

# NAURU POLICE FORCE

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# Nauru Police Force Act 1972

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# Nauru Police Force Act 1972

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## TABLE OF AMENDMENTS

The Nauru Police Force Act 1972 No 2 was certified on 26 January 1972 and commenced on 1 March 1972 (GN No 39/1972; Gaz 6/1972).

<b>Amending Legislation</b>	<b>Certified</b>	<b>Date of Commencement</b>
Nauru Police Force (Amendment) Act 1972 No 20	7 November 1972	7 November 1972
Nauru Police Force (Amendment) Act 1978 No 10	20 December 1978	22 January 1979
Nauru Police Force (Amendment) Act 1987 No 4	25 September 1987	25 September 1987
Superannuation (Repeal) Act 2012 No 4	24 February 2012	24 February 2012
Provident Fund (Repeal) Act 2012 No 13	10 October 2012	10 October 2012
Nauru Police Force (Amendment) Act 2015 No 7	24 March 2015	24 March 2015
Nauru Police Force (Amendment) Act 2021 No 3	31 March 2021	31 March 2021
Revised Written Laws Act 2021 No 7	1 June 2021	1 June 2021
Nauru Police Force (Amendment) Act 2022 No 16	8 June 2022	10 June 2022

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An Act to establish the Nauru Police Force and to make provisions in relation thereto.

Enacted by the Parliament of Nauru as follows:

## PART I — PRELIMINARY

### 1 Short title and commencement

This Act may be cited as the *Nauru Police Force Act 1972* and came into effect on 1 March 1972.

### 2 Interpretation

In this Act:

**‘cadet constable’** means a constable who has not completed 1 year of service as a constable since his or her most recent appointment to the Force;

**‘constable’** means a police officer of the rank either of constable or of first class constable, and includes a cadet constable;

**‘Commissioner’** means the Commissioner of Police appointed under the provisions of Section 6 and includes any person acting as Commissioner of Police;

[def am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

**‘Deputy Commissioner’** means the Deputy Commissioner of Police appointed under the provisions of Section 6;

[def insrt Act 3 of 2021 s 4, opn 31 Mar 2021]

**‘inspector’** means an inspector of police, or a sub-inspector of police, appointed under the provisions of Section 6;

**‘non-commissioned officer’** means a police officer below the rank of inspector but above the rank of constable;

**‘police officer’** means an officer appointed under Sections 6 and 7 which includes the Commissioner, Deputy Commissioner, Superintendent, inspector, non-commissioned officer, constable, constable cadet or reserve officer;

[def subst Act 16 of 2022 s 4, opn 10 June 2022]

**‘Police Regulations’** means regulations made under Section 50;

**‘private venue’** means any venue that is not in a public place;

[def insrt Act 7 of 2015 s 3 and Sch [2], opn 24 Mar 2015]

**‘public place’** includes:

- (a) any highway, road, footpath;
- (b) any outdoor area to which at the material time members of the public have or are permitted to have access and which is used for public recreational purposes;
- (c) any cemetery or churchyard;
- (d) any premises or other place to which at the material time members of the public have or are permitted to have access, whether as of right or by express or implied permission, or whether on payment or otherwise;

- (e) any taxi, bus or other public service vehicle used for the carriage of persons for payment; and  
(f) for the purposes of this Act, refugee settlement sites;

[def insrt Act 7 of 2015 s 3 and Sch [2], opn 24 Mar 2015]

**'reserve officer'** means an officer of the Reserve;

**'the Board'** means the Police Service Board established by Section 5;

**'the Force'** means the Nauru Police Force established by Section 3;

**'the Reserve'** means the Nauru Police Force Reserve established by the Minister under Section 4; and

**'Superintendent of Police'** means the Superintendent of Police appointed under the provisions of Section 6.

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**PART II — ESTABLISHMENT OF NAURU POLICE FORCE, NAURU  
POLICE FORCE RESERVE AND POLICE SERVICE BOARD**

**3 Establishment of the Nauru Police Force**

- (1) There shall be in the Republic a police force to be called the Nauru Police Force.
- (2) The force shall consist of the Commissioner, Deputy Commissioner, Superintendent of Police, Inspectors and Officers of such other ranks as the Minister may from time to time by notice in the Gazette direct.

[subs (2) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015; Act 3 of 2021 s 5, opn 31 Mar 2021]

**4 The Nauru Police Force Reserve**

- (1) The Minister may by notice in the Gazette establish a body of reserve officers to be called the Nauru Police Force Reserve.
- (2) The Reserve, when established, shall be under the command of the Commissioner of Police and shall consist of reserve officers of such ranks as the Minister may from time to time by notice in the Gazette direct.

[subs (2) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

**5 The Police Service Board**

- (1) There shall be a Police Service Board which shall consist of:
  - (a) a person qualified to be appointed as a Judge of the Supreme Court to be appointed by the Cabinet, who shall be Chairperson;
  - (b) the Chief Secretary; and
  - (c) a person elected by the officers of the Force in accordance with subsection (2).

[subs (1) subst Act 16 of 2022 s 5, opn 10 June 2022]

- (2) The member of the Board to be elected by the officers of the Force shall be elected by secret ballot to be conducted by the Registrar of Courts in accordance with regulations to be made by the Minister.

- (3) Every member of the Board other than the Chief Secretary shall hold office for 3 years from the date of his or her appointment or election:  
Provided that a member may resign by giving not less than 4 weeks notice in writing to the Chairperson and a member may be removed by the Chairperson if he or she has been convicted of any offence against the laws of the Republic.

[subs (3) am Act 16 of 2022 s 5, opn 10 June 2022]

- (4) No person shall be appointed or elected to be a member of the Board unless he or she is a public officer or has consented to be so appointed or elected.
- (5) The Chairperson or a member whose term of office has expired may be re-appointed or re-elected.

[subs (5) am Act 16 of 2022 s 5, opn 10 June 2022]

- (6) Any member of the Board who is a police officer shall not take part in any proceedings of the Board in which the Chairperson considers that he or she has a personal interest.

[subs (6) am Act 16 of 2022 s 5, opn 10 June 2022]

(7) For the avoidance of doubt, the reference made to ‘Chairman’ in the *Constitution* has the corresponding meaning to ‘Chairperson of the Board’ under this Act.

[subs (7) insrt Act 16 of 2022 s 5, opn 10 June 2022]

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## PART III — APPOINTMENT, ENLISTMENT, SERVICE AND DISCHARGE OF POLICE OFFICERS

### 6 Appointment of officers of the Force

- (1) The Commissioner of Police shall be appointed by the Chief Secretary: Provided that the Chief Secretary shall not appoint any person to be Commissioner of Police unless he or she has obtained the consent of the Cabinet to his or her appointment.

[subs (1) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

- (2) The Commissioner shall appoint from among serving officers of the force:
- (a) a Deputy Commissioner, with the consent of the Minister and Police Service Board;
  - (b) the Superintendent of Police, with the consent of the Minister; and
  - (c) Inspectors, with the consent of the Police Service Board.

[subs (2) subst Act 3 of 2021 s 6, opn 31 Mar 2021]

- (3) Non-commissioned officers shall be appointed from persons serving as constables by the Commissioner.

[subs (3) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

- (4) Constables shall be appointed by the Commissioner.

[subs (4) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

- (5) Officers already serving in the Force, may, instead of being appointed substantively to a higher rank, be appointed to act in such higher rank; any such appointment may be made by the person authorised by this Act to appoint persons substantively to that rank:

Provided that, save where the appointment to act in a higher rank is made because of the temporary absence of an officer of that rank or because any such officer is himself or herself acting in a higher rank and no officer shall act in a rank higher than his or her substantive rank for an aggregate of more than 12 months in any period of 36 consecutive months.

- (6) [subs (6) rep Act 16 of 2022 s 6, opn 10 June 2022]

- (7) [subs (7) rep Act 16 of 2022 s 6, opn 10 June 2022]

- (8) Where a person who is an officer of the public service is appointed under this Section to be an officer of the Force and his or her resignation from the public service takes effect on the same day as that appointment takes effect, his or her service in the public service shall, for the purpose of ascertaining the length of his or her service in the Force for any purpose under this be deemed to have been service as an officer of the Force under this Act and to have continued without a break.

### 7 Appointment of officers of the Reserve

The appointment of persons to be reserve officers shall be by the Commissioner.

[s 7 am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

### 8 Period of appointment

- (1) The Commissioner shall, unless he or she is a Nauruan citizen, be appointed to serve as such for such period of years, not being less than 2 years, as the Cabinet shall direct.

[subs (1) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

- (2) The Commissioner, if he or she is a Nauruan citizen, and every other officer of the Force shall be appointed to serve therein until he or she attains the age of 50 years and shall not continue so to serve after having attained that age unless:
- (a) he or she holds the office of Commissioner, Deputy Commissioner, Superintendent of Police, inspector or non-commissioned officer, in which case he or she may continue so to serve until he or she attains the age of 55 years or, if the Chief Secretary, for special reasons to be recorded in writing, authorises it, until any age not greater than 60 years; or
  - (b) the Chief Secretary, for special reason to be recorded in writing, authorises him or her to continue so to serve for any specified period.

[subs (2) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015; Act 3 of 2021 s 7, opn 31 Mar 2021]

## 9 Termination of service in the public interest

- (1) The service of any officer of the Force may be terminated by the Cabinet on the ground that having regard to the conditions of the Force, the usefulness of the officer thereto and all other circumstances of the case, such termination is desirable in the public interest:

Provided that, where the service of any officer is to be terminated under the provisions of this Section, he or she shall first be suspended from his or her office and the Minister shall forthwith give notice to Parliament of such suspension and Parliament, if it thinks fit, may:

- (a) within 14 days of receiving such notice, appoint a committee of its members to review such termination; and
  - (b) if the committee considers that the officer's service should not have been terminated, direct that his or her suspension shall cease to have effect.
- (2) Where Parliament has directed under subsection (1) that a suspension is to cease to have effect, the termination of the officer's services shall be void.
- (3) Where Parliament does not appoint a committee under the provisions of subsection (1) within 14 days of receiving notice of an officer's suspension from the Minister or, having appointed a committee, does not upon receiving the report of that committee direct that the suspension shall cease to have effect, the officer's services shall be deemed to have been terminated on the date on which he or she was suspended from his or her office.
- (4) Where the service of any officer is terminated under the provisions of this Section, he or she shall:
- (a) if he or she held the office of Commissioner and is not a Nauruan citizen, be entitled to such paid leave, passages, transport of personal effects and other benefits as he or she would have been entitled to receive if he or she had completed the full period of service under his or her contract of service; and
  - (b) *[Repealed]*

[subs (4) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

## 10 Interdiction

- (1) If in any case the Commissioner considers that the public interest requires that any inspector, non-commissioned officer or constable of the Force

should cease to exercise the powers and functions of his or her office instantly, he or she may interdict such officer from the exercise of such powers and functions provided that disciplinary or criminal proceedings are being instituted or are about to be instituted against such officer.

[subs (1) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

- (1A) An officer who has been interdicted under this Section shall be allowed to receive such proportion of his or her pay, not being less than one-half, as the Commissioner shall in every case direct.

