

HIGH COMMISSIONER'S NOTICE No. 212 OF 1937.

It is hereby notified for general information that, under and by virtue of the powers in him vested by section *six* of the Bechuanaland Protectorate Police Proclamation, 1937, His Excellency the High Commissioner has been pleased to make the following regulations for the Bechuanaland Protectorate Police.

High Commissioner's Notice No. 99 of 1927, No. 129 of 1928, and No. 133 of 1936, are hereby cancelled, subject, however to the provisions of section *nineteen* of the Bechuanaland Protectorate Police Proclamation, 1937.

By Command of His Excellency
the High Commissioner.

H. E. PRIESTMAN,
Administrative Secretary.

High Commissioner's Office,
Pretoria, 17th December, 1937.

BECHUANALAND PROTECTORATE POLICE.
GENERAL REGULATIONS.

Preliminary.

1. All expressions used in these Regulations for Definitions.
which definitions are given in the Bechuanaland
Protectorate Police Proclamation 1937, shall have
the same meaning as is given to them in such
definitions.

PART I.

Duties.

2. Inspectors shall have the superintendence and Duties of
control of that portion of the Force that may be Inspectors.
placed under their charge, subject to the authority
conferred by these Regulations, and will be held
responsible to the Commandant for the efficiency,
discipline and interior economy of their commands.
They shall communicate personally and frequently
with the District Commissioners within their
commands, so that they may be kept fully
acquainted with every matter of importance
affecting the public peace within their jurisdiction.

3. It shall be the duty of every member of the Duties of
Force promptly to obey and execute all orders and Members of
warrants lawfully issued to him by any competent the Force.
authority, to collect and communicate intelligence
affecting the public peace, to prevent the commis-
sion of offences and public nuisances, to detect and
bring offenders to justice, and to apprehend all
persons whom he is legally authorised to apprehend,
and for whose apprehension sufficient grounds exist.

4. Every member of the Force in charge of a Members of
police station shall keep a general diary and the Force
occurrence book in such form as the Commandant to keep
may from time to time direct, and shall record prescribed
therein all complaints and charges preferred, the books and
names of persons arrested, the offences charged to render
against them, the weapons or property which shall returns.
have been taken from their possession or otherwise,
the names of the complainants, and the names of
any witnesses who shall have been examined, and
shall keep such further books and records and shall
render such returns to the Commandant as the
Commandant may from time to time direct.

- Members of the Force to pay due deference to Civil Officers. 5. Every member of the Force must pay due deference and respect to all Civil Officers of the Bechuanaland Protectorate Service.
- Members of the Force always on duty. 6. Every member of the Force shall, for all purposes of these Regulations, be considered to be always on duty, and may at any time be employed as a member of the Force in any part of the Protectorate.
- Members of the Force to lay information and apply for process. 7. It shall be lawful for any member of the Force to lay information before a magistrate, and to apply for a summons, search warrant, or such other legal process as may by law issue against any person committing an offence.
- Administrative officers to render returns etc., in certain places. 8. The Administrative officer in charge of any place where there is a detachment of police but where there is no European member of the Force in charge shall keep such books and shall render such returns to the Commandant as the Commandant may from time to time direct.
- Duties of Police Messengers. 9. Police Messengers shall perform such duties as may, from time to time, be assigned to them. They shall not, however, have power to arrest or to issue process. There is nothing to preclude the enrolment of Police Messengers, in cases of emergency, to act as Special Constables for such time as may be specified by an official duly authorised to appoint Special Constables.

PART II.

Enlistment, Discharge and Service.

- Engagement European Ranks. 10. The terms of engagement for European ranks will be for two years on probation, and thereafter to serve continuously for an indefinite period; subject however to the powers of the Commandant to extend the probationary period should he think fit.
- Engagement Native Ranks and Messengers. 11. The term of engagement for Native ranks and Messengers 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, and subject to such option being exercised at least two months before the expiration of the current contract.
- Pay. 12. The rates of pay will be such as may from time to time be decided by the Commandant with the approval of the High Commissioner.
- Uniform and Equipment. 13. All members of the Force, other than officers, will be provided with free uniform and equipment. Such uniform and equipment remains the property of His Majesty and must be returned to store when worn out or on the discharge of the man to whom it was issued.
- Quarters. 14. Quarters will be provided free, but married quarters will not be provided for European non-commissioned officers or men who have married without first having obtained the permission of the Commandant.
- Leave. 15. Leave of absence will be granted in terms of the Leave Regulations of the Bechuanaland Protectorate Administration.

16. A European member of the Force may purchase his discharge at any time, provided the Commandant approves, at the following rates—during the first year of service £10; during the second or subsequent year of service £5.

Discharge
by Pur-
chase.

A native member of the Force or Police messenger may purchase his discharge at any time, subject to the approval of the Commandant, upon the payment of 5s. for every unexpired month of his contract;

Provided that the Commandant may grant a free discharge to any member of the Force at any time when specially recommended.

17. Prior to enlistment, all intending Members of the Force must be passed by a medical officer approved by the Bechuanaland Protectorate Administration as physically and mentally sound and fit for police service anywhere in the Protectorate.

