

HIGH COMMISSIONER'S NOTICE No. 99 OF 1927.

It is hereby notified for general information that, under and by virtue of the powers in him vested by section four of the Bechuanaland Protectorate Police Proclamation, 1927, His Excellency the High Commissioner has been pleased to make the following Regulations for the Bechuanaland Protectorate Police.

By Command of His Excellency the
High Commissioner.

B. E. H. CLIFFORD,
Imperial Secretary.

High Commissioner's Office,
Capetown, 23rd September, 1927.

BECHUANALAND PROTECTORATE POLICE.

GENERAL REGULATIONS.

1. The officers and men of the Bechuanaland Protectorate Police are to make themselves minutely acquainted with these regulations.

2. The Bechuanaland Protectorate Police is a Force raised for the maintenance of order and public security in the Bechuanaland Protectorate.

3. The Commandant shall be responsible for the efficiency, discipline, and internal economy of the Force, and may issue orders and prescribe the issue of books and registers for securing these objects.

Any contravention of the lawful orders of the Commandant issued by virtue of the authority hereby conferred upon him shall be treated as a contravention of these regulations.

4. All other officers will be held responsible to the Commandant for the efficiency, discipline, and internal economy of the units of which they are in command, and for the proper performance of any duty on which they are employed.

5. (1) The same deference and respect must be paid by members of the Force to Resident Magistrates or Assistant Resident Magistrates or any civil officer of higher rank in the Bechuanaland Protectorate public service (hereinafter referred to as the civil authority) as are accorded to commissioned officers.

(2) The civil authority may where necessary issue orders to any member or unit of the Force stationed in his district, but such orders should except in matters of urgency or of mere routine be issued through the officer or non-commissioned officer in command in the district. If in the opinion of any non-commissioned officer or officer to whom such order has been given the order is not consistent with his position as a member of the Force or with his duties he may request that the order be given in writing and the civil authority if he desires the order to be executed shall thereupon give it in writing and the member concerned shall proceed to carry it out without delay. He shall, however, immediately report the fact to his superior officer with a view to its being brought to the notice of the Commandant.

6. Any member of the Force who may be charged with the offence of contravening any regulation or with any of the offences in the schedule hereto may be tried by and before—

(a) the Court of the Resident Magistrate of the district in which such offence has been committed,

(b) a board consisting of three officers of the Bechuanaland Protectorate Police,

and shall upon conviction be liable to be punished as follows:—

(1) If the conviction shall be before the Court of the Resident Magistrate such Court may sentence the offender to be imprisoned with or without hard labour for a period not exceeding five years, or to pay a fine not exceeding one hundred pounds, and in default of payment thereof to be imprisoned with or without hard labour for any period not exceeding one year or to both such fine and imprisonment;

- (2) if the conviction shall be before a board of officers, such board may sentence the offender to a fine not exceeding fifty pounds or in default of payment thereof to imprisonment with or without hard labour for a period not exceeding six months or to imprisonment as aforesaid without the option of a fine or to both such fine and imprisonment.

The court or board above-mentioned may in addition to or in lieu of any of the penalties herein provided recommend that the offender be dismissed from the Force or may order the reduction of a non-commissioned officer to a lower or the lowest rank, provided that no European non-commissioned officer shall be reduced to any rank below that of second class sergeant.

7. Notwithstanding anything in regulation *six* contained, if any non-commissioned officer, trooper, or constable shall offend against any regulation it shall be lawful for any officer, if the offender is a non-commissioned officer, to punish him by reprimand, and if the offender is a trooper or constable to stop from the pay of such offender any sum not exceeding five pounds, or to sentence him to imprisonment with or without hard labour for any period not exceeding fourteen days; or any officer may take proceedings for the purpose of having such offender tried under regulation *six*, provided always that such offender shall, if he so request, have a right to be tried by the Court of Resident Magistrate of the district in which the offence was committed instead of being tried by such officer, and provided also that any officer who shall try any offender under the provisions of this section shall forthwith after such trial forward the proceedings in the case and full particulars thereof to the Commandant, who shall confirm, reduce, or cancel such punishment.

The Commandant may, in addition, order the reduction of a non-commissioned officer to a lower or the lowest rank, provided that no European non-commissioned officer shall be reduced to any rank below that of second class sergeant.