[Renumbering by the Law Revision Commission under powers authorised by Act 10 of 2019]

- (1B) If the proceedings against any such officer do not result in his or her dismissal or other punishment, he or she shall be entitled to the full amount of the pay which he or she would have received if he or she had not been interdicted.

[Renumbering by the Law Revision Commission under powers authorised by Act 10 of 2019]

- (2) A police officer interdicted from duty under the provisions of this Section shall not by reason of such interdiction cease to be a police officer:

Provided that the powers, privileges and benefits vested in him or her as a police officer shall during his or her interdiction be in abeyance but he or she shall continue subject to the same responsibilities, discipline and penalties and to the same authority as if he or she had not been interdicted.

## 11 Resignation of Commissioner

The Commissioner may resign from the Force by giving to the Chief Secretary 4 months' notice in writing, which the Chief Secretary shall accept:

Provided that the Chief Secretary may, with the written approval of the Minister, waive the requirement of notice or abbreviate the period of the notice.

[s 11 am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

## 12 Discharge of constables: resignation of officers

- (1) Without prejudice to the provisions of Section 9, a cadet constable may be discharged from the Force by the Commissioner by 1 month's notice in writing or paying him or her 1 month's salary in lieu of notice.

[subs (1) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

- (2) An officer of the Force, other than the Commissioner, may resign from the Force by giving to the Commissioner 1 month's notice in writing, which the Commissioner shall accept or, with the prior consent of the Commissioner, by paying into the Treasury Fund 1 month's salary in lieu of notice of his or her intention to resign from the Force, provided that:

(a) in time of war, emergency or civil commotion or during any other period when the Commissioner considers that an officer's resignation would prejudice the ability of the Force to preserve the public peace, the officer may not resign without the permission of the Commissioner; and

(b) the Commissioner may, if he or she thinks fit, waive the requirement of notice or abbreviate the period of notice in respect of any officer.

[subs (2) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

## 13 Termination of appointment of reserve officer

- (1) The Commissioner may terminate the appointment of any reserve officer

whose services are no longer required, and shall forthwith transmit notice in writing in the form prescribed to the reserve officer concerned.

[subs (1) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

- (2) A reserve officer may resign his or her appointment at any time on giving 1 month's notice in writing to the Commissioner, which the Commissioner shall accept:

Provided that in time of war, emergency or civil commotion or during any other period when the Commissioner considers it necessary to use the whole or any part of the Reserve for the preservation of public peace, a reserve officer may not resign without the permission of the Commissioner.

[subs (2) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

## **14 Oath of office**

Every police officer shall before entering on the duties of his or her office, take and subscribe before a Resident Magistrate an oath or declaration of office in the form prescribed in the Schedule.

## **15 Police officers not to engage in other employment**

No police officer other than a reserve officer shall carry on any business or engage in any employment or office whatsoever other than in accordance with his or her duties under the provisions of this Act or under any other written law.

[s 15 am Act 16 of 2022 s 7, opn 10 June 2022]

## **15A Election candidates, resignation and re-employment**

- (1) A police officer who intends to contest in an election shall resign from the Force pursuant to Section 59 of the *Electoral Act 2016*.
- (2) A police officer who resigns in compliance with Section 59 of the *Electoral Act 2016* may apply to be re-employed in the Force, if he or she:
- (a) is a candidate at an election and fails to be elected at such election;
  - (b) applies in writing to the Commissioner for re-employment in the Force not earlier than 30 days from the first sitting of the Parliament after the election; and
  - (c) gives a written undertaking that he or she does not intend to challenge the results of the election.

[s 15A insrt Act 16 of 2022 s 8, opn 10 June 2022]

## **16 Police officer to be deemed on duty**

Every police officer shall for the purposes of this Act be deemed to be always on duty when required to act as such and shall perform the duties and exercise the powers granted to him or her under this Act or any other law at any place in the Republic where he or she may be doing duty.

## **17 Police officers to obey lawful orders**

Every police officer shall obey every lawful order of a superior officer whether given verbally or in writing and shall obey and conform to Police Regulations and to Orders made or issued under this Act.



## 18 Exemption in respect of civil process

- (1) Subject to the provisions of subsection (2):
    - (a) the pay and allowances of a non-commissioned officer or constable shall not be assignable or transferable or liable to be attached, sequestered or levied upon for or in respect of any debt or claim whatsoever; and
    - (b) no non-commissioned officer or constable of the Force shall be liable to be imprisoned under an order of any court by reason of non-payment of any debt which he or she may have incurred or for which he or she may become liable.
  - (2) The provisions of subsection (1) shall not apply to:
    - (a) a debt due to the Republic;
    - (b) a fine imposed by or under any written law, including an order by the Commissioner for forfeiture of pay; or
    - (c) an order for the payment of alimony or maintenance made by any court.
- [subs (2) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]
- (3) The pay and allowances of a non-commissioned officer or constable shall not pass to the official receiver or a trustee on the bankruptcy or insolvency of such non-commissioned officer or constable nor shall they form part of his or her estate for the purpose of bankruptcy or insolvency.

## 19 Police officer not exempted from ordinary process of criminal law

Nothing in this Act shall be construed to exempt any police officer from being proceeded against by the ordinary course of law when accused of any offence punishable under any written law.

## 20 Desertion

Any officer of the Force who deserts shall be liable to imprisonment for 3 months and all arrears of pay due to him or her shall be forfeited:

Provided that, where at the time of such desertion a declaration of emergency made under Part IX of the *Constitution* is in force, he or she shall be additionally liable to imprisonment for a further 9 months.

## 21 Officers of the Force not to join certain associations

- (1) Subject to the provisions of subsection (3), it shall not be lawful for an officer of the Force to become or to be, a member of a trade union or an industrial association or of any association having for its objects or one of its objects, to control or influence the pay or conditions of service of the Force.
- (2) Any police officer contravening any of the provisions of subsection (1), is guilty of an offence and is liable to a fine not exceeding \$100.
- (3) For the purpose of enabling police officers to bring to the notice of the Government any matter affecting their conditions of service, welfare and efficiency, other than questions of discipline or promotion, there shall be a

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police association and nothing in the provisions of subsections (1) and (2) shall be deemed to prohibit a police officer from joining and being a member of an association so established.

[The next page is 91,201]

## PART IIIA — SALARIES AND ALLOWANCES

### 21A Fixing of salaries and allowances

- (1) The Cabinet shall fix the salaries or the scales of salaries, to be paid to officers of the Force according to their respective ranks and may from time to time vary those salaries or scales of salaries as it thinks fit.
- (2) The amounts of allowances to be paid to reserve officers shall be such as may from time to time be fixed by or under regulations made under this Act.

### 21B Payment of salaries, wages and allowances

The salaries and wages of officers of the Force and the allowances, if any, payable to reserve officers shall be paid out of the Treasury Fund from monies appropriated for that purpose by Parliament or authorised to be withdrawn by or by any written law made under Article 61 of the *Constitution*.

### 21C Grant of increments of salary

- (1) The Commissioner may, with the prior written consent of the Minister, grant to a constable upon his or her appointment to the Force increments in the scale of salaries fixed for officers of the rank of constable in recognition of relevant experience.

[subs (1) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

- (2) Subject to this Section and except as otherwise provided by, or determined in accordance with, regulations made under this Act, an officer of the Force is not entitled to receive an increment of salary in respect of his or her rank in any rank until he or she has received the salary of that rank without the increment for not less than 12 months but, where a scale of salaries has been fixed for the rank in which he or she is serving and his or her salary is not already the highest in that scale, he or she shall be entitled to one increment of salary within that scale at the end of 12 months service in that rank, other than service while acting in that rank.
- (3) The date from which an officer of the Force is entitled to receive an increment of salary is not affected by any variation of the salary or of the scale of salaries, of that officer's rank made by the Cabinet under Section 21A(1).
- (4) If, having regard to the conduct, lack of diligence, inefficiency or unsatisfactory attendance for duty of an officer of the Force during the period at the end of which he or she would be entitled to receive an increment of salary, the Commissioner or, if the officer is the Commissioner, the Chief Secretary, is of opinion that the officer should not immediately receive that increment, the Commissioner or the Chief Secretary, as the case may be, may recommend to the Board that payment of the increment should be deferred and the Board may, by notice in writing to be served on the officer, direct that his or her salary shall not be increased until the expiration of such period as it thinks fit, and in that case the

increase in his or her salary shall be deferred until the expiration of that period and the notice shall include a statement of the reason why the increase has been deferred.

[subs (4) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

- (5) The Board may, on the recommendation of the Commissioner or, where the recommendation relates to the Commissioner, of the Chief Secretary, from time to time grant to an officer of the Force in recognition of outstanding service one or more increments of salary within the scale of salaries applicable in relation to the rank of that officer.

[subs (5) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

- (6) Notwithstanding any other provisions of this Act, the entitlement of an officer of the Force to be paid a salary in accordance with the provisions of this Section shall be dependent upon his or her being present, except as may be authorised by or under this Act, at all such times and places as he or she may be required by this Act, by Police Regulations, by Police Standing Orders or by Commissioner's Orders, or by any order lawfully given to him or her by a superior officer; where an officer is absent, otherwise than as authorised by or under this Act, or by or under Police Regulations, Police Standing Orders or Commissioner's Orders, from any such place at any such time and he or she does not perform duties during the week in which the absence occurs for such number of hours as is for the time being prescribed by Police Regulations as the minimum number of hours for which an officer of the Force is required to perform duties in a period of 1 week, the salary payable to him or her for that week is to be deemed to be the amount which remains after subtracting from the full amount of the salary which but for the provisions of this subsection would otherwise be payable to him or her for that week such amount as bears to the said full amount the same proportion as the number of hours of his or her unauthorised absence bears to the number of hours so prescribed by Police Regulations.

[subs (6) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

- (7) Where, by virtue of subsection (6), on any occasion an officer of the Force is paid in respect of his or her salary for any week an amount less than the full amount which he or she would have been entitled to be paid in accordance with the provisions of this Section if he or she had performed his or her duties for the full number of hours prescribed by Police Regulations as the minimum number of hours for which an officer of the Force may be required to perform duties in a period of 1 week, he or she shall be given by the person making the payment a written notice stating the details of the hours during which he or she performed duties and of authorised absences, in the week for which the salary is being paid and informing him or her that, if he or she is dissatisfied with those details he or she may, within 7 days after being given the notice, inform the Board in writing of the grounds of his or her dissatisfaction.
- (7A) Where any officer, within 7 days of being given any such notice informs the Board in writing that he or she is dissatisfied with the details contained therein, the Board shall thereupon ascertain the number of hours during which he or she performed duties, or in respect of which he or she had

authority to be absent, during the week for which the salary was paid and shall inform him or her in writing of its decision.

[Renumbering by the Law Revision Commission under powers authorised by Act 10 of 2019]

(7B) That decision shall be final and the total amount of salary which the officer is entitled to be paid in respect of that period shall be in accordance with that decision.

