



REPUBLIC OF NAURU

Nauru Police Force Act 1972

As in force from 10 October 2012

This compilation comprises Act No. 2 of 1972 as amended and in force from 10 October 2012 (being, at the time the compilation was prepared on 12 October 2012, the date of commencement of the most recent amendment).

The notes section at the end of the compilation includes a reference to the law by which each amendment was made. The Table of Amendments in the notes section sets out the legislative history of individual provisions.

The operation of amendments that have been incorporated in the text of the compilation may be affected by application provisions that are set out in the notes section at the end of the compilation.

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REPUBLIC OF NAURU

Nauru Police Force Act 1972

To establish the Nauru Police Force and to make provisions in relation thereto

PART I — PRELIMINARY

1 Short title

This Act may be cited as the *Nauru Police Force Act 1972*.

2 Interpretation

In this Act, unless the context otherwise requires:

'cadet constable' means a constable who has not completed one year of service as a constable since his most recent appointment to the Force;

'constable' means a police officer of the rank either of constable or of first class constable, and includes a cadet constable;

'Director' means the Director of Police appointed under the provisions of section 6 of this Act and includes any person acting as Director of Police;

'inspector' means an inspector of police, or a sub-inspector of police, appointed under the provisions of section 6 of this Act;

'non-commissioned officer' means a police officer below the rank of inspector but above the rank of constable;

'police officer' includes a reserve officer;

'Police Regulations' means regulations made under section 50 of this Act;

'reserve officer' means an officer of the Reserve;

'the Board' means the Police Service Board established by section 5 of this Act;

'the Force' means the Nauru Police Force established by section 3 of this Act;

'the Reserve' means the Nauru Police Force Reserve established by the Minister under section 4 of this Act;

'Superintendent of Police' means the Superintendent of Police appointed under the provisions of Section 6 of this Act.

PART II — ESTABLISHMENT OF NAURU POLICE FORCE, NAURU POLICE FORCE RESERVE AND POLICE SERVICE BOARD

3 Establishment of the Nauru Police Force

- (1) There shall be in Nauru a police force to be called the Nauru Police Force.
- (2) The force shall consist of the Director of Police, Superintendent of Police, Inspectors and Officers of such other ranks as the Minister may from time to time by notice in the Gazette direct.

4 The Nauru Police Force Reserve

- (1) The Minister may by notice in the Gazette establish a body of reserve officers to be called the Nauru Police Force Reserve.
- (2) The Reserve, when established, shall be under the command of the Director of Police and shall consist of reserve officers of such ranks as the Minister may from time to time by notice in the Gazette direct.

5 The Police Service Board

- (1) There shall be a Police Service Board which shall consist of the Chief Justice, the Chief Secretary and three other persons who are Nauruan citizens and of whom one shall be appointed by the Cabinet, one shall be appointed by the Chief Justice and one shall be elected by the officers of the Force in accordance with the provisions of the next following subsection.

- (2) The member of the Board to be elected by the officers of the Force shall be elected by secret ballot to be conducted by the Registrar of the Supreme Court in accordance with regulations to be made by the Minister.
- (3) Every member of the Board other than the Chief Justice and the Chief Secretary shall hold office for three years from the date of his appointment or election:

Provided that a member may resign by giving not less than four weeks' notice in writing to the Chief Justice and a member may be removed by the Chief Justice if he has been convicted of any offence against the laws of the Republic.
- (4) No person shall be appointed or elected to be a member of the Board unless he is a public officer or has consented to be so appointed or elected.
- (5) A member whose term of office has expired may be reappointed or re-elected.
- (6) Any member of the Board who is a police officer shall not take part in any proceedings of the Board in which the Chief Justice considers that he has a personal interest.

PART III — APPOINTMENT, ENLISTMENT, SERVICE AND DISCHARGE OF POLICE OFFICERS

6 Appointment of officers of the Force

- (1) The Director of Police shall be appointed by the Chief Secretary:

Provided that the Chief Secretary shall not appoint any person to be Director of Police unless he has obtained the consent of the Cabinet to his appointment.
- (2) The Superintendent of Police and Inspectors shall be appointed from among serving officers of the Force by the Director:

Provided that the Director shall not appoint any person to be an inspector unless he has obtained the consent of the Board to his appointment:

Provided further that the Director of Police shall not appoint any person to be the Superintendent of Police unless he has obtained the consent of the Minister to his appointment.

- (3) Non-commissioned officers shall be appointed from persons serving as constables by the Director.
- (4) Constables shall be appointed by the Director.
- (5) Officers already serving in the Force, may, instead of being appointed substantively to a higher rank, be appointed to act in such higher rank; any such appointment may be made by the person authorised by this Act to appoint persons substantively to that rank:

Provided that, save where the appointment to act in a higher rank is made because of the temporary absence of an officer of that rank or because any such officer is himself acting in a higher rank, no officer shall act in a rank higher than his substantive rank for an aggregate of more than twelve months in any period of thirty-six consecutive months.

- (6) Every person who immediately before the commencement of this Act was serving in the police force in any of the following ranks:
 - (a) Director of Police;
 - (b) inspector;
 - (c) non-commissioned officer; and
 - (d) constable;

shall upon such commencement be deemed to have been properly appointed under this Act to be an officer of the Force and to hold such rank as is the equivalent of that which he held substantively immediately before such commencement and for the purpose of ascertaining the length of any such officer's service for any purpose under this Act all his service in any rank in the police force before such commencement shall be deemed to have been service under this Act.

