

SCHEDULE TO THE ORDER

THE CONSTITUTION OF THE COMMONWEALTH OF THE BAHAMAS

CHAPTER VIII

THE PUBLIC SERVICE

PART 5

The Police Service Commission

Establishment and composition of the Police Service Commission

118.—(1) There shall be a Police Service Commission for the Bahamas which shall consist of a Chairman and two other members appointed by the Governor-General acting on the recommendation of the Prime Minister after consultation with the Leader of the Opposition, by instrument under the Public Seal.

(2) No person shall be qualified to be appointed as a member of the Police Service Commission if he is a member of either House or a public officer.

(3) Subject to the provisions of Article 126 of this Constitution, the office of a member of the Police Service Commission shall become vacant—

- (a) at the expiration of three years from the date of his appointment or at such earlier time as may be specified in the instrument by which he was appointed;
- (b) if he becomes a member of either House or a public officer.

(4) If the office of Chairman of the Police Service Commission is vacant or the holder thereof is for any reason unable to perform the functions of his office, then, until a person has been appointed to and has assumed the functions of that officer or until the person holding that office has resumed those functions, as the case may be, they shall be performed by such one of the other members of the Commission as may for the time being be designated in that behalf by the Governor-General, acting on the recommendation of the Prime Minister after consultation with the Leader of the Opposition.

(5) If the office of a member of the Police Service Commission other than the Chairman is vacant or the holder thereof is for any reason unable to perform the functions thereof, the Governor-General, acting on the recommendation of the Prime Minister after consultation with the Leader of the Opposition, may appoint a person who is qualified for appointment as a member of the Commission to act in the office of the member and any person so appointed shall, subject to the provisions of sub-paragraph (3)(b) of this Article and Article 126 of this Constitution, continue so to act until a person has been appointed to the office in which he is acting and has assumed the functions thereof or, as the case may be, the holder thereof resumes those functions or until his appointment so to act is revoked by the Governor-General, acting as aforesaid.

Appointment of Commissioner of Police and other officers of the Police Force

119.—(1) Power to make appointments to the officers of Commissioner of Police and Deputy Commissioner of Police shall be vested in the Governor-General acting on the recommendation of the Prime Minister after consultation with the Leader of the Opposition.

(2) Save as provided under paragraph (1) of this Article power to make appointments to offices in the Police Force of or above the rank of Assistant Commissioner of Police is vested in the Governor-General acting on the recommendation of the Prime Minister after consultation with the Police Service Commission.

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(3) Save as provided in the preceding paragraphs of this Article, power to make appointments to offices in the Police Force of or above the rank of Inspector is vested in the Governor-General, acting on the advice of the Police Service Commission.

(4) There shall be in the Police Force such number of Police Promotion Boards, each consisting of officers in the Police Force above the rank of Inspector, as may be prescribed by regulations made under this paragraph.

(5) Power to make appointments to offices in the Police Force below the rank of Inspector shall be vested in the Commissioner of Police acting after consultation with a Police Promotion Board.

(6) Power to make postings and appointments on transfer within the Police Force of officers in that Force shall be vested in the Commissioner of Police.

Removal of the Commissioner and Deputy Commissioner of Police

120.—(1) The Commissioner of Police and Deputy Commissioner of Police may be removed from office by the Governor-General but shall not be removed except in accordance with the provisions of paragraph (2) of this Article.

(2) The Commissioner of Police or Deputy Commissioner of Police shall be removed from office by the Governor-General if the question of his removal from office has been referred to a tribunal appointed under paragraph (3) of this Article and the tribunal has recommended to the Governor-General that he ought to be removed from office.

(3) If the Prime Minister represents to the Governor-General that the question of removing the Commissioner of Police or Deputy Commissioner of Police from office ought to be investigated, then—

- (a) the Governor-General acting in accordance with the advice of the Prime Minister shall suspend the Commissioner of Police or Deputy Commissioner of Police from performing the functions of his office, as the case may be;
- (b) the Governor-General shall appoint a tribunal, which shall consist of a chairman and not less than two other members, selected by the Governor-General, acting in accordance with the advice of the Judicial and Legal Service Commission, from among persons who hold or have held or are eligible to hold high judicial office; and
- (c) the tribunal shall enquire into the matter and report on the facts thereof to the Governor-General whether the Commissioner of Police or Deputy Commissioner of Police ought to be removed from office.

(4) If the question of removing the Commissioner of Police or Deputy Commissioner of Police from office has been referred to a tribunal under paragraph (3) of this Article, the Governor-General shall revoke any such suspension if the tribunal recommends to the Governor-General that the Commissioner of Police or Deputy Commissioner of Police should not be removed from office.

Removal and discipline of members of the Force

121.—(1) Save as provided under Article 120 of this Constitution, power to remove and to exercise disciplinary control over persons holding or acting in the offices of or above the rank of Assistant Commissioner in the Police Force is vested in the Governor-General acting in accordance with the advice of the Police Service Commission after consultation with the Prime Minister.

(2) Save as provided in Article 120 of this Constitution and paragraphs (1) and (3) of this Article, power to remove and exercise disciplinary control over persons holding or acting in offices in the Police Force is vested in the Governor-General acting in accordance with the advice of the Police Service Commission.

(3) The following powers are vested in the Commissioner of Police—

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- (a) in respect of officers of or above the rank of Assistant Superintendent, the power to administer reprimands;
 - (b) in respect of Inspectors, the power to exercise disciplinary control other than removal or reduction in rank; and
 - (c) in respect of officers below the rank of Inspector, the power to exercise disciplinary control including the power of removal.
- (4) The Commissioner of Police may, by directions in writing, and subject to such conditions as he thinks fit, delegate to any officer of the Police Force of or above the rank of Inspector any of his powers under sub-paragraph (3)(c) of this Article other than the power of removal; but an appeal from any award of punishment by such officer shall lie to the Commissioner.
- (5) Parliament may by law provide that an appeal shall lie to the Governor-General from a decision of the Commissioner of Police to remove or exercise disciplinary control over persons holding or acting in offices in the Police Force in such cases as may be prescribed by such law, and in determining any such appeal the Governor-General shall act in accordance with the advice of the Police Service Commission.