

Seychelles

Police Force Act Chapter 172

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Seychelles

Police Force Act Chapter 172

Commenced on 23 November 1959

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Part I – Preliminary

1. Short title

This Act may be cited as the Police Force Act.

2. Interpretation

In this Act, unless the context otherwise requires

"**arms**" includes firearms;

"**Force**" means the Seychelles Police Force as by law established;

"**non-commissioned officer**" means a police officer of the rank of sergeant;

"**police**" or "the police" means a member or members of the Force;

"**Police Constable Cadet**" means a person appointed by the Commissioner of Police under the provisions of [section 12](#);

"**police officer**" means any member of the Force;

"**public place**" includes any public way and any building, place or conveyance to which for the time being the public are entitled or permitted to have access, either without any condition or upon condition of making any payment, and any building or place which is for the time being used for any public or religious meeting or assembly or as an open court

"**public way**" includes any highway, market place, square, street, bridge or other way which is lawfully used by the public;

"**subordinate officer**" means any police officer below the rank of Assistant Superintendent;

"**Senior officer**" means any police officer of or above the rank of Assistant Superintendent.

Part II – Constitution and administration

3. Continuation of existing Police Force and application of Act thereto

The Police Force existing on the day immediately preceding the date of commencement of this Act by virtue of the provisions of any provisions written new, shall be continued under this Act as the Seychelles Police Force, and the members of such Force shall be subject to the provisions of this Act as though such Force had been established thereunder, and such Force shall accordingly be deemed to have been established under this Act.

4. Constitution of Police Force

The Seychelles Police Force shall consist of such number of police officers as may from time to time be approved by the President and enrolled in the Force.

5. Ranks and seniority

(1) The Force shall consist of the undermentioned ranks in the following order of seniority—

Commissioner of Police
Deputy Commissioner of Police
Chief Superintendent Superintendent
Assistant Superintendent
Chief Inspector
Inspector
Sub-Inspector
Sergeant Major
Sergeant
Corporal
Lance Corporal
Constable

Provided that the President may from time to time, by notice in the *Gazette* amend, add to or vary such ranks.

(2) The listing of the above ranks in their order of seniority shall not be construed as creating an obligation for the appointment or promotion of any person to any of the ranks.

6. Functions of police

The Force shall be employed in Seychelles for the maintenance of law and order, the preservation of peace, the prevention and detection of crime, and the apprehension of offenders, and for the performance of such duties police officers may carry arms.

7. Employment of police in time of emergency

- (1) The President may in case of war, or other emergency, employ the Force, or any part thereof, to serve with the Defence Forces or otherwise, in the defence of Seychelles.
- (2) When called upon to serve with the Defence Force, the Force or such part thereof as may be so employed, shall be subject to military law (being the law to which members of the Defence Force are subject).

8. General powers of Commissioner of Police

- (1) The Commissioner of Police shall, subject to the orders and directions of the President, have the command, superintendence, direction and control of the Force, and may, subject to the provisions of this Act make such appointments, promotions, and reductions in ranks and grades of subordinate officers as he may deem fit.

- (2) The Commissioner of Police may subject to any orders and directions of the President, from time to time, make orders for the general government of police officers in relation to their enlistment, ranks, duties, transfer (including expenses in connection therewith), discharge, training, arms and accoutrements, clothing and equipment and places of residence as well as their distribution and inspection and such other orders as he may deem expedient for promoting the efficiency and discipline of such police officers.
- (3) Any act or thing which may be done, ordered or performed by the Commissioner of Police may, subject to the orders and directions of the Commissioner of Police, be done, or performed by a Senior officer.

9. Administration of police

- (1) The administration of the Force throughout Seychelles shall, subject to the orders and directions of the President, be vested in the Commissioner of Police.
- (2) The control of the police in any place shall be vested in such police officer as may be appointed by the Commissioner of Police to be in charge thereof. Such officers shall be subordinate to and carry out the orders of the Commissioner of Police in all matters connected with discipline, internal administration, and training of the police under him.