[Renumbering by the Law Revision Commission under powers authorised by Act 10 of 2019]

[The next page is 91,401]

**PART IV — ADMINISTRATION OF NAURU POLICE FORCE AND  
RESERVE**

**22 General powers of the Commissioner**

- (1) The Commissioner shall, subject to the lawful directions, if any, of the Cabinet, have the command, superintendence and direction of the Force and of the Reserve and, subject to the provisions of this Act, may:
- (a) exercise disciplinary control over officers of the Force and of the Reserve; and
  - (b) make orders for the proper and efficient performance of the duties and functions of the Force in relation to the enlistment, discharge, training, arms, clothing and equipment of officers of the Force and of the Reserve as well as for their distribution and inspection.

[subs (1) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

- (2) The administration of the Force and of the Reserve shall be vested in the Commissioner.

[subs (2) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

[s 22 am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

**22A Salaries**

- (1) The salaries of police officers shall be paid out of the Treasury Fund from monies appropriated for that purpose by Parliament on scales prescribed in regulations made by the Cabinet on the advice of the Minister.
- (2) The Commissioner may from time to time grant to an officer of the Force such annual increment in salary as may be prescribed in regulations made in accordance with subsection (1):

Provided that such increments shall not be paid at intervals of less than 1 year.

[subs (2) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

- (3) The payment of an annual increment in salary to any officer may be postponed for a period of not more than 6 months if the Commissioner considers that it should be so postponed on account of the unsatisfactory conduct, lack of diligence or efficiency or poor record of attendance for duty of the officer during the 12 months immediately preceding the date when the increment would otherwise have been granted, and in that event the officer shall not receive the increment in salary in respect of the period for which its payment is postponed.

[subs (3) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

- (4) Where the payment of an increment in salary is postponed under subsection (3), the Commissioner shall notify the officer concerned in writing of the reason for, and the period of, such postponement.

[subs (4) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

- (5) Notwithstanding the proviso to subsection (2), where payment of an increment in salary to any officer has been postponed under subsection (3), the next annual increment, if any is due, shall be granted on the anniversary of the date on which the increment which was postponed would normally

have been granted, unless the payment of that next annual increment is itself postponed under subsection (3).

- (6) A person appointed as a constable may, on appointment, with the written approval of the Minister, be granted by the Commissioner increments within the salary scale of his or her rank in recognition of relevant experience.

[subs (6) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

- (7) The Commissioner may, with the written approval of the Minister, from time to time grant to an officer of the Force one or more increments in salary within the salary scale of his or her rank in recognition of outstanding service:

Provided that any such increment shall be granted at the same time as the annual increment is granted and shall be additional to it.

[subs (7) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

[The next page is 91,601]



## PART V — POWERS AND DUTIES OF NAURU POLICE FORCE

### 23 Duties of the Force

- (1) The duties of the Force shall be to take lawful measures for:
  - (a) preserving public peace;
  - (b) preventing and detecting offences;
  - (c) preventing injury to life and property;
  - (d) apprehending all persons whom it is lawful to apprehend;
  - (e) regulating processions and assemblies in public places or places of public resort;
  - (f) preserving order in public places and places of public resort, at public meetings and in assemblies for public amusements, for which purpose any police officer on duty shall have free admission to all such places and meetings and assemblies while open to the public;
  - (g) assisting in carrying out any revenue, excise, sanitary, conservancy, quarantine and immigration laws;
  - (h) assisting in preserving order in the waters of the Republic and enforcing port and maritime regulations therein;
  - (i) executing summonses, writs, warrants, commitments and other process issued by the courts;
  - (j) preferring charges and conducting prosecutions in the District Court;
  - (k) protecting unclaimed and lost property and finding the owners thereof;
  - (l) assisting in the protection of life and property at any fire;
  - (m) protecting public property from loss or injury;
  - (n) attending the courts and keeping order therein;
  - (o) escorting and guarding prisoners; and
  - (p) executing such other duties as are from time to time by law imposed on police officers.
- (2) Any police officer may enter and if necessary break into any building which is or he or she reasonably believes to be, on fire or any building or land adjoining or near thereto, without the consent of the owner or occupier thereof and may do all such acts and things as he or she may deem necessary for extinguishing fire in any such building or for protecting the same or rescuing any person or property therein from fire.

### 24 Duty of Force to keep order on public roads

- (1) It shall be the duty of the Force:
  - (a) to regulate and control traffic;
  - (b) to divert all or any particular kind of traffic, when it is in the public interest to do so;
  - (c) to keep order on public roads, streets, thoroughfares and landing places, and at other places of public resort or places to which the public have access; and
  - (d) to prevent obstructions on the occasions of assemblies and processions on the public roads and streets and in any case when any road, street, thoroughfare or landing place may be thronged or may be liable to be obstructed.

- (2) A person who opposes or disobeys a lawful order given by any police officer in the performance of his or her duty under any of the provisions of this Section is guilty of an offence and is liable to a fine not exceeding \$40 and to imprisonment for 3 months.
- (3) A person who opposes or disobeys a lawful order given by any police officer in the performance of his or her duty under any of the provisions of this Section may be arrested without a warrant unless he or she gives his or her name and address and otherwise satisfies a police officer that he or she will duly answer any summons or other proceedings which may be taken against him or her.

## **24A Power to issue permits for processions or assemblies in a public place**

- (1) A person or organisation who wishes to organise a procession or assembly or to associate peaceably in a group of 3 or more persons in a public place must first apply to the Commissioner and unless the Commissioner is satisfied for good reason that such a procession or assembly is unlikely to prejudice the maintenance of defence, public order, public safety, public morality or public health, he or she shall issue a permit specifying:
  - (a) in the case of a procession, the purpose, routes and times at which such procession may pass and other conditions as he or she may think fit to impose;
  - (b) in the case of an assembly, the purpose, place and times that the assembly may be held and other conditions as he or she may think fit to impose; and
  - (c) the name or names of person to whom such permit is issued.
- (2) Every application for a permit must be made 7 working days prior to the proposed date on which the procession or assembly is due to take place.
- (3) The provisions of this Section shall not apply to:
  - (a) weddings;
  - (b) funerals;
  - (c) sporting events;
  - (d) assemblies for religious or charitable purposes; and
  - (e) private functions in private venues or private properties.
- (4) It shall be lawful for any police officer to stop and detain any person or organisation whom he or she sees doing any act for which a permit is required under the provisions of this Section.
- (5) A person or organisation who fails to produce such permit when called upon by a police officer, who is in uniform or who identifies himself or herself as an officer of the Force, may be arrested without a warrant and taken into police custody.
- (6) Any procession or assembly convened or taking place for which no permit has been issued under subsection (1), or which contravenes any of the conditions specified in such permit shall be deemed to be an unlawful assembly under this Act and any other applicable law.
- (7) A person or organisation found to be breaching the provisions of this Section, commits an offence and upon conviction is liable to imprisonment for 2 years or a fine of \$3,000 or to both.

- (8) Should there be a conflict between this Section and any other written law of the Republic, this Section shall take precedence.

[s 24A am Act 7 of 2015 s 3 and Sch [3], opn 24 Mar 2015]

## **25 Power to erect barriers, etc**

- (1) It shall be lawful for any police officer of or above the rank on non-commissioned officer, if he or she considers it necessary for the maintenance and preservation of law and order, for the prevention or detection of crime or for the apprehension of offenders, to erect or place barriers in or across any road or street or in any public place in such manner as he or she may think fit.
- (2) A police officer may take all such reasonable steps as he or she considers necessary to prevent any person or vehicle from passing any barrier erected or placed under the provisions of subsection (1), and any such person or the driver of any such vehicle, who fails to comply with any reasonable signal made by a police officer under the provisions of this subsection, is guilty of an offence and is liable to a fine not exceeding \$100 and to imprisonment for 6 months.
- (3) No police officer shall be liable for any loss, damage or injury occasioned to any vehicle or person as a result of any steps taken by such police officer under the authority of this Section.

## **26 Power to take photographs, etc**

- (1) A police officer may cause to be taken for use and record in the registry of the Force, photographs, descriptions, measurements, fingerprints, palmprints and footprints of any person in lawful custody for any offence punishable by imprisonment, whether such person has been convicted of such offence or not.
- (2) A person in lawful custody for any offence who refuses to submit to the taking of any of the methods of identification authorised to be taken under the provisions of subsection (1), shall be guilty of an offence and liable to a fine not exceeding \$50 and to imprisonment for 3 months and, after conviction, reasonable force may be used to take such methods of identification.

## **27 Power to inspect licences or permits**

- (1) It shall be lawful for any police officer to stop and detain any person whom he or she sees doing any act for which a licence or permit is required under the provisions of any written law for the time being in force and to require such person to produce his or her licence or permit.
- (2) A person who fails to produce such licence or permit when called upon by a police officer, who is in uniform or who identifies himself or herself by production of his or her warrant card if requested to do so, may be arrested without a warrant, unless he or she gives his or her name and address and otherwise satisfies the police officer that he or she will duly answer any summons or other proceedings which may be taken against him or her.

## **28 Disposal of property coming into possession of police**

- (1) Particulars of any property which comes into custody or possession of the

police otherwise than in connection with any criminal charge or under Section 30 shall be submitted to the Commissioner.

[subs (1) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

(2) If any person shall establish his or her title to such property to the satisfaction of the Commissioner within 3 months after the property comes into the custody or possession of the police, the same shall be delivered to him or her on payment of all expenses reasonably incurred and of such sum, not exceeding one-fifth of the value of the property, as may be awarded by the Commissioner by way of reward to the finder, if any, of the property, not being an officer of the Force.

[subs (2) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

(3) If the title to any such property is not established within the said period of 3 months, the property may be returned to the finder, if any, not being an officer of the Force, on payment by him or her of such expenses as are referred to in subsection (2).

(4) If any finder or person establishing title as aforesaid fails or refuses immediately to pay the said expenses or sum awarded, the property may be sold and the proceeds of sale after deduction of all expenses reasonably incurred shall be paid to such finder or person establishing title; in the case of payment to a person establishing title there shall also be deducted such sum as may be awarded by the Commissioner as a reward to the finder, if any, of the property.

[subs (4) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

(5) If title to the property is not established and either the finder cannot be traced or the property came into the custody or possession of the police otherwise than through a finder, the property may be sold and after deduction of all expenses reasonably incurred the proceeds of sale shall be paid into the Treasury Fund.

## **29 Disposal of unclaimed property of person in custody on remand**

Any property of a person held in custody on remand which comes into the custody or possession of the police in accordance with the requirements of this Act or any other written law and remains unclaimed by any such person for a period of 1 month from the discharge of that person from custody, may be sold and after deduction of expenses reasonably incurred the proceeds of sale shall be paid into the Treasury Fund.

## **30 Commissioner to get in and administer small estates**

(1) Notwithstanding the provisions of any other written law, where any person who is not a Nauruan citizen dies leaving in the Republic goods, chattels or money apparently of a total value of \$500 or less and there is no person in Nauru entitled thereto and no grant of probate or administration has been made in respect of it, such goods, chattels or money shall be taken charge of by the Commissioner or by police officers under his or her direction; and any person required by law to make any payment of money, or to deliver any goods or chattels, to the person administering the estate of the person who has died shall be discharged from all liability therefor if he or she pays

that money, or delivers those goods or chattels, to the Commissioner or to any police officer under his or her direction.

