

REPUBLIC OF FIJI ISLANDS

POLICE BILL 2020

GOVERNMENT OF FIJI (BILL NO. OF 2020)

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GOVERNMENT OF FIJI

POLICE BILL 2020

(BILL NO. OF 2020)

AN ACT TO REPEAL THE POLICE ACT 1965 AND MAKE BETTER PROVISION FOR THE ORGANISATION, DISCIPLINE, POWERS AND DUTIES OF THE POLICE FORCE AND FOR MATTERS INCIDENTAL THERETO.

PART 1 PRELIMINARY

[POL 1] Short Title, commencement and application

- (1) This Act may be cited as the Police Act 2020.
- (2) This Act shall commence on a date appointed by the Minister by notice in the Gazette.
- (3) This Act shall bind the State.
- (4) The provision of this Act shall be superior to any other Act making any provision in relation to the functions, duties and powers of the Force prescribed in this Act and all other Acts shall be construed accordingly.

[POL 2] Interpretations

In this Act, unless the context otherwise requires-

Act means the Police Act 2020.

Authorised Handler means any Police employee appointed by the Commissioner to handle any Police animal including a Police dog.

Board of Inquiry means any committee, board or any other such body appointed by the Commissioner to conduct enquiries in any breach of powers, duties procedures or functions of the Force by any civilian employee or other appointee.

Broadcast media means radio, television, public internet websites and any other means by which information is communicated to the public;

Chief Officers means any Police officer of or above the rank of Assistant Commissioner of Police;

Civilian employee means any civilian appointed by the Commissioner as a Police employee excluding Police officers, special constable and other appointees.

Constitution means the Constitution of the Republic of Fiji.

Commissioner means the Commissioner of Police;

Force means the Fiji Police Force;

General instructions means any lawful orders, instructions and directives, issued by or under the authority of the Commissioner from time to time, and communicated to any Police employee, whether verbally, in writing or in any other form or by any other means.

Inspectorate Officer means and includes any Police officer below the rank of Assistant Superintendent, other than a subordinate officer;

Media organisation includes—

(a) any person or other entity however organised who or which disseminates information, news, opinion, entertainment, advertisements and similar items to the public by way of newspaper or magazine publication, radio or television broadcast, audio-visual presentation or other print or electronic means of communication and includes print and broadcast media; or

(b) a person or other entity however organised that publishes an electronic version of a newspaper or magazine or that creates an internet website capable of being accessed by the public,

provided however, it shall not include:

(a) any person or body corporate engaged solely in the business of—

(i) an internet service provider;

(ii) a telecommunications service provider, including any mobile telephone company; or

(iii) a production house engaged in the production of advertisements, documentaries, or other audio-visual works or materials; or

(b) any person or body corporate that is granted an exemption by the Minister under section 86 of Media Industry Development Act 2010;

Member of the Special Constabulary means any persons appointed as such by the Commissioner within the provisions of this Act;

Minister means the Minister responsible for the Fiji Police Force;

Offence means any offence under any law which the Force is directly charged with to enforce and includes any disciplinary offence.

Other appointees means any person appointed by the Commissioner as a Police employee excluding Police officers, special constables and civilian employees and includes any Police animal.

Other premises includes any land, building, premises, vehicle, craft or conveyance of any kind, or any other place.

Police means the Fiji Police Force;

Police Animal means any animal and includes a Police dog appointed by the Commissioner of Police to assist an authorised handler in carrying out the powers, duties and functions of the Force.

Police dog means a dog that is—

(a) undergoing or has successfully completed a course of instruction at a training facility appointed by the Commissioner; and

(b) being used or likely to be used for Police duties

Police Employee means any person employed by the Force and includes Police officers, members of the special constabulary, members of the civilian staff, and any other appointees by the Commissioner;

Police Officer means any person appointed on oath or affirmation as a Police officer by the Commissioner for the efficient exercise and performance of the powers, function, and duties of the Force;

Police powers means any powers vested on the Force by or under the authority of any law;

Police properties means any article or thing of any kind or description prescribed by the Minister by regulations to be a Police property;

Police purposes means any lawful action taken which is necessary for the efficient exercise and performance of the powers, function, and duties of the Force;

Police premises includes a Police station, Police post and other premises used for Police purposes.

Public place means –

(a) any highway, public street, public road, public park or garden, sea, river, beach, public bridge, wharf, jetty, lane, footway, square, court, alley, or passage whether a thoroughfare or not; and includes every place to which the public are entitled or permitted to have access whether on payment or otherwise; or

(b) any—

(i) land or open space (whether such land or space is closed or unenclosed); and

(ii) place or building of public resort other than a dwelling house—

to which for the time being the public have or are permitted to have access whether on payment or otherwise;

Public Road means any highway, public street, public road, public bridge, wharf, jetty, lane, footway, square, court, alley or passage whether a thoroughfare or not and includes every place to which the public are entitled or permitted to have access either as pedestrians or as passengers or as drivers or riders of any vehicle, whether on payment or otherwise;

Regular member of the Force means any Police officer;

Repealed Act means the Police Force Act 1965 repealed by this Act;

Subordinate Officer means and includes any Police officer below the rank of Inspector;

Superintendent means any Police officer of or above the rank of Assistant Superintendent of Police but excluding Chief Officers;

Superior when used in relation to any act done or thing suffered by a Police employee means a Police employee senior in rank or authority to such Police employee.

Traffic includes animals in the charge or under the control of any person, pedestrians and vehicles, vessel or conveyance of any description in or on any public thoroughfare and whether in motion or not; and

Tribunal means a person appointed or persons appointed on the panel to try offences against discipline.

PART 2 CONSTITUTION AND ADMINISTRATION

[POL 3] Establishment of the Force

There shall continue to be established in Fiji a Police Force to be called the Fiji Police Force.

[POL 4] Constitution of the Force

The Force shall be formally enrolled and shall consist of such ranks, members and other employees as may be prescribed by the Minister by notice in the Gazette.

(2) For the purposes of this Act –

(a) Ranks means the badges of rank for Police officers and special constable with relative seniority in the order in which they are enumerated in this Act or Regulations.

(b) Members and other employees includes all Police employees.

[POL 5] Functions of the Force

The Force shall be employed in and throughout Fiji for:

- (1) Maintenance of law and order;
- (2) Preservation of the peace;
- (3) Protection of life and property;
- (4) Prevention and detection of crime;
- (5) Protection of rights of individuals;
- (6) Community engagement, support and reassurance;
- (7) Safety and security of Fiji;
- (8) Participation in policing activities outside Fiji;
- (9) Enforcement of all laws and regulations with which it is directly charged; and

shall be entitled for the performance of any such duties to carry arms.

[POL 6] Employment of Force in times of Emergency

The President may in case of war or other emergency employ the Force or any part thereof in the defence of Fiji and, whilst so employed, the Force or such part thereof as may be so employed shall be subject to military law, provided that the President may in his or her discretion order that any part of the Force so employed shall remain under the command of the Commissioner.

[POL 7] General Powers of the Commissioner

(1) The Commissioner shall have the command, superintendence and direction of the Force and, subject to the provisions of this Act and to the general policy directions of the Minister, may make orders for the general government of Police employees in relation to their training, arms, clothing, equipment and other accoutrements, and particular services, as well as their distribution and inspection, and such other orders as he or she may deem expedient for preventing negligence and promoting efficiency and discipline on the part of Police employees in the discharge of their duties.

(2) Any act or thing which may be done, ordered or performed by the Commissioner under the provisions of subsection (1) may, subject to the orders and directions of the Commissioner be done, ordered or performed by the Deputy Commissioner or, to such extent as the Commissioner may delegate such powers to him or her, by any Police employee.