10. Police officers to keep prescribed books and to render returns

Every police officer in charge of a police station shall keep such books and records and shall render such prescribed returns to the Commissioner of Police as the Commissioner of Police may from time to time direct.

11. Stores

Every police officer shall be responsible for all public stores and public moneys issued and delivered for the use of the detachment under his command, and shall account for the same to the Commissioner of Police.

Part III – Appointments, declaration, service and discharge

12. Appointments of Police Constable Cadets

- (1) The terms of appointment, conditions and length of service, discipline and other matters connected with the appointment and termination of Police Constable Cadets shall be prescribed by regulations.
- (2) A Police Constable Cadet shall not be a police officer for the purposes of this Act.

13. Oath of office to be taken by Commissioner of Police

The Commissioner of Police shall, as soon as possible after assuming the duties of his office, take the oath in the manner prescribed by the Official Oaths Act.

14. Declaration on enlistment

Every police officer under the rank of Commissioner of Police shall on joining the Force, make and sign the following declaration before the Commissioner of Police in such manner as he may declare to be most binding on his conscience:—

"I _____ (name) do swear/do solemnly affirm, that I will well and truly serve the President and Republic of Seychelles during my service in the Seychelles Police Force: that I will subject myself to all Acts, Orders and regulations relating to the said Force from time to time in force and will discharge all the duties of a police officer according to law without fear or favour, affection or ill-will."

15. Police officer not to engage in other employment

No police officer shall, without the consent of the Commissioner of Police, engage in any other employment or office.

16. Police officer not to resign without permission

No subordinate officer may resign from the Force unless expressly authorised in writing so to do by the Commissioner of Police.

Provided that a subordinate officer who has served in the Force for more than five years may resign on giving to the Commissioner of Police not less than three months' notice in writing of his intention.

17. Prolongation of service in case of war, etc

Any police officer whose period of service expires during a state of war, hostilities, insurrection or emergency, may be retained and his service prolonged for such further period as the President may direct.

18. Discharge of subordinate officers

- (1) Any subordinate officer may be discharged by the Commissioner of Police at any time—
 - (a) if, before being confirmed in a pensionable office, the Commissioner of Police shall consider that he is unlikely to become an efficient police officer;and, subject to the approval of the President,
 - (b) on medical evidence to the satisfaction of the President that he is incapable by reason of some infirmity of mind or body of discharging his duties and that such infirmity is likely to be permanent;
 - (c) upon conviction for any offence and sentence in respect thereof to imprisonment without the option of a fine or on conviction for an offence involving fraud, dishonesty, or moral turpitude;
 - (d) on the abolition of his office;
 - (e) for the purpose of facilitating improvement in the organisation of the officer's department or of the Force, by which greater efficiency and economy can be effected;
 - (f) if the Commissioner of Police shall consider that he has ceased to be an efficient police officer.
- (2) A subordinate officer when discharged under subsection (1) shall, except in cases arising under paragraph (c), be given one month's notice in writing or one month's pay in lieu thereof, if he has not been confirmed in a pensionable office, and if he has been so confirmed he shall be given three months' notice in writing or three months' pay in lieu thereof.
- (3) A subordinate officer who continues in the service of the Force after the first year of his initial period of enlistment shall be deemed to be confirmed in a pensionable office.

19. Interdiction of police officers

- (1) When any police officer is accused of any offence against any law or against this Act, the Commissioner of Police may interdict such officer from the exercise of the powers, functions and duties vested in him as a police officer, pending the result of the proceedings taken against such officer.
- (2) A police officer who has been interdicted shall be allowed to receive such portion of his pay, not being less than one half, as the President shall think fit. if the proceedings against such officer do

not result in his dismissal or other punishment, such officer shall be entitled to the full amount of the pay which he would have received if he had not been interdicted.

20. Police officers subject to Act until receipt of certificate of discharge

Every police officer shall, until he has received a certificate of discharge, remain subject to the provisions of this Act.