Medical
Examina-
tion.

18. On enlistment European members of the Force must be between the ages of 20 and 26, and native members of the Force and Police messengers between the ages of 18 and 30.

Age on
Enlist-
ment.

19. Any commissioned officer or warrant officer may be dismissed by the Resident Commissioner in accordance *mutatis mutandis* with such procedure as may be described in any regulation made under Proclamation No. 32 of 1924 governing the dismissal of officers from the public service; provided that the conviction of an officer or warrant officer by a Court or a 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 purpose of the procedure herein referred to, of the commission by the officer or warrant officer of that offence.

Dismissal
of Officers
and
Warrant
Officers.

20. Any European member of the Force below the rank of Warrant Officer may be discharged by the Commandant at any time—

Discharge
of
European
Police by
order of the
Comman-
dant.

(a) without pension or gratuity—

(i) if, before completing his probationary period, he is pronounced by a Government Medical Officer to be mentally or physically unfit for further service;

(ii) if, before completing his probationary period, the Commandant shall consider that he is unlikely to become an efficient policeman;

(iii) if he has by sentence of a Court or Board been recommended for dismissal from the Force for misconduct, provided that dismissal under the provisions of this paragraph shall be subject to the prior approval of the High Commissioner;

(iv) on conviction by a Court of a District Commissioner for a criminal offence, provided that dismissal under the provisions of this paragraph shall be subject to the prior approval of the High Commissioner;

(b) with pension or gratuity according to length of service and in accordance with the regulations for the time being in force—

(i) if the Commandant shall consider after enquiry by a Board of Officers that he has ceased to be an efficient Police Officer;

- (ii) if he is pronounced by a Government Medical Officer to be mentally or physically unfit, not through his own misconduct, for further service;
- (iii) on reduction of establishment.

Provided that dismissal under the provisions of paragraph (i), (ii), or (iii), hereof shall be subject to the prior approval of the High Commissioner.

Discharge of Native Members of the Force. 21. Any native member of the Force or Police Messenger may be discharged by the Commandant at any time—

- (i) if the Commandant shall consider that he is unlikely to become or has ceased to be an efficient member of the Force;
- (ii) if he is pronounced by a Government Medical Officer to be mentally or physically unfit for further service;
- (iii) if he has by sentence been recommended for dismissal from the Force for misconduct;
- (iv) on reduction of establishment;
- (v) on conviction by a Court of District Commissioner for a criminal offence.

Prolongation of Service 22. Any member of the Force whose period of service expires during a state of war, insurrection or other emergency for which his services are required, may be retained for such further period not exceeding one year as the Commandant may direct before being granted his discharge.

Members of the Force not to be engaged in other employment. 23. No member of the Force shall, without the consent of the Commandant, engage in any employment or office whatever other than his duties under these Regulations.

Declaration on Enlistment. 24. Every member of the Force shall on joining the Force make the following declaration in such manner as he may declare to be most binding on his conscience :—

I, A.B., do solemnly and sincerely declare that I will be faithful and bear true allegiance to His Majesty King George the Sixth, his heirs and successors, and I will faithfully serve His Majesty the King, his heirs and successors, during my service in the Bechuanaland Protectorate Police, and will obey all orders of the High Commissioner and of the officers placed over me and will subject myself to all Proclamations, Regulations and Orders relating to the Police Force now in force or which may from time to time be in force.

Signature or Mark :
.....

Declared at.....this.....day
of.....

Before me :

.....
Signature of Officer or Commissioner
of Oaths.

This declaration shall be made before a Commissioner of Oaths or Commissioned Officer of Police.

PART III.

Discipline.

25. Any member of the Force or Police Messenger who commits any of the offences mentioned in the Schedule in Part IV of these regulations shall be deemed to have committed an offence against discipline, and such offence shall be enquired into, tried and determined, and the offender shall in every case suffer such punishment, according to the degree and nature of the offence, as may be awarded in accordance with the following provisions:—

**Crime and
Punish-
ment.**

Provided that nothing in these Regulations shall be construed to exempt any person subject to these Regulations from being proceeded against by the ordinary course of law when accused of any offence punishable under any other law in force in the Protectorate.

26. Any Commissioned Officer of Police may examine into the truth of any such charge as aforesaid, and if his decision is against the accused he may impose on him any one or more of the following punishments:—

**Powers
Officers.**

- (1) In the case of Warrant Officers, Reprimand.
- (2) In the case of European, Non-commissioned Officers:
 - (a) Reprimand or Severe Reprimand.
 - (b) Fine not exceeding five pounds.
- (3) In the case of European Troopers:
 - (a) Admonition.
 - (b) Fine not exceeding five pounds.
 - (c) Confinement to Barracks for a period not exceeding seven days.
 - (d) Extra guards and fatigues where the offence is of a trivial nature.
- (4) In the case of Native members of the Force and Police Messengers:
 - (a) Admonition.
 - (b) Reprimand or Severe Reprimand (in the case of Non-commissioned Officers).
 - (c) Fine not exceeding forty shillings.
 - (d) Confinement to Barracks for a period not exceeding fourteen days.
 - (e) Extra guards or fatigues where the offence is of a trivial nature.