(3) A delegation under subsection (2)—

(a) may be made subject to any conditions or restrictions that the Commissioner thinks appropriate, including any factors that must be taken into account when the delegation is exercised;

(b) may be made generally or in any particular case;

(c) is revocable at will;

(d) does not prevent the Commissioner from exercising any power, or carrying out any function or duty;

(e) does not affect the responsibility of the Commissioner for the actions of any person acting under delegation.

(4) A Police employee who is delegated any powers, duties, or functions under subsection (2)—

(a) may, with the prior approval of the Commissioner, delegate those powers, duties, or functions to any other Police employee;

(b) may, subject to any conditions or restrictions, exercise those powers, duties, or functions in the same manner and with the same effect as if they had been conferred on that person directly by this Act and not by delegation.

(5) Every person purporting to act under any delegation under the provisions of this section is, in the absence of proof to the contrary, presumed to be acting in accordance with the terms of the delegation.

(6) The Commissioner may make such appointments, promotions, and reductions in rank or post in respect of all Police employees as he or she may think fit.

[POL 8] Administration of the Force

- (1) The administration of the Force throughout Fiji shall be vested in the Commissioner.
- (2) Subject to the orders and directions of the Commissioner the control of the Police in any place shall be vested in such Police employee as may be appointed by the Commissioner to be in charge thereof.

PART 3 APPOINTMENT, ENLISTMENT, SERVICE AND DISCHARGE

Division 1 — Appointment of Police Employees

[POL 9] Police Officers

- (1) Every Police officer below the rank of inspectorate officers shall be enlisted to serve in the Force for such period of years as may be fixed by the Commissioner and this period of service shall, in all cases, be reckoned from the day on which such officer was enrolled.
- (2) The Commissioner may enlist any Police officer appointed under subsection (1) for such further period of years determined by the Commissioner, and this further period of service shall, in all cases, be reckoned from the day on which such officer was re-enlisted.
- (3) The Minister, by regulations, may prescribe any re-enlistment bonus and other benefits for any Police officer re-enlisted under subsection (2).
- (4) The Commissioner may prescribe any requirements subject to which further re-enlistment may depend.
- (5) Every Police officer of or above the rank of inspectorate officers shall be enlisted to serve in the Force until he or she has attained the mandatory retirement age and this period of service shall, in all cases, be reckoned from the day on which such officer was enrolled.

[POL 10] Special Constabulary

- (1) There shall continue to be established in Fiji a Special Constabulary which shall be under the command, superintendence and direction of the Commissioner
- (2) The members of the special constabulary shall be known as special constables and shall hold such ranks as may be assigned to them by the Commissioner.
- (3) Subject to the provisions of this Act and to the directions of the Minister, the Commissioner may—
 - (a) appoint such persons as he or she sees fit to be special constables;

(b) make such appointments, promotions and reductions in rank in respect of all special constables as he or she may see fit; and

(c) make orders for the general government of special constables in relation to their appointment, training, arms, clothing, equipment and other appointments, classification and particular services as well as their distribution and inspection, and such other orders as he or she may deem expedient for preventing neglect and for promoting efficiency and discipline on the part of special constables in the discharge of their duties.

(4) Special constables may be employed with the Force wherever it is necessary to augment the Force for the carrying out the functions of the Force, and may be paid from public funds at such rates as may be prescribed.

(5) Every special constable 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.

(6) Every special constable shall be subordinate to the same authorities as a Police officer and to special constables of superior rank to himself or herself.

[POL 11] Civilian Employees

(1) The Commissioner may appoint, civilian employees to serve in the Force under contract for such period of time as may be fixed by the Commissioner and this period of service shall, in all cases, be reckoned from the day on which such civilian employee was duly appointed.

(2) Subject to the provisions of subsection (3), the Commissioner may re-appoint under contract any civilian employee appointed under subsection (1) for such further period of years as may be fixed by the Commissioner and this further period of service shall, in all cases, be reckoned from the day on which such civilian employee was duly re-appointed.

(3) The Commissioner may prescribe any requirements subject to which further reappointment may depend.

[POL 12] Other Appointees

(1) The Commissioner may appoint, on contract or otherwise, other appointees to serve in the Force for such period of time as may be fixed by the Commissioner and this period of service shall, in all cases, be reckoned from the day on which such other appointee was duly appointed.

(2) The Commissioner shall prescribe specific duties, functions and powers of any person appointed under subsection (1) and if specified in writing, such person may exercise the prescribed powers of a Police officer for the purposes of any Act.

(3) For the purposes of subsection (2) any duty, function or excise of power by a Police appointee as prescribed by the Commissioner in writing shall have the same effect as if such duty, function or power was excised by a Police Officer.

(4) The Commissioner may extend the contract of any other appointee and may prescribe any requirements subject to which further extension may depend.

[POL 13] Declaration on Oath

(1) Every Police employee shall, on joining the Force, make before a Police officer of or above the rank of Assistant Superintendent a declaration of allegiance and secrecy on oath or affirmation in the form prescribed.

(2) Every Police employee required to make the declaration required under the provisions of subsection (1), shall, on joining the Force and before making such declaration, answer truly any question which may be put to him or her as to his or her previous service in any other organisation and as to whether he or she has at any time been convicted of any criminal offence.

(3) Any person who wilfully makes a false statement in reply to any question put to him or her under the provisions of subsection (2) shall be guilty of an offence and liable to a fine not exceeding \$500 or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.

(4) Any Police employee who breaches a declaration of allegiance or secrecy taken on oath or affirmation commits an offence and shall be liable upon conviction –

- (a) Imprisonment not exceeding 5 years or
- (b) If such breach is for the purpose of committing or assisting another or allowing the commission of any offence imprisonment not exceeding 10 years.

[POL 14] Training and Education

(1) The Commissioner shall prescribe training and education programs for all Police employees for the efficient exercise and performance of the powers, duties, and function of the Force.

(2) The Commissioner may permit any other person to undergo any training and education program conducted by the Force which is relevant to the efficient exercise of duties, powers, or functions conferred by law on any such person.

(3) The Commissioner may confer awards to any Police Employee or other persons mentioned in subsection (2) who has successfully completed all requirements of the training or education program conducted by the Force.

(4) For the purposes of subsection (2), the Commissioner may prescribes any fees payable to meet the cost of training and education of any such person.

(5) Any fee payable under subsection (4) shall be paid either by the person or the organisation nominating such person.

(6) Any Police employee or person permitted to undertake any training or education program under the provisions of subsection (2) shall, for the duration of such training or education program-

(a) attain the minimum standard required; and

(b) comply with all directives, instructions, orders or standards of behaviour prescribed by or under the authority of the Commissioner.

(7) The Commissioner reserves the right to discipline or terminate any person permitted under subsection (2) from any training or education program:

(i) who does not achieve the minimum standard required in any training or education program; or

(ii) who does not conform to any directive, instruction, order or standard of behaviour prescribed by or under the authority of the Commissioner; or

(iii) against whom there is reasonable cause to believe that he or she has used, is using or may use the knowledge, skills and abilities learnt in any training or education program of the Force for any unlawful purpose.

(8) Subject to subsection (9), the Commissioner may authorise any Police officer of or above the rank of Assistant Superintendent to take any of the following measures for the purposes of instilling discipline in any Police employee or person appointed for any training or education program -

(a) confinement to training barracks for any period not exceeding 2 days with or without extra guards; or

(b) fatigues; or

(c) drill; or

(d) physical training; or

(e) other or extra duty.

(9) The provisions of subsection (8) shall not be a bar to Tribunal proceeding if the disciplinary misconduct of the Police employee is such which requires such Police employee to be imposed with a more severe penalty.