- (7) Every person appointed, or deemed to have been appointed, to be an officer of the Force under this Act shall, if directed by the Director to do so, perform the duties and functions of a prison officer under the *Nauru Prisons Act 1972*.
- (8) Where a person who is an officer of the public service is appointed under this section to be an officer of the Force and his resignation from the public service takes effect on the same day as that appointment takes effect, his service in the public

service shall, for the purpose of ascertaining the length of his service in the Force for any purpose under this Act, be deemed to have been service as an officer of the Force under this Act and to have continued without a break.

7 Appointment of officers of the Reserve

The appointment of persons to be reserve officers shall be by the Director.

8 Period of appointment

- (1) The Director shall, unless he is a Nauruan citizen, be appointed to serve as such for such period of years, not being less than two years, as the Cabinet shall direct.
- (2) The Director, if he is a Nauruan citizen, and every other officer of the Force shall be appointed to serve therein until he attains the age of fifty years and shall not continue so to serve after having attained that age unless:
 - (a) he holds the office of Director, Superintendent of Police, Inspector or non-commissioned officer, in which case he may continue so to serve until he attains the age of fifty-five years or, if the Chief Secretary, for special reasons to be recorded in writing, authorises it, until any age not greater than sixty years; or
 - (b) the Chief Secretary, for special reason to be recorded in writing, authorises him to continue so to serve for any specified period.

9 Termination of service in the public interest

- (1) The service of any officer of the Force may be terminated by the Cabinet on the ground that having regard to the conditions of the Force, the usefulness of the officer thereto and all other circumstances of the case, such termination is desirable in the public interest:

Provided that, where the service of any officer is to be terminated under the provisions of this section, he shall first be suspended from his office and the Minister shall forthwith give notice to Parliament of such suspension and Parliament, if it thinks fit, may:

- (a) within fourteen days of receiving such notice appoint a committee of its members to review such termination; and
 - (b) if the committee considers that the officer's service should not have been terminated, direct that his suspension shall cease to have effect.
- (2) Where Parliament has directed under the last preceding subsection that a suspension is to cease to have effect, the termination of the officer's services shall be void.
- (3) Where Parliament does not appoint a committee under the provisions of subsection (1) of this section within fourteen days of receiving notice of an officer's suspension from the Minister or, having appointed a committee, does not upon receiving the report of that committee direct that the suspension shall cease to have effect, the officer's services shall be deemed to have been terminated on the date on which he was suspended from his office.
- (4) Where the service of any officer is terminated under the provisions of this section, he shall:
- (a) if he held the office of Director and is not a Nauruan citizen, be entitled to such paid leave, passages, transport of personal effects and other benefits as he would have been entitled to receive if he had completed the full period of service under his contract of service; and

[paragraph (b) omitted]

10 Interdiction

- (1) If in any case the Director considers that the public interest requires that any inspector, non-commissioned officer or constable of the Force should cease to exercise the powers and functions of his office instantly, he may interdict such officer from the exercise of such powers and functions provided that disciplinary or criminal proceedings are being instituted or are about to be instituted against such officer. An officer who has been interdicted under this section shall be allowed to receive

such proportion of his pay, not being less than one-half, as the Director shall in every case direct. If the proceedings against any such officer do not result in his dismissal or other punishment he shall be entitled to the full amount of the pay which he would have received if he had not been interdicted.

- (2) A police officer interdicted from duty under the provisions of this section shall not by reason of such interdiction cease to be a police officer:

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

11 Resignation of Director

The Director may resign from the Force by giving to the Chief Secretary four months' notice in writing, which the Chief Secretary shall accept:

Provided that the Chief Secretary may, with the written approval of the Minister, waive the requirement of notice or abbreviate the period of the notice.

12 Discharge of constables: resignation of officers

- (1) Without prejudice to the provisions of section 9 of this Act, a cadet constable may be discharged from the Force by the Director by one month's notice in writing or paying him one month's salary in lieu of notice.
- (2) An officer of the Force, other than the Director, may resign from the Force by giving to the Director one month's notice in writing, which the Director shall accept, or, with the prior consent of the Director, by paying into the Treasury Fund one month's salary in lieu of notice of his intention to resign from the Force:

Provided that in time of war, emergency or civil commotion or during any other period when the Director considers that an officer's resignation would prejudice the ability of the Force to preserve the public peace, the officer may not resign without the permission of the Director:

Provided that the Director may, if he thinks fit, waive the requirement of notice or abbreviate the period of notice in respect of any officer.

13 Termination of appointment of reserve officer

- (1) The Director may terminate the appointment of any reserve officer whose services are no longer required, and shall forthwith transmit notice thereof in writing in the form prescribed to the reserve officer concerned.
- (2) A reserve officer may resign his appointment at any time on giving one month's notice in writing to the Director, which the Director shall accept:

Provided that in time of war, emergency or civil commotion or during any other period when the Director considers it necessary to use the whole or any part of the Reserve for the preservation of the public peace, a reserve officer may not resign without the permission of the Director.

14 Oath of office

Every police officer shall before entering on the duties of his office, take and subscribe before a magistrate an oath or declaration of office in the form prescribed in the Schedule to this Act.

15 Police officers not to engage in other employment

No police officer other than a reserve officer shall carry on any business or engage in any employment or office whatsoever other than in accordance with his duties under the provisions of this Act or under any other written law:

Provided that the provisions of this section shall not prevent a police officer from holding the office of a member of Parliament or of the Council if he is elected thereto.

16 Police officer to be deemed on duty

Every police officer shall for the purposes of this Act be deemed to be always on duty when required to act as such and shall perform the duties and exercise the powers granted to him under this Act or any other law at any place in Nauru where he may be doing duty.

17 Police officers to obey lawful orders

Every police officer shall obey every lawful order of a superior officer whether given verbally or in writing and shall obey and conform to Police Regulations and to Orders made or issued under this Act.