27. Any officer who shall sentence an offender under the provisions of the foregoing Regulation, except when such sentence is one of admonition or to undergo extra guards and fatigues, shall forthwith after such trial forward the proceedings in the case and full particulars thereof to the Deputy-Commandant, who shall confirm, or may vary or cancel the punishment. The Commandant may in addition to any sentence imposed order the reduction of a non-commissioned officer to a lower or the lowest rank.

**Confirma-
tion of
Sentence.**

28. An appeal shall lie from any judgment given or sentence imposed under Regulation 26 to the Commandant. Such appeal must be lodged with the officer who tried the case within three days of conviction.

Appeal.

29. The Commandant may, in his discretion, limit the powers of punishment of Cadet Assistant Inspectors.

**Limitation
of Powers
of Cadet
Officers.**

Powers of District and Assistant District Commissioners. 30. District Commissioners and Assistant District Commissioners shall have the same powers as a Police Officer in cases when there is no Police Officer available to try members of the Force for offences against discipline.

Procedure in cases of grave or repeated offences. 31. In every case where it shall appear to the officer investigating any charge under Regulation 26 that the offence which the accused has committed would, by reason of its gravity or by reason of repeated offences or for any other reason not be adequately punished with any of the punishments in that sub-section provided, such officer shall defer passing sentence and shall report the proceedings to the Commandant. The Commandant may return the report for such further inquiry as he may deem necessary, or he may order the accused to be tried by and before—

Superior Tribunals. (a) the Court of a District Commissioner of the Bechuanaland Protectorate;

District Commissioner's Court. (b) a board consisting of three officers of the Bechuanaland Protectorate Police.

Board of Officers. 32. Upon conviction by either of the above Tribunals the offender shall be liable to the punishment set out in section *thirteen* of the Proclamation.

Punishment by Superior Tribunals. The Court or Board mentioned above may in addition to or in lieu of any of the penalties herein provided recommend that the offender be dismissed from the Force, or be reduced, in the case of a warrant or non-commissioned officer, to a lower or the lowest rank.

Procedure, Boards of Officers. 33. In the trial of any offence under the powers conferred by Regulation 31 (b) of these regulations, the board shall in every respect conform as far as possible to the rules of procedure, including the rules of evidence, obtaining in Courts of a District Commissioner, and shall have and possess similar powers to summon witnesses and to call for the production of documents.

Appeal from Superior Tribunals. 34. An appeal shall lie from any judgment given or sentence imposed by a District Commissioner's court under Regulation 31 (a) to the Special Court in the ordinary way.

An appeal shall lie from any judgment given or sentence imposed by a board under Regulation 31 (b) to the Resident Commissioner who shall be empowered on such appeal to approve or reduce a sentence, to order a new trial, or to quash a conviction.

Interdiction pending enquiry. 35. Any member of the Force may be interdicted from duty at any time by the Commandant pending any proceedings under these regulations, but shall not, by reason of such interdiction, cease to be a member of the Force.

Provided that the powers, privileges and benefits vested in him as a member of the Force shall, during his interdiction, be in abeyance, but he shall continue to be subject to the same responsibilities, discipline and penalties and to the same authority as if he had not been interdicted.

Provided further that the Commandant may, in his discretion, order payments to such officer of an allowance during the period of interdiction, and if

the proceedings ultimately terminate in his favour, the Commandant shall order the payment to such officer in full of his emoluments for the whole period of his interdiction, less any allowance already drawn.

36. 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 was so absent. He shall also lose pay for every day while in detention awaiting trial for any offence for which he is subsequently convicted and sentenced, and while in custody serving any period of imprisonment imposed by virtue of such conviction and sentence.

Forfeiture
of pay
for absence
without
leave.

37. Stoppage of pay equal to the number of days in hospital may be made from the pay of any man admitted to hospital on the certificate of a duly qualified practitioner that he has been suffering from venereal disease or that the disease from which he is suffering is due to alcoholism, or was the result of his own fault or neglect. In the case of a man treated for alcoholism the officer commanding the detachment to which he belongs will recommend as early as possible that he be dismissed from the Force.

Forfeiture
of pay for
Alcoholism
and
Venereal
Disease.

38. 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.

Complaints
not to be
made to
outside
persons.

39. If any of the members of the Force shall be discovered to be so unmindful 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.

Publica-
tion of
official
matter.

40. 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.

Anonymous
com-
plaints.

41. Any man who has just cause for complaint against any member of the Force shall 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.

Complaints
to be made
through
proper
channels.

42. Members of the Force shall 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.

Frivolous
com-
plaints.

Debt. 43. 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.

Incom-
petency. 44. 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 Commandant 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.

Damage to
and loss
of Arms,
Equipment,
etc. 45. 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 Commandant.

Venereal
Diseases. 46. 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.

PART IV.

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, rifle, 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. Without the consent of the Commandant, carrying on any trade or business in the Bechuanaland Protectorate either directly or indirectly.

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.