(10) Where a Police employee is subjected to a Tribunal proceeding under the provision of subsection (9), if convicted, the Commissioner or the Deputy Commissioner as the case may be shall take into consideration any disciplinary action taken against the Police employee under the provisions of subsection (8) to ensure the penalty imposed is proportionate to the disciplinary offence committed.

[POL 15] Identity Documents (Cards) etc.

- (1) Every Police employee shall be issued an identity document or any other form of identity of a type and in the form approved and signed by the Commissioner and shall be evidence of the appointment of such officer under the provisions of this Act.
- (2) The Commissioner may prescribe that any person visiting any Police premises shall be issued with an identity document or any other form of identity of the type prescribed which must be worn or displayed by the person in a manner that is visible and must be produced on demand.
- (3) Any person specified in subsection (2) who –
 - (a) fails to wear any identity document or any other form of identity in a manner that is visible; or
 - (b) fails to produce the identity document or any other form of identity on demand; or
 - (c) is found on any Police premises without an identity document or any other form of identity prescribed in subsection (2); or
 - (d) fails to return the identity document or any other form of identity to the Police employee issuing it; or
 - (e) willfully damages any identity document or any other form of identity issued to him or her; commits an offence and upon conviction, is liable to a fine not exceeding \$500 or imprisonment not exceeding 12 months or both.
- (f) Any person visiting any Police premises may be required to provide or submit to the taking of any form of identification prescribed by the Commissioner.

Division 2 — Resignation, Discharge, Retirement etc.

[POL 16] Resignation

- (1) No Police employee shall be at liberty to resign or withdraw from the Force without the consent in writing of the Commissioner.
- (2) For the purpose of subsection (1), all resignations shall be made to the Commissioner in writing and shall be submitted 30 days prior from the date of resignation.

[POL 17] Prolongation of Service

Any Police employee whose period of service expires during a state of war, insurrection or hostilities, or whenever the President is satisfied that a state of civil commotion which threatens

the public safety exists or is likely to arise in Fiji or in any part thereof, may be retained and his or her service prolonged for such further period, not exceeding 6 months after the cessation of such state of war, insurrection, hostilities or civil commotion which threatens the public safety, as the President may direct.

[POL 18] Discharge and Termination

(1) In addition to any other provision in this Act, any Police employee may be discharged or terminated by the Commissioner at any time—

(a) if he or she is pronounced by a Government medical officer to be mentally or physically unfit for further service;

(b) on reorganisation or reduction of establishment;

(c) if the Commissioner considers that he or she is unlikely to become or has ceased to be an efficient Police employee or that it is desirable in the public interest that he or she should be discharged or terminated from the Force; and

(d) In case of Special constables, includes any special constable whose services are no longer required; and

(e) For the purposes of this section, the Commissioner may direct any Police employee to show cause or give reasons why he or she shall not be dismissed from the Force.

(2) The Minister may, by regulations prescribe the procedure to be followed for the purposes of subsection (1).

(3) Subject to subsection (4) and subsection (5), every Police employee discharged or terminated under the provisions of subsection (1) shall be given one month's notice of intention to discharge or terminate him or her from the Force or, at the discretion of the Commissioner, one month's pay *in lieu* of such notice.

(4) In case of other appointees discharged under the provisions of subsection (1), it shall be the discretion of the Commissioner to decide whether or not any prior notice should be given and whether or not any pay in lieu of such notice shall be paid to such other appointee.

(5) If any sum of money is outstanding to any other appointee discharged under the provisions of subsection (1), such amount shall be paid to such other appointee.

[POL 19] Retirement

(1) The retirement age for all Police employee shall be as prescribed by the Minister.

(2) The Commissioner, with the concurrence of the Minister, may reappoint any Police employee for a specified period of time after his or her retirement for the purposes of carrying out any duty or function of the Force.

(3) Any Police employee reappointed under the provisions of subsection (2) shall be entitled to such pay, benefits, and requirements as approved by the Commissioner.

[POL 20] Police Employees Not To Engage In Other Employment or In Political Activities

No Police employee shall—

(a) engage in any employment or office whatsoever other than in accordance with his or her duties under the provisions of this Act; or

(b) take any active part in any political organisation or electoral campaign or engage in any other activity which is likely to interfere with the impartial discharge of his or her duties under the provisions of this Act.

Division 3 — Police Properties

[POL 21] Issuance of Police Properties

(1) The Minister may, on recommendation by the Commissioner, by regulations, prescribe Police properties which shall be issued to Police employees and any other person for any lawful purpose.

(2) The Commissioner shall direct the issue of all Police properties to Police employees for their respective and efficient exercise of powers, duties and functions of the Force.

[POL 22] Official Use and Custody

(1) Every Police employee issued with any Police property shall retain such property in safe custody and shall not lend, or give the same to any other person, or part with the possession of such property in any way without the authority of the Commissioner.

(2) All Police employees issued with any Police property shall use the same for the lawful purpose for which it was issued for.

(3) All Police employees shall without any delay notify any theft, damage, destruction, or loss of possession of any Police property in any way to his or her immediate supervisor.

(4) Any Police employee who contravenes any provision of this section—

(a) in relation to subsection (2), shall be dealt with according to law;

(b) in relation to subsection (1) and (3), shall be disciplined under the provisions of this Act.

[POL 23] Loss or damage to Police properties to be made good by stoppage of pay

If any Police employee pawns, sells, loses by neglect, makes away with or wilfully or by neglect damages any Police property or other appointments supplied to him or her or any government property committed to his or her charge he or she may, in addition to or *in lieu* of any other punishment, be ordered to make good the amount of such loss or damage, and such amount may be recovered by stoppage from his or her pay in accordance with the provisions of section 100.

[POL 24] Police properties to be delivered up upon ceasing to be a Police employee

(1) Every Police employee shall upon receiving notice of discharge, termination, completion of contract, approval of resignation or retirement from his or her service deliver up to the Police employee appointed by the Commissioner for that purpose, or to the Police employee in charge at the place at which he or she was last stationed or posted, all Police properties and appointments whatsoever which have been supplied to him or her and are the property of the Government within the time prescribed by the Commissioner.

(2) Subject to subsection (4), any Police employee who fails to comply with the provisions of subsection (1) commits an offence and shall -

(a) be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 5 years; and

(b) be liable to pay to the Force the value of the Police property not delivered up.

(3) The value of any Police property not delivered up in accordance with subsection (1) shall—

(a) be ascertained by the court, upon the value of the said property provided by the Commissioner, by which the person was convicted; and

(b) be recoverable as a fine.

(4) At the discretion of the Commissioner, any Police employee may, instead of delivering up any of such Police properties, make payment therefor in such amount as may be determined by the Commissioner.

[POL 25] Prohibition on unauthorised possession, manufacture etc.

(1) Subject to the provisions of section 26, a person commits an offence who, without lawful authority or reasonable excuse—

- (a) has in his or her possession any Police property;
- (b) uses, exchanges or avails for the use of another person any Police property;
- (c) designs, manufactures, produces, reproduces or creates in any way, any Police property;
- (d) sells, offers for sale, distributes in any way any Police property;
- (e) buys, borrows or takes any Police property;
- (f) imports or exports any Police property.

(2) A person who commits an offence against this section is liable on conviction to imprisonment to a term not exceeding 5 years, or to a fine not exceeding \$10,000, or to both or, in case of a body corporate, to a fine not exceeding \$100,000.

[POL 26] Exemptions

(1) Subject to the provisions of subsection (2), the Minister may, on the recommendation of the Commissioner, by regulations, shall prescribe persons or organisations which are exempted from the provisions of section 25 in respect of any Police properties, either for the express purpose of supplying such properties to the Force or for any other lawful purpose.

