

THE CONSTABLES (SPECIAL) ACT

ARRANGEMENT OF SECTIONS

1. Short title.

PART I. Parish Special Constables

2. Power to appoint Parish Special Constables.
3. Parish Special Constable's oath.
4. Minister's power to cause Parish Special Constables to be appointed.
5. Regulations and orders. Removal of Parish Special Constables.
6. Powers, authorities, advantages and immunities of Parish Special Constables.
7. Penalty for refusing, etc., to take oath.
8. Penalty for refusing to serve or obey lawful orders.
9. Suspension and determination of services of Parish Special Constables.
10. Expiration of appointment.
11. Penalty for not delivering up badges, etc., after notice.
12. Penalty for assaulting or resisting Special Constables.
13. Payment of Special Constables.
14. Recovery of penalties.

PART II. Island Special Constabulary Force

15. Interpretation.
16. Constitution of Island Special Constabulary Force.
17. Composition of Force.
18. Mode of enrolment.
19. Enrolment in Force not compulsory.
20. Period of service.
21. Swearing in and form of oath.
22. Powers, authorities, privileges, immunities, duties and responsibilities of Special Constables.
Assaulting or obstructing Special Constable.
23. Regulations.
24. Penalty for causing disaffection, etc.

[The inclusion of this page is authorized by L.N. 17/1989]

PART III. *Special Constabulary Force Association*

25. Interpretation.
26. Establishment of Special Constabulary Force Association.
27. Prohibition of Special Constables being members of trade unions.
28. Meetings to be secret.
29. Liability of member of Association to discipline.
30. Special Constabulary Force Association Fund.

PART IV. *Pensions, Gratuities and other Allowances*

31. Interpretation.
32. Application of this Part.
33. Special Constables to contribute toward pensions, etc.
34. Refunds on being struck off the strength of the Force.
35. Pension regulations.
36. Pensions, etc., to be paid out of Consolidated Fund.
37. Pensions, etc., not of right.
38. Circumstances in which pension may be granted.
39. Compulsory retirement.
40. Pensions, etc., not to be assignable.
41. Pensions, etc., to cease on bankruptcy.
42. Pensions, etc., may cease on conviction.
43. Pensions to dependents when Constable dies as a result of injuries received, or disease contracted in the discharge of his duty.
44. Pensions to surviving spouses, etc., of Constables who died in the Force.
45. Pension or gratuity on death after retirement.
46. Recovery of pension, etc., previously paid.

SCHEDULES

THE CONSTABLES (SPECIAL) ACT

[5th May, 1904.]

[Part IV and Fifth Schedule: 1st July, 1974.]

Cap. 71.
Acts
14 of 1983,
1 of 1988,
4 of 1996,
28 of 2001,
12 of 2008.

1. This Act may be cited as the Constables (Special) Act.

Short title.

PART I. *Parish Special Constables*

2. In any case where it is made to appear to two Justices for any parish, that any tumult, riot, or felony has taken place, or may reasonably be apprehended in such parish, and such Justices are of opinion that the ordinary officers appointed for the purpose are not sufficient for the preservation of the peace, for the protection of the inhabitants, and for the security of property in such parish, then and in every such case such Justices are hereby authorized to appoint by writing under their hand, in the Form contained in the First Schedule, so many as they may think fit of the householders or other persons residing in such parish, or being willing to be appointed Parish Special Constables, to act as Parish Special Constables for such time and in such manner as to the said Justices may seem fit and necessary for the preservation of the public peace, for the protection of the inhabitants and for the security of property in such parish, and such Justices shall forthwith inform the Superintendent of Police of the names of the Parish Special Constables so appointed, and furnish a full report of their action to the Minister.

Power to
appoint
Parish
Special
Constables.

First
Schedule.

3. On the appointment of any Parish Special Constable the following oath shall be administered by a Justice to every person so appointed, that is to say:—

Parish
Special
Constable's
oath.

“I, A.B., do swear that I will well and truly serve
Our Sovereign Lady the Queen in the office of Parish

Special Constable for the parish of

So help me God”:

Provided nevertheless, that Moravians, Quakers, and other persons having conscientious objections to the taking of an oath, may in lieu of the said oath, make a solemn declaration and affirmation to the same effect before such Justice as aforesaid.

Minister's
power to
cause Parish
Special
Constables
to be
appointed.

4. It shall be lawful for the Minister at any time, if he thinks proper, to cause Parish Special Constables to be appointed by any Justice and sworn in manner aforesaid for the whole of the Island, and to signify, if he sees fit, that no person shall be excused from being so appointed and sworn in by reason of any exemption.

Regulations
and orders.
Removal of
Parish
Special
Constables.

5. The Minister may make all necessary regulations and orders for promoting the efficiency of Parish Special Constables. The Justices who have appointed special constables, or any officer of the Jamaica Constabulary Force not below the rank of Assistant Superintendent shall have authority to remove any Parish Special Constable from his office for any misconduct or neglect of duty therein.

Powers,
authorities,
advantages
and
immunities
of Parish
Special
Constables.

6. Every Parish Special Constable appointed under this Part shall, not only within the parish for which he may have been appointed, but also throughout the whole Island, have, exercise, and enjoy all such powers, authorities, advantages and immunities, and be liable to all such duties and responsibilities, as any police or other constable duly appointed now has by any law.

Penalty for
refusing, etc.,
to take
oath.

7. If any person appointed a Parish Special Constable as aforesaid, refuses to take the oath hereinbefore mentioned when required to do so by a Justice, or refuses, or neglects to appear at the time and place for which he may be summoned for the purpose of taking the said oath, he shall, on being convicted, be liable to forfeit a penalty not exceeding

ten dollars, unless he proves to the satisfaction of the court before which he is tried, that he was prevented by sickness, or such unavoidable accident as may in the opinion of the said court, be a sufficient excuse.

8. If any person, being appointed a Parish Special Constable as aforesaid, and being called upon to serve, refuses or neglects to serve, or to obey such lawful orders and directions as may be given to him for the performance of the duties of his office, he shall, for every such refusal or neglect, on being convicted thereof, be liable to forfeit a penalty not exceeding ten dollars, unless he proves to the satisfaction of the court before which he is tried, that he was prevented by sickness or such unavoidable accident as may, in the opinion of the said court, be a sufficient excuse.

Penalty for refusing to serve or obey lawful orders.

9. The Justices who may have appointed special constables under this Part, are hereby empowered to suspend or determine the services of any or all of the Parish Special Constables so called out, and notice thereof shall forthwith be transmitted to the Minister.

Suspension and determination of services of Parish Special Constables.

10. The appointment of every Parish Special Constable under this Part shall be deemed to be determined upon the expiration of thirty days next after the day upon which such Parish Special Constable is sworn in as a Parish Special Constable, so, however, that he may be again appointed as a Parish Special Constable and sworn in in the manner provided by this Act as if he had not previously been so appointed and sworn in.

Expiration of appointment.

11. Every Parish Special Constable shall, within one week after the expiration of his office, or after he ceases to hold and exercise the same pursuant to this Act, deliver over to his successor (if any such has been appointed), or otherwise to such person, and at such time and place, as may be directed by any Justice, or by the Superintendent of

Penalty for not delivering up badges, etc., after notice.