

**Police**

Cap. 167.

**POLICE BAND (APPRENTICES)  
REGULATIONS, 1979**1979/38.  
1980/146.  
1982/73.

**Authority:** These Regulations were made on 6th March, 1979 by the Commissioner of Police with the approval of the Governor-General under section 42(3) of the *Police Act*.

**Commencement:** 26th March, 1979.

1. These Regulations may be cited as the *Police Band (Apprentices) Regulations, 1979*.

2. In these regulations

"apprentice" means a person engaged for training as a bandsman or bandswoman in accordance with section 42 of the Act;

1982/73.

Cap. 167.

"Band" means the Band of the Royal Barbados Police Force;

"Director of Music" means the gazetted officer for the time being in charge of the Band.

3. (1) Where a member of the Band receives information that an apprentice has committed an offence in contravention of these regulations, as set out in the Schedule, or is guilty of some other misconduct he shall, on the receipt of such information, report the matter to a Sergeant or other officer of the Band of higher rank.

Schedule.

(2) The officer to whom a report under paragraph (1) is made shall immediately on the receipt of the report give to the apprentice written notice of that report.

4. Where the report under regulation 3 does not contain allegations of the commission of a criminal offence the report may be investigated by a member of the Band not below the rank of Sergeant.

5. (1) Where a report under regulation 3 contains allegations of the Commission of a criminal offence

(a) the member of the Band to whom the report is made shall inform the Director of Music who shall then report the matter to the Deputy Commissioner; and

(b) the apprentice against whom the allegation is made shall be cautioned before he gives any statement to an investigating officer, but where that apprentice is under the age of 16 years, the caution must be administered in the presence and hearing of his parent, guardian or a Probation Officer.

(2) The Commissioner shall appoint a member of the Force, not below the rank of Inspector, to investigate matters reported under paragraph (1).

6. Where an apprentice against whom a report is made is required by the investigating officer to make a statement in his defence, he may

- (a) make an oral or written statement; or
- (b) refuse to make any statement.

7. Where a report has been made under regulation 3 and an investigating officer determines that disciplinary proceedings ought to be taken he shall serve on the apprentice a written statement containing

- (a) the details of the charge against him; and
- (b) a request for the names of any witnesses proposed to be called in his defence.

8. (1) Subject to paragraph (2), an officer who has investigated a report shall not conduct any disciplinary proceedings arising out of that report.

(2) Notwithstanding paragraph (1), where the Commissioner or the Director of Music witnesses the commission of an offence by an apprentice he may investigate that offence, conduct disciplinary proceedings and punish the apprentice.

9. (1) Disciplinary proceedings instituted under these regulations may be conducted by the Commissioner, a gazetted officer of the Band or other gazetted officer appointed by the Commissioner.

(2) Where disciplinary proceedings are conducted by a gazetted officer he shall submit a written record of those proceedings to the Commissioner.

(3) The Commissioner may, after considering the record submitted to him under paragraph (2) or after hearing such additional evidence as he considers necessary, give a decision.

**10.** Disciplinary proceedings arising out of a report under regulation 3 may be conducted by any member of the Force not below the rank of Sergeant.

**11.** (1) An apprentice against whom the commission of an offence is alleged shall, in any disciplinary proceedings under these regulations, appear in person and may conduct his own defence or be represented by an attorney-at-law, or with the approval of the Commissioner, by another apprentice or any member of the Force, or the Band.

(2) Notwithstanding that an apprentice is represented by an attorney-at-law, another apprentice or a member of the Force or Band, he may in any disciplinary proceedings under these regulations cross-examine a witness who gives evidence against him.

**12.** Where an apprentice against whom a report is made admits the facts alleged, the officer conducting the disciplinary proceedings may dispense with the taking of evidence.

**13.** (1) An officer conducting any disciplinary proceedings under these regulations shall keep an accurate record of those proceedings.

(2) A record of all disciplinary proceedings shall be submitted to the Commissioner within 7 days of the determination of these proceedings.

**14.** (1) Where criminal and disciplinary proceedings in respect of the same matter are instituted against an apprentice, the disciplinary proceedings shall be stayed pending the determination of the criminal proceedings.

(2) Where an apprentice is acquitted of a charge respecting any criminal proceedings referred to in paragraph (1) he may not be punished in respect of any disciplinary proceedings referred to in that paragraph.

(3) Notwithstanding paragraph (2), an apprentice may be punished in respect of disciplinary proceedings referred to in paragraph (1) where the conduct giving rise to the disciplinary proceedings is not substantially the same as the conduct giving rise to the criminal proceedings.

15. An apprentice against whom disciplinary proceedings are taken may, by way of punishment, be

- (a) required to pay a fine not exceeding \$50;
- (b) deprived of leave;
- (c) required to drill for a period not exceeding 1 hour per day for not more than 5 days;
- (d) required to perform extra duties; or
- (e) reprimanded or severely reprimanded.

