

BECHUANALAND PROTECTORATE.

No. 69 of 1937.

(Promulgated 17th December, 1937.)

PROCLAMATION

BY HIS EXCELLENCY THE HIGH COMMISSIONER.
Entitled the Bechuanaland Protectorate Police
Proclamation, 1937.

Whereas it is expedient to make provision for the organisation, discipline, powers and duties of the Bechuanaland Protectorate Police and for matters incidental thereto,

Now therefore, under and by virtue of the powers in me vested I do hereby declare, proclaim and make known as follows:—

1. In this Proclamation, unless inconsistent with Definitions the context—

“The Force” shall mean the Police Force established under this Proclamation.

“Commandant” shall mean the Commandant of the Force appointed under this Proclamation or any officer appointed to act temporarily in his place.

“Officer” shall mean a commissioned officer of the Force.

“Inspector” shall mean an Inspector of Police, and shall include Assistant Inspector and Cadet Assistant Inspector.

“Warrant Officer” shall mean Sergeant Major and shall include Staff Sergeant Major and Regimental Quarter-Master Sergeant.

“Non-Commissioned Officer” shall mean any member of the Force below the rank of warrant officer and above the rank of Trooper or Constable.

“Trooper” or “Constable” shall mean any member of the Force below the rank of non-commissioned officer.

“Member of the Force” shall mean any officer, warrant officer, non-commissioned officer, trooper, constable or special constable serving in the Force.

“Regulations” shall mean the regulations made under section *nine* of this Proclamation.

“Special Constable” shall mean any person appointed as such in terms of section *six* of this Proclamation.

“Police Messenger” shall mean any person appointed as such in terms of section *seven* of this Proclamation.

2. The Force (to be known as the Bechuanaland Protectorate Police) shall be formally enrolled and shall be so constituted and organised and of such strength as the High Commissioner may from time to time direct.

Constitu-
tion of
Force.

3. The Force shall be employed in and through- out the Protectorate for preserving the peace, for the prevention and detection of crime, and for the apprehension of offenders against the peace; and for the performance of such duties shall be entitled

Function
of Force.

to carry arms. Members of the Force shall have all the powers and duties which are conferred and imposed upon Members of the Force by any law having effect in the Bechuanaland Protectorate.

Employment of Force in times of emergency.

4. (1) The High Commissioner may, in case of war or other emergency, employ the Force or any part thereof in the defence of the Protectorate. Provided that, for the purposes of interior economy and discipline, the Force shall remain under the command of the Commandant, or of such officer of the Force as may be appointed by the Commandant.

(2) When called upon to serve with regular troops, the Force, or such part thereof as may be so employed, shall be subject to military law.

Personnel.

5. The Force shall, unless otherwise ordered by the High Commissioner, consist of the following ranks:—

European:

A Commandant.
A Deputy Commandant.
Inspector.
Assistant Inspector.
Cadet Assistant Inspector.
Warrant Officer.
Sergeants.
Corporals.
Troopers.

Native:

Corporals.
Troopers.

The Commandant may, in his discretion, make lance appointments.

Appointment of Special Constables.

6. The Commandant, or subject to the approval of the Commissioner or Assistant District Commissioner may, on the occurrence of any riot or disturbance of the public peace, or in any public emergency, or whenever there are reasonable grounds for anticipating such occurrence or emergency, or whenever it is necessary for the arrest, detention or transport of persons liable to detention in custody, appoint so many fit and proper persons as may be deemed expedient to act as Special Constables for a specified time, and every such person shall, while so acting, be vested with the same powers, functions and responsibilities, and shall be subject to the same discipline and authority as a member of the Force.

Appointment of Police Messengers.

7. The Commandant may from time to time appoint and remove Police Messengers as he may think necessary; such Police Messengers shall be subject to the same discipline and authority as members of the Force and shall undertake such duties as shall be imposed upon them by the Commandant from time to time.

Police for Departmental Duties.

8. The High Commissioner may from time to time cause such number of men as he shall think fit to be enrolled for special departmental duties. Such men shall be members of the Force within the meaning of this Proclamation and shall perform all such duties as the Resident Commissioner may from time to time direct.

9. The High Commissioner may from time to time make, alter and repeal regulations relative to the enlistment, discipline, discharge, training, arms and accoutrements, clothing and equipment of the Force, and relative to all such matters as are necessary for promoting its discipline and efficiency and may by such regulations provide for the trial of members of the Force by any of the Courts of the Bechuanaland Protectorate, or by officers or boards of officers for offences thereunder and may specify the punishments, whether of fine, imprisonment with or without hard labour, degradation or dismissal from the Force, or any two or more such punishments which may be imposed by such Courts or by such officers or boards of officers for any such offence.

High Commissioner to make regulations.

10. The Commandant shall, subject to the directions of the High Commissioner and to the provisions of this Proclamation and of the Regulations, have entire command, superintendence, direction and control of the Force, and may make such appointments, promotions and reductions in ranks and grades, other than those of officers, as he may see fit.

General powers of the Commandant.