18 Exemption in respect of civil process

- (1) Subject to the provisions of subsection (2) of this section:
 - (a) the pay and allowances of a non-commissioned officer or constable shall not be assignable or transferable or liable to be attached, sequestered or levied upon for or in respect of any debt or claim whatsoever;
 - (b) no non-commissioned officer or constable of the Force shall be liable to be imprisoned under an order of any Court by reason of non-payment of any debt which he may have incurred or for which he may become liable.
- (2) The provisions of subsection (1) of this section shall not apply to:
 - (a) a debt due to the Republic;
 - (b) a fine imposed by or under any law, including an order by the Director for forfeiture of pay;
 - (c) an order for the payment of alimony or maintenance made by any Court.
- (3) The pay and allowances of a non-commissioned officer or constable shall not pass to the official receiver or a trustee on the bankruptcy or insolvency of such non-commissioned officer or constable nor shall they form part of his estate for the purpose of bankruptcy or insolvency.

19 Police officer not exempted from ordinary process of criminal law

Nothing in this Act shall be construed to exempt any police officer from being proceeded against by the ordinary course of law when accused of any offence punishable under any written law.

20 Desertion

Any officer of the Force who deserts shall be liable to imprisonment for three months and all arrears of pay due to him shall be forfeited:

Provided that, where at the time of such desertion a declaration of emergency, made under Part IX of the Constitution, is in force, he shall be additionally liable to imprisonment for a further nine months.

21 Officers of the Force not to join certain associations

- (1) Subject to the provisions of subsection (3) hereof, it shall not be lawful for an officer of the Force to become, or to be, a member of a trade union or an industrial association or of any association having for its objects, or one of its objects, to control or influence the pay or conditions of service of the Force.
- (2) Any police officer contravening any of the provisions of the last preceding subsection is guilty of an offence and is liable to a fine not exceeding one hundred dollars.
- (3) For the purpose of enabling police officers to bring to the notice of the Government any matter affecting their conditions of service, welfare and efficiency, other than questions of discipline or promotion, there shall be a police association and nothing in the provisions of the last two preceding subsections shall be deemed to prohibit a police officer from joining and being a member of an association so established.

PART IIIA — SALARIES AND ALLOWANCES

21A Fixing of salaries and allowances

- (1) The Cabinet shall fix the salaries, or the scales of salaries, to be paid to officers of the Force according to their respective ranks, and may from time to time vary those salaries or scales of salaries as it thinks fit.
- (2) The amounts of allowances to be paid to reserve officers shall be such as may from time to time be fixed by or under regulations made under this Act.

21B Payment of salaries and allowances

The salaries and wages of officers of the Force and the allowances, if any, payable to reserve officers shall be paid out of the Treasury Fund from moneys appropriated for that purpose by Parliament or authorised to be withdrawn by, or by any law made under, Article 61 of the Constitution.

21C Grant of increments of salary

- (1) The Director may, with the prior written consent of the Minister, grant to a constable upon his appointment to the Force increments in the scale of salaries fixed for officers of the rank of constable in recognition of relevant experience.
- (2) Subject to this section and except as otherwise provided by, or determined in accordance with, regulations made under this Act, an officer of the Force is not entitled to receive an increment of salary in respect of his rank in any rank until he has received the salary of that rank without the increment for not less than twelve months but, where a scale of salaries has been fixed for the rank in which he is serving and his salary is not already the highest in that scale, he shall be entitled to one increment of salary within that scale at the end of twelve months' service in that rank, other than service while acting in that rank.
- (3) The date from which an officer of the Force is entitled to receive an increment of salary is not affected by any variation of the salary, or of the scale of salaries, of that officer's rank made by the Cabinet under subsection (1) of section 21A.
- (4) If, having regard to the conduct, lack of diligence, inefficiency or unsatisfactory attendance for duty of an officer of the Force during the period at the end of which he would be entitled to receive an increment of salary, the Director or, if the officer is the Director, the Chief Secretary, is of opinion that the officer should not immediately receive that increment, the Director or the Chief Secretary, as the case may be, may recommend to the Board that payment of the increment should be deferred and the Board may, by notice in writing to be served on the officer, direct that his salary shall not be increased until the expiration of such period as it thinks fit, and in that case the increase in his salary shall be deferred until the expiration of that period; the notice shall include a statement of the reason why the increase has been deferred.

- (5) The Board may, on the recommendation of the Director or, where the recommendation relates to the Director, of the Chief Secretary, from time to time grant to an officer of the Force in recognition of outstanding service one or more increments of salary within the scale of salaries applicable in relation to the rank of that officer.
- (6) Notwithstanding any other provisions of this Act, the entitlement of an officer of the Force to be paid a salary in accordance with the provisions of this section shall be dependent upon his being present, except as may be authorised by or under this Act, at all such times and places as he may be required by this Act, by Police Regulations, by Police Standing Orders or by Director's Orders, or by any order lawfully given to him by a superior officer; where an officer is absent, otherwise than as authorised by or under this Act, or by or under Police Regulations, Police Standing Orders or Director's Orders, from any such place at any such time and he does not perform duties during the week in which the absence occurs for such number of hours as is for the time being prescribed by Police Regulations as the minimum number of hours for which an officer of the Force is required to perform duties in a period of one week, the salary payable to him for that week is to be deemed to be the amount which remains after subtracting from the full amount of the salary which but for the provisions of this subsection would otherwise be payable to him for that week such amount as bears to the said full amount the same proportion as the number of hours of his unauthorised absence bears to the number of hours so prescribed by Police Regulations.
- (7) Where, by virtue of the last preceding subsection, on any occasion an officer of the Force is paid in respect of his salary for any week an amount less than the full amount which he would have been entitled to be paid in accordance with the provisions of this section if he had performed his duties for the full number of hours prescribed by Police Regulations as the minimum number of hours for which an officer of the Force may be required to perform duties in a period of one week, he shall be given by the person making the payment a written notice stating the details of the hours during which he performed duties, and of authorised absences, in the week for which the salary is being paid and informing him that, if he is dissatisfied with those details he may, within seven days after being given the notice, inform the Board in writing of the grounds of his dissatisfaction. Where any officer, within seven days of being given any such notice informs the Board in writing that he is dissatisfied with the details contained therein, the Board shall