16. (1) An apprentice aggrieved by the decision of a gazetted officer may within 7 days after that decision is given appeal to the Commissioner whose decision is final.

(2) An appeal under paragraph (1) shall be in writing and shall contain the grounds upon which it is made.

(3) A copy of the appeal shall be served on the gazetted officer who conducted the disciplinary proceedings.

(4) At a hearing of an appeal against the decision of an officer the Commissioner shall call such witnesses as he thinks fit.

17. Notwithstanding that an apprentice has not appealed against the decision of a gazetted officer, the Commissioner may

- (a) quash a conviction;
- (b) vary a penalty; or
- (c) make such other order as justice requires.

## SCHEDULE

*(Regulation 3)*

1. *Insubordination*, that is to say, an apprentice is insubordinate if he
  - (a) is disrespectful by word, act or demeanour;
  - (b) uses obscene, abusive or insulting language to any member of the Force or to any other apprentice who is his senior;
  - (c) wilfully or negligently makes any false complaint or statement against any member of the Force who is his senior.
  - (d) assaults any member of the Force or any other apprentice who is his senior.
  
2. *Disobedience*, that is to say, an apprentice is disobedient if he fails to obey an order that
  - (a) he shall not act in a disorderly manner or in any manner prejudicial to discipline or reasonably likely to bring discredit on the reputation of the Force;
  - (b) he shall not be oppressive, aggressive or tyrannical in his conduct towards any apprentice who is his inferior in rank or grade;
  - (c) he shall not use obscene, abusive or insulting language to any other apprentice who is his inferior in rank or grade;
  - (d) he shall not wilfully or negligently make any false complaint or statement against any other apprentice who is his inferior in rank or grade;
  - (e) he shall not assault any other apprentice who is his inferior in rank or grade;
  - (f) he shall not without good and sufficient cause omit or neglect to carry out any lawful order, written or otherwise;
  - (g) he shall not knowingly make or sign any false statement in any official document or book;
  - (h) he shall not wilfully or negligently make any false, misleading or inaccurate statement;
  - (i) he shall not, without good and sufficient cause, destroy or mutilate any official document or record, or alter or erase any entry therein;
  - (j) he shall not divulge any matter which it is his duty to keep secret;
  - (k) he shall not without proper authority communicate to the public, press or to any unauthorised person, any matter connected with the Force;

## THE LAWS OF BARBADOS

Printed by the Government Printing Department, Bay Street, St. Michael,  
by the authority of the Government of Barbados

- 
- (l) he shall not without proper authority show any person outside the Force any book or written or printed document the property of the Government;
  - (m) he shall not make any anonymous communication to the Government, or any member thereof, or to the Police Service Commission or any member thereof, or to the Commissioner or to any superior officer;
  - (n) he shall not canvass any member of the Government with regard to any matter concerning the Force;
  - (o) he shall not sign or circulate any petition or statement addressed to any person or authority with regard to any matter concerning the Force except through the proper channel of correspondence to the senior officer of the Band;
  - (p) he shall not call or attend any unauthorised meetings to discuss any matter concerning the Force;
  - (q) he shall not receive any bribe;
  - (r) he shall not, directly or indirectly, solicit or receive any gratuity, present, subscription, or testimonial, without the consent of the Commissioner;
  - (s) he shall not feign or exaggerate any sickness or injury with a view to evading duty;
  - (t) he shall not wilfully or negligently cause any waste, loss or damage to any article of clothing or accoutrements, or to any book, document, or other property supplied by the Government, served out to him or used by him or entrusted to his care;
  - (u) he shall not fail to report any loss or damage specified in subparagraph (t), however caused;
  - (v) he shall not, whilst on or off duty, be under the influence of drink to such an extent as to be unfit for duty;
  - (w) he shall not without the consent of his superior officer, drink or receive from any other person any intoxicating liquor while he is on duty.
  - (x) he shall not demand, or endeavour to persuade any other person to give him, or to purchase or obtain for him, any intoxicating liquor while he is on duty.
  - (y) he shall not be in breach of any criminal law;
  - (z) he shall not connive at or knowingly be an accessory to any offence against discipline.

3. *Neglect of Duty* that is to say, an apprentice is in neglect of duty if he
- (a) improperly withholds any report or allegation against any member of the Force or any other apprentice;
  - (b) neglects, or without good and sufficient cause omits, promptly and diligently to attend to or carry out anything which is his duty as an apprentice;
  - (c) fails to report any matter which it is his duty to report;
  - (d) omits to make any necessary entry in any official document or book;
  - (e) neglects, or without good and sufficient cause, omits to carry out any instructions of a medical officer appointed under the *Civil Establishment (Part-time Officers) Order, 1980*, or while absent from duty on account of sickness is guilty of any act or conduct calculated to retard his return to duty; 1980/146.
  - (f) without reasonable excuse, is absent without leave from, or is late for, parade, court, or any other duty;
  - (g) while on or off duty in uniform in a public place, is improperly dressed or is dirty or untidy in his person, clothing or accoutrements.