(2) The Commissioner may exempt and authorise in writing any person to design, manufacture, produce, reproduce or create in any way or sell, offer for sale, distribute in any way articles of clothing or accessories bearing Police logo, insignia or emblem for the purpose of fundraising for recreational purposes or training and education of the Force.

(3) Any person authorised by the Commissioner under the provision of subsection (2) shall maintain proper records in a prescribed form of all persons to whom the article described in subsection (2) is sold, given, or distributed.

(4) Any person who contravenes the provision of subsection (3) commits an offence and shall be liable for the penalties prescribed by section 25.

[POL 27] Fees

The Minister may, by regulation, prescribe any fees payable to the Force in respect of any application for exemption prescribed by section 26.

[POL 28] Personation and representing Police vehicle etc.

(1) A person commits an offence who, without reasonable excuse, represents any vehicle, craft, or other conveyance of any kind or description as being in the service of the Police in circumstances likely to lead a person to believe the vehicle, craft, or conveyance is in the service of the Police.

(2) A person who commits an offence against this section is liable on conviction to—

- imprisonment for a term not exceeding 5 years, or to a fine not exceeding \$10,000, or to both; or
- in case of a body corporate, to a fine not exceeding \$100,000; and

(3) if any vehicle, craft, or other conveyance of any kind or description represented as being in the service of the Police is used for the commission of any offence—

- imprisonment for a term not exceeding 10 years, or to a fine not exceeding \$50,000, or to both; or
- in case of a body corporate, to a fine not exceeding \$500,000.

[POL 29] Use of term Police or Fiji Police Force in operating name

(1) A person commits an offence who, without reasonable excuse, carries on any activity and includes or uses the word “Police”, the words “Fiji Police” or “Fiji Police Force” or any such other words, in a manner likely to lead a person to believe that the activity is endorsed or authorised by the Police or any part of the Police.

(2) A person who commits an offence against this section is liable on conviction to—

- imprisonment for a term not exceeding 5 years, or to a fine not exceeding \$10,000, or to both; or
- in case of a body corporate, to a fine not exceeding \$100,000; and

(3) if any person contravenes the provision of subsection (1) for the purpose of committing any offence—

- imprisonment for a term not exceeding 10 years, or to a fine not exceeding \$50,000, or to both; or
- in case of a body corporate, to a fine not exceeding \$500,000.

[POL 30] Immunity

The Force shall not be liable for any action in relation to—

(a) Any offence committed by any person; or

(b) Any loss, harm, or damage caused to any person or their property as a result of any conduct of any person;

who has breached the provisions of section 25 and section 26 of this Act.

PART 4 POWERS AND DUTIES OF POLICE EMPLOYEES

Division 1 — General Powers and Duties

[POL 31] General Powers and Duties

(1) Every Police employee shall exercise such powers and perform such duties as are by law conferred or imposed upon them, and shall obey all lawful directions in respect of the execution of his or her office which he or she may from time to time receive from his or her superiors in the Force.

(2) Every Police officer shall be deemed to be on duty at all times and may at any time be detailed for duty in any part of Fiji or any other place within the provision of this Act.

(3) It shall be the duty of every Police officer and special constable promptly to obey and execute all orders and warrants lawfully issued to him or her 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 or she is legally authorised to apprehend and for whose apprehension sufficient ground exists.

[POL 32] Power to Make Complaint

(1) It shall be lawful for any Police officer to make a complaint or charge against any person before a Magistrate and to apply for a summons, warrant, search warrant or such other legal process as may by law issue against any person.

(2) Subject to the provisions of subsection (3), for the purposes of disciplinary proceedings under the provision of this Act, it shall be lawful for any Police officer conducting enquiries to make a complaint or charge against any person before a Tribunal and to apply for summons, warrants, search warrants or such other legal process as may by law issue against any person.

(3) Any search warrant required during the course of any enquiry into breach of discipline may be issued by any independent Police Officer of or above the rank of Assistant Superintendent.

[POL 33] Power to Inspect Licences and Permits

(1) It shall be lawful for any Police officer or special constable to stop and detain any person whom he or she 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 or her licence or permit.

(2) Any person who fails to produce such licence or permit when called upon by a Police officer or special constable may be arrested without a warrant unless he or she gives his or her personal details and otherwise satisfies the Police officer or special constable that he or she will duly answer any summons or other proceedings which may be taken against him or her.

(3) Any person who contravenes the provision of this section commits an offence and shall be liable upon conviction for a fine not exceeding \$500.00 or 12 months imprisonment or both.

[POL 34] Duty 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 lawful orders given by any Police officer or special constable in the performance of his or her duty under any of the provisions of this section shall be guilty of an offence and liable to a fine not exceeding \$1,000 or to imprisonment for a period not exceeding 12 months or to both such fine and imprisonment.

(3) Any person who opposes or disobeys any lawful order given by a Police officer or special constable in the performance of his or her duty under any of the provisions of this section may be arrested without a warrant unless he or she gives his or her personal details and otherwise satisfies such Police officer or special constable that he or she will duly answer any summons or other proceedings which may be taken against him or her.

[POL 35] Power to Erect Barriers

(1) It shall be lawful for any Police officer or special constable, if he or she considers it necessary for the maintenance and preservation of law and order, preservation of the peace, 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 other public place in such manner as he or she may think fit.

(2) Any Police officer or special constable may take all such reasonable steps as he or she considers necessary to prevent any person or vehicle from passing any barrier erected or placed under the provisions of subsection (1), and any such person, or the driver of any such vehicle, who fails to comply with any reasonable signal made or direction given by a Police officer or special constable under the provisions of this subsection, shall be guilty of an offence and liable to a fine not exceeding \$1,000 or to imprisonment for a period not exceeding 12 months or to both such fine and imprisonment.

(3) It shall be lawful for any Police officer or special constable, if he or she considers it necessary for the maintenance and preservation of law and order, preservation of the peace, prevention or detection of crime or for the detection and apprehension of offenders, to erect or place barriers, in such manner as he or she may think fit, in or across—

- (a) the internal waters of Fiji as defined in section 3 of the Marine Spaces Act 1977; or
- (b) the archipelagic waters of Fiji as defined in section 4 of the Marine Spaces Act 1977; or
- (c) the territorial seas of Fiji as defined in section 5 of the Marine Spaces Act 1977; or
- (d) the contiguous zone and the exclusive economic zone of Fiji in accordance with the provisions of the United Nations Convention on the Law of the Sea and any law in Fiji implementing the Convention; or
- (e) any river, stream, lake, pond, creek, pool, dam, swamp, drain or any type of body of water whether occurring naturally or man-made by which any person, animal, vessel, craft, or conveyance of any kind or any other thing of any description may use to gain access to any area restricted under the provisions of this section.

(4) Any Police officer or special constable may take all such reasonable steps as he or she considers necessary to prevent any person either by himself or herself or by any other means whatsoever from passing or entering any barrier erected or placed under the provisions of subsection (3), and any such person, who fails to comply with any reasonable signal made or direction given by a Police officer or special constable under the provisions of this subsection, shall be guilty of an offence and is liable upon conviction –

- (a) in case of an individual, to a fine not exceeding \$10,000 or to imprisonment for a period not exceeding 2 years or to both such fine and imprisonment;
- (b) in the case of a body corporate, to a fine, not exceeding \$100,000.

(5) The Commissioner may, if he or she considers it necessary for the maintenance and preservation of law and order, preservation of the peace, prevention or detection of crime or for the detection and apprehension of offenders, designate any airspace to be a non-accessible zone by any airborne craft, apparatus or any other thing of any description for any period of time.