[subs (1) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

(2) The Commissioner shall hold on trust for those persons entitled to the estate of the person who has died all goods, chattels and money received by him or her under subsection (1) and shall pay any money so received into a fund to be known as *'The Commissioner of Police: Intestate Estates Fund'*, to be maintained by him or her at a bank in the Republic approved in writing by the Minister.

[subs (2) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

(3) Where any goods or chattels received by the Commissioner under subsection (1) are of a rapidly perishable nature or of such low value in relation to their bulk that the Commissioner considers that the cost of storing them would be excessive, he or she shall sell them by auction or tender, as he or she thinks fit and pay the net proceeds of the sale into the *Commissioner of Police: Intestate Estates Fund* and hold them on trust for the persons entitled to the estate of the person who has died.

[subs (3) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

(4) Upon being satisfied by such proof as he or she considers adequate that any person, whether in the Republic or elsewhere, has obtained a grant of probate or administration in respect of the estate of the person who has died or that no such grant has been made but some one or more persons are entitled to the estate, the Commissioner shall deliver to that person or those persons such goods, chattels or money comprising the estate as he or she is holding on trust; such delivery may, where the person to whom it is made is not in the Republic, be made by the goods or chattels, or a money order or postal order for the money, being sent by post or by sending the goods or chattels by ship or aircraft as normal freight; and such delivery or despatch by post, ship or aircraft shall discharge the Commissioner and the Republic from all liability in respect of the goods, chattels and money so delivered or sent.

[subs (4) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

(5) If, having taken charge of goods, chattels or money under subsection (1), the Commissioner ascertains that the value of the estate in the Republic of the person who has died, is more than \$500, he or she shall deliver to the Curator of Intestate Estates, or otherwise as may from time to time be directed by or under any written law in that regard, all such goods, chattels and money received by him; and such delivery of them shall discharge him or her from all liability in respect thereof.

[subs (5) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

(6) All expenses of the Commissioner incurred in moving, storing or delivering any goods, chattels or money under this Section shall, unless the Minister in any instance otherwise directs, be payable out of the assets of the estate in the hands of the Commissioner under this Section and the Commissioner may, where necessary, sell sufficient of the assets, by tender or auction as he or she thinks fit, in order that the payment may be made.

[subs (6) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

(7) No money shall be withdrawn from the *Commissioner of Police: Intestate Estates Fund* by any person other than the Commissioner or for any

purpose other than delivery of the assets under subsection (4) or (5), payment of expenses under subsection (6) or payment into the Treasury Fund under subsection (8).

[subs (7) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

- (8) Where the Commissioner has been unable after the expiration of 2 years from the receipt of any goods, chattels or money under this Section to ascertain any person entitled thereto, he or she shall forthwith sell the goods and chattels, by auction or tender as he or she thinks fit and pay the proceeds, together with any money already in his or her possession, into the Treasury Fund.

[subs (8) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

- (9) Neither the Republic, the Commissioner nor any police officer or other public officer shall be liable to any person for failure to take charge of any goods, chattels or money left in the Republic by any person upon his or her death unless such goods, chattels or money came into the possession of the Commissioner or of any police officer under his or her directions, nor for any deterioration of or damage to any goods or chattels taken charge of, except any such deterioration or damage caused deliberately by or by the gross negligence of, any police officer or public officer.

[subs (9) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

- (10) Neither the Republic, the Commissioner nor any police officer or public officer shall be liable to any person on account of having delivered any goods, chattels or money received by the Commissioner under this Section to any person not entitled thereto if he or she had a *bona fide* belief on reasonable grounds that such person was entitled thereto:

Provided that nothing in this Section shall prevent any person from bringing any proceedings to recover any such goods, chattels or money against the person to whom they were delivered.

[subs (10) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

- (11) The cost of maintaining the *Commissioner of Police: Intestate Estates Fund* shall be borne by the Treasury Fund.

[subs (11) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

[s 30 am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

### 31 Sale of perishable goods, etc; destruction of valueless goods, etc

- (1) Where any goods or chattels received by the police under Section 28 are:
- (a) of a rapidly perishable nature; or
  - (b) of such small value in relation to their bulk that he or she considers that the cost of storage would be excessive,
- the Commissioner may direct that they be sold, by auction or tender as he or she thinks fit and, where he or she so orders, the net proceeds shall be dealt with in the manner provided by Section 28 in respect of property received by the police under that Section.

[subs (1) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

- (2) If goods and chattels of the nature specified in any one of Sections 28, 29 and 30 are of no appreciable value or of value so small in the opinion of the Commissioner as to render impracticable the sale of such property, the Commissioner may order such property to be destroyed or otherwise disposed of as he or she thinks fit.

[subs (2) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

**32 Power to arrest junior officer**

- (1) A police officer may arrest without warrant any police officer who is not of his or her own or a higher rank and in respect of whom he or she has reasonable grounds for believing that he or she has committed any offence under the provisions of Section 36.
- (2) A police officer making an arrest under the provisions of this Section shall forthwith bring the officer arrested before the Commissioner or, in the absence of the Commissioner, before an inspector and the Commissioner or the inspector, as the case may be, may order that the officer arrested be detained in the police station until the Commissioner can inquire into the alleged offence:  
Provided that no officer shall be so detained for a period exceeding 24 hours.

[subs (2) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

**33 Powers, etc, to be subject to Regulations, etc**

All powers granted to and duties imposed by law on a police officer shall, where Police Regulations or Orders have been made or issued under this Act regulating the exercise or performance thereof, be exercised or performed in accordance with such Regulations or Orders.

**34 Special duty and expenses thereof**

- (1) On the application of any person the Commissioner may, if he or she thinks fit, detail any police officer or police officers to do special police duty in, upon or about any premises or business or any aircraft or vessel specified by the applicant.
- (2) The applicant shall pay to the Commissioner for the services of any such officer or officers so detailed such fees as the Commissioner may think fit.
- (3) All fees so received by the Commissioner shall be paid by him or her into the Treasury Fund and every sum of money due for such services shall be deemed a debt due to the Republic.

[subs (1) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

[subs (2) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

[subs (3) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

[The next page is 91,801]



## PART VI — DISCIPLINE

### 35 Commissioner subject to laws relating to the public service

The Commissioner shall be subject to all written laws relating generally to the maintenance of discipline in the public service, the punishment of inefficiency and of breaches of discipline and the suspension of public officers pending the completion of disciplinary proceedings.

[s 35 am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

### 36 Disciplinary offences by other officers

- (1) A police officer who is convicted by any court of an offence punishable by imprisonment, otherwise than in default of payment of a fine, or who is found guilty by the Commissioner of any of the following:
- (a) absence from duty without leave or good cause;
  - (b) sleeping on duty;
  - (c) conduct to the prejudice of good order and discipline;
  - (d) cowardice in the performance of duty;
  - (e) disobedience of Police Regulations or any police orders whether written or verbal;
  - (f) insubordination;
  - (g) being unfit for duty through intoxication;
  - (h) neglect of duty or orders;
  - (i) malingering;
  - (j) in the course of his or her duty making a statement which is false in a material particular;
  - (k) unlawful or unnecessary exercise of authority resulting in loss or injury to any other person or to the Republic;
  - (l) wilful destruction or negligent loss of or injury to the Republic's property; or
  - (m) conduct calculated to bring the Force or the Reserve into disrepute, shall be liable to be punished by the Commissioner with:
    - (i) reduction in rank or class;
    - (ii) forfeiture of not more than 1 week's pay except in the case of absence without good cause, when forfeiture of pay shall extend to the period of absence in addition to any other punishment inflicted;
    - (iii) severe reprimand;
    - (iv) reprimand; or
    - (v) caution.

[subs (1) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015; Act 3 of 2021 s 8, opn 31 Mar 2021]

- (2) In lieu of any punishment specified in subsection (1), the Deputy Commissioner, Superintendent of Police, an inspector, non-commissioned officer, constable or Reserve Officer found guilty under that subsection may:
- (a) be dismissed from the Force by the Commissioner and in the case of the Superintendent of Police, an inspector or a non-commissioned officer, shall be reduced to the rank of constable before dismissal; or
  - (b) be ordered by the Commissioner to resign forthwith from the Force

and, if he or she fails to do so, be dismissed and in that event, in the case of the Superintendent of Police, an inspector or a non-commissioned officer, he or she shall be reduced to the rank of constable before dismissal and in either case he or she shall not receive salary in lieu of notice.

[subs (2) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015; Act 3 of 2021 s 8, opn 31 Mar 2021]

(3) Any non-commissioned officer or constable who is found guilty of any of the disciplinary offences specified in subsection (1), shall be liable to be punished by the Commissioner in addition to, or in lieu of, any punishment imposed under that subsection with any one or more of the following punishments:

- (a) compulsory performance of extra duties or drills;
- (b) such fatigue duties as may be prescribed in the Police Standing Orders;
- (c) temporary deprivation of such privileges as the Commissioner may specify; or
- (d) temporary forfeiture of allowances.

[subs (3) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

(4) Where the Commissioner finds any officer guilty of an offence in proceedings under this Section, he or she shall forthwith promulgate in Commissioner's Orders the punishment imposed.

[subs (4) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

(5) The Minister shall make regulations prescribing the procedure to be followed by the Commissioner upon an inquiry into whether any officer is guilty of any act or omission punishable under this Section.

[subs (5) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

## 37 Appeals against disciplinary punishments

(1) Any officer punished by the Commissioner under the provisions of Section 36 may within 14 days from the promulgation of the punishment in Commissioner's Orders appeal to the Board.

[subs (1) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

(2) The procedure to be followed by the appellant in lodging his or her appeal, by the Commissioner in supplying to the Board details of his or her findings and order and such other information as it requires and by the Board in dealing with the appeal shall be in accordance with rules to be made by the Chairperson of the Board.

[subs (2) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015; Act 16 of 2022 s 9, opn 10 June 2022]

(3) The Board may, where good cause is shown for failure to appeal within the time allowed by subsection (1), extend the time for appealing:

Provided that the Board shall not extend the time for appealing where application is made more than 28 days after the promulgation of the punishment by the Commissioner and, the punishment having been dismissal, the vacancy resulting therefrom has been filled by a substantive appointment.

[subs (3) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

## 38 Powers of the Board when hearing appeals

(1) Upon the hearing of an appeal under Section 37, the Board may confirm or vary any finding of the Commissioner or substitute any finding at which the

Commissioner could have arrived upon the evidence, including any additional evidence adduced upon the appeal, if it finds that the appellant was guilty of any act or omission punishable under Section 36, it may confirm or remit the punishment imposed by the Commissioner or substitute any other punishment which he or she could have imposed and, if the Board finds that the appellant was not guilty of any such act or omission, it shall remit the punishment imposed by the Commissioner.