8. In case the offence alleged shall be too serious to be dealt with summarily as in regulation *seven* provided, the full particulars of the case shall be forthwith reported to the Commandant, who shall take steps to cause the person accused to be brought before the proper court or board, provided that nothing herein contained shall prevent the Commandant from withdrawing the charge against any such person before taking such steps should there in his opinion be just cause therefor.

9. In the trial of any offence under the powers conferred by regulation *six (b)* of these regulations, the board of officers shall in every respect conform as far as possible to the rules of procedure, including the rules of evidence, obtaining in Courts of Resident Magistrate.

10. An appeal shall lie from any judgment given or sentence imposed by an officer under regulation *seven* to the Court of Resident Magistrate of the district in which the offence was committed. All proceedings under regulation *six* shall be forthwith transmitted for review to the Resident Commissioner who shall be empowered on such review to reduce a sentence, to order a new trial or to quash a conviction.

11. Nothing in these regulations contained shall prevent any offender from being prosecuted otherwise than under the provisions of these regulations in all cases in which he would by law without these regulations be liable to such prosecution, but no member of the Force acquitted or convicted of any crime or offence under the provision of these regulations shall be liable to be again tried for any crime or offence arising from the same set of facts and circumstances.

12. Any native member of the Force may be dismissed at any time for good cause by the Commandant. Any European member of the Force may be dismissed by the Resident Commissioner in accordance *mutatis mutandis* with such procedure as may be prescribed in any regulation made under Proclamation No. 32 of 1924 governing the dismissal of officers from the public service:

Provided that the conviction of a member by a court or board of an offence under these regulations or by a court in the Protectorate of any offence shall, unless such conviction is quashed or set aside by competent authority be sufficient evidence for the purposes of the procedure herein referred to of the commission by the member of that offence.

13. If any non-commissioned officer or man shall absent himself without leave he shall, in addition to any other punishment, forfeit his pay for every day or part of a day on which he is so absent. He shall also lose pay for every day while in detention awaiting trial for an offence for which he is subsequently convicted and sentenced.

14. It is to be observed as an invariable rule that in the absence of a superior, his authority and responsibility devolve upon the next in rank unless otherwise specially directed. A due regard for discipline, therefore, renders it indispensable that every party or patrol, however small, proceeding upon any duty should have a responsible head, and it is to be understood that when there is no non-commissioned officer to take charge of the party any officer or non-commissioned officer will be at liberty to name a trooper or constable for the purpose, who shall be accountable for the proper performance of the duty and be obeyed accordingly. In default of any such special appointment, the senior trooper or constable is to take upon himself the command and be held responsible for the discharge of the required duty.

15. Every member of the Force is to receive the lawful commands of his superior with deference and respect, and to execute them with alacrity, and every superior in turn is to give his orders in temperate language, showing due regard for the feelings of those under his command, and inasmuch as it would be manifestly subversive of discipline were any member of the Force to be allowed to comment either favourably or otherwise upon the orders or official conduct of his superior, such a practice is prohibited.

16. Respect to superiors being essential to good discipline, all members of the Force are to salute all those entitled to this mark of respect.

17. Members of the Force shall not convey any complaint or grievance to persons not connected with the Force. Their remedy shall be by appeal to their immediate superiors, who shall forward any representations with a report to the Commandant, who will deal with the matter or pass it to the proper authorities.

18. If any of the members of the Force shall be discovered to be so un mindful of good order as to publish or cause to be published or by his indiscretion or want of due care lead to the publication in any newspaper, placard, or other public print of any letter, order, statement or return, or any extract, paragraph, or matter whatsoever, which he or any other member of the Force may have received from the Government, or from the Commandant, or other superior, or from any other quarter, without express authority to that effect, he shall be deemed guilty of a breach of orders and be dealt with accordingly.

19. It is equally prohibited to any member of the Force to address or be concerned in addressing to the Government or to the Commandant, any anonymous complaints or any animadversions upon individuals belonging to the Force.

20. Any man who has just cause for complaint against any member of the Force is to make a written statement thereof and send it to the officer or non-commissioned officer in charge of his unit, who will forward it to the Commandant with such observations or explanations as he may think necessary.

