

POLICE SERVICE ACT, 1970 (ACT 350)

As amended by

THE POLICE SERVICE (AMENDMENT) DECREE 1974, (NRCD 303)1

PROVISIONAL NATIONAL DEFENCE COUNCIL (ESTABLISHMENT) PROCLAMATION
(SUPPLEMENTARY AND CONSEQUENTIAL PROVISIONS) LAW, 1982 (PNDCL 42)2

THE POLICE SERVICE (PENSIONS) LAW 1985 (PNDCL 126)3

POLICE SERVICE (AMENDMENT) LAW, 1988 (PNDCL 194A)4

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THE THREE HUNDRED AND FIFTIETH
ACT

OF THE PARLIAMENT OF THE REPUBLIC OF GHANA
ENTITLED

THE POLICE FORCE ACT, 19705

AN ACT to provide for the organisation and administration of the Police Service and for other matters connected therewith.

DATE OF ASSENT: 19th January, 1971

BE IT ENACTED by the President and the National Assembly in this present Parliament assembled as follows:

PART I—FUNCTIONS OF THE SERVICE

Section 1—Functions of the Service.

(1) It shall be the duty of the Police Service to prevent and detect crime, to apprehend offenders, and to maintain public order and the safety of persons and property.

(2) Every police officer shall perform such functions as are by law conferred upon a police officer and shall obey all lawful orders and directions in respect of the execution of his office which he may receive from his superiors in the Police Service.

Section 2—Statutory Declarations.

Every superior police officer may take and receive the declaration of any person for the purposes of the Statutory Declarations Act, 1835.

PART II—STRUCTURE AND CONDITIONS OF SERVICE

Section 3—Members of the Force.

The following shall be members of the Police Force:—

- (a) the Inspector-General of Police;
- (b) Commissioners of Police;
- (c) Deputy Commissioners of Police;
- (d) persons holding posts, or being of ranks, created under this Act; and
- (e) persons holding posts created by or under any other enactment, being posts which are designated by that enactment as Police Force posts.[As substituted by The Police Service (Amendment) Decree, 1974 (NRCD 303) s.2]

Section 4—Administration of the Service.

(1) The Inspector-General of Police shall be the Head of the Police Service, and shall, subject to any directions of the Minister, be responsible for exercising general day-to-day supervision over the operation and administration of the Police Service.

(2) The Inspector-General of Police may delegate to any other members of the Police Service such of his functions under this Act as he thinks fit.

Section 5—Filling of Vacancies.

(1) A vacancy in a Police Service post or rank may be filled—

- (a) by promotion, that is by appointing a police officer who is to be moved from another grade or rank with an immediate increase in his salary;
- (b) by transfer within the Service, that is by appointing a police officer who is to be moved from another grade or rank with no alteration in his salary;
- (c) on reduction in rank, that is by appointing a police officer who is to be moved from another grade or rank with an immediate reduction in his salary;
- (d) by recruitment, that is by appointing a person who is not a police officer or who would cease to be a police officer if the appointment were not made.

(2) Wherever practicable, a vacancy in the Police Service shall be filled either by promotion or transfer within the Service.

(3) Promotions shall be made according to merit.

Section 6—Acting Assignment.

(1) Where a Police Service post is vacant or a police officer is absent from duty for any reason the Inspector-General of Police may assign a member of the Police Service to carry out the appropriate duties.

(2) An assignment under this section shall cease to have effect—

(a) on the filling of the vacancy or the return to duty of the officer, as the case may be; or

(b) if some other person is assigned to carry out the said duties; or

(c) if the assignment is revoked by the Inspector General of Police.

Section 7—Functions of Public Services Commission.

The Public Services Commission shall, in the exercise of its functions under article 141 of the Constitution and in consultation with the appropriate authority, provide in accordance with clause (6) of article 140 of the Constitution for the procedure to be followed and requirements to be observed in the making of appointments.

Section 8—Schemes of Service and Training.

(1) The Inspector-General of Police may, with the consent of the Minister, prepare schemes of service giving details of duties, training facilities, and other matters relating to service as a police officer.