11. The Commandant shall from time to time issue orders and prescribe the issue of books and registers for securing the efficiency, discipline, and interior economy of the Force.

Commandant to issue orders.

12. Any act or thing which may be done, ordered, or performed by the Commandant may, subject to the orders and directions of the Commandant, be done, ordered or performed by the Deputy Commandant.

Delegation of Commandant's Authority.

13. Any contravention of the lawful orders of the Commandant, Deputy Commandant, or any officer, warrant or non-commissioned officer shall be deemed an offence, and any member of the Force or a police messenger on conviction by such competent court or Board as may be constituted under the regulations for the trial of such offences shall—

Contravention of Commandant's orders.

- (1) If the conviction be before the Court of a District Commissioner be liable 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 to be imprisoned 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, be liable 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.

14. The Commandant or any officer of the Force may for the purpose of the trial by him, or by a board of officers of which he is a member, of any member of the Force under the regulations summon any person to attend as a witness at such trial, and may at such trial take the evidence on oath of any witness.

Power to compel witness.

Failure to attend as witness and perjury.

15. Any person so summoned as a witness at such trial who fails to attend at the time and place mentioned in the summons and any witness who refuses to answer any question that may be lawfully put to him at such trial shall be liable on conviction before a Court of District Commissioner to such penalty as he would have been liable to if he had failed upon lawful summons to attend any trial at the Court of District Commissioner of the District in which such trial was held, or, being a witness at a trial before a Court of District Commissioner, had refused to answer any question lawfully put to him thereat; and if at any trial referred to in this Proclamation any witness on oath make any false statement material to the issue knowing the same to be false, he shall be guilty of and liable upon conviction to the penalties for the crime of perjury.

Witness expenses.

16. Necessary witnesses, other than members of the Force or of the Bechuanaland Protectorate Public Service, called either for the prosecution or for the defence shall be paid such fees or given such food rations as may from time to time be allowed to witnesses appearing before Courts of District Commissioners. Witnesses called for the defence in manner otherwise than by summons whose evidence was not in the opinion of the officer presiding at the trial material shall not be paid such fees or given such food rations.

Various offences by who— persons not being members of Force.

17. Any person not being a member of the Force
- (a) by words, conduct or demeanour, pretends that he is a member of the Force; or
 - (b) agrees with, or induces, or attempts to induce, any member of the Force to omit to carry out his duty, or to do any act in conflict with his duty; or
 - (c) supplies any member of the Force, while on duty, with intoxicating liquor; or
 - (d) is a party to or aids or abets or incites to the commission of any act whereby any lawful order given to any member of the Force or any regulation may be evaded; or
 - (e) by any means whatsoever directly or indirectly procures or persuades any member of the Force to desert or who aids or abets or is accessory to the desertion of any member of the Force or who, having reason to believe that any man is a deserter, harbours such deserter or aids him in concealing himself, or aids or assists in his rescue; or
 - (f) shall knowingly detain, buy, exchange, or receive from any member of the Force or deserter, or any person acting for or on his behalf, or who shall solicit or entice any member of the Force, or who shall be employed by any member of the Force or deserter, knowing him to be such, to sell, make away with or dispose of any arms, ammunition, clothing, accoutrements, medals or other appointments furnished for the use of the Force, or food or rations issued to any member of the Force, or who shall have in his possession any such arms, ammunition, clothing, accoutrements, medals, appointments, food or rations, and shall not give a satisfactory account of how he came by them;

shall be liable on conviction before a Court of District Commissioner to a fine not exceeding fifty pounds, or, in default of payment, to imprisonment with or without hard labour for a period not exceeding six months.

18. All the provisions of this Proclamation and of the Regulations which may at any time be made in pursuance thereof shall extend to all persons who join the Force after the commencement of this Proclamation, and to those persons who at the commencement of this Proclamation shall be serving in the Force who within six months of the commencement of this Proclamation elect in writing to be subject to the provisions of this Proclamation and the Regulations. All members of the Force who shall not so elect shall remain subject to the terms of their engagement as defined before the taking effect of this Proclamation.

Application of Proclamation to existing Force.

Provided that any person who at the commencement of this Proclamation is serving in the Force and who is subsequently promoted in rank or who re-engages for a further term of service shall on such promotion or re-engagement be deemed to be subject to the provisions of this Proclamation and the Regulations.

19. Proclamation No. 41 of 1927, Proclamation No. 39 of 1935 and Proclamation No. 8 of 1936 shall be and are hereby repealed, except in so far as those members of the Force are concerned who have not exercised their power of election under section *eighteen*, provided that any proceedings commenced and pending under the aforementioned Proclamations shall be continued as if this Proclamation were not in force.

20. This Proclamation may be cited as the Bechuanaland Protectorate Police Proclamation 1937, and shall have force and take effect from the date of its publication in the *Gazette*.

GOD SAVE THE KING.

Given under my Hand and Seal at Pretoria this Eleventh day of December One thousand Nine hundred and Thirty-seven.

W. H. CLARK,
High Commissioner.

By Command of His Excellency
the High Commissioner.

H. E. PRIESTMAN,
Administrative Secretary.