21. Arms and accoutrements to be delivered upon ceasing to belong to the Force

- (1) When a police officer ceases to belong to the Force he shall forthwith deliver up to the person appointed by the Commissioner of Police for that purpose, all arms, ammunition, accoutrements, uniform and other appointments which have been supplied to him and which are the property of the Government.
- (2) Any police officer who having ceased to be a member of the Force, fails to comply with the provisions of subsection (1), shall be guilty of an offence and shall on conviction be liable to a fine not exceeding five hundred rupees or to imprisonment not exceeding six months or to both such fine and imprisonment; and the court may issue a warrant to search for and seize all such arms, ammunition, accoutrements, uniform and other appointments which shall not have been delivered up.

Part IV – Status, powers, duties and privileges of police officers

22. Every police officer to have the powers of a constable

Except as otherwise provided by this Act or the Criminal Procedure Code, every police officer shall have such rights, powers, authorities, privileges and immunities, and be liable to all such duties and responsibilities as any constable duly appointed now has or is subject or liable to, or may hereafter have or be subject or liable to, either by the Common Law of England, or by virtue of any law which is now or may hereafter be in force in Seychelles.

23. Police officers of higher rank may exercise powers vested in officers in lower rank

Where, in any law, powers are conferred upon police officers of a certain rank, such powers may lawfully be exercised by police officers of any higher rank.

24. Persons serving in the Force deemed a member of the Force

Every person for the time being serving in the Force shall be deemed a member of the Force and shall have and enjoy all the rights, powers, authorities, privileges, immunities conferred on a member of the Force by any law which is now or may hereafter be in force in Seychelles.

25. General powers and duties of police officers

- (1) Every police officer shall exercise such powers and perform such duties as are by law conferred or imposed upon a police officer, and shall obey all lawful directions in respect of the execution of his office, which he may from time to time receive from his Seniors in the Force or from any other competent authority.
- (2) It shall be the duty of every police officer promptly to obey and execute all orders and warrants lawfully issued to him by any competent authority, to collect and communicate intelligence affecting the public peace, to prevent the commission 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.

26. Power to lay information

It shall be lawful for any police officer to lay any information before a court of competent jurisdiction and to apply for a summons, warrant, search warrant, or such other legal process as may by law issue against any person.

27. Power to take finger-prints, measurements and photographs

- (1) The officer in charge of a police station may cause the finger-prints, measurements and photographs to be taken, for purposes of use and record, of any person in lawful custody for any offence punishable by imprisonment whether accused or convicted.
- (2) Any person who refuses to permit his finger-prints, measurements and photographs to be taken under the provisions of subsection (1) shall be guilty of an offence and shall on conviction be liable to a fine not exceeding five hundred rupees or to imprisonment not exceeding six months and, after conviction, reasonable force may be used to enable such finger-prints, measurements or photographs to be taken.
- (3)
 - (a) Where any person not less than fourteen years of age is charged with any offence before a court, the court may, if it thinks fit, on the application of a public prosecutor, order the finger-prints of that person to be taken by a police officer. Reasonable force may be used to enable such finger-prints to be taken.
 - (b) The provisions of this subsection shall be construed to be in addition to and not in derogation of the provisions of subsection (1).
- (4) For the purpose of proving a previous conviction of a person accused or convicted of any offence, a certificate purporting to be signed by a Senior officer or by the police officer in charge of records shall be admissible in evidence without proof, and shall be *prima facie* evidence that the finger-prints to which the certificate relates are the finger-prints of the same person and also of the previous conviction and sentence recorded in the certificate.

28. Power of police officers to inspect licences or permits

- (1) It shall be lawful for any police officer to stop and question any person whom he—
 - (a) sees doing any act or thing, or
 - (b) sees in possession of anything, or
 - (c) suspects of doing any act or thing or of being in possession of anything,for which a licence or permit is required under the provisions of any law for the time being in force, and to require such person to produce his licence.
- (2) Any person who refuses to comply with any lawful requirement of a police officer in the performance of his duty under this section, shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding five hundred rupees or to imprisonment not exceeding three months.