[subs (1) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

(2) Where the Board has decided an appeal under this Section, the Chairperson shall forthwith notify the Commissioner of the decision and the Commissioner shall promulgate it forthwith in Commissioner's Orders.

[subs (2) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

### **39 Representation of officers**

In proceedings before the Board, but not in proceedings before the Commissioner, an appellant may be represented at his or her own expense by a legal practitioner, and the Commissioner may be represented by another public officer or by a legal practitioner.

[The *Legal Practitioners Act 2019* refers to 'legal practitioners' as barristers, solicitors and pleaders.]

[s 39 am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

[The next page is 92,001]

## PART VII — EQUIPMENT, ETC OF POLICE OFFICERS

### 40 **Clothing**

- (1) Every police officer shall be provided with such articles of uniform and equipment as may be necessary for the effectual discharge of his or her duties.
- (2) Such articles shall be kept and used according to police orders.

[Renumbering by the Law Revision Commission under powers authorised by Act 10 of 2019]

### 41 **Warrant card**

A warrant card shall be issued to every police officer and shall be evidence of his or her appointment under this Act.

### 42 **Arms and equipment to be delivered up upon ceasing to be a police officer**

Any person who, having ceased to be a police officer, does not forthwith deliver up to the person appointed by the Commissioner for that purpose his or her warrant card and all arms, ammunition, equipment, clothing and appointments whatsoever which have been supplied to him or her and are the property of the Government, shall be guilty of an offence and liable to a fine not exceeding \$50 and to imprisonment for 3 months:

Provided that, at the discretion of the Commissioner, any such officer may, instead of delivering up any of such articles other than arms and ammunition, make payment in such amount as may be determined by the Commissioner.

[s 42 am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

[The next page is 92,201]

**PART VIII — EMPLOYMENT OF NAURU POLICE FORCE RESERVE**

**43 Reserve officers**

- (1) Reserve officers may be employed with the Force wherever it is necessary to augment the Force for the preservation of public peace and the prevention and detection of crime and may be paid from the Treasury Fund at such rates as may be prescribed.
- (2) Every reserve officer while on duty shall have the same powers, privileges, including the carrying of arms and protection and shall be liable to perform the same duties, as a police officer.
- (3) Every reserve officer shall be subordinate to the same authorities as an officer of the Force of the equivalent rank and to reserve officers of superior rank to his or her own.

[The next page is 92,401]



## PART IX — POLICE FORCE WELFARE FUND

### 44 Police Force Welfare Fund

- (1) There shall be established a fund to be known as the '*Police Force Welfare Fund*'.
- (2) The fund shall consist of:
  - (a) all sums forfeited by any police officer under the provisions of this Act;
  - (b) all money and the proceeds of the sale of any goods, corruptly offered to any police officer and confiscated by the order of any court;
  - (c) any donations and voluntary contributions by any persons and any subscriptions made by police officers; and
  - (d) such sums as may be voted by Parliament.
- (3) The fund shall be controlled by the Commissioner subject to Police Regulations and applied to the purpose of providing recreational facilities for police officers and for such other purposes beneficial to the Force or the Reserve or both as the Minister may from time to time prescribe.

[subs (3) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

[The next page is 92,601]

## PART X — OFFENCES

### **45 Unlawful possession of articles supplied to police officers**

Any person, not being a police officer, who is found in possession of any article whatsoever which has been supplied to any police officer for the execution of his or her duty and who fails to account satisfactorily for the possession, or who without due authority purchases or receives any such articles from any police officer, or who aids or abets any police officer to sell or dispose of any such article is guilty of any offence and liable to a fine not exceeding \$50 and to imprisonment for 3 months.

### **46 Penalty on persons causing disaffection in Force or Reserve**

Any person who causes, induces or attempts to induce, or does any act calculated to induce, any officer of the Force or the Reserve to withhold his or her services or to commit breaches of discipline, is guilty of an offence and liable to imprisonment for 2 years.

### **47 Penalty on unauthorised use of police uniforms**

If any person, not being a member of the Force or of the Reserve, wears without the permission of the Commissioner the uniform of the Force or of the Reserve, or any dress having the appearance or bearing any of the distinctive marks of that uniform, he or she is guilty of an offence and is liable to a fine of \$200.

[s 47 am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

### **48 Penalty for disorderly conduct in police station, etc**

Any person who, in the police station or in any part of a police compound to which the public have access, commits any riotous, indecent, disorderly or insulting behaviour is guilty of an offence and liable to imprisonment for a period not exceeding 3 months.

### **49 Person furnishing false name and address**

Any person who having been asked by a police officer, who is in uniform or identifies himself or herself by production of his or her warrant card, if requested, in the execution of his or her duty for his or her name and address refuses to give them or gives to such police officer a false name or address is guilty of an offence and is liable to a fine not exceeding \$50 and to imprisonment for 3 months.

[The next page is 92,801]

## PART XI — POLICE REGULATIONS ETC

### 50 Police Regulations

- (1) The Minister may make such regulations relating to the Force and the Reserve, to be called '*Police Regulations*', as he or she may think expedient not inconsistent with the provisions of this Act.
- (2) Such regulations in addition to the powers hereinbefore conferred may prescribe or provide for all or any of the following:
  - (a) conditions of service excluding salaries, pensions and gratuities;
  - (b) organisation and distribution;
  - (c) appointments, the award of allowances, resignations, discharges, dismissals, reductions and reversions;
  - (ca) payment for overtime work;
  - (cb) work on public holidays;
  - (d) discipline and punishments;
  - (e) leave of absence;
  - (f) description of uniforms, arms and accoutrements to be provided;
  - (g) qualifications for entry; or
  - (h) such other matters as may be necessary and expedient for preventing abuse or neglect of duty, and for rendering the police force efficient in the discharge of its duties and for carrying out the objectives of this Act.

[Renumbering by the Law Revision Commission under powers authorised by Act 10 of 2019]

### 51 Police Standing Orders

- (1) The Commissioner may from time to time issue orders relating to the Force and the Reserve, to be called '*Police Standing Orders*', as he or she may think expedient not inconsistent with the provisions of this Act and of Police Regulations.
- (2) Such orders in addition to the powers hereinbefore conferred may prescribe or provide for all or any of the following:
  - (a) discipline, training and the regulation and carrying out of punishment;
  - (b) classifications and promotions;
  - (c) instructions and examinations;
  - (d) inspections, drills, exercises and parades;
  - (e) police services and duties of every description and the manner in which they shall be carried out;
  - (f) the institution and maintenance of police messes, canteens, reading rooms and the welfare of the Force and the Reserve;
  - (g) departmental finance;
  - (h) buildings, grounds, stores, furniture and equipment;
  - (i) transfers of police officers, the places at which they shall reside and the particular services to be performed by them;
  - (j) the collection and communication of intelligence and information;
  - (k) the manner and form of reports, correspondence and other records; or
  - (l) the performance of any act which may be necessary for the proper carrying out of the provisions of this Act or any other written law or any rules or regulations made hereunder or for the efficient discharge of

any duty, for rendering the police force efficient in the discharge of its duties, and for carrying out the objectives of this Act.

[Renumbering by the Law Revision Commission under powers authorised by Act 10 of 2019]  
[s 51 am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

## 52 **Commissioner's Orders**

The Commissioner may issue orders of a routine nature to be called '*Commissioner's Orders*' for the control, direction and information of the Force and the Reserve provided that such orders are not inconsistent with the provisions of this Act, Police Regulations or Police Standing Orders.

[s 52 am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

## 53 **Delegation of certain powers by Commissioner**

The Commissioner may delegate any of his or her powers under Section 52 to the Deputy Commissioner, Superintendent of Police or any inspector by name and every such delegation shall be published in Commissioner's Orders.

[s 53 am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015; Act 3 of 2021 s 9, opn 31 Mar 2021]

[The next page is 92,901]

## PART XII — TRANSITIONAL PROVISIONS

### 54 Savings and transition

- (1) For the purposes of Section 5, the Board is deemed to be re-constituted as follows:
  - (a) the Chairperson to be appointed by the Cabinet;
  - (b) the Chief Secretary continues to be a member; and
  - (c) a person elected by the officers of the Force continues to be a member until the expiry of his or her term.
- (2) The member of the Board appointed by the Cabinet and the member appointed by the Chief Justice under the repealed Section 5(1), shall be deemed to have resigned from the Board and for all intents and purposes, shall no longer be members of or perform any functions and powers of the Board, at the commencement of this Act.
- (3) Any directions given to the parties to an appeal by the Board with Chief Justice sitting as the Chairperson, shall be complied with by the parties and the appeal shall proceed to be heard by the Board constituted under this Act.
- (4) Any decision of the Board, in which the Chief Justice presided as the Chairperson, shall be delivered within 30 days of the coming into effect of this Act, otherwise the appeal be heard *de novo*.

[s 11 Act 16 of 2022 s 23, opn 10 June 2022]

[The next page is 93,001]



**SCHEDULE**

*[Section 14]*

**OATH OR DECLARATION OF OFFICE**

I,  
swear by Almighty God )  
 ) that I will well and faithfully  
serve the Republic  
do solemnly and sincerely declare )  
according to law as a police officer, that I will obey, uphold and maintain the laws of the  
Republic, that I will execute the powers and duties of my office honestly, faithfully and  
diligently without fear or favour to any person and with malice or ill-will toward none and  
that I will obey without question all lawful orders of those set in authority over me.

.....  
Signature

SWORN )  
 ) before me  
DECLARED )  
This day of 20

.....  
Resident Magistrate

[The next page is 94,001]

# Police Service Board (Election of Member) Regulations 1972

## TABLE OF PROVISIONS

<i>Regulation</i>	<i>Title</i>
1	Citation
2	Interpretation
3	Control of election
4	Nominations
5	Form of nomination
6	Certified list of officers
7	Close of nominations
8	Withdrawal of nominations
9	Publication of nominations
10	Poll clerks
11	Ballot papers
12	Election
13	Scrutiny
14	Disputed election
	SCHEDULE 1 — NOMINATION OF MEMBER OF THE POLICE SERVICE BOARD
	SCHEDULE 2 — BALLOT PAPER

[The next page is 94,201]

# Police Service Board (Election of Member) Regulations 1972

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## TABLE OF AMENDMENTS

The Police Service Board (Election of Member) Regulations 1972 commenced on 7 July 1972.

<b>Amending Legislation</b>	<b>Notified</b>	<b>Date of Commencement</b>
Nauru Police Force (Amendment) Act 2015 No 7	24 March 2015	24 March 2015
Revised Written Laws Act 2021 No 7	1 June 2021	1 June 2021

[The next page is 94,401]

**IN EXERCISE** of the powers conferred upon me by Section 50 of the *Nauru Police Force Act 1972* I hereby make the following Regulations:

**1 Citation**

These Regulations may be cited as the *Police Service Board (Election of Member) Regulations 1972*.

**2 Interpretation**

In these Regulations:

*‘the Registrar’* means the Registrar of Courts.

**3 Control of election**

The Registrar shall have control of the election by officers of the Force of the member of the Police Service Board to be elected by such officers under Section 5 of the Act and shall exercise such powers and functions as are conferred upon him or her by these Regulations.

