable with any weapon he or she deems appropriate, including a firearm, for the proper discharge of the island constable's duties.

(3) The armband, referred to in subsection (1), shall be evidence that the wearer holds the office of an island constable.

(4) The cost of these articles of equipment shall be defrayed at the public expense.

#### **Powers, privileges and immunities.**

8. An island constable shall have all the powers, privileges and shall be entitled to all the immunities conferred, by any law or the Police Act, upon any police constable.

**Orders.**

9. (1) An island constable shall be subject to orders issued by the Commissioner of Police or the Division Commander of Nevis.

(2) Notwithstanding the generality of subsection (1), the Commissioner of Police and the Division Commander of Nevis may delegate the power to issue orders to island constables, in relation to police duties, to any police officer in charge of a police station in Saint Christopher and Nevis.

(3) An island constable shall not, in the execution of his or her duties, do any act or thing which he is ordered not to do by a member of the police force acting in the execution of his or her duties as a member of the police force.

**Appointment to police force.**

10. The Governor-General may, acting on the advice of the Commissioner of Police—

- (a) in cases of emergency,
- (b) in cases of riot or disturbance,

appoint any number of island constables to the Police Force for such period as he or she shall deem expedient.

**Remuneration.**

11. (1) An island constable shall be paid such salary as may be approved by Parliament.

(2) The Permanent Secretary of the Ministry for National Security may grant to an island constable a certificate for payment out of the Treasury of Saint Christopher and Nevis of such sum as may be prescribed in accordance with the rates fixed in Saint Christopher and Nevis for the performance of duty under the provisions of this Act.

(3) Every such payment shall be made from such moneys as may be provided for the purpose by Parliament.

**Penalty for assaulting, resisting etc.**

12. A person who assaults, resists, obstructs or intimidates an island constable in the execution of his or her duty, or who aids or incites any person so to assault, resist, obstruct or intimidate an island constable commits an offence and is liable on summary conviction to a fine not exceeding two thousand dollars or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

**Resignation of island constable.**

13. (1) An island constable shall be at liberty to resign his or her appointment on giving one month's notice in writing of his or her intention to resign to the Commissioner of Police.

(2) The Governor-General shall cause a notice of resignation of an island constable to be published in the *Official Gazette*.

**Residence of island constable.**

14. (1) An island constable shall, in the months of January and July in every year, appear personally before the Commissioner of Police, or the police officer in charge

of the police station which is the nearest to the place of residence of such island constable, and state his or her occupation and place of residence and no island constable shall change his residence as stated, unless he or she has given notice of his or her intention so to do to any such police officer.

(2) Any island constable who is about to leave Saint Christopher and Nevis shall report his or her intended departure to the Commissioner of Police.

(3) An island constable who ceases to reside in Saint Christopher and Nevis shall be deemed to have resigned his appointment.

#### **Dismissal of island constable.**

**15.** (1) The Governor-General may, acting on the advice of the Commissioner of Police, dismiss an island constable from his or her office.

(2) An island constable shall be given a notice of dismissal containing such particulars as may be prescribed.

(3) The Governor-General shall cause a notice of dismissal of an island constable to be published in the *Official Gazette*.

(4) Notwithstanding subsection (1), such a dismissal shall not preclude any remedy at law which a party aggrieved by an offence of such island constable might have had if such dismissal had not taken place.

(5) An island constable may be reappointed after dismissal.

#### **Cessation of powers and extension of age limit of island constable.**

**16.** (1) When any island constable attains the age of sixty years or resigns or is dismissed from his or her office—

- (a) all powers and authorities vested in him or her and all immunities to which he or she is entitled as such island constable shall immediately cease;
- (b) he or she shall deliver over to the Commissioner of Police his or her precept of appointment; and
- (c) he or she shall deliver over to the Commissioner of Police any equipment which may have been supplied to him or her for the discharge of his or her duties.

(2) Notwithstanding the attainment by an island constable of the age mentioned in subsection (1), the Governor-General may in his or her discretion permit such constable to retain his or her office for such period beyond the said age as the Governor-General may deem expedient.

(3) An island constable who contravenes the provisions of subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding five hundred dollars.

(4) The Governor-General shall cause a notice of retirement of an island constable to be published in the *Official Gazette*.

#### **Offences of island constables.**

**17.** If any island constable—

- (a) refuses or neglects to obey any lawful order given to him or her; or

(b) is guilty of any violation or neglect of duty,  
he or she commits an offence and shall be liable, on summary conviction, to a fine not exceeding five hundred dollars.

**Application of section 81 of the Police Act.**

**18.** The provisions of section 81 of the Police Act shall apply to island constables appointed under this Act as it applies to police officers.

**Regulations.**

**19.** (1) The Minister may, on the advice of the Commissioner of Police, make Regulations for the better carrying into effect of the provisions of this Act.

(2) Notwithstanding the generality of subsection (1), Regulations may provide for the following—

- (a) the payment of sums of money in accordance with section 11;
  - (b) payment for extra expenses incurred by island constables;
  - (c) the uniform for island constables;
  - (d) the discipline of island constables;
  - (e) the training of island constables;
  - (f) the various duties which may be performed by island constables;
  - (g) various categories of island constables;
  - (h) any other matter which is or may be prescribed under this Act.
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**SCHEDULE**

*PART I*

*FORM OF PRECEPT TO CONSTABLE*

ISLAND CONSTABLES ACT

I.....  
Governor-General of Saint Christopher and Nevis, do under and by virtue of the power and authority in me vested by the Island Constables Act, hereby appoint you.....to be an island constable, and I do issue to you this precept authorising you to act as an island constable throughout Saint Christopher and Nevis.

*PART II*

*OATH OR AFFIRMATION OF OFFICE*

I, ..... do swear (affirm) that I will well and truly serve Our Sovereign Lady the Queen in the office of island constable for Saint Christopher and Nevis without favour or affection, malice or ill-will, and that I will, to the best of my ability, cause the peace to be preserved, and prevent all offences against the persons and property of Her Majesty's subjects.

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