29. Duty of the Force to keep order on the public road

It shall be the duty of the Force to regulate and control traffic; to divert all or any particular kind of traffic when, in the opinion of the officer controlling the traffic, it is in the public interest to do so; to keep order on public roads, streets, thoroughfares and landing places, and at other places of public resort or places to which the public have access; and to prevent obstructions on the occasions of assemblies and processions on the public roads and streets, or in the neighbourhood of places of public worship during the time of worship and in any case when any road, street, thoroughfare or landing place may be thronged or liable to be obstructed.

30. Powers of police officers to control movements of boats

- (1) It shall be lawful for any police officer to regulate and control the movement of plying boats and other small craft alongside quays, jetties, landing places and large vessels in the harbour of Victoria.
- (2) Any person who refuses to comply with any lawful requirement of a police officer in the performance of his duty under this section, shall be guilty of an offence and, on conviction, be liable to a fine not exceeding five hundred rupees or to imprisonment not exceeding three months.

31. Loitering

Any person who, in any public place, loiters, stands or remains for such time or in such manner as shall have the effect of obstructing or disturbing the free use thereof and who fails to move on when ordered so to do by a police officer in uniform, shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding five hundred rupees or to imprisonment not exceeding three months.

32. Power to seize weapons

Whenever any person goes armed with any weapon in public, without lawful excuse, in such manner as to cause or be likely to cause terror to any person, any police officer may seize and destroy such weapon. For the purposes of this section the word "weapon" means any weapon which is calculated or likely to cause harm to any person.

33. Power to use firearms

- (1) Any police officer may use any firearms which have been issued to him against—
 - (a) any person in lawful custody charged with or convicted of a felony when such person is escaping or attempting to escape;
 - (b) any person who by force rescues or attempts to rescue any other person from lawful custody;
 - (c) any person who by force prevents or attempts to prevent the lawful arrest of himself or of any other person:

Provided that resort shall not be had to any such firearms—

- (i) as authorised under paragraph (a) unless such officer has reasonable grounds to believe that he cannot otherwise prevent the escape and unless he shall give a warning to such person that he is about to use such firearms against him and such warning is unheeded;
- (ii) as authorised under paragraphs (b) and (c) unless such officer has reasonable ground to believe that he or any other person is in danger of grievous bodily harm and that he cannot otherwise effect such arrest or prevent such rescue:

Provided further that no police officer shall, in the presence of his Senior officer, use arms against any person except under the orders of such Senior officer:

And provided further that the use of firearms under this subsection shall as far as possible be to disable and not to kill.

- (2) The authority vested in a police officer by subsection (1) shall be in addition to and not in substitution for any authority to use firearms vested in a police officer by any other law.

34. Non-liability for act done under authority of a warrant

- (1) When the defence to any suit instituted against a police officer is that the act complained of was done in obedience to a warrant purporting to be issued by a court or the Registrar of the supreme Court or a Justice of the Peace, the court shall, upon production of the warrant containing the

signature of the court, the Registrar or Justice of the Peace, and, upon proof that the act complained of was done in obedience to such warrant, enter judgment in favour of such police officer.

- (2) No proof of the signature of such court or Registrar or Justice of the Peace shall be required, unless the court has reason to doubt the genuineness thereof; and where it shall be proved that such signature is not genuine, judgment shall nevertheless be given in favour of such police officer if it is proved that, at the time when the act complained of was committed, he believed on reasonable grounds that such signature was genuine.

Part V – Discipline

35. Offences against discipline

- (1) Any subordinate officer who shall be guilty of an offence against discipline shall be liable to such punishment as is hereinafter provided.
- (2) Offences against discipline shall be those prescribed by regulations made under [section 62](#).