21. Members of the Force are all to understand that in preferring charges against their superiors they will expose themselves to severe penalties if their complaints should prove upon investigation to be groundless or vexatious, or to have sprung from a spirit of recrimination or from vindictive or personal or any other motive than a simple desire for the good of the Service.

22. No member of the Force should contract debts which he is unable or unwilling to discharge, and thereby fetter himself in the fearless and impartial discharge of his obligations as a peace officer. The Commandant may call on any member of the Force for a statement of his liabilities in order to satisfy himself that they are not such as to interfere with the performance of his official duties, and such debts as he directs to be paid shall be paid forthwith. Any member of the Force found to be heavily involved in debt will be liable to dismissal from the Force.

23. While reasonable allowance will be made for the mistakes that may occasionally be committed by members of the Force, it is to be remarked at the same time that as their efficiency may be impaired by habitual inattention or general incompetency or want of cordial co-operation with each other, the Resident Commissioner will be obliged to consider the removal from the Service of every officer, warrant officer, non-commissioned officer, or man who shall manifest a quarrelsome disposition or want of courage, talent, or zeal, although he may not be guilty of any violation of specific regulations.

24. Any member of the Force will equally endanger his position by seeking retirement from the Service or leave of absence or exemption from duty on a groundless or exaggerated plea of ill-health.

25. All damage to or loss of arms, equipment, saddlery, etc., must be paid for by the officer, non-commissioned officer, or man concerned, except where such damage or loss can be attributed to fair wear and tear or the exigencies of the Service, in which case an inquiry is to be held by the officer commanding the police detachment of the officer, non-commissioned officer, or man concerned, or his deputy, who will submit a report through the usual official channel for the decision of the Resident Commissioner.

26. Every member of the Force is expected to be perfectly acquainted with the drill instructions, which will be the same as those laid down in infantry training up to and including platoon drill, with the addition of instructions for mounted escorts and guards of honour, which will be the same as those laid down for mounted riflemen in the Defence Force of the Union of South Africa.

27. Medical attendance will be free to all members of the Force subject to the provisions of the Bechuanaland Protectorate Public Service Regulations published under High Commissioner's Notice No. 145 of 1925, as amended from time to time.

28. A stoppage of pay equal to the number of days in hospital will be made from the pay of any man admitted to the hospital on the certificate of a duly qualified practitioner that disease is due to alcoholism, or was the result of his own fault or neglect. On his discharge from hospital or treatment for alcoholism the officer commanding the police detachment to which he belongs will recommend as early as possible that he be dismissed from the Force.

29. Non-commissioned officers and men suffering from venereal disease will report themselves sick without delay. All recruits are to be specially warned of this regulation. Non-commissioned officers and men who, in the opinion of the medical officer, fail to report themselves without delay will be dealt with for disobedience of orders.

30. No member of the Force is allowed in any way to dispose of any article of uniform to any person who is not a member of the Force.

31. *Conditions of Service* (Europeans other than officers).—

- (a) The terms of engagement will be for two years, with subsequent re-engagement from year to year.
- (b) The rates of pay will be such as may from time to time be decided by the Resident Commissioner, with the approval of the High Commissioner.
- (c) Uniform will be provided free.

- (d) Quarters and equipment, as approved by the Resident Commissioner, will be provided free, but married quarters may not be provided for European non-commissioned officers who have married without having first obtained the permission of the commandant. Equipment is the property of His Majesty, and must be returned to store when worn out or on discharge of the man to whom it is issued.
- (e) Leave of absence will be granted in terms of the Leave Regulations of the Bechuanaland Protectorate Administration.
- (f) All promotions and reductions in rank of European members of the Force must be submitted to the Resident Commissioner for approval.
- (g) European police may not marry until they shall have completed three years' service, and then only after obtaining permission from the Commandant. Any member of the Force who marries without having obtained such permission may, subject to the approval of the High Commissioner, be dismissed from the Force.
- (h) A warrant officer, non-commissioned officer, or constable may purchase his discharge at any time, provided the Resident Commissioner approves, at the following rates: During the first year of service, £10; during the second or subsequent years of service, £5; provided that the Resident Commissioner shall have the right to grant a free discharge at any time when specially recommended.
- (i) European Police must be passed prior to enlistment by a medical officer approved by the Bechuanaland Protectorate Administration as physically and mentally sound and fit for police service.
- (j) European police must be between the ages of eighteen and thirty-five years on enlistment.