thereupon ascertain the number of hours during which he performed duties, or in respect of which he had authority to be absent, during the week for which the salary was paid and shall inform him in writing of its decision. That decision shall be final and the total amount of salary which the officer is entitled to be paid in respect of that period shall be in accordance with that decision.

PART IV — ADMINISTRATION OF NAURU POLICE FORCE AND RESERVE

22 General powers of the Director

- (1) The Director shall, subject to the lawful directions, if any, of the Cabinet, have the command, superintendence and direction of the Force and of the Reserve and, subject to the provisions of this Act, may:
 - (a) exercise disciplinary control over officers of the Force and of the Reserve; and
 - (b) make orders for the proper and efficient performance of the duties and functions of the Force in relation to the enlistment, discharge, training, arms, clothing and equipment of officers of the Force and of the Reserve as well as for their distribution and inspection.
- (2) The administration of the Force and of the Reserve shall be vested in the Director.

22A Salaries

- (1) The salaries of police officers shall be paid out of the Treasury Fund from moneys appropriated for that purpose by Parliament on scales prescribed in regulations made by the Cabinet on the advice of the Minister.
- (2) The Director may from time to time grant to an officer of the Force such annual increment in salary as may be prescribed in regulations made in accordance with subsection (1):

Provided that such increments shall not be paid at intervals of less than one year.

- (3) The payment of an annual increment in salary to any officer may be postponed for a period of not more than six months if the

Director considers that it should be so postponed on account of the unsatisfactory conduct, lack of diligence or efficiency or poor record of attendance for duty of the officer during the twelve months immediately preceding the date when the increment would otherwise have been granted, and in that event the officer shall not receive the increment in salary in respect of the period for which its payment is postponed.

- (4) Where the payment of an increment in salary is postponed under the last preceding subsection, the Director shall notify the officer concerned in writing of the reason for, and the period of, such postponement.
- (5) Notwithstanding the proviso to subsection (2), where payment of an increment in salary to any officer has been postponed under subsection (3), the next annual increment, if any is due, shall be granted on the anniversary of the date on which the increment which was postponed would normally have been granted, unless the payment of that next annual increment is itself postponed under subsection (3).
- (6) A person appointed as a constable may, on appointment, with the written approval of the Minister, be granted by the Director increments within the salary scale of his rank in recognition of relevant experience.
- (7) The Director may, with the written approval of the Minister, from time to time grant to an officer of the Force one or more increments in salary within the salary scale of his rank in recognition of outstanding service:

Provided that any such increment shall be granted at the same time as the annual increment is granted and shall be additional to it.

PART V — POWERS AND DUTIES OF NAURU POLICE FORCE

23 Duties of the Force

- (1) The duties of the Force shall be to take lawful measures for:
 - (a) preserving the public peace;
 - (b) preventing and detecting offences;

- (c) preventing injury to life and property;
 - (d) apprehending all persons whom it is lawful to apprehend;
 - (e) regulating processions and assemblies in public places or places of public resort;
 - (f) preserving order in public places and places of public resort, at public meetings and in assemblies for public amusements, for which purpose any police officer on duty shall have free admission to all such places and meetings and assemblies while open to the public;
 - (g) assisting in carrying out any revenue, excise, sanitary, conservancy, quarantine and immigration laws;
 - (h) assisting in preserving order in the waters of the Republic and enforcing port and maritime regulations therein;
 - (i) executing summonses, writs, warrants, commitments and other process issued by the Courts;
 - (j) preferring charges and conducting prosecutions in the District Court;
 - (k) protecting unclaimed and lost property and finding the owners thereof;
 - (l) assisting in the protection of life and property at any fire;
 - (m) protecting public property from loss or injury;
 - (n) attending the Courts and keeping order therein;
 - (o) escorting and guarding prisoners; and
 - (p) executing such other duties as are from time to time by law imposed on police officers.
- (2) Any police officer may enter and if necessary break into any building which is, or he reasonably believes to be, on fire, or any building or land adjoining or near thereto, without the consent of the owner or occupier thereof and may do all such acts and things as he may deem necessary for extinguishing fire in any such building or for protecting the same or rescuing any person or property therein from fire.

24 Duty of Force to keep order on public roads

- (1) It shall be the duty of the Force:
 - (a) to regulate and control traffic;
 - (b) to divert all or any particular kind of traffic, when it is in the public interest to do so;
 - (c) 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
 - (d) to prevent obstructions on the occasions of assemblies and processions on the public roads and streets, and in any case when any road, street, thoroughfare or landing place may be thronged or may be liable to be obstructed.
- (2) Every person who opposes or disobeys a lawful order given by any police officer in the performance of his duty under any of the provisions of this section is guilty of an offence and is liable to a fine not exceeding forty dollars and to imprisonment for three months.
- (3) Any person who opposes or disobeys a lawful order given by any police officer in the performance of his duty under any of the provisions of this section may be arrested without a warrant unless he gives his name and address and otherwise satisfies a police officer that he will duly answer any summons or other proceedings which may be taken against him.