36. Power of Commissioner of Police or officer to hear charge or complaint for offences against discipline and to inflict punishment

- (1) When a charge or complaint is made against a subordinate officer for the commission of an offence under [section 35](#), the Commissioner of Police or any police officer of or above the rank of inspector authorised by the Commissioner of Police so to do, may hear and determine the charge or complaint and, where he is satisfied that the charge has been proved, may impose on the offender any of the following punishments:—
 - (a) reprimand or severe reprimand;
 - (b) reduction in rank, seniority or grade;
 - (c) a fine not exceeding half a month's salary;
 - (d) dismissal from the Force, with or without forfeiture of all pay due;
 - (e) in the case of a constable, confinements in barracks for a period not exceeding 14 days or extra duty not exceeding 3 hours per day up to a maximum of 5 days;
 - (f) a combination of all or any of the punishments specified in paragraphs (a), (b), (c) and (e):

Provided that any punishment awarded under paragraph (d) shall not take effect until confirmed by the President.

- (2) Where any punishment is awarded to a subordinate officer in respect of an offence against discipline it may be ordered that such punishment be suspended for a period not exceeding six months and if during such period of suspension the offender commits no further offence against discipline, the punishment shall be remitted. Where any punishment has been suspended, and the offender is found guilty during the period of suspension, of any further offence against discipline, the suspended punishment shall forthwith be carried into effect.

37. Powers of officers holding inquiry

- (1) Every officer empowered to try offences under [section 36](#) shall have power to summon and examine witnesses on oath or affirmation and to require the production of all documents relevant to such inquiry, and to adjourn any hearing from time to time.
- (2) Proceedings in every case may be recorded in writing or mechanically recorded on magnetic tape or partly in writing or partly on magnetic tape but in such manner, however, that a true and faithful record of the whole of the proceedings shall be taken in every case.

- (3) Any person summoned as a witness under subsection (1) who fails to attend at the time and place stated in the summons, or on an adjournment, or refuses to answer any question that is lawfully put to him, shall be liable on conviction to a fine not exceeding one hundred rupees or to imprisonment not exceeding one month:

Provided that no such witness shall be obliged to answer any question which may tend to incriminate him or render him liable to any forfeiture or penalty.

38. Right of appeal to President or to Commissioner of Police

- (1) Any police officer who is dissatisfied with the decision of—
- (a) an officer (other than the Commissioner of Police) holding an inquiry into a charge or complaint under [section 36](#), may, within 7 days of the notification to him of the decision, appeal to the Commissioner of Police;
 - (b) the Commissioner of Police after holding an inquiry into a charge or complaint under [section 36](#), may within 7 days of the notification to him of the decision, appeal to the President.
- (2) An appeal may be made against conviction or sentence or both.
- (3) Every appeal under this section shall be lodged by the delivery of a written notice to the officer whose decision is appealed against. The notice shall include the grounds of appeal and may be accompanied by a written case setting out in more detail the points upon which the appellant relies.
- (4) Where an appeal is made, the notes of evidence, if any, and the whole record of the case, either in writing or on magnetic tape or partly in one and partly on the other, shall be forwarded to the President or the Commissioner of Police as the case may be.
- (5) The President or the Commissioner of Police, as the case may be, after considering the grounds of appeal and the whole record in the case either in writing or on magnetic tape or partly in one and partly on the other, may confirm, reverse or vary the decision appealed against or may order a retrial or may make such other order as to the President or the Commissioner of Police may seem just:

Provided that the President or the Commissioner of Police shall not increase any punishment without giving the appellant an opportunity of being heard.

39. Commissioner of Police may reduce or vary punishment

The Commissioner of Police may, without any appeal having been lodged, reduce or vary any punishment imposed on a member of the Force by an officer empowered to try offences under [section 36](#):

Provided that the punishment may not be varied under this section in any way which would render it more severe than the original punishment unless the offender has been given an opportunity of being heard.