(6) Any Police employee or other person authorised by the Commissioner may take all such reasonable steps as he or she considers necessary to prevent any airborne craft, apparatus or any

other thing of any description from entering, passing or remaining in or over any non-accessible zone.

(7) Any person who, without lawful excuse, either by himself or herself or by the use of any airborne craft, or by any other means whatsoever, enters any non-accessible zone commits an offence and shall be liable upon conviction –

(a) in case of an individual, to a fine not exceeding \$10,000 or to imprisonment for a period not exceeding 5 years or to both such fine and imprisonment;

(b) in the case of a body corporate, to a fine, not exceeding \$100,000.

(8) Any Police officer or special constable may, without warrant, arrest any person, who either by himself or herself or by any other means whatsoever, who fails to comply with the provisions of this section and where necessary, to enter, search, and exit any place without warrant for the purposes of arrest.

(9) The Force or any person assisting the Force shall not be liable for any loss, damage or injury occasioned to any person or anything specified in this section as a result of any steps taken under the authority of this section.

Division 2 — Identification of Persons

[POL 36] Interpretations

In this division—

Forensic procedure means—

- (a) an examination of a part of the body that requires touching of the body or removal of clothing;
- (b) the taking of a sample of hair;
- (c) the taking of a sample from or under a fingernail or toenail;
- (d) the taking of a sample of saliva or a sample by a swab;
- (e) the taking of a sample by swab or washing from any external part of the body;
- (f) the taking of a sample by vacuum suction, by scraping or by lifting by tape from any external part of the body;
- (g) the taking of a handprint, fingerprint, footprint or toe print;
- (h) the taking of photograph of the person;
- (i) the taking of a photograph of, or an impression or cast of a wound from, a part of the body;

- (j) the taking of measurements or description or identifying feature of the person;
- (k) the taking of a sample for breathalyser analysis;
- (l) the taking of a sample of blood or other bodily fluid;

Forensic sample means material obtained from a forensic procedure;

Identifying feature, in relation to a person, means any description including any permanent or semi-permanent physical feature of the person, masking marks or features on the body of such person whether natural or otherwise that helps to identify the person.

Identification procedure means a procedure in the course of which —

- (a) one or more forensic sample or intimate forensic sample of a person are obtained from the person; and
- (b) if practicable, the person's personal details are obtained;

Intimate forensic procedure, in relation to a person, means—

- (a) an forensic procedure that is done on the person's private parts; or
- (b) the taking of a dental impression of the person;

Intimate Forensic sample means material obtained from an intimate forensic procedure;

Personal details, in relation to a person, means —

- (a) the person's full name and any other names or aliases the person is known by;
- (b) the person's date of birth;
- (c) the address of where the person is living;
- (d) the address of where the person usually lives;
- (e) any other details prescribed by the Minister by regulations.

Photograph includes a video recording and a digital image;

[POL 37] Authority to take Personal Details

- (1) If a Police officer or a special constable reasonably suspects that a person—

- (a) has committed or is committing or is about to commit an offence; or
- (b) may be able to assist in the investigation of an offence or a suspected offence; or
- (c) for any other lawful purpose;

may require such person to give any or all his or her personal details.

(2) For the purposes of this section, it is immaterial whether such person is in lawful custody of the Police or not.

[POL 38] Failing to Provide Personal Details

(1) Any person required under section 37 to give his or her personal details fails to do so; or

(2) gives to such Police officer or a special constable any personal detail which is false;

commits an offence and upon conviction, shall be liable to a fine not exceeding \$1,000 or to imprisonment for a period not exceeding 12 months or to both such fine and imprisonment.

(3) If a Police officer or a special constable reasonably suspects that a personal detail given by a person in response to a request is false, the Police officer or the special constable may require the person to produce evidence of the correctness of the personal detail.

(4) A person who, without reasonable excuse, does not comply with a request made under subsection (3) or produces any evidence in relation to his or her personal details to such Police officer or the special constable which is false, commits an offence and upon conviction, shall be liable to a fine not exceeding \$1,000 or to imprisonment for a period not exceeding 12 months or to both such fine and imprisonment.

(5) A person who, having been requested under this division to provide any personal detail or evidence of the correctness of the personal detail—

(a) does not reply; or

(b) having provided evidence of the correctness of the personal detail, resists any Police officer or special constable from having access to or inspecting such evidence;

is taken not to have consented to undergoing it.

(6) Any Police officer or a special constable may arrest without warrant any person who commits an offence against any provision of this section.

[POL 39] Authority to Take Forensic Sample etc.

(1) The purpose of this section is to enable the Police to obtain —

- (a) forensic sample;
- (b) intimate forensic sample
- (c) photographs;

that may be used now or in the future by Police for any lawful purpose.

(2) Any Police employee or other person authorised by the regulations may take or cause to be taken any or all of the forensic sample, intimate forensic sample or photographs of any person who is detained or arrested for the purposes of any law and is—

- (a) in lawful custody of the Police—
 - (i) at a Police station; or
 - (ii) at any other place being used for Police purposes; or
 - (iii) at any approved testing facility; or
- (b) remanded in the custody of Fiji Corrections Service or any other remand center; or
- (c) referred to or admitted in any medical or health facility; or
- (d) referred to or admitted in any mental health facility; or
- (e) any other facility for any purpose upon an order of the court;

whether such person has been convicted of an offence or not.

[POL 40] Requirement to Provide Forensic Sample etc.

(1) Any Police employee or other persons authorised by regulations to take forensic sample, intimate forensic sample or photographs of any person who is detained for the purposes of any law or in lawful custody of the Police under reasonable suspicion of having committed any offence may request the person to give or allow to be taken from him or her any or all of his or her forensic sample, intimate forensic sample or photographs.

(2) For the purposes of this section any Police employee authorised to take forensic sample, intimate forensic sample or photographs of any person detained in Police custody may require such person to provide his or her personal details.

(3) Any person requested under the provisions of subsection (1) and (2) shall comply with all request made by the Police employee or other person authorised by regulations to take forensic sample, intimate forensic sample or photographs.

(4) Any person who, without reasonable excuse, does not comply with a request made under this section, commits an offence and upon conviction, shall be liable to—

(a) a fine not exceeding \$5,000 or to imprisonment for a period not exceeding 5 years or to both such fine and imprisonment; or

(b) in case of a serious offence, to imprisonment for a period not exceeding 10 years.

(5) A person who, having been requested under this division to provide or undergo an forensic procedure, intimate forensic procedure or the taking of his or her photograph—

(a) does not reply; or

(b) having consented to it resists the carrying out of it;

is taken not to have consented to undergoing such procedure .

(6) A forensic procedure or intimate forensic procedure required to be conducted on any child or other person with disability shall be conducted in the presence of his or her parent, guardian or a welfare officer.

(7) For the purposes of subsection (6), person with disability have the same meaning as defined in the Rights of Persons with Disabilities Act 2018.

(8) Any person prescribed in subsections (6) who without lawful excuse obstructs, hinders or in any way prevents any authorised person to conduct a forensic procedure or intimate forensic procedure on any child or person with disability commits an offence and shall be liable for the penalties prescribed by subsection (4).

[POL 41] Refusal to Provide Forensic Sample, etc.

(1) Any person who refuses to give or allow to be taken any or all of his or her forensic sample, intimate forensic sample or photographs under the provisions of this division shall be taken before the nearest Magistrate and such Magistrate may authorise any Police officer and any other Police employee or other person assisting such Police officer for the purposes of this division to use reasonable force on the person to enable any Police employee or other person authorised by regulations to take the forensic sample, intimate forensic sample or photographs.