32. *Conditions of Service (Natives).—*

- (a) Enlistment will be for twelve months, with the option of subsequent re-engagement from year to year for a similar period, if approved by the Commandant.
- (b) The rates of pay will be such as may from time to time be decided upon by the Resident Commissioner, with the approval of the High Commissioner.
Native police will receive a free issue of equipment and clothing, as approved by the Resident Commissioner, which remains the property of His Majesty, and must be returned to store when worn out or on discharge of the man to whom issued.
- (c) A native member of the Force may purchase his discharge, with the consent of the Commandant, upon the payment of 5s. for every unexpired month of service, provided that the Resident Commissioner may grant a free discharge at any time when specially recommended.
- (d) A native member of the Force desirous of re-engaging shall give at least one month's notice of his desire to do so.
- (e) Leave of absence will be granted in terms of the Leave Regulations applicable to native employees of the Bechuanaland Protectorate Administration.
- (f) Native members of the Force must be passed prior to enlistment by a medical officer approved by the Bechuanaland Protectorate Administration as physically and mentally sound and fit for police service.
- (g) Native members of the Force must be between the ages of eighteen and thirty-five years on enlistment.

33. Any expression to which a meaning is assigned by the Bechuanaland Protectorate Police Proclamation, 1927, shall, unless the context otherwise requires, have the same meaning in these regulations.

SCHEDULE OF OFFENCES.

1. Beginning, inciting, causing, or joining in any mutiny or sedition.
2. Being present at any mutiny or sedition and not using his utmost endeavour to suppress the same.
3. Conspiring with any other person to cause mutiny or sedition.
4. Knowing of any mutiny or sedition and failing to give, without delay, information to a superior officer.
5. Striking or offering violence or using threatening or insubordinate language to a superior officer in the Force.
6. Disobedience to any order lawfully given and conveyed to him.
7. During the period for which he shall have engaged to serve in the Force deserting from the same, or refusing to serve therein, or advising or persuading any other member of the Force to desert from the same, or knowingly receiving or entertaining any deserter and not immediately on discovery giving information to his superior officer or taking other means to cause such deserter to be apprehended.
8. Misbehaving before the enemy, or shamefully abandoning or delivering up any fort, post, camp, station, or guard committed to his charge, or which it was his duty to defend, or inciting any other person to do so.
9. Discharging any fire-arms, making any signal, or by other means whatsoever intentionally occasioning a false alarm in action, camp, or quarters.
10. Casting away his arms in the presence of an enemy.
11. Being asleep on duty or absenting himself from duty before being regularly relieved.
12. Without proper authority releasing any prisoner or suffering him to escape.
13. Disclosing verbally or in writing any information which it was his duty not to disclose.
14. Drunkenness.
15. Malingering, feigning, or producing disease or infirmity, or wilfully maiming or injuring himself or any other member of the Force, whether at the instance of such other member or not, or causing himself to be maimed or injured by any other person with intent thereby to render himself or such other member unfit for service.
16. Taking any bribe or gratuity whatever.
17. Selling, pledging, or otherwise disposing of any saddle, bridle, gun, clothing, ammunition, or other article or equipment which, by the regulations of the Force for the time being, he shall be required to keep and possess.
18. Neglecting to take proper and reasonable care of horses, arms, equipment, and any Government property entrusted to him.
19. Neglecting to carry out properly any duty imposed upon him as a peace officer by any law in force in the Bechuanaland Protectorate.
20. Absenting himself without leave.
21. Making a false statement on attestation.
22. Using unnecessary violence to or upon any prisoner or person liable to detention in custody.
23. Abusive or tyrannical conduct towards an inferior in rank.
24. Making a false return, statement, or accusation, or being privy thereto, or making any alteration or erasure in or omission from any official document with intent to deceive, or making any false entry in any official book or diary, or omitting to make an entry therein as to the performance of any duty or matter which ought to be so entered.
25. Carrying on any trade or business in the Bechuanaland Protectorate either directly or indirectly, or allowing his wife to do so.
26. Selling or exchanging a troop horse without first obtaining the permission of an officer.
27. Conduct to the prejudice of good order and discipline.