40. Procedure for grave or repeated offences

- (1) In a case where it appears to the Commissioner of Police that an offence against discipline, by reason of its gravity or by reason of previous offences against discipline by the police officer charged or for any other reason, cannot be adequately punished by the imposition of any of the punishments prescribed in [section 36](#), the Commissioner of Police may, by order in writing require the police officer charged to be taken before a court to be dealt with under subsection (2).
- (2) Where a police officer is taken before a court under subsection (1), he shall, if found guilty of the offence of which he is charged, be liable on conviction therefor to imprisonment for a term not

exceeding six months or to a fine not exceeding three months' pay of such police officer, or to both such imprisonment and fine:

Provided that—

- (i) no proceedings shall be taken against any police officer under this section in respect of any offence against discipline for which he has already been punished;
 - (ii) any order purporting to be an order of the Commissioner of Police under subsection (1) shall be accepted by any court as *prima facie* evidence of the lawful making thereof, and no proof of the signature of the Commissioner of Police on any such order shall be required unless the court has reason to doubt the genuineness of such signature.
- (3) Without prejudice to the exercise of his powers under paragraph (c) of subsection (1) of [section 18](#) the Commissioner of Police may reduce in rank, seniority or grade any police officer who has been convicted of any offence against discipline dealt with under subsection (2) of this section.

41. Prosecution a bar to proceedings under this Act

No person who has been acquitted by a court of any crime or offence shall be tried on the same charge and suffer any punishment thereof under this Act. Where any member of the Force has been convicted by a court of any crime or offence, he shall not be liable to be punished for the same offence under this Act, otherwise than by reduction in rank, seniority or grade or by dismissal from the Force.

42. Membership of trade union forbidden

- (1) It shall not be lawful for any police officer to be, or to become, a member of—
- (a) any trade union, or of any body or association affiliated to a trade union; or
 - (b) any body or association the objects of which, or one of the objects of which, is to control or influence conditions of employment in any trade or profession; or
 - (c) any body or association the objects of which is to control or influence the pay, pensions, or conditions of service of the Force:

Provided that a police officer may become a member of the Police Federation which may be constituted or regulated pursuant to regulations made under this Act.

- (2) Any police officer who contravenes the provisions of this section shall be liable to be dismissed from the Force.
- (3) For the purpose of this section "trade union" means any combination whether temporary or permanent, the principal purposes of which are under its constitution the regulation of the relations between workmen and employers or between workmen and workmen, or between employers and employers whether such combination would or would not be an unlawful combination by reason of some one or more of its purposes being in restraint of trade and shall include combination of two or more trade unions whether of employers or of workmen.

If any question shall arise as to whether anybody is a trade union or a body to which this section applies, the question shall be determined by the Attorney General.

43. Fine to be recovered by stoppage of pay

- (1) All fines imposed upon members of the Force for offences under this Act, shall be recovered by stoppage of the offender's pay due at the time of committing such offence, and thereafter accruing due.
- (2) The amount of stoppage in respect of any due or for any other cause authorised by this Act shall be in the discretion of the officer by whom the fine was imposed or, in any other case, of the Commissioner of Police, but in no case shall exceed one half of the monthly pay of the offender; and

wherever more than one order of stoppage is in force against the same person, so much only of his pay shall be stopped as shall leave him a residue of one half of his monthly pay.

- (3) Where more than one order of stoppage is made upon the same person, the orders later in date shall, if necessary, be postponed as to their enforcement until the earlier orders have been discharged.

44. Damage to or loss of equipment

If any police officer pawns, sells, loses by neglect, makes away with or wilfully or negligently causes damage to or the loss or waste of—

- (a) any government property including arms, ammunition, clothing or equipment; or
- (b) any lost, stolen, or unclaimed property or any exhibit or any property belonging to a prisoner or a person in custody,

he may, in addition to or in lieu of any other punishment, be ordered by the Commissioner of Police to make good either wholly or in part the amount of such loss or damage, and such amount may be recovered by stoppage from his pay.

45. Pay not to accrue during absence without leave or imprisonment

No pay shall accrue to any police officer in respect of any period during which he is absent from duty without leave, or is undergoing any sentence of imprisonment:

Provided that in any case the Commissioner of Police may in his discretion authorise the payment of such proportion of the officer's pay, not being more than one half, as he may think fit.