(2) There shall be a branch of the Police Service with the function of supervising and coordinating, under the general direction of the Inspector-General of Police, arrangements for the training of members of the Police Service.

Section 9—Modes of Leaving the Force.

(1) A person holding a post otherwise than on a limited engagement shall retire from the Police Force on reaching the age of 55 years, or in the case of a woman on reaching the age of 50 years: Provided that this subsection shall not prevent the appointment of any person on a limited engagement.

(2) A person holding a post as a police officer otherwise than on a limited engagement may retire from the Police Force at any time after he has reached the age of 45 years, or in the case of a woman 40 years:

Provided that a superior police officer may retire at any earlier time with the consent of the Chairman of the National Redemption Council, and a subordinate police officer may retire at any earlier time with the consent of the Inspector-General of Police.[As substituted by The Police Service (Amendment) Decree, 1974 (NRCD 303) s.3]

(3) A police officer may resign from the Police Service in accordance with such conditions as may be prescribed.

(4) A police officer may leave the Police Service on the expiry or other termination of a limited engagement.

(5) A police officer may leave the Police Service by transfer, with his consent, to employment in another Public Service or to other approved employment in accordance with regulations made under this Act.

(6) A police officer may leave the Police Service on the abolition of his post; and where a post in a grade is abolished by the revocation or amendment of the instrument by which it was created, the appointing authority shall, if two or more persons hold posts in that grade, determine which of those persons is to be treated as the person whose post is abolished.

(7) Unless the person in respect of whom a determination is to be made under subsection (6) is to be promoted or transferred, he shall be given an opportunity to make representations to the appointing authority, who shall consider any such representations before making the determination.

(8) Where a post or rank is held by an officer on probation and it appears to the appointing authority during or at the end of the probationary period that he is unlikely to fulfil the requirements of the post or rank, the appointing authority may order that he shall cease to be a member of the Police

Service, and if no such order is made he shall revert to the post or rank, if any, held by him immediately before the commencement of such probationary period.

PART III—THE POLICE COUNCIL

Section 10—Membership and Functions of the Police Council

[Repealed by The Provisional National Defence Council (Establishment) Proclamation (Supplementary and Consequently Proclamation Law, 1982 (PNDCL 42) s. 65].

Section 11—Composition and Functions of Regional Police Committees

[Repealed by The Provisional National Defence Council (Establishment) Proclamation (Supplementary and Consequently Proclamation Law, 1982 (PNDCL 42) s. 65].

Section 12—Secretary to the Police Council.

- (1) There shall be a Secretary to the Police Council who shall be a public officer.
- (2) The Secretary shall not be a member of the Police Council, and he shall perform such administrative functions relating to its work as the Police Council may determine.

Section 13—Protection from Legal Proceedings.

The Chairman and any member of the Police Council shall have the same protection and privilege in case of any action or suit brought against him for any act done or omitted to be done in the exercise of his duties in relation to the hearing of appeals under section 20 of this Act as is by law given to acts done or words spoken by a Judge of the Superior Court of Judicature in the exercise of his judicial office.

Section 14—Attendance of Public Officers.

The Police Council may require any public officer to attend and give evidence before it concerning any matter which it is required to consider in the exercise of its functions.

Section 15—Production of Documents.

The Police Council may require the production of any official document reasonably required for the exercise of its functions; and any public officer who submits any matter for the consideration of the Police Council shall ensure that all relevant documents and papers are made available to the Police Council.

Section 16—Failure to Comply with Request of Police Council.

Any public officer who without reasonable excuse fails to appear before the Police Council when notified to do so, or who fails to comply with any request lawfully and properly made by the Police Council, shall be guilty of misconduct and the Police Council may direct that the matter should be brought to the notice of the appropriate disciplinary authority.

PART IV—MISCONDUCT AND UNSATISFACTORY SERVICE

Section 17—Misconduct and Unsatisfactory Service.

