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CHAPTER 284.**CHIEFDOM POLICE.**

40 of 1959.

An Ordinance to Provide for the Establishment, Discipline, Powers and Duties of the Chiefdom Police Force.

[31ST DECEMBER, 1959.]

Short title
and
application

1. This Ordinance may be cited as the Chiefdom Police Ordinance, and shall apply to the Protectorate.

2. In this Ordinance, unless the context otherwise requires— Interpretation.

“ Chieftdom Committee ” means a committee of not less than five members of any Tribal Authority or Tribal Authorities constituted under the Tribal Authorities Ordinance; Cap. 61.

“ chieftdom police ” means a member of the Chieftdom Police Force established under section 3 of this Ordinance;

“ district ” means a district declared as such by the Governor under the Protectorate Ordinance; Cap. 60.

“ District Commissioner ” includes Assistant District Commissioner;

“ Force ” means the Chieftdom Police Force established under section 3 of this Ordinance;

“ Native Court ” means any court lawfully constituted under the Native Courts Ordinance; Cap. 8.

“ police officer ” bears the meaning assigned thereto by section 2 of the Police Ordinance; Cap. 150.

“ prison officer ” bears the meaning assigned thereto by section 2 of the Prisons Ordinance; Cap. 180, of the 1946 Edition.

“ Superior Police Officer ” means any Police Officer of or above the rank of Assistant Superintendent. *

3. A Tribal Authority or Tribal Authorities for any chieftdom or group of chieftdoms may with the approval of the Governor in Council establish a force to be known as the Chieftdom Police Force. Establish-ment of Chieftdom Police Force.

4. The Chieftdom Police Force shall be employed by the Tribal Authority or Tribal Authorities for the chieftdom or chieftdoms in the area for which it has been established for the detection of crime, the apprehension of offenders, the preservation of law and order, the serving of processes and summonses from the Native Courts and the enforcement of all lawful bye-laws and orders made by the Tribal Authority or Tribal Authorities of the said area, and the due enforcement of all laws and regulations with which they are charged by this or any other Ordinance: General duties.

Provided that in an emergency any chieftdom police may be required by a District Commissioner or a Superior Police Officer to serve in any area other than that in which he is normally employed.

* The Prisons Ordinance (Cap. 180 of the 1946 Edition) is under revision with a view to its replacement, and it has been omitted from this Edition.

Watch
Committee.

5. (1) There shall be established in each district in which a Chieftdom Police Force has been established a Watch Committee consisting of—

(a) the District Commissioner;

(b) the Superior Police Officer commanding the police district; and

(c) one representative from each chieftdom in the district appointed by the Chieftdom Committee.

(2) The duties of the Watch Committee shall be—

(a) to make recommendations to the Chieftdom Committee concerned, for the selection, promotion, transfer and dismissal of chieftdom police within the district;

(b) to hear cases involving breaches of discipline, reduction in rank, fines above one pound or dismissal;

(c) to supervise Chieftdom Police Forces within the district and to arrange for their training, uniform and equipment;

(d) to advise Tribal Authorities on matters relating to the conduct and use of the Chieftdom Police Force;

(e) to recommend for the approval of the Governor, the numbers and ranks of each Chieftdom Police Force in the district;

(f) to arrange for the periodic inspection of Chieftdom Police Forces and of any records which such Forces may by this or any other Ordinance be required to keep.

Uniforms.

6. (1) A uniform shall be provided for every chieftdom police.

Letter of ap-
pointment.

(2) A letter of appointment signed by a Paramount Chief in the chieftdom or chieftdoms, in which he is employed, shall be issued to every chieftdom police.

Oath.

(3) Every chieftdom police shall on appointment take and subscribe the oath or affirmation prescribed.

Unauthorised
persons not
to wear
uniform.

7. (1) It shall not be lawful for any person not being a chieftdom police appointed as in section 6 to wear any uniform of a chieftdom police or any dress bearing any of the distinctive marks of any such uniform.

(2) If any person contravenes any of the provisions of subsection (1) of this section, he shall be guilty of an offence and shall be liable on conviction thereof, if a native before the Native Court, or if a non-native before the Magistrate's Court, to a fine

not exceeding ten pounds or to imprisonment with or without hard labour for a period not exceeding six months.

8. Any person who not being a chieftdom police wears the uniform of a chieftdom police or any dress bearing the distinctive marks of such uniform, or has in his possession the letter of appointment of a chieftdom police for the purpose of thereby doing or procuring to be done any act which he would not be entitled to do or procure to be done of his own authority, or for any other unlawful purpose, shall be guilty of an offence and shall be liable on conviction thereof, if a native before a Native Court, or if a non-native before a Magistrate's Court, to a fine not exceeding ten pounds or to imprisonment with or without hard labour for a period not exceeding six months.

Personating
chieftdom
police.

9. Notwithstanding anything contained in section 6 of the Native Courts Ordinance, any chieftdom police may conduct in person all prosecutions before any Native Court.

Prosecutions.
Cap. 8.

10. A chieftdom police may execute any warrant lawfully issued by a Native Court for the apprehension of any person charged with an offence before that court or any other Native Court:

Powers of
arrest.

Provided that a chieftdom police may without any such warrant arrest any person found committing any offence in his view or in the view of any person who makes a complaint to him.

11. Any criminal or civil summons lawfully issued by a Native Court may be served by a chieftdom police within the area in which his Force is established during the hours of daylight.

Summonses.

12. Where any written summons or other written process of any Native Court is served by a chieftdom police in any chieftdom other than the chieftdom in which the summons or other process is issued, the service may be proved by indorsement on the original or a copy of the summons or process under the hand of the said chieftdom police showing the fact and mode of service, and any chieftdom police wilfully and corruptly making any false indorsement shall be guilty of an offence and shall on summary conviction in the Native Court be liable to a fine not exceeding ten pounds or to imprisonment with or without hard labour for a period not exceeding six months.