25 Power to erect barriers, etc.

- (1) It shall be lawful for any police officer of or above the rank of non-commissioned officer, if he considers it necessary for the maintenance and preservation of law and order, for the prevention or detection of crime or for the apprehension of offenders, to erect or place barriers in or across any road or street or in any public place in such manner as he may think fit.
- (2) Any police officer may take all such reasonable steps as he considers necessary to prevent any person or vehicle from passing any barrier erected or placed under the provisions of the last preceding subsection, and any such person, or the driver of any such vehicle, who fails to comply with any reasonable signal made by a police officer under the provisions of this subsection, is guilty of an offence and is liable to a fine

not exceeding one hundred dollars and to imprisonment for six months.

- (3) No police officer shall be liable for any loss, damage or injury occasioned to any vehicle or person as a result of any steps taken by such police officer under the authority of this section.

26 Power to take photographs, etc.

- (1) Any police officer may cause to be taken for use and record in the registry, of the Force, photographs, descriptions, measurements, fingerprints, palmprints and footprints of any person in lawful custody for any offence punishable by imprisonment, whether such person has been convicted of such offence or not.
- (2) Any person in lawful custody for any offence who refuses to submit to the taking of any of the methods of identification authorised to be taken under the provisions of subsection (1) of this section shall be guilty of an offence and liable to a fine not exceeding fifty dollars and to imprisonment for three months and, after conviction, reasonable force may be used to take such methods of identification.

27 Power to inspect licences or permits

- (1) It shall be lawful for any police officer to stop and detain any person whom he sees doing any act 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 or permit.
- (2) Any person who fails to produce such licence or permit when called upon by a police officer, who is in uniform or who identifies himself by production of his warrant card if requested to do so, may be arrested without a warrant unless he gives his name and address and otherwise satisfies the police officer that he will duly answer any summons or other proceedings which may be taken against him.

28 Disposal of property coming into possession of police

- (1) Particulars of any property which comes into custody or possession of the police otherwise than in connection with any criminal charge or under section 30 of this Act shall be submitted to the Director.

- (2) If any person shall establish his title to such property to the satisfaction of the Director within three months after the property comes into the custody or possession of the police, the same shall be delivered to him on payment of all expenses reasonably incurred and of such sum, not exceeding one-fifth of the value of the property, as may be awarded by the Director by way of reward to the finder, if any, of the property, not being an officer of the Force.
- (3) If the title to any such property is not established within the said period of three months, the property may be returned to the finder, if any, not being an officer of the Force, on payment by him of such expenses as are referred to in the last preceding subsection.
- (4) If any finder or person establishing title as aforesaid fails or refuses immediately to pay the said expenses or sum awarded, the property may be sold and the proceeds of sale after deduction of all expenses reasonably incurred shall be paid to such finder or person establishing title; in the case of payment to a person establishing title there shall also be deducted such sum as may be awarded by the Director as a reward to the finder, if any, of the property.
- (5) If title to the property is not established and either the finder cannot be traced or the property came into the custody or possession of the police otherwise than through a finder, the property may be sold and after deduction of all expenses reasonably incurred the proceeds of sale shall be paid into the Treasury Fund.

29 Disposal of unclaimed property of person in custody on remand

Any property of a person held in custody on remand which comes into the custody or possession of the police in accordance with the requirements of this Act or any other written law and remains unclaimed by any such person for a period of one month from the discharge of that person from custody, may be sold and after deduction of expenses reasonably incurred the proceeds of sale shall be paid into the Treasury Fund.

30 Director to get in and administer small estates

- (1) Notwithstanding the provisions of any other written law, where any person who is not a Nauruan citizen dies leaving in Nauru

goods, chattels or money apparently of a total value of five hundred dollars or less and there is no person in Nauru entitled thereto and no grant of probate or administration has been made in respect thereof, such goods, chattels or money shall be taken charge of by the Director or by police officers under his direction; and any person required by law to make any payment of money, or to deliver any goods or chattels, to the person administering the estate of the person who has died shall be discharged from all liability therefor if he pays that money, or delivers those goods or chattels, to the Director or to any police officer under his direction.

- (2) The Director shall hold on trust for those persons entitled to the estate of the person who has died all goods, chattels and money received by him under the last preceding subsection and shall pay any money so received into a fund to be known as 'The Director of Police: Intestate Estates Fund', to be maintained by him at a bank in Nauru approved in writing by the Minister.
- (3) Where any goods or chattels received by the Director under subsection (1) are of a rapidly perishable nature or of such low value in relation to their bulk that the Director considers that the cost of storing them would be excessive, he shall sell them by auction or tender, as he thinks fit, and pay the net proceeds of the sale into the Director of Police: Intestate Estates Fund and hold them on trust for the persons entitled to the estate of the person who has died.
- (4) Upon being satisfied by such proof as he considers adequate that any person, whether in Nauru or elsewhere, has obtained a grant of probate or administration in respect of the estate of the person who has died or that no such grant has been made but some one or more persons are entitled to the estate, the Director shall deliver to that person or those persons such goods, chattels or money comprising the estate as he is holding on trust; such delivery may, where the person to whom it is made is not in Nauru, be made by the goods or chattels, or a money order or postal order for the money, being sent by post or by sending the goods or chattels by ship or aircraft as normal freight; and such delivery or despatch by post, ship or aircraft shall discharge the Director and the Republic from all liability in respect of the goods, chattels and money so delivered or sent.
- (5) If, having taken charge of goods, chattels or money under subsection (1) of this section, the Director ascertains that the value of the estate in Nauru of the person who has died, is more than five hundred dollars, he shall deliver to the Curator of

Intestate Estates, or otherwise as may from time to time be directed by or under any written law in that regard, all such goods, chattels and money received by him; and such delivery of them shall discharge him from all liability in respect thereof.