(2) Any person required to give or allow to be taken any forensic sample, intimate forensic sample or photograph who resists, or in any way resists or prevents any Police officer or any Police employee or person authorised by a Magistrate under subsection (1) from using reasonable force on him or her for the purpose authorised commits an offence and upon conviction, shall be liable to—

(a) a fine not exceeding \$5,000 or to imprisonment for a period not exceeding 5 years or to both such fine and imprisonment; or

(b) in case of a serious offence, to imprisonment for a period not exceeding 10 years.

(3) For the purposes of subsection (2), any person who resists, or in any way prevents any Police officer or any Police employee or person authorised by a Magistrate from using reasonable force on him or her for the purpose authorised shall be taken before the nearest Magistrate and such Magistrate may remand the person for a period not exceeding 7 days.

(4) Any person remanded under subsection (3) who, upon the completion of the period of such remand shall appear before a Magistrate and such Magistrate shall direct such person to give or submit to the taking of any forensic sample, intimate forensic sample or photographs by any Police employee or person authorised under subsection (1).

(5) Any person who fails to comply with the direction of the Magistrate given under subsection (4) may be further remanded for a period not exceeding 7 days, and the process prescribed by this section shall continue until such time the person gives or submits to the taking of his or her forensic sample, intimate forensic sample or photographs.

(6) The penalty prescribed by subsection (2) shall come into effect after the person had given or submitted to the taking of his or her forensic sample, intimate forensic samples or photographs.

[POL 42] Approved Facility

(1) The Minister, upon recommendation by the Commissioner may, by regulations, approve a laboratory or other facility in Fiji or elsewhere as an approved facility where—

(a) a forensic procedure or intimate forensic procedure may be carried out;

(b) testing of forensic sample or intimate forensic sample can be carried out to establish the purpose for which such sample were taken; or

(c) photographs can be processed to establish the purpose for which such photographs has been taken

(2) information provided by an approved testing facility referred to in subsection (1) as to matters such as the chemical composition of a forensic sample or intimate forensic sample is admissible as evidence in any proceedings for prosecution of any offence.

[POL 43] Regulations

(1) The Minister may, by regulations—

(a) appoint Police employees or other persons who may—

- (i) take forensic sample or intimate forensic sample of persons detained or arrested by Police; or
- (ii) take forensic sample or intimate forensic sample of persons upon an order by the court.

(b) prescribe the general rules for carrying out forensic procedures or intimate forensic procedure including the manner in which such forensic sample or intimate forensic sample may be taken and handled;

(c) appoint institutions, facilities or places where personal details, forensic samples, intimate forensic samples, photographs, or records in any form of such personal details, forensic samples, intimate forensic samples or photographs taken from or of persons for the purposes of this division may be filed, retained, stored, preserved or in any way and form kept.

(d) prescribe the prohibition on use, or dissemination of information in respect of any personal detail or forensic sample or intimate forensic sample or photographs obtained under this division;

(e) prescribe the period for which personal details or forensic sample or intimate forensic sample or photographs obtained under this division may be kept;

(f) prescribe the period for which records, in any form, of personal details or forensic sample or intimate forensic sample or photographs obtained under this division may be kept;

(g) prescribe the authority and guidelines for and method of disposal of personal detail or forensic sample or intimate forensic sample or photographs obtained under this division;

(h) prescribe any other matters incidental thereto.

[POL 44] Prospective Police employees to provide Personal Details etc.

(1) In addition to any requirement prescribed by or under the authority of this Act, a person before being considered for employment as a Police employee shall —

- (a) give any or all of his or her personal details; or
- (b) if there is reasonable cause to suspect that the details given under subsection (1) is false, the person may be required to produce evidence of the correctness of his or her personal detail; or
- (c) give or allow the taking of any or all forensic sample or intimate forensic sample;
- (d) give or allow the taking of his or her photographs.

(2) Any person who fails to provide any personal detail or give or allow to be taken any forensic sample, intimate forensic sample or photographs shall not be considered for employment as a Police employee.

(3) Any person who gives any personal detail or evidence of the correctness of the personal detail required under subsection (1) (b) which is false, commits an offence and shall be liable, upon conviction, to a fine not exceeding \$1, 000 or to imprisonment for a period not exceeding 12 months or to both such fine and imprisonment.

(4) The Minister, on the recommendations of the Commissioner may, by regulations, prescribe the personal detail or forensic sample or intimate forensic sample, other than those prescribed by this division, which shall apply to prospective Police employees.

[POL 45] Police Employees to Provide Forensic Sample

(1) The purpose of this section is to enable the Police to obtain any forensic sample that may be used now or in the future by the Police for the purposes prescribed under this section.

(2) In addition to any condition of employment prescribed by or under the authority of this Act, a Police employee may be required to give or allow the taking of any or all of his or her forensic sample.

(3) Any Police employee who, without reasonable excuse, fails to give or allow to be taken any forensic sample contravenes the provision of this section and may be dismissed from the Force.

(4) The Minister, on the recommendations of the Commissioner may, by regulations prescribe the forensic sample which shall be required from Police employees for the purposes of this section.

(5) The provisions of this section shall apply to Police employees who are—

(a) being considered for re-enlistment; or

(b) being considered for re-appointment after the Police employee's employment contract is about to end or has ended; or

(c) reasonably suspected of using any illicit drug or substance other than for any purpose prescribed by law; or

(d) reasonably suspected of being under the influence of alcohol whilst on duty; or

(e) reasonably suspected of being involved with any conduct in respect of any illicit drug or substance other than for any purpose prescribed by law;

(f) or any other substance Police employees are prohibited by the Commissioner to be under the influence of or taken or used in any way during the tour of duty of such police employee;

(6) For the purposes of subsection (5) (c) and (d), the Commissioner may direct any Police employee to give or allow to be taken any forensic sample at any time he or she deems necessary to establish whether or not such Police employee has used or has been involved in any conduct in respect of any illicit drug or substance, other than for any purpose prescribed by law.

(7) Any Police employee who fails to give or allow to be taken any forensic sample required under this section shall—

(a) In respect of subsections (a) and (b), have his or her re-enlistment or re-appointment declined; and

(b) In respect of subsections (c) and (d), be terminated from the Force.

[POL 46] Forms of Identification

(1) Subject to subsection (6), it shall be lawful for a Police officer to conduct an identification of any person to help gather evidence of the identity of such person, who the Police officer has reasonable grounds to believe has committed or is about to commit an offence and is in the lawful custody of the—

(a) Police at a Police station; or

(b) Police at any other place being used for Police purposes; or

(c) Fiji Corrections Service or any other remand center.

(2) Any person required to undergo identification under this section shall comply with such requirement.

(3) For the purpose of this section, Fiji Corrections Service or any other remand center or any other person having lawful custody of any person required to undergo identification shall provide unrestricted access to such person and provide necessary assistance for such identification to be conducted at a place deemed suitable by the Police officer conducting such identification.

(4) Any person who contravenes the provisions of subsection (3) commits an offence and shall be liable on conviction for the penalty prescribed in subsection (5).

(5) Any person who does not consent to a request to undergo identification made under the provision of this section commits an offence and upon conviction, shall be liable to—

(a) a fine not exceeding \$5,000 or to imprisonment for a period not exceeding 5 years or to both such fine and imprisonment; or

(b) in case of a serious offence, to imprisonment for a period not exceeding 10 years.

(6) A person who, having been requested under this section to undergo an identification—

(a) does not reply; or

(b) having consented to it resists the carrying out of it;

is taken not to have consented to undergoing such identification.

(7) The Commissioner may from time to time prescribe Police officers who may conduct identification of persons and the manner in which such forms of identification shall be conducted and any other matters incidental thereto.