Service of
process.

Instruments
of restraint.

13. (1) It shall not be lawful for a chiefdom police to employ any instruments of restraint other than handcuffs.

(2) Any chiefdom police, who commits a breach of sub-section (1) of this section, shall be punishable as for an offence under section 20 (e).

Protection of
chiefdom
police.

14. No chiefdom police bound to execute lawful warrants or orders issued or made in the exercise of jurisdiction conferred by this Ordinance or any other Ordinance shall be liable to be sued in any court for the execution of any warrant or order which he would be bound to execute if the person issuing the same had been acting in the exercise of lawful authority.

Chiefdom
lock-ups.

15. (1) In every chiefdom in which a Chiefdom Police Force has been established there shall be a chiefdom lock-up. The lock-up shall be in the charge of a member of the Chiefdom Police Force and shall be subject to the supervision of the Watch Committee.

(2) Every chiefdom lock-up shall be subject to inspection by the District Commissioner, by any police officer or by any prison officer who shall have power to demand the production of any records, warrants or other documents kept under the provisions of this Ordinance.

Remand
warrants.

16. It shall not be lawful to remand any prisoner in a chiefdom lock-up for more than 24 hours except upon a warrant lawfully issued by the President or Vice-President of the Native Court, and such warrant shall be valid for a period of fourteen days only but may be renewed for a further period of one week. If at the expiration of this further period, the case against the prisoner has not been heard, the prisoner shall be released:

Provided that it shall be lawful for the Paramount Chief or his Speaker in the absence of the President or Vice-President to sign any such warrant.

Records.

17. It shall be the duty of the staff of every chiefdom lock-up to keep a daily record of the name of every prisoner in the lock-up.

Detention in
chiefdom
lock-up.

18. Any person, who authorises any prisoner to be detained in a chiefdom lock-up other than in accordance with the provisions of this Ordinance, shall be guilty of an offence and shall be liable on conviction before a Magistrate to a fine not exceeding fifty pounds or to imprisonment with or without hard labour for a period not exceeding six months.

19. Any chieftom police who—

Offences.

(a) being at any assemblage, tending to riot, does not use his utmost endeavour to suppress such assemblage;

(b) knowing that a crime has been or is about to be committed fails to report such crime without delay to the Tribal Authority;

(c) abets, countenances or incites disobedience to lawful orders of the Tribal Authority;

(d) deserts or aids or abets the desertion of any chieftom police from the Force,

shall be liable on summary conviction in the Native Court to a fine not exceeding ten pounds or to imprisonment with or without hard labour for a period not exceeding six months.

20. Any chieftom police charged with any of the following offences, that is to say—

Offences
against
discipline.

(a) disobeying lawful orders given to him by the Tribal Authority or by his superior in rank either verbally or in writing;

(b) disrespect in word, act or demeanour to his superior in rank or to a member of the Tribal Authority;

(c) behaving in an insulting or tyrannical manner towards an inferior in rank;

(d) drunkenness on duty;

(e) using unnecessary violence to or ill treating any person in his custody;

(f) negligently permitting a prisoner to escape;

(g) neglect of duty;

(h) receiving any bribe, or accepting directly or indirectly any gratuity or present without the knowledge and assent of the Watch Committee;

(i) any act, conduct, disorder or neglect to the prejudice of good order and discipline though not specified in this section;

shall on conviction before a Chieftom Committee be liable to such punishment according to the degree and nature of the offence as may be awarded in accordance with the provisions of section 21.

Chiefdom
Committee
may impose
fine.

21. A Chiefdom Committee shall examine into the truth of any charge under section 20 and may impose upon any chiefdom police charged before the Committee a fine not exceeding one pound:

Provided that where a Chiefdom Committee considers that the charge under section 20 is of so serious a nature that the penalty herein provided is insufficient the Chiefdom Committee may recommend to the Watch Committee its findings for the consideration of the Watch Committee.

Watch
Committee
may inflict
certain
punishments.

22. The Watch Committee may of its own motion or on a reference by a Chiefdom Committee examine into the truth of any charge made under section 20 and if the Watch Committee finds the charge proved it may recommend to the Chiefdom Committee to inflict on the accused any of the following punishments—

- (a) a fine not exceeding forty shillings;
- (b) reduction in rank;
- (c) dismissal;
- (d) stoppage of increment;
- (e) reprimand.

Fines to be
recovered by
stoppages.

23. All fines imposed upon any chiefdom police for offences under section 20 of this Ordinance shall be recovered by stoppage from the offender's pay.

Assaulting or
resisting
chiefdom
police.

24. Any person who assaults, obstructs, resists or aids or incites any other person to assault or obstruct or resist any chiefdom police in the execution of his duty shall be guilty of an offence and shall be liable on conviction thereof, if a native before a Native Court, or if a non-native before a Magistrate's Court, to a fine not exceeding ten pounds or to imprisonment with or without hard labour for a period not exceeding six months.

Rules.

25. The Governor in Council may make rules prescribing—

- (a) the ranks and rates of pay of any chiefdom police;
- (b) the uniform of chiefdom police;
- (c) the records which shall be kept by any Chiefdom Police Force or Chiefdom Committee or Watch Committee;
- (d) conditions of service of chiefdom police;

(e) the form of oath or affirmation which shall be taken by chiefdom police;

(f) any other matter for the purpose of giving effect to this Ordinance;

(g) penalties for the breach of any rule made under this section, not exceeding a fine of ten pounds or imprisonment, with or without hard labour, not exceeding a term of three months.