It shall be misconduct for a police officer—

- (a) to be absent from duty without leave or reasonable excuse;
- (b) to be insubordinate;
- (c) to use, without lawful authority, any property or facilities provided for the purposes of the Police Service for some purpose not connected with his official duties;
- (d) to engage in any activity outside his official duties which is likely to involve him in political controversy or to lead to his taking improper advantage of his position in the Police Service;
- (e) to engage in any gainful occupation outside the Police Service without the consent of the Inspector-General of Police;
- (f) to become or be a member of a trade union or of any other association (other than an association authorised by the Minister) having similar objects;
- (g) to sleep on duty;
- (h) to take any alcoholic drink while on duty;
- (i) to permit a prisoner to escape through negligence or wilfulness;
- (j) to divulge any confidential information to a person not authorised to receive it;
- (k) to do any other act without reasonable excuse which amounts to a failure to perform in a proper manner any duty imposed on him as such, or which contravenes any enactment relating to the

Police Service, or which is otherwise prejudicial to the efficient conduct of the Police Service or tends to bring the Police Service into disrepute.

Section 18—Penalties.

(1) The following are the penalties that may be imposed in disciplinary proceedings under this Act in respect of the misconduct or unsatisfactory service of a police officer:—

- (a) dismissal, that is termination of an appointment with forfeiture of all retirement benefits;
- (b) removal, that is termination of an appointment with or without a reduction in retirement benefits;
- (c) reduction in rank, that is removal to another rank with immediate reduction of salary;
- (d) reduction of salary, that is an immediate adjustment of salary to a lower point on the salary scale attached to the post in question;
- (e) deferment of increment, that is a postponement of the date on which the next increment is due, with corresponding postponement in subsequent years;
- (f) stoppage of increment, that is non-payment for a specified period of an increment otherwise due;
- (g) imposition of a fine not exceeding one-eighth of one month's salary;
- (h) severe reprimand or reprimand;
- (i) in the case of constables only, confinement to barracks for a period not exceeding fourteen days;
- (j) caution or admonition.

(2) For the purposes of this Act, dismissal, removal and reduction in rank shall be treated as major penalties and all other penalties shall be treated as minor penalties.

Section 19—Disciplinary Authorities.

(1) The Chairman of the National Redemption Council acting in accordance with the advice of the Police Council shall have disciplinary powers over all police officers.

(2) The Chairman of the National Redemption Council may delegate his disciplinary powers in respect of all or any police officers to the Inspector-General of Police, and may authorise the Inspector-General of Police to exercise all or any of the said powers through a disciplinary board or superior police officer in accordance with regulations made under section 20.

(3) Any person or body in whom disciplinary powers under this Act are for the time being vested shall be a disciplinary authority for the purposes of this Act.[As substituted by The Police Service (Amendment) Decree 1994 (NRCD) s.5]

Section 20—Disciplinary Proceedings.

(1) Disciplinary proceedings shall be either summary or formal.

(2) No major penalty shall be imposed on an officer in summary proceedings not arising out of a conviction.

(3) The Commissioner after consultation with the Inspector-General of Police may by legislative instrument make regulations providing for the conduct of disciplinary proceedings in cases of misconduct or unsatisfactory service, and providing for appeals—

- (a) to the Police Council, in the case of police officers of the rank of Inspector and above;
- (b) to the Inspector-General of Police, in the case of police officers below the rank of Inspector.

(4) The defendant in any appeal proceedings before the Police Council shall be entitled to be represented by counsel, and where he is so represented, the Police Force shall also be entitled to be represented by counsel.

(5) Subject to the provisions of this Act and except as may be otherwise provided by regulations made under this section, the Police Council on deciding an appeal under this section may make such order thereon as it thinks fit.

(6) The Inspector-General of Police shall not be entitled to sit as a member of the Police Council for the purpose of determining an appeal made to the Police Council.

(7) Where the defendant in any disciplinary or appeal proceedings referred to in this section has exhausted all available processes provided by this Act or regulations made thereunder, and is aggrieved in respect of any matter relating thereto, he may petition the Chairman of the National Redemption Council whose decision shall be final.[As substituted by The Police Service (Amendment) Decree 1974 (NRCD 303) s.5].