(8) For the purposes of this division, identification means any procedure, means, or method of identification of any person prescribed by the Commissioner including —

- (a) eye witness identification;
- (b) identification by photograph, or any other form of visual identification;
- (c) identification by finger print, palm prints, or foot prints;
- (d) identification by hand writing;
- (e) voice identification;

(9) Any identification conducted under the provisions of this section shall be conducted in a manner which is fair to the person required to undergo such identification.

[POL 47] Other forms of identification

(1) The Minister may, by Regulations, prescribe any other forms of identification which may be conducted to help gather evidence of the identity of a person suspected of having committed an offence.

(2) The Commissioner shall prescribe the manner in which identification of person under the provision of this section shall be conducted.

[POL 48] Interview of Persons

(1) It shall be lawful for any Police officer to conduct and record the proceeding of an interview under caution of any person in a form prescribed by the Commissioner from time to time, who such Police officer has reasonable grounds to believe has committed or is about to commit an offence and is in the lawful custody of the —

- (a) Police at a Police station; or
- (b) Police at any other place being used for Police purposes; or
- (c) Fiji Corrections Service or any other remand center.

(2) Subject to the provisions of subsection (3), any person required to be interviewed under caution under this section shall comply with such requirement.

(3) Any interview conducted under the provisions of this section shall be subject to all rights of arrested, and detained persons prescribed by the Constitution.

(4) Any interview of person arrested or detained recorded in the form prescribed by the Commissioner shall be accepted in any legal proceedings as an authorised form of interview of such persons and maybe led as evidence.

[POL 49] Power to Engage Professionals

(1) Any Police officer may request the assistance of any professional during the course of any investigation where such professional has the capacity to assist.

(2) For the purpose of this section, professional means a health professional as defined in the Medical and Dental Practitioner Act 2010, a welfare officer as defined in the Juveniles Act 1973, a teacher who is registered under the Fiji Teachers Registration Act 2008 or a legal practitioner as defined in the Legal Practitioners Act 2009, or any other person prescribed by regulations to be a professional for the purposes of this Act.

[POL 50] Power to Issue Stop Departure Notice

(1) Interpretation

For the purpose of this division –

Director means the Director of Immigration

Stop Departure Order means any order issued by the Director preventing the departure of any person from Fiji.

(2) Notwithstanding any provision in any law –

(a) the Commissioner may, by notice in writing given to the Director, request that any person who is reasonably suspected of having committed an offence be placed on a Stop Departure Order and be stopped from departing Fiji.

(b) If a request under subsection (a) is made by the Commissioner, the Director shall issue a Stop Departure Order in respect of the person specified by the Commissioner without delay.

(c) If Stop Departure Order is issued by the Director, any immigration officer acting on the Director's authority, shall comply and stop any person specified in the Stop Departure Order from departing Fiji.

(d) for the purpose of this division, any immigration officer shall have the power to detain any person specified in the Stop Departure Order who is about to depart Fiji.

(e) Any person detained under subsection (c) by any immigration officer must be promptly handed over to any Police officer to be dealt with according to law.

(3) The Commissioner may, by notice in writing to the Director, withdraw the request specified in subsection (1) at any time and must withdraw the request if the Commissioner is satisfied that the reason for the request has ceased to apply.

(4) If any request is made within the provisions of subsection (3), the Director shall without further delay remove the name of the person specified in the request from the Stop Departure Order.

(5) Any person who, having knowledge that any person about to depart Fiji against whom a Stop Departure Order has been issued, allows such person to depart Fiji commits an offence and upon conviction, shall be liable to a fine not exceeding \$5,000 or imprisonment not exceeding 5 years, or to both such fine and imprisonment.

(6) The Minister, on the recommendation of the Commissioner, shall prescribe the rules and process to be followed in such circumstances with strict regard to the Constitutional rights of the person so detained or prevented from leaving Fiji.

(7) The Commissioner may delegate his or her authority under this section to the Director Criminal Investigation Department.

(8) If the Commissioner delegates his or her authority specified in subsection (7) to the Director Criminal Investigation Department, any request issued by the Director Criminal Investigation Department will have the same effect as if issued by the Commissioner.

(9) All other laws of Fiji in relation to the provisions of this division shall be construed accordingly.

Division 3 — Investigation

[POL 51] Interpretations

For the purpose of this division, unless the context requires otherwise –

Crime Scene means any place where any offence is alleged or suspected to have been committed and where evidence may be found.

Evidence or potential evidence means any article or thing of any description which will or may be used during the course of any Police investigation or any judicial proceeding

Serious offence means any offence for which the maximum penalty includes imprisonment for 5 years or more.

[POL 52] Designation of Crime Scene

(1) Any Police officer or special constable, may, without warrant enter and designate as a crime scene, any open space, park, land, premises, road or any cyberspace or electronic device, whether used for private or public purposes, or any place; whether private or public, or any vehicle, vessel, or conveyance of any description in any place where such Police officer or special constable has reasonable grounds to believe may a place where an offence has been committed.

(2) Any person in charge or control of any place specified in subsection (1) shall give unrestricted access to any Police officer or special constable on demand.

(3) It shall be lawful for any Police officer or special constable to use reasonable force and gain access to any place or any part thereof specified in subsection (1) or anything situated therein if unrestricted access is not given by the person in charge of any such place.

(4) Upon designation of any place specified in subsection (1) as a crime scene by a Police officer or special constable, it shall remain a crime scene until such time the Police officer in charge of such crime scene declares it to be no more.

(5) For the purpose of this section, it shall be lawful for any Police officer or special constable to direct any person to depart from the crime scene and all persons so directed shall comply as directed.

(6) The persons specified in subsection (5) shall properly confine or remove any animals or article or things from the crime scene which is in their possession or under their control and which may interfere, obstruct, hinder or pose danger to any Police employee carrying out their lawful duty in therein.

(7) It shall be lawful for any Police officer or special constable to use reasonable force and gain exit from to any crime scene if unrestricted exit is not given by the person in charge or control of such Crime Scene.

(8) The provisions of this section shall apply to any Police employee or any other person authorised by any Police officer to perform any lawful duty at the crime scene.

(9) Any person who fails to comply with any provision of this section commits an offence and shall, upon conviction, be liable to imprisonment not exceeding 7 years; or in case of body corporate, to a fine not exceeding \$100,000.

[POL 53] Authority to Process the Crime Scene

(1) It shall be lawful for any Police employee authorised by a Police officer in charge of a crime scene to carry out any procedure prescribed by the Commissioner in the crime scene or its immediate vicinity which such Police employee deems necessary.

(2) For the purposes of subsection (1), such Police employee may take or convey into such crime scene or its immediate vicinity and use any Police property or other resources for such purposes.

[POL 54] Power to Search and Seize Exhibits

- (1) Any Police employee may, without warrant or other written authority, search the crime scene or the immediate vicinity of such crime and seize any article or thing which such Police employee has reasonable grounds to believe is evidence or potential evidence.
- (2) Any Police officer or special constable may, without warrant or other written authority search any person, animal, vehicle, vessel, or conveyance of any kind at the crime scene or in the immediate vicinity of such crime scene and seize any article or thing which such Police officer or special constable has reasonable grounds to believe is evidence or potential evidence.
- (3) It shall be lawful for any Police officer or special constable to use reasonable force on any person who fails to comply with or submit to any requirement of this section.
- (4) Any person who fails to comply with or submit to any requirement of this section commits an offence and shall, upon conviction, be liable to imprisonment not exceeding 5 years.
- (5) All search of persons for the purposes of this section shall be in conformity with the procedure prescribed in the Criminal Procedure Act 2009.