**4 Nominations**

Nominations of persons for election as the member of the Police Service Board referred to in Regulation 3 shall be called for by the Registrar no later than 14 days:

- (a) after the date when these Regulations are published in the Gazette; and
- (b) before the date upon which any elected member of the Police Service Board is due to retire upon the expiration of his or her term of appointment;  
or
- (c) after the death or resignation of such member.

**5 Form of nomination**

Nomination shall be in the form in Schedule 1 hereto and shall be signed by the candidate and 2 nominators who shall be officers of the Force and shall be delivered to the Registrar or the Registry of the Supreme Court during the office hours of that Registry.

**6 Certified list of officers**

The Commissioner of Police shall not later than 7 days before the close of nominations deliver to the Registrar a list of the names in alphabetical order of all officers of the Force, certified by the Commissioner to be true and correct, and such list shall be taken by the Registrar as *prima facie* evidence that a person whose name appears thereon is entitled to nominate candidates for or to vote for candidates at the election of the member of the Police Service Board for which the list was delivered.

[reg 6 am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

**7 Close of nominations**

Nominations shall close at noon on a week day, not less than 7 nor more than

21 days after the date upon which the Registrar called for nominations, appointed by the Registrar at the time of calling for nominations.

## **8 Withdrawal of nominations**

A candidate may withdraw his or her nomination at any time before nominations close by notice in writing delivered to the Registrar and to the 2 officers who signed his or her nomination.

## **9 Publication of nominations**

- (1) The Registrar shall as soon as practicable after the nominations close publish a list of candidates by posting the same on a notice board in the Police Station and outside the Court House.
- (2) In the event that there is only 1 candidate nominated, the Registrar shall in the notice posted under subregulation (1) declare that candidate as duly elected.
- (3) In the event that there is more than one candidate, the Registrar shall in the notice posted under subregulation (1) appoint a place and a time between the hours of 10.00 a.m. and 3.00 p.m. on a week-day, other than a public holiday, not less than 7 nor more than 14 days thereafter when the election shall take place.

## **10 Poll clerks**

The Registrar shall appoint a person or persons, not being officers of the Force or persons nominated under these Regulations, to assist him or her at the election.

## **11 Ballot papers**

Each ballot paper for the election shall be in the form in Schedule 2 and shall be completed accordingly.

## **12 Election**

The procedure at the polling place shall be the same as in the *Electoral Act 2016* as far as such procedure appears to the Registrar to be reasonably applicable.

## **13 Scrutiny**

The procedure for scrutinising ballot papers and for determining the results of the election shall be the same as those provided in the *Electoral Act 2016* as far as such procedure appears to the Registrar to be applicable.

## **14 Disputed election**

A Judge of the Supreme Court shall hear and determine any dispute arising out of the conduct of the election and Part 8 of the *Electoral Act 2016* shall *mutatis mutandis* apply.

[The next page is 94,601]





[The next page is 94,701]

**SCHEDULE 2**



**REPUBLIC OF NAURU**

NAURU POLICE FORCE ACT 1972

POLICE SERVICE BOARD (ELECTION OF MEMBER) REGULATIONS 1972

*[Regulation 11]*

**BALLOT PAPER**

**ELECTION OF ONE MEMBER OF THE POLICE SERVICE BOARD**

CANDIDATES

DIRECTIONS TO ELECTORS

Mark your vote on this Ballot Paper by placing the numbers 1, 2, 3, (and so on as the case requires) in the squares respectively opposite the names of the candidates so as to indicate the order of your preference for them.

[The next page is 95,501]

# Police Regulations 1972

## TABLE OF PROVISIONS

*Regulation*

*Title*

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1 Citation

### **PART 2 — APPOINTMENT**

2 Declaration on joining Force or Reserve

3 Medical examinations

4 Physical standards

### **PART 3 — LEAVE**

5 Recreation leave and furlough

6 Public holidays [*Repealed*]

7 Sick leave

8 Other leave of absence

9 Powers vested in Commissioner

### **PART 4 — OVERTIME**

10 Application of Part III of the Public Service Act 1961–1971 [*Repealed*]

### **PART 5 — DISCIPLINE**

11 Procedure at trials for offences against discipline

12 Accused to be supplied with copy of charge

13 Representation of accused

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15 Evidence

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17 Notice of appointment

18 Training

19 Pay and allowances

20 Notice of termination of appointment

### **PART 7 — GENERAL**

21 Absence without leave

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23 Police officers not to comment on certain matters

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26	Gifts not to be solicited or accepted
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29	Complaints, grievances and petitions
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31	Issue of firearms and ammunition
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	SCHEDULE 2 — NOTICE OF APPOINTMENT OF RESERVE OFFICER
	SCHEDULE 3 — NOTICE TERMINATING APPOINTMENT OF RESERVE OFFICER

[The next page is 95,701]

# Police Regulations 1972

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## TABLE OF AMENDMENTS

The Police Regulations 1972 were made and commenced on 10 October 1972 (GN No 288/1972; Gaz 44/1972).

<b>Amending Legislation</b>	<b>Notified</b>	<b>Date of Commencement</b>
Police (Overtime and Public Holidays) Regulations 1979 GN No 245/1979	30 July 1979	30 July 1979
Nauru Police Force (Amendment) Act 2015 No 7	24 March 2015	24 March 2015
Revised Written Laws Act 2021 No 7	1 June 2021	1 June 2021

[The next page is 95,901]



**IN EXERCISE** of the powers conferred on me by Section 50 of the *Nauru Police Force Act 1972*, I hereby make the following Regulations:

**PART 1 — PRELIMINARY**

**1 Citation**

These Regulations may be cited as the *Police Regulations 1972*.

[The next page is 96,101]

## PART 2 — APPOINTMENT

### 2 Declaration on joining Force or Reserve

- (1) Every police officer shall, on joining the Force or the Reserve, make a declaration on oath or affirmation in the form set out in Schedule 1 to these Regulations.
- (2) The Commissioner, if not a serving police officer immediately prior to his or her appointment, shall make the declaration before the Chief Secretary.  
[subreg (2) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]
- (3) Every other police officer shall make the declaration before the Commissioner.

[Subregulation number inserted by the Law Revision Commission under powers authorised by Act 10 of 2019]

### 3 Medical examinations

- (1) Prior to enlistment or re-enlistment for any period, every police officer shall be passed medically fit by a health practitioner on such medical examination as the Commissioner may direct:  
Provided that, where any person normally resident outside the Republic is appointed to be the Commissioner, he or she shall be passed as medically fit by such person, and on such examination, as the Chief Secretary shall direct.

[subreg (1) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

- (2) A police officer shall submit himself or herself to medical examination by a health practitioner whenever required by the Commissioner.

[subreg (2) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

### 4 Physical standards

The Commissioner may from time to time lay down the physical standards required to be met by applicants for appointment to the Force and may waive compliance with those standards in any particular case.

[reg 4 am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

[The next page is 96,301]

## PART 3 — LEAVE

### **5 Recreation leave and furlough**

The provisions of subdivision 9 of Part 6 of the *Public Service Act 2016* shall be deemed to apply to members of the Force.

### **6 Public holidays**

[reg 6 rep GN No 245/1979 reg 8, opn 30 July 1979]

### **7 Sick leave**

The provisions of Division 3 of Part 6 of the *Public Service Act 2016* shall be deemed to apply to members of the Force.

### **8 Other leave of absence**

The provisions of subdivisions 3, 4, 5, 6, 7, 8 and 9 of Part 6 of the *Public Service Act 2016* shall be deemed to apply to members of the Force.

### **9 Powers vested in Commissioner**

For the purpose of the application of the provisions of Part 6 of the *Public Service Act 2016* to members of the Force, the powers vested in the Chief Secretary by the Act shall be vested in, and exercisable by, the Commissioner.

[reg 9 am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

[The next page is 96,501]

**PART 4 — OVERTIME**

**10 Application of Part III of the Public Service Act 1961–1971**

[reg 10 rep GN No 245/1979 reg 8, opn 30 July 1979]

[The next page is 96,701]



## PART 5 — DISCIPLINE

### 11 Procedure at trials for offences against discipline

The procedure provided for in this Part shall apply to all proceedings heard by the Commissioner under the provisions of Section 36 of the Act.

[reg 11 am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

### 12 Accused to be supplied with copy of charge

The officer charged with an offence against discipline, in this Part referred to as “*the accused*”, shall be supplied with a copy of the charge prior to the hearing.

### 13 Representation of accused

(1) The Commissioner may, in his or her discretion, allow the accused to be assisted by another police officer chosen by the accused and, when such permission is given, his or her defence may be conducted by such officer: Provided that the Commissioner shall not impose a punishment of dismissal or reduction in rank if he or she has refused such permission.

[subreg (1) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

(2) The accused may not be represented by a legal practitioner.

(3) The Commissioner shall appoint a police officer to prosecute.

[subreg (3) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

(4) A police officer who is for the time being a member of the Police Service Board shall not assist the accused or be appointed to prosecute.

### 14 Plea

(1) At the commencement of the hearing, the Commissioner shall read the charge to the accused and call upon the accused to plead “guilty” or “not guilty”.

[subreg (1) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

(2) If the accused pleads “guilty”, the Commissioner shall satisfy himself or herself as to the facts admitted by the accused and if they constitute the offence charged or any other disciplinary offence, shall, subject to subregulation (5), find him or her guilty and forthwith impose such punishment as he or she thinks just.

[subreg (2) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

(3) The Commissioner shall record fully in writing the accused’s plea, the facts admitted by him or her and the punishment imposed.

[subreg (3) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

(4) If the accused pleads “not guilty” or, having pleaded “guilty”, does not admit the facts alleged to constitute the offence charged and is not found guilty of any other disciplinary offence on his or her own admissions the Commissioner shall proceed to hear the evidence and determine the issues in the charge.

[subreg (4) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

- (5) Where the accused admits facts which constitute an offence less serious than the offence charged, the Commissioner is not obliged to find him or her guilty of the lesser offence and may, if he or she thinks fit, refuse to do so and proceed to try him or her for the offence charged.

[subreg (5) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

## **15 Evidence**

- (1) No documentary evidence shall be used in any proceedings unless the accused has been given access thereto prior to the hearing.
- (2) The evidence of any witness taken during the course of the proceedings shall be recorded in the presence of the accused.
- (3) The evidence given at the proceedings need not be taken down in full, but the substance and material points must be recorded in writing.
- (4) The accused shall have the right to cross-examine each witness giving evidence against him or her and after each such witness has given evidence he or she shall be asked if he or she desires to cross-examine such witness.
- (5) The accused shall be asked if he or she desires to give evidence in his or her own defence and to call witnesses and, if he or she does so desire, shall be given a reasonable opportunity to do so.

## **16 Reasoned findings to be recorded**

- (1) Where in any case the Commissioner has heard evidence in order to determine the issues in the charge, he or she shall record in writing reasoned findings in respect of those issues.

[subreg (1) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

- (2) Where the Commissioner finds the accused guilty of the offence charged, or of any less serious offence of a similar nature, he or she shall forthwith impose such punishment as he or she thinks just and shall record such punishment in writing.