- (6) All expenses of the Director incurred in moving, storing or delivering any goods, chattels or money under this section shall, unless the Minister in any instance otherwise directs, be payable out of the assets of the estate in the hands of the Director under this section and the Director may, where necessary, sell sufficient of the assets, by tender or auction as he thinks fit, in order that the payment may be made.
- (7) No money shall be withdrawn from the Director of Police: Intestate Estates Fund by any person other than the Director or for any purpose other than delivery of the assets under subsection (4) or subsection (5) of this section, payment of expenses under the last preceding subsection or payment into the Treasury Fund under the next following subsection.
- (8) Where the Director has been unable after the expiration of two years from the receipt of any goods, chattels or money under this section to ascertain any person entitled thereto, he shall forthwith sell the goods and chattels, by auction or tender as he thinks fit, and pay the proceeds, together with any money already in his possession, into the Treasury Fund.
- (9) Neither the Republic, the Director nor any police officer or other public officer shall be liable to any person for failure to take charge of any goods, chattels or money left in Nauru by any person upon his death unless such goods, chattels or money came into the possession of the Director or of any police officer under his directions, nor for any deterioration of or damage to any goods or chattels taken charge of, except any such deterioration or damage caused deliberately by, or by the gross negligence of, any police officer or public officer.
- (10) Neither the Republic, the Director nor any police officer or public office shall be liable to any person on account of having delivered any goods, chattels or money received by the Director under this section to any person not entitled thereto if he had a *bona fide* belief on reasonable grounds that such person was entitled thereto:

Provided that nothing in this section shall prevent any person from bringing any proceedings to recover any such goods, chattels or money against the person to whom they were delivered.

- (11) The cost of maintaining the Director of Police: Intestate Estates Fund shall be borne by the Treasury Fund.

31 Sale of perishable goods, etc.; destruction of valueless goods, etc.

- (1) Where any goods or chattels received by the police under section 28 are:
- (a) of a rapidly perishable nature; or
 - (b) of such small value in relation to their bulk that he considers that the cost of storage would be excessive;

the Director may direct that they be sold, by auction or tender as he thinks fit; and, where he so orders, the net proceeds shall be dealt with in the manner provided by section 28 in respect of property received by the police under that section.

- (2) If goods and chattels of the nature specified in any one of sections 28, 29 and 30 are of no appreciable value or of value so small in the opinion of the Director as to render impracticable the sale of such property, the Director may order such property to be destroyed or otherwise disposed of as he thinks fit.

32 Power to arrest junior officer

- (1) Any police officer may arrest without warrant any police officer who is not of his own or a higher rank and in respect of whom he has reasonable grounds for believing that he has committed any offence under the provisions of section 36 of this Act.
- (2) A police officer making an arrest under the provisions of this section shall forthwith bring the officer arrested before the Director or, in the absence of the Director, before an inspector; and the Director or the inspector, as the case may be, may order that the officer arrested be detained in the police station until the Director can inquire into the alleged offence:

Provided that no officer shall be so detained for a period exceeding twenty-four hours.

33 Powers, etc., to be subject to Regulations, etc.

All powers granted to and duties imposed by law on any police officer shall, where Police Regulations or Orders have been

made or issued under this Act regulating the exercise or performance thereof, be exercised or performed in accordance with such Regulations or Orders.

34 Special duty and expenses thereof

- (1) On the application of any person the Director may, if he thinks fit, detail any police officer or police officers to do special police duty in, upon or about any premises or business or any aircraft or vessel specified by the applicant.
- (2) The applicant shall pay to the Director for the services of any such officer or officers so detailed such fees as the Director may think fit.
- (3) All fees so received by the Director shall be paid by him into the Treasury Fund; and every sum of money due for such services shall be deemed a debt due to the Republic.

PART VI — DISCIPLINE

35 Director subject to laws relating to the public service

The Director shall be subject to all written laws relating generally to the maintenance of discipline in the public service, the punishment of inefficiency and of breaches of discipline and the suspension of public officers pending the completion of disciplinary proceedings.

36 Disciplinary offences by other officers

- (1) Any Superintendent of Police, Inspector, non-commissioned officer, Constable or Reserve Officer who is convicted by any Court of an offence punishable by imprisonment, otherwise than in default of payment of a fine, or who is found guilty by the Director of any of the following:
 - (a) absence from duty without leave or good cause;
 - (b) sleeping on duty;
 - (c) conduct to the prejudice of good order and discipline;
 - (d) cowardice in the performance of duty;

- (e) disobedience of Police Regulations or any police orders whether written or verbal;
- (f) insubordination;
- (g) being unfit for duty through intoxication;
- (h) neglect of duty or orders;
- (i) malingering;
- (j) in the course of his duty making a statement which is false in a material particular;
- (k) unlawful or unnecessary exercise of authority resulting in loss or injury to any other person or to the Republic;
- (l) wilful destruction or negligent loss of or injury to the Republic's property;
- (m) conduct calculated to bring the Force or the Reserve into disrepute;

shall be liable to be punished by the Director with:

- (i) reduction in rank or class;
 - (ii) forfeiture of not more than one week's pay except in the case of absence without good cause, when forfeiture of pay shall extend to the period of absence in addition to any other punishment inflicted;
 - (iii) severe reprimand;
 - (iv) reprimand; or
 - (v) caution.
- (2) In lieu of any punishments specified in subsection (1), the Superintendent of Police, an Inspector, non-commissioned officer, Constable or Reserve Officer found guilty under that subsection may:
- (a) be dismissed from the Force by the Director and in the case of the Superintendent of Police, an Inspector or a non-commissioned officer, shall be reduced to the rank of constable before dismissal; or