Part VI – Police Reward Fund and gratuities

46. Police Reward Fund

- (1) The Police Reward Fund established and continued under previous Police Ordinances, shall be deemed to have been established under the provisions of this Act and shall be continued as such.
- (2) The Police Reward Fund shall be under the control and management of the Commissioner of Police. All moneys accruing to the fund shall be paid into the account held by the Principal Secretary of the Ministry of Finance under the name of the Police Reward Fund. Payments out of the fund shall be made for rewards and gratuities to subordinate officers for good conduct or good service and for such other purposes as the Commissioner of Police may deem beneficial to the Force.
- (3) There shall be paid into the Police Reward Fund—
 - (a) all fines and stoppages of the pay that may be imposed under this Act;
 - (b) all moneys belonging to the estate of a deceased or deserting subordinate officer, which remain for one year undisposed of or unappropriated, and without any valid claim thereto having been made; and
 - (c) all other moneys that may be payable to such fund by virtue of the provisions of any other law for the time being in force.

47. No gratuities on termination of service

- (1) No gratuity shall be paid to any police officer on termination of his service in the Force.
- (2) Subsection (1) applies even if the police officer was serving in the Force before 26th May, 1982 but notwithstanding subsection (1), the President may in his absolute discretion authorise the grant of

a gratuity of such amount and at such time as he thinks fit to a police officer who was serving in the Force on 26th May, 1982 in respect of his service before that date. *

Part VII – Special constables

48. Power to appoint special constables

- (1) It shall be lawful for the President at any time, if he thinks fit, to cause special constables to be appointed by the Commissioner of Police for the whole of Seychelles.
- (2) Every appointment under subsection (1) shall be made by the Commissioner of Police in the form set out in the schedule to the Act and shall be signed by him.

49. Powers and duties of special constables

Every special constable appointed under this Act shall when on duty have the same powers, privileges and protection and shall be liable to perform the same duties, and shall be amenable to the same penalties, and be subordinate to the same authorities as police officers. They shall be deemed to be on duty on such occasions as may be prescribed.

50. Commissioner of Police to provide necessary equipment for special constables

It shall be lawful for the Commissioner of Police to provide at public expense, for the use of special constables, batons, weapons, and other necessary articles for the proper carrying out of the duties of their office.

51. Declaration to be made by special constables

Every special constable shall on appointment make and sign the declaration required by [section 14](#).

52. Refusal of person appointed to serve

If any person being appointed a special constable as aforesaid and being called upon to serve, refuses or neglects to serve or to obey such lawful orders and directions as may be given to him for the performance of the duties of his office, he shall, for every such refusal or neglect, be liable on conviction to a fine not exceeding five hundred rupees, unless he satisfies the court that he was prevented by sickness or such other unavoidable cause as may, in the opinion of the court, be a sufficient excuse.

53. Power to suspend or determine the services of any special constables

The Commissioner of Police is hereby empowered to suspend or determine the service of any special constables and shall forthwith transmit notice thereof in writing to the special constable concerned.

54. Delivery up of equipment

Every special constable shall within one week after receipt of the notice determining his appointment, deliver over to such person, at such time and place, as may be directed by the Commissioner of Police, his form of appointment and every baton, weapon, and other article which may have been provided for him under this Act. Any such special constable who refuses or neglects to make such delivery shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding five hundred rupees, or to imprisonment not exceeding six months or to both such fine and imprisonment; and the court may issue a warrant to search for and seize all such articles which shall not have been so delivered up.

Note: Functions of President delegated to the Minister of Administration and Manpower by SI. 45 of 1992, Cap. 241.

55. Remuneration of special constables

Special constables shall be paid such remuneration as may be prescribed.

Part VIII – General offences**56. Power to prosecute under other law not affected**

Nothing in this Act shall exempt any person from being proceeded against under any other Act or law in respect of any offence made punishable by this Act, or from being liable under any other Act or law to any other or higher penalty or punishment than is provided for such offence by this Act:

Provided that no person shall be punished twice for the same offence.