[The next page is 96,901]

## PART 6 — NAURU POLICE FORCE RESERVE

### **17 Notice of appointment**

Every reserve officer shall, on appointment as such, receive a notice of appointment in the form set out in Schedule 2.

### **18 Training**

Every reserve officer shall undertake such training as the Commissioner may order:

Provided that no reserve officer shall be required to attend for training before 5 o'clock in the afternoon on any day other than a Saturday or to attend for training on a Sunday.

[reg 18 am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

### **19 Pay and allowances**

- (1) Reserve officers shall be paid for each hour, or part of an hour, during which they attend for duty or training.
- (1A) The rates of pay shall be such as the Minister may from time to time direct by notice in the Gazette.
- (2) Except as expressly provided in subregulation (1A), a reserve officer shall not be entitled to any remuneration in respect of his or her services as such.

### **20 Notice of termination of appointment**

Notice of termination of the appointment of a reserve officer shall be in the form set out in Schedule 3.

[The next page is 97,101]

## PART 7 — GENERAL

### 21 Absence without leave

- (1) A police officer shall not be absent from duty without authorised leave, unless reasonable cause is shown.
- (2) Where a police officer is prevented by illness or other emergency from attending duty, he or she shall, as soon as possible, advise his or her superior officer of the circumstances, and furnish any further particulars which his or her superior officer considers necessary.
- (3) Without prejudice to any other action that may be taken for a breach of this regulation, where an officer's absence from duty has not been sanctioned, he or she shall not receive pay for the period of his or her absence.
- (4) Notwithstanding that his or her absence from duty is authorised, a police officer shall not depart from the Republic without the express written permission of the Commissioner.

[subreg (4) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

### 22 Attendance as a witness

- (1) A member of the Force summoned or called as a witness before a court or the Nauru Lands Committee shall immediately advise his or her superior officer of the fact.
- (2) A member of the Force required as a witness on behalf of the Republic is not entitled to receive any witness fee but shall be granted leave with pay for the period during which he or she was necessarily absent from duty.
- (3) A member summoned or called as a witness before a court or the Nauru Lands Committee otherwise than as a witness on behalf of the Republic shall be granted leave but, unless otherwise determined by the Commissioner, the leave shall be without pay and any fees received by the member as a witness may be retained by him or her.

[subreg (3) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

### 23 Police officers not to comment on certain matters

A police officer shall not:

- (a) use for any purpose, other than the discharge of his or her official duties, information gained by or conveyed to him or her through his or her connection with the Force or the Reserve; or
- (b) except with the consent of the Commissioner publicly comment upon administrative action or upon the administration of the Force or the Reserve.

[reg 23 am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

### 24 Information not to be divulged

Except in the course of official duty, a police officer shall not divulge, directly or indirectly, any information concerning public business or any matters of which he or she has knowledge officially.

**25 Outside influence**

A police officer shall not seek the influence or interest of any person in order to obtain promotion, transfer or other advantage.

**26 Gifts not to be solicited or accepted**

A police officer shall not, directly or indirectly, solicit or accept gifts or presents from a member of the public interested, directly or indirectly, in a matter connected with the duties of his or her office or in which the Force or the Reserve is interested.

**27 Borrowing or lending money**

- (1) A police officer shall not, either as principal or agent, enter into a monetary transaction with another police officer, whereby any interest or other return in money or kind is charged or paid.
- (2) A police officer shall not borrow any money from any of his or her subordinates.

**28 Contracts**

No police officer, unless duly authorised, shall incur any liability or enter into any contract on behalf of the Force, the Reserve or the Republic, or alter the terms or conditions of any approved contract, or purport or attempt so to do.

**29 Complaints, grievances and petitions**

- (1) Subject to the provisions of subregulation (2), every police officer shall be entitled to make any complaint or application, either orally or in writing, to his or her superior officer who shall, on the request of the officer making such complaint or application, forward the same to the Commissioner without delay.

[subreg (1) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

- (2) No police officer shall:

- (a) together with any other police officer prepare or sign any complaint, petition or statement of grievances in relation to any matter concerning the Force or the Reserve;
- (b) petition the Minister in relation to any complaint or grievance unless such complaint or grievance has been previously communicated in writing through his or her superior officer to the Commissioner and the reply of the Commissioner relating to such a complaint or grievance has been communicated to the officer making the same; or
- (c) put forward any anonymous communication whatsoever to any officer in the Force or the Reserve.

[subreg (2) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

**30 Issue of arms, equipment, etc**

- (1) Police officers shall be issued with such arms, ammunition, equipment and clothing as may from time to time be determined by the Commissioner.

[subreg (1) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

- (2) Subject to the provisions of Section 42 of the Act, all arms, ammunition, equipment and clothing whatsoever issued to any police officer under the provisions of this Regulation shall remain the property of the Republic.

- (3) Arms, ammunition, equipment, clothing and stores issued to any police officer shall be used for police purposes only.

### **31 Issue of firearms and ammunition**

- (1) No firearm or ammunition for a firearm shall be issued by any police officer to himself or herself or to any other police officer except upon, and in accordance with, the directions of the Commissioner.

[subreg (1) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

- (2) The Commissioner shall not, except with the prior approval of the Minister, direct:

- (a) that any firearm be issued otherwise than for the purpose of arms drill or for training or practice in the firing of firearms; or
- (b) that any ammunition for a firearm be issued except for training or practice in the firing of firearms.

[subreg (2) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

### **32 Safeguarding of firearms and ammunition**

A police officer to whom a firearm or ammunition for a firearm has been issued shall safeguard it at all times while it remains in his or her possession and shall not part with possession of it except in accordance with a direction given to him or her by the Commissioner or another superior officer.

[reg 32 am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

### **33 Discharge of firearms**

A police officer shall not carry or discharge a firearm issued to him or her except upon, and in accordance with, the orders of a superior officer.

[The next page is 97,301]



**SCHEDULE 1**

*[Regulation 2]*

**DECLARATION ON APPOINTMENT AS A POLICE OFFICER**

I, .....do solemnly and sincerely declare that I will be faithful and bear true allegiance to the Republic of Nauru, and that I will faithfully serve the Republic during my service in the Nauru Police Force and will obey all orders of the officers placed over me and will subject myself to all Acts, Regulations and Orders relating to the Police Force now in force or which may from time to time be in force.

Signature of Police Officer: .....

Declared at ..... this ..... day of ..... 20.....

.....

(Signature of officer before whom declaration is made).

[The next page is 97,501]

**SCHEDULE 2**

*[Regulation 17]*

**NOTICE OF APPOINTMENT OF RESERVE OFFICER**

[Sch 2 am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

To ..... of .....

Take notice that in exercise of the powers conferred by Section 7 of the *Nauru Police Force Act 1972*, I have appointed you to be a reserve officer in the Nauru Police Force Reserve with effect from the ..... day of ..... 20.....

Dated this ..... day of ..... day of ..... 20.....

.....

(Commissioner of Police)

[The next page is 97,701]

**SCHEDULE 3**

*[Regulation 20]*

**NOTICE TERMINATING APPOINTMENT OF RESERVE OFFICER**

[Sch 3 am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

To ..... of .....

Take notice that, in exercise of the powers conferred by Section 13(1) of the *Nauru Police Force Act 1972*, your appointment as a reserve officer made on the ..... day of ....., 20....., is hereby terminated with effect from the ..... day of ....., 20....., and that you are hereby required to deliver up your letter of appointment, and all arms, ammunition, equipment and clothing whatsoever which have been supplied to you under the provisions of the *Nauru Police Force Act 1972*, to me within 1 week of the date of service of this notice upon you.

Dated this ..... day of ..... day of ..... 20.....

.....

(Commissioner of Police)

[The next page is 98,701]

# Police (Appeals) Rules 1972

## TABLE OF PROVISIONS

<i>Rule</i>	<i>Title</i>
1	Citation
2	Interpretation
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	SCHEDULE 1 — NOTICE OF APPEAL
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[The next page is 98,901]



# Police (Appeals) Rules 1972

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## TABLE OF AMENDMENTS

The Police (Appeals) Rules 1972 commenced on 19 June 1972.

<b>Amending Legislation</b>	<b>Notified</b>	<b>Date of Commencement</b>
Nauru Police Force (Amendment) Act 2015 No 7	24 March 2015	24 March 2015
Revised Written Laws Act 2021 No 7	1 June 2021	1 June 2021
Nauru Police Force (Amendment) Act 2022 No 16	8 June 2022	s 10: 10 June 2022

[The next page is 99,101]

**IN EXERCISE** of the powers conferred on me by Section 37 of the *Nauru Police Force Act 1972*, I hereby make the following Rules:

## **1 Citation**

These Rules may be cited as the *Police (Appeals) Rules 1972*.

## **2 Interpretation**

In these Rules:

*‘the Chairperson’* means the Chairperson of the Police Service Board appointed under Article 69(2)(a) of the *Constitution* as Chairperson of the Board; and

[def am Act 16 of 2022 s 10, opn 10 June 2022]

*‘the Registrar’* means the Registrar of Courts.

## **3 Notice of appeal**

(1) An appeal to the Police Service Board under Section 37 of the Act shall be commenced by delivering to the Registrar a notice in the form set out in Schedule 1.

(2) The Registrar shall forthwith prepare carbon, or photographic, copies of the notice of appeal and deliver a copy to the Commissioner.

[subr (2) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

## **4 Record of proceedings before Commissioner**

(1) Upon receipt of the notice referred to in Rule 3, the Commissioner shall forthwith prepare a typed copy of the charge and of the proceedings before him or her in respect of which the appeal is brought, and 6 carbon, or photographic, copies of such copy, certify them as correct and deliver them to the Registrar.

[subr (1) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

(1A) The Commissioner shall also prepare a list of all previous breaches of discipline, if any, by the appellant and the orders made on them and send it to the Registrar with 6 carbon, or photographic, copies thereof and with 7 copies, which may be typed, carbon or photographic, of all relevant letters, memoranda and other documents, if any, sent to or received from the appellant.

(2) The Registrar, upon receiving the copies of the charge and the proceedings and the list and copies referred to in subrules (1) and (1A), shall forthwith send 1 copy of each to each member of the Board, and to the appellant and shall send to each member of the Board a copy of the notice of appeal.

[r 4 am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

## **5 Setting appeal down for hearing**

The Chairperson shall appoint a time and place for the appeal to be heard by the Board and the Registrar shall send to the appellant, the Commissioner and the other members of the Board written notice.

[r 5 am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

## 6 Representation

- (1) At the hearing, the appellant's case may be conducted at his or her option, either by himself or herself or by another police officer chosen by him or her or, at his or her own expense, by a legal practitioner.
- (2) The case for upholding the Commissioner's findings and order shall not be presented by the Commissioner but may be presented by an officer of the Department of Justice or a police officer appointed to do so by the Commissioner.

