

REPUBLIC OF NAURU
NAURU POLICE FORCE ACT 1972
POLICE REGULATIONS 1972
ARRANGEMENT OF REGULATIONS

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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 I - PRELIMINARY

SHORT TITLE

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

PART II - APPOINTMENT

DECLARATION ON JOINING FORCE OR RESERVE

2. (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 the First Schedule to these Regulations.

(2) The Director, if not a serving police officer immediately prior to his appointment, shall make the declaration before the Chief Secretary. Every other police officer shall make the declaration before the Director.

MEDICAL EXAMINATIONS

3. (1) Prior to enlistment or re-enlistment for any period, every police Officer shall be passed medically fit by a medical officer on such medical examination as the Director may direct:

Provided that, where any person normally resident outside Nauru is appointed to be the Director, he shall be passed as medically fit by such person, and on such examination, as the Chief Secretary shall direct.

(2) A police officer shall submit himself to medical examination by a medical officer whenever required by the Director.

PHYSICAL STANDARDS

4. The Director 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.

PART III - LEAVE

RECREATION LEAVE AND FURLOUGH

5. The provisions of Divisions 2 and 4 of Part IV of the Public Service Act 1961-1971 shall be deemed to apply to members of the Force.

PUBLIC HOLIDAYS

6. The Director may require members of the Force to undertake duties on public holidays but any member of the Force required to perform duties on a public holiday shall be entitled to receive -

- (a) overtime payment for the hours during which such duties are performed; or
- (b) an equivalent time as additional recreational leave,

as the Director shall direct.

SICK LEAVE

7. The provisions of Division 3 of Part IV of the Public Service Act 1961-1971 shall be deemed to apply to members of the Force.

OTHER LEAVE OF ABSENCE

8. The provisions of Division 5 of Part IV of the Public Service Act 1961-1971 shall be deemed to apply to members of the Force.

POWERS VESTED IN DIRECTOR

9. For the purpose of the application of the provisions of Part IV of the Public Service Act 1961-1971 to members of the Force, the powers vested in the Public Service Commissioner by the Act shall be vested in, and exercisable by, the Director.

PART IV - OVERTIME

APPLICATION OF PART III OF THE PUBLIC SERVICE ACT 1961-1971

10. (1) The Provisions of Part III of the Public Service Act 1961-1971, other than Division I and section 39, shall be deemed to apply, so far as they may be applicable, to members of the Force and overtime payments shall be made in respect of all hours in excess of forty hours during which duties are performed by any officer in any week, that is to say, between Monday and Sunday, both days inclusive.

(2) For the purpose of applying Part III of the Public Service Act 1961-1971, members of the Force shall be deemed to be shift workers.

PART V - DISCIPLINE

PROCEDURE AT TRIALS FOR OFFENCES AGAINST DISCIPLINE

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

ACCUSED TO BE SUPPLIED WITH COPY OF CHARGE

12. 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.

REPRESENTATION OF ACCUSED

13. (1) The Director may, in his discretion, allow the accused to be assisted by another police officer chosen by the accused and, when such permission is given, his defence may be conducted by such officer:

Provided that the Director shall not impose a punishment of dismissal or reduction in rank if he has refused such permission.

(2) The accused may not be represented by a barrister and solicitor or a pleader.

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

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

PLEA

14. (1) At the commencement of the hearing the Director shall read the charge to the accused and call upon the accused to plead "guilty" or "not guilty".

(2) If the accused pleads "guilty", the Director shall satisfy himself as to the facts admitted by the accused and if they constitute the offence charged or any other disciplinary offence, shall, subject to paragraph (5) of this regulation, find him guilty and forthwith impose such punishment as he thinks just.

(3) The Director shall record fully in writing the accused's plea, the facts admitted by him and the punishment imposed.

(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 own admissions, the Director shall proceed to hear the evidence and determine the issues in the charge.

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

EVIDENCE

15. (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 thereof must be recorded in writing.

(4) The accused shall have the right to cross-examine each witness giving evidence against him and after each such witness has given evidence he shall be asked if he desires to cross-examine such witness.

(5) The accused shall be asked if he desires to give evidence in his own defence and to call witnesses and, if he does so desire, shall be given a reasonable opportunity to do so.

REASONED FINDINGS TO BE RECORDED