57. Mutiny, desertion, etc.

- (1) Any police officer who—
 - (a) being cognisant of any mutiny or sedition amongst the Force does not use his utmost endeavours to suppress such mutiny or sedition; or
 - (b) being cognisant of any intended mutiny or sedition amongst the Force does not without delay give information thereof to his Senior Officers; or
 - (c) being present at any assemblage tending to riot does not use his utmost endeavours to suppress such assemblage; or
 - (d) deserts; or
 - (e) persuades, procures, assists or attempts to persuade, procure or assist any police officer to desert; or
 - (f) knowing that any police officer has deserted or intends to desert does not without delay give information to his Senior officer; or
 - (g) strikes or offers violence to his Senior officer, such officer being in the execution of his duty, shall be guilty of an offence and shall on conviction be liable to imprisonment not exceeding one year.
- (2) No police officer shall be found guilty of the offence of desertion unless the court is satisfied that there was an intention on the part of such officer not to return to the Force.
- (3) Upon reasonable suspicion that any person is a deserter, any police officer may apprehend him without warrant and forthwith bring him before a court having jurisdiction in the place wherein he was found, which may deal with the suspected deserter or remit him to a court having jurisdiction in the place in which he deserted.

58. Harbours in public house, officers on duty

Any keeper of a house, store or place in which intoxicating liquor is sold, who, himself or by any person in his employment knowingly harbours, or entertains, any police officer to remain in such house, store, or place, during any part of the time in which such police officer has been detailed for duty, shall be guilty of an offence, and shall on conviction, be liable to a fine not exceeding one hundred rupees or to imprisonment not exceeding one month.

59. Unlawful possession of articles supplied to police officers

Any person, not being a police officer, who is found in possession of any article whatsoever which has been supplied to any police officer for the execution of his duty, or any medal or decoration granted to any such officer for service or good conduct and who fails to account satisfactorily for the possession thereof, or who without due authority purchases or receives any such article, medal or decoration from any such officer or who aids or abets any such officer to sell or dispose of any such article, medal or decoration shall be guilty of an offence and shall on conviction be liable to a fine not exceeding five hundred rupees or to imprisonment not exceeding three months.

60. Persons causing disaffection

If any person causes, or attempts to cause, or does any act calculated to cause disaffection amongst police officers or induces, or attempts to induce, or does any act calculated to induce, any police officer to withhold his services or to commit breaches of discipline, he shall be guilty of a misdemeanour and shall be punishable as provided for under the Penal Code.

61. Disorderly conduct in police building, etc

- (1) Any person who, in any police building, police office lock-up or cell behaves in a riotous, indecent, disorderly or insulting manner shall be guilty of an offence and on conviction be liable to a fine not exceeding five hundred rupees and to imprisonment not exceeding six months.
- (2) Any police officer may arrest without a warrant a person who, within his view, commits an offence under subsection (1).

Part IX – Miscellaneous

62. Power to make regulations

- (1) The President may make regulations for the better carrying out of the objects of this Act and for the general governance of the Force.
- (2) Without prejudice to the generality of subsection (1), such regulations may—
 - (a) prescribe anything which by this Act may or is to be prescribed;
 - (b) provide for the establishment, constitution, function and procedure of the Police Federation and for matters incidental thereto;
 - (c) provide for the general government of special constables in relation to their enlistment, ranks, duties, discharge, training, arms and accoutrements as well as their distribution and inspection and such other matters as may be necessary for promoting the efficiency and discipline of special constables.

63. Power to exempt police canteen, mess or other similar institution from provisions of the Licences Act

The President may from time to time by notice in the *Gazette* exempt any police canteen, police mess, or other police institution from any or all of the provisions of the Licences Act either absolutely or subject to such conditions as he may think fit to impose.

Schedule
Appointment of special constable

Seychelles

To _____ of _____

I, the undersigned, _____

Commissioner of Police do under the powers vested in me by the Police Force Act hereby appoint you to be a special constable for the Seychelles.

Dated this _____ day of _____ 19 _____

Commissioner of police