[subr (2) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

## 7 Hearing

- (1) The hearing of the appeal shall proceed on the record of the proceedings before the Commissioner and no additional evidence shall be given save with the leave, or at the direction, of the Board:

Provided that the Board may take account of previous breaches of discipline, if any, and letters, memoranda or other documents, if any, sent to or received from the appellant of which copies have been sent to the Registrar by the Commissioner under Rule 4.

[subr (1) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

- (2) Except with the leave of the Board, the appellant shall not argue any ground of appeal not set out in his or her notice of appeal.
- (3) The procedure for the presentation by each party of his or her case and of any evidence allowed by the Board shall be such as the Board shall determine:

Provided that the Board shall afford to each party adequate opportunity to present his or her case.

## 8 Application to extend time for appealing

- (1) An application under Section 37(3) of the Act for the Board to extend the time for appealing shall be in the form set out in Schedule 2 to these Rules and shall be delivered by the applicant to the Registrar, who shall forthwith prepare carbon or photographic copies.
- (2) The Registrar shall deliver a copy of the application to the Commissioner who shall forthwith deliver to the Registrar the record of the proceedings before him or her.

[subr (2) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

- (3) The Chairperson shall appoint a time and place for the hearing of the application and the Registrar shall send to the applicant, the Commissioner and the other members of the Board written notice thereof accompanied, in the case of the members of the Board, by a copy of the application.

[subr (3) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

- (4) The provisions of Rule 6 shall apply *mutatis mutandis* to the hearing of the application.
- (5) If the application is granted, the applicant shall be deemed to have given notice of appeal and the Registrar shall return to the Commissioner the record of the proceedings before him or her so that he or she may prepare copies as required by Rules 4(1) and 4(1A).

[subr (5) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

**9 Decisions of the Board**

The decision of the majority of the members of the Board, in respect of any appeal or any application to extend the time for appealing, shall be the decision of the Board.

[The next page is 99,301]

**SCHEDULE 1**

*[Rule 3]*

**NOTICE OF APPEAL**

[Sch 1 am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

To the Police Service Board

On the ..... day of ..... 20..... the Commissioner of Police found me guilty of the following offence(s):

(set out offence(s) as charged)

and imposed the following punishment(s):

(set out punishment(s) imposed)

I hereby give notice of appeal against:

- \* (a) the finding of guilt in respect of (state offence(s) in respect of which appeal is brought against the finding of guilt);
- \* (b) the punishment(s) imposed.

My grounds of appeal are:

(set out briefly the grounds of appeal)

Dated:

.....

(Appellant's number, rank and name)

\_\_\_\_\_

\* delete if not applicable

[The next page is 99,501]



**SCHEDULE 2**

*[Rules 3 and 8]*

**APPLICATION TO EXTEND TIME FOR APPEALING**

[Sch 2 am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

To the Police Service Board

On the ..... day of ..... 20..... the Commissioner of Police found me guilty of the following offence(s):

(set out offence(s) as charged)

and imposed the following punishment(s):

(set out punishment(s) imposed)

I wish to appeal against:

- \*(a) the finding of guilt in respect of (state offence(s) in respect of which appeal is brought against the findings of guilt);
- \*(b) the punishment(s) imposed.

My grounds of appeal would be:

(set out briefly grounds of appeal)

I did not appeal within 14 days of the promulgation of the punishment(s) because:

(state reasons briefly)

I hereby apply for the time for appealing to be extended.

Dated:

.....

(Applicant's number, rank and name)

[The next page is 100,501]

# Police (Overtime and Public Holidays) Regulations 1979

## TABLE OF PROVISIONS

<i>Regulation</i>	<i>Title</i>
1	Citation
2	Interpretation
3	Hours of duty
4	Records of attendance
5	Public holidays
6	Overtime payments
7	Sunday duty
8	Repeal

**[The next page is 100,701]**

# Police (Overtime and Public Holidays) Regulations 1979

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## TABLE OF AMENDMENTS

The Police (Overtime and Public Holidays) Regulations 1979 (GN No 245/1979) commenced on 30 July 1979.

<b>Amending Legislation</b>	<b>Notified</b>	<b>Date of Commencement</b>
Nauru Police Force (Amendment) Act 2015 No 7	24 March 2015	24 March 2015
Revised Written Laws Act 2021 No 7	1 June 2021	1 June 2021

[The next page is 100,901]

IN EXERCISE of the powers conferred on me by Section 50 of the *Nauru Police Force Act 1972*, I hereby make the following Regulations:

## 1 Citation

These Regulations may be cited as the *Police (Overtime and Public Holidays) Regulations 1979*.

## 2 Interpretation

In these Regulations:

*'fortnightly pay period'* means the periods of a fortnight each in respect of which permanent officers in the Public Service under and by virtue of the *Public Service Act 2016* are paid;

*'overtime'* means any period during which a police officer performs a duty in any working week in excess of the normal hours of duty;

*'police officer'* means any person appointed under Section 6 of the Act;

*'section of the Nauru Police Force'* means any division existing for administrative convenience and the discharge of the functions of the Nauru Police Force; and

*'working week'* means a period of Monday to Sunday, both days inclusive.

## 3 Hours of duty

(1) Subject to Regulation 6(8), the number of normal hours of duty of police officers in any working week shall be 40 hours.

(2) Notwithstanding subregulation (1), a police officer may be required to work, in accordance with these Regulations, hours in excess of 40 hours in any working week and, except insofar as is provided to the contrary by these Regulations, he or she shall be entitled to receive overtime payments in respect of excess hours worked.

(3) A police officer shall attend to perform duty during such hours as he or she may be directed to do so by the Commissioner of Police or any other officer to whom the Commissioner of Police may delegate his or her powers under this subregulation.

[subreg (2) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

(4) A police officer who is shown upon a roster exhibited in a conspicuous position in the Central Police Station or in respect of any section of the Nauru Police Force any other place specified by the Commissioner of Police as being due to perform duties between the hours and on the days shown on any such roster shall be deemed to have been directed by the Commissioner of Police to perform duty between those hours on those days.

[subreg (3) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

## 4 Records of attendance

(1) The Commissioner of Police shall determine the means of recording the attendance of police officers.

[subreg (1) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

- (2) The officer in charge of each section of the Nauru Police Force is responsible, using the means of record determined by the Commissioner of Police, for the recording of attendance of police officers in that section in accordance with these Regulations and such directions as are given to him or her by the Commissioner of Police.

[subreg (2) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

- (3) Every police officer, other than the Commissioner of Police, shall, record daily, by the means of record determined by the Commissioner of Police, the actual times of his or her arrival at and his or her departure from, his or her place of duty.

[subreg (3) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

- (4) The means of record of attendances for each section of the Nauru Police Force shall be available at all times at the Police Station or at such other place as the Commissioner of Police may determine.

[subreg (4) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

## 5 Public holidays

- (1) The days which are holidays in the Public Service under or by virtue of the provisions of Section 81 of the *Public Service Act 2016* shall be holidays in the Nauru Police Force.
- (2) The Commissioner of Police may require police officers to perform duties on public holidays but any police officer performing duties on such a holiday shall be entitled to receive:
- (a) overtime payment for the hours during which such duties are performed subject to Regulations 6(8) and 7(1)(a); or
  - (b) an equivalent time as additional recreational leave, as the Commissioner of Police shall direct in each case:
- Provided that the Commissioner of Police may issue general directions applying to the circumstances specified in any such direction.

[subreg (2) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

## 6 Overtime payments

- (1) Except insofar as is provided by Regulation 5 or in special circumstances approved by the Commissioner of Police, a police officer holding a rank or acting in a rank above that of Sergeant First Class shall not be entitled to receive any payment for overtime.

[subreg (1) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

- (2) At the end of each fortnightly pay period, the officer in charge of each section of the Nauru Police Force shall furnish to the Commissioner of Police a return containing the following:
- (a) a statement of all overtime worked in that section during that period;
  - (b) particulars of all claims of police officers within that section for payment at overtime rates for hours of duty worked during that period; and
  - (c) a certificate signed by the officer furnishing the return that the overtime appears to him or her:
    - (i) to have been worked; and



- (ii) to have been authorised in advance; or if not authorised in advance, to have been justified.

[subreg (2) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

- (3) The Commissioner of Police may disallow payment for overtime claimed to have been worked if:
- (a) he or she believes that the overtime, was not worked; or
  - (b) the overtime, if not authorised in advance, was in his or her opinion not justified.

[subreg (3) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

- (4) For the purpose of payment, overtime shall be calculated to the nearest quarter of an hour of the total period of overtime worked in each fortnightly pay period.
- (5) Subject to subregulation (6) the hourly rate of overtime payment shall be:
- (a) in respect of overtime worked on a holiday, twice the normal hourly rate of pay;
  - (b) in respect of overtime worked on a Sunday, subject to Regulation 7, twice the normal hourly rate of pay; and
  - (c) in respect of any other overtime worked, one and a half times the normal hourly rate of pay.
- (6) The normal hourly rate of pay shall be calculated in accordance with the following formula:

$$\frac{\text{Annual Salary}}{313} \times \frac{6}{40}$$

and the overtime hourly rate of pay shall be calculated by multiplying the result of the formula by one and a half or two, whichever the provisions of subregulation (5) in the circumstances require and calculating the figure thus produced to two decimal points of a cent.

- (7) An allowance payable paid to a police officer for performance of higher duties and allowances granted in such other cases as the Commissioner of Police determines shall be regarded as salary for the purpose of computing overtime payment.

[subreg (7) am Act 7 of 2015 s 3 and Sch [1], opn 24 Mar 2015]

- (8) Any period of absence from duty granted to a police officer by way of leave of absence shall, in the calculation of the number of hours to be worked before overtime can be claimed, be added to the number of hours actually worked by the police officer in the relative fortnightly pay period, but a police officer shall not, unless absent from duty on leave of absence, or unless absent in respect of any public holiday falling within that pay period, be credited with any hours of duty not actually worked.
- (9) Where a police officer is required to perform duties at times or on days which are not disclosed on the roster mentioned in Regulation 3, the period of duty shall be deemed to include the time reasonably spent in travelling to his or her place of duty from his or her home and returning to his or her home thereafter, unless such period of duty falls immediately before or immediately after a period of duty mentioned on such roster.

## 7 Sunday duty

- (1) Subject to Regulation 6(1), a police officer who is required to perform duty on a Sunday shall be paid in respect of that duty:

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- (a) at his or her normal rate of salary for such period during which that duty is performed as together with his or her other periods of duty in the working week which includes that Sunday does not exceed 40 hours; and
  - (b) at double his or her normal rate of salary for any period during which that duty is performed after the completion of 40 hours of duty in the working week which includes that Sunday.
- (2) In computing, payments for duty performed on a Sunday:
- (a) scheduled duty ending at 2 o'clock in the morning or earlier on the Sunday shall not be paid for at the rate of double time unless the officer is again required to be on duty on the same day; and
  - (b) scheduled duty commencing at 10 o'clock in the evening or later on a Sunday shall not be paid for at the rate of double time unless the officer has already been on duty on the same day.

## 8 Repeal

Regulations 6 and 10 of the *Police Regulations 1972* are hereby repealed with effect from the date on which these Regulations come into force.

[The next page is 120,001]