- (b) be ordered by the Director to resign forthwith from the Force and, if he fails to do so, be dismissed and in that event, in the case of the Superintendent of Police, an Inspector or a non-commissioned officer, he shall be reduced to the rank of constable before dismissal; and in either case he shall not receive salary in lieu of notice.
- (3) Any non-commissioned officer or constable who is found guilty of any of the disciplinary offences specified in subsection (1) of this section shall be liable to be punished by the Director in addition to, or in lieu of, any punishment imposed under that subsection with any one or more of the following punishments:
 - (a) compulsory performance of extra duties or drills;
 - (b) such fatigue duties as may be prescribed in the Police Standing Orders;
 - (c) temporary deprivation of such privileges as the Director may specify;
 - (d) temporary forfeiture of allowances.
- (4) Where the Director finds any officer guilty of an offence in proceedings under this section, he shall forthwith promulgate in Director's Orders the punishment imposed.
- (5) The Minister shall make regulations prescribing the procedure to be followed by the Director upon an inquiry into whether any officer is guilty of any act or omission punishable under this section.

37 Appeals against disciplinary punishments

- (1) Any officer punished by the Director under the provisions of the last preceding section may within fourteen days from the promulgation of the punishment in Director's Orders appeal to the Board.
- (2) The procedure to be followed by the appellant in lodging his appeal, by the Director in supplying to the Board details of his findings and order and such other information as it requires and by the Board in dealing with the appeal shall be in accordance with rules to be made by the Chief Justice.

- (3) The Board may, where good cause is shown for failure to appeal within the time allowed by subsection (1) of this section, extend the time for appealing:

Provided that the Board shall not extend the time for appealing where application is made more than twenty-eight days after the promulgation of the punishment by the Director and, the punishment having been dismissal, the vacancy resulting therefrom has been filled by a substantive appointment.

38 Powers of the Board when hearing appeals

- (1) Upon the hearing of an appeal under the last preceding section the Board may confirm or vary any finding of the Director or substitute therefor any finding at which the Director could have arrived upon the evidence, including any additional evidence adduced upon the appeal; if it finds that the appellant was guilty of any act or omission punishable under section 36 of this Act, it may confirm or remit the punishment imposed by the Director or substitute therefor any other punishment which he could have imposed and, if the Board finds that the appellant was not guilty of any such act or omission, it shall remit the punishment imposed by the Director.
- (2) Where the Board has decided an appeal under this section, the Chairman shall forthwith notify the Director of the decision and the Director shall promulgate it forthwith in Director's Orders.

39 Representation of officers

In proceedings before the Board, but not in proceedings before the Director, an appellant may be represented at his own expense by a barrister and solicitor or a pleader, and the Director may be represented by another public officer or by a barrister and solicitor or a pleader.

PART VII — EQUIPMENT, ETC. OF POLICE OFFICERS

40 Clothing

Every police officer shall be provided with such articles of uniform and equipment as may be necessary for the effectual discharge of his duties. Such articles shall be kept and used according to police orders.

41 Warrant card

A warrant card shall be issued to every police officer, and shall be evidence of his appointment under this Act.

42 Arms and equipment to be delivered up upon ceasing to be a police officer

Any person who, having ceased to be a police officer, does not forthwith thereafter deliver up to the person appointed by the Director for that purpose his warrant card and all arms, ammunition, equipment, clothing and appointments whatsoever which have been supplied to him and are the property of the Government, shall be guilty of an offence and liable to a fine not exceeding fifty dollars and to imprisonment for three months:

Provided that, at the discretion of the Director, any such officer may, instead of delivering up any of such articles other than arms and ammunition, make payment therefor in such amount as may be determined by the Director.

PART VIII — EMPLOYMENT OF NAURU POLICE FORCE RESERVE

43 Reserve officers

- (1) Reserve officers may be employed with the Force wherever it is necessary to augment the Force for the preservation of the public peace and the prevention and detection of crime, and may be paid from the Treasury Fund at such rates as may be prescribed.
- (2) Every reserve officer while on duty shall have the same powers, privileges, including the carrying of arms, and protection, and shall be liable to perform the same duties, as a police officer.
- (3) Every reserve officer shall be subordinate to the same authorities as an officer of the Force of the equivalent rank and to reserve officers of superior rank to his own.

PART IX — POLICE FORCE WELFARE FUND

44 Police Force Welfare Fund

- (1) There shall be established a fund to be known as the 'Police Force Welfare Fund'.
- (2) The fund shall consist of:
 - (a) all sums forfeited by any police officer under the provisions of this Act;
 - (b) all money, and the proceeds of the sale of any goods, corruptly offered to any police officer and confiscated by the order of any Court;
 - (c) any donations and voluntary contributions by any persons and any subscriptions made by police officers; and
 - (d) such sums as may be voted by Parliament.
- (3) The fund shall be controlled by the Director subject to Police Regulations and applied to the purpose of providing recreational facilities for police officers and for such other purposes beneficial to the Force or the Reserve or both as the Minister may from time to time prescribe.

PART X — OFFENCES

45 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 and who fails to account satisfactorily for the possession thereof, or who without due authority purchases or receives any such articles from any police officer, or who aids or abets any police officer to sell or dispose of any such article is guilty of any offence and liable to a fine not exceeding fifty dollars and to imprisonment for three months.

46 Penalty on persons causing disaffection in Force or Reserve

Any person who causes, induces or attempts to induce, or does any act calculated to induce, any officer of the Force or the Reserve to withhold his services or to commit breaches of discipline, is guilty of an offence and liable to imprisonment for two years.

47 Penalty on unauthorised use of police uniforms

If any person, not being a member of the Force or of the Reserve, wears without the permission of the Director the uniform of the Force or of the Reserve, or any dress having the appearance or bearing any of the distinctive marks of that uniform, he is guilty of an offence and is liable to a fine of two hundred dollars.

48 Penalty for disorderly conduct in police station, etc.

Any person who, in the police station, or in any part of a police compound to which the public have access, is guilty of any riotous, indecent, disorderly or insulting behaviour is guilty of an offence and liable to imprisonment for a period not exceeding three months.

49 Person furnishing false name and address

Any person who having been asked by a police officer, who is in uniform or identifies himself by production of his warrant card, if requested, in the execution of his duty for his name and address refuses to give them or gives to such police officer a false name or address is guilty of an offence and is liable to a fine not exceeding fifty dollars and to imprisonment for three months.

PART XI — POLICE REGULATIONS ETC.

50 Police Regulations

The Minister may make such regulations relating to the Force and the Reserve, to be called 'Police Regulations', as he may think expedient not inconsistent with the provisions of this Act. Such regulations in addition to the powers hereinbefore conferred may prescribe or provide for all or any of the following:

- (a) conditions of service excluding salaries, pensions and gratuities;
- (b) organisation and distribution;
- (c) appointments, the award of allowances, resignations, discharges, dismissals, reductions and reversions;
- (ca) payment for overtime work;
- (cb) work on public holidays;
- (d) discipline and punishments;
- (e) leave of absence;
- (f) description of uniforms, arms and accoutrements to be provided;
- (g) qualifications for entry;
- (h) such other matters as may be necessary and expedient for preventing abuse or neglect of duty, and for rendering the police force efficient in the discharge of its duties, and for carrying out the objects of this Act.

51 Police Standing Orders

The Director may from time to time issue orders relating to the Force and the Reserve, to be called 'Police Standing Orders', as he may think expedient not inconsistent with the provisions of this Act and of Police Regulations.

Such orders in addition to the powers hereinbefore conferred may prescribe or provide for all or any of the following:

- (a) discipline, training and the regulation and carrying out of punishment;
- (b) classifications and promotions;
- (c) instructions and examinations;
- (d) inspections, drill, exercises and parades;
- (e) police services and duties of every description and the manner in which they shall be carried out;
- (f) the institution and maintenance of police messes, canteens, reading rooms and the welfare of the Force and the Reserve;
- (g) departmental finance;
- (h) buildings, grounds, stores, furniture and equipment;
- (i) transfers of police officers, the places at which they shall reside and the particular services to be performed by them;
- (j) the collection and communication of intelligence and information;
- (k) the manner and form of reports, correspondence and other records;
- (l) the performance of any act which may be necessary for the proper carrying out of the provisions of this Act or any other written law or any rules or regulations made hereunder or for the efficient discharge of any duty, for rendering the police force efficient in the discharge of its duties, and for carrying out the objects of this Act.

52 Director's Orders

The Director may issue orders of a routine nature to be called 'Director's Orders' for the control, direction and information of the Force and the Reserve provided that such orders are not inconsistent with the provisions of this Act, Police Regulations or Police Standing Orders.

53 Delegation of certain powers by Director

The Director may delegate any of his powers under the last preceding subsection to the Superintendent of Police or any Inspector by name and every such delegation shall be published in Director's Orders.

Notes for Nauru Police Force Act 1972

Table of Constituent Legislation

Short title	Number	Certification	Commencement
<i>Nauru Police Force Act 1972</i>	1972/02	26.01.1972	26.01.1972
<i>Nauru Police Force (Amendment) Act 1972</i>	1972/20	07.11.1972	07.11.1972
<i>Nauru Police Force (Amendment) Act 1978</i>	1978/10	20.12.1978	22.01.1979 (GN 17/1979)
<i>Nauru Police Force (Amendment) Act 1987</i>	1987/04	25.09.1987	25.09.1987
<i>Superannuation (Repeal) Act 2012</i>	2012/04	24.02.2012	24.02.2012 (GN 34/2012)
<i>Provident Fund (Repeal) Act 2012</i>	2012/13	10.10.2012	10.10.2012

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
Section 1	Short title rs. by Act 1987/04.
Section 2	Am. by Act 1978/10, Act 1987/04.
Section 3	Subs. (2) am. by Act 1987/04.
Section 6	Subs. (2) am. by Act 1987/04. Subs. (8) ad. by 1978/10, am by Act 2012/04, am by Act 2012/13.
Section 8	Subs. (2) am. by Act 1972/20, Act 1987/04.
Section 9	Subs. (4) am. by Act 1972/20, Act 2012/04; am by Act 2012/13.
Section 11	Am. by Act 1972/20.
Section 12	Subs. (1) am. by Act 1978/10. Subs. (2) am. by Act 1972/20.
Part IIIA	Ad. by Act 1978/10.
Section 21A	Ad. by Act 1978/10.
Section 21B	Ad. by Act 1978/10.
Section 21C	Ad. by Act 1978/10.
Section 22A	Ad. by Act 1972/20. Hdg. am by Act 2012/04; am by 2012/13 Subs. (8) am by Act 2012/04; rep by 2012/13.
Section 36	Subs. (1) am. by Act 1987/04. Subs. (2) am. by Act 1987/04.

Nauru Police Force Act 1972

Provision affected	How affected
Section 50	Am. by Act 1978/10.
Section 53	Am. by Act 1987/04.

As in force from 10 October 2012