[POL 55] Restriction on Entry etc.

- (1) A person commits an offence who –
 - (a) without lawful excuse enters into any crime scene; or
 - (b) after having lawfully entered into or upon such crime scene, remains there after being told to depart from such crime scene by a Police officer.
- (2) Any person who commits any offence specified in this section may be arrested without warrant and shall be liable upon conviction, to imprisonment not exceeding 7 years.

[POL 56] Tampering, Removing or Destroying Evidence

- (1) A person commits an offence who, without lawful excuse –
 - (a) removes any form of evidence or potential evidence, or any article, or thing from the crime scene; or
 - (b) alters, defaces, spoils, damages or otherwise destroys, whether partly or in full, any form of evidence or potential evidence, or any article, or thing at the crime scene; or
 - (c) takes any photograph, video recording, or uses any other form of apparatus, device or by any other means to record any person, article, or thing at the crime scene.

(2) Subject to subsection (3), any person who commits any offence specified in this section shall be liable upon conviction, to imprisonment not exceeding 5 years.

(3) If such evidence or potential evidence is in relation to a serious offence, any person who commits an offence against this section shall be liable, upon conviction to the same penalty prescribed for the commission of such serious offence by any law.

(4) Any Police officer or special constable may arrest without warrant any person committing any offence against this section.

[POL 57] Counseling, Aiding Etc.

(1) Any person who, without lawful excuse, counsels, procures, aids abets, enables, or in any way causes another person to do any of the act prohibited by section 56 commits an offence.

(2) Any person who commits an offence against this section shall be liable upon conviction to the same penalties prescribed in section 56.

(3) Any Police officer or special constable may arrest without warrant any person committing any offence against this section.

[POL 58] Obstructing or Hindering Police Employee or Other Persons

(1) Any person who, without lawful excuse –

(a) obstructs, hinders, interferes or in any way prevents any Police employee to have access to, exit from, or to carry out any lawful duty at or within the immediate vicinity of the crime scene; or

(b) obstructs, hinders, interferes or in any way prevents any person requested to assist by any Police employee, to have access to, exit from, or to carry out any lawful request by any Police employee specified in subsection (1), at or within the immediate vicinity of the crime scene;

commits an offence and shall be liable upon conviction, to imprisonment not exceeding 7 years; or in case of a body corporate, to a fine not exceeding \$100,000.

(2) Any person who commits any offence specified in this section may be arrested without warrant.

[POL 59] Restriction on Information

(1) Notwithstanding the provisions of any law, a person or body corporate shall first seek permission from the Police officer in charge of the crime scene before –

- (a) taking any photograph, video recording, or by any other means to record, whether audio, visual, written, oral commentary or in any other way, any person, article, or thing at the crime scene, or
- (b) engaging in conversation, or conducting any interviews in any way of any person, whether Police employee or otherwise, or
- (c) making or causing or authorising any media release or dissemination of any information in any form and by any means of any crime scene or person or Police animal therein in any way whatsoever.

(2) Any person who fails to comply with the provisions of this section commits an offence and shall be liable upon conviction to imprisonment not exceeding 5 years; and if such person is acting on behalf of or the order, instruction, or authority of a body corporate, such body corporate, in addition, shall be liable to a fine not exceeding \$100,000.

(3) For the purpose of subsection (2), the onus shall be on the body corporate specified in this section to prove to the satisfaction of the court that such body corporate did not order, instruct, or authorise any person to engage in any unlawful activity prescribed in this section.

[POL 60] Collections, Care and Custody of Exhibits

The Commissioner shall prescribe the procedure for the collection, preservation, care, custody of exhibits identified or seized, in the course of any investigation and any matters incidental thereto.

[POL 61] Disposal of unclaimed property

- (1) It shall be the duty of every Police officer to take charge of all unclaimed property and deliver the same to a Police station, where the Police officer in charge shall cause to be posted in some conspicuous place, a notice specifying such property, and calling upon any person who may have any claim thereto to appear and establish his or her claim within one month from the date of such notice.
- (2) Such property, if no person shall within one month from the date of the notice aforesaid establish his or her claim thereto, may be sold or otherwise disposed of or destroyed in such manner as the Commissioner may direct.
- (3) The proceeds of the sale of such property shall, if no claim thereto has been established within the period aforementioned and after deduction of any expenses incurred by such sale, be paid into the Consolidated Fund.

[POL 62] Disposal of Exhibits in Undetected Cases

(1) Notwithstanding any provisions in the Criminal Procedure Act in regards to exhibits seized by Police in the cause of any investigation, the Commissioner shall prescribe the procedure for care, custody and disposal of all exhibits which was seized but no charges has been filed in court.

(2) For the purposes of this section, the Commissioner shall return all articles or things seized as exhibits to the person from whom it was seized unless such person cannot establish his or her lawful ownership of such exhibit or the interest of justice requires such exhibit shall not be returned

(3) Where any exhibits seized by Police in the course of any investigation is not returned to the person to whom it was seized under the provisions of subsection (2), the Commissioner may –

(a) in case of exhibits of perishable nature, direct such exhibit to be destroyed in the manner prescribed; and

(b) in case of other exhibits, direct such exhibits to be sold and the proceeds of the sale of such exhibit shall, after deduction of any expenses incurred by such sale, be paid into the Consolidated Fund.

[POL 63] Protection of informers and undercover Police Employees

(1) For the purposes of this section—

“Informer” includes any person who, whether formally recruited by Police or otherwise, provides information in relation to anything sought by Police for any lawful purpose.

“Handler” means any Police employee who has recruited any informer to provide information in relation to anything sought by him or her for any lawful purpose.

(1) Subject to subsection (3), no witness in any proceedings under this Act is obliged—

(a) to disclose—

(i) the name or address of any informant or undercover Police employee who has given information with respect to an offence against this Act; or

(ii) the name and address of any person who has assisted in detecting, investigating or assisting with respect to the due administration or enforcement of this Act; or

(b) to answer any question if the answer would lead, or would tend to lead, to the discovery of the name, address or identity of such informant or undercover Police employee, and the informant or undercover Police employee is not a witness in the proceedings.

(2) If any record which is in evidence or liable to inspection in any proceedings contains an entry in which any such informant or undercover Police employee is named or described or which might lead to his or her discovery, the court must cause all such entries to be concealed from view or to be obliterated so far as may be necessary to protect the information or such person from discovery.

(3) If in any proceedings before the court under this Act, the court, after full enquiry into the case, is satisfied that an informer wilfully made a material statement which the informer knew to be false or did not believe to be true, the court may permit enquiry and require full disclosure concerning the informer.

(4) If in any other proceedings the court is of the opinion that justice cannot be fully done between the parties without disclosure of the name of an informer or another person who assisted in any investigation or the proceedings under this Act, the court may permit enquiry and require full disclosure concerning the informer or the other person.

(5) Subject to the provisions of this section, a person commits an offence who without lawful excuse engages in any conduct which results in or may result in—

(a) the identity of or any other information about any informer or undercover Police employee being known to him or her or to any other person by any means whatsoever; or

(b) any information in any form in the possession of or collected and kept elsewhere by any informer or undercover Police employee being made known to him or her or to any other person by any means whatsoever; or

(c) using or causing to be used for any unlawful purpose by him or her or by any other person any information in any form in the possession of or collected and kept elsewhere by any informer or undercover Police employee; or

(d) for the purposes of subsubsections (a), (b) and (c) it is immaterial whether the identity of or other information has come to the knowledge or possession of the person by any means whatsoever by accident or due to an error on the part of the possessor or sender or otherwise.

(e) without unreasonable delay, failing to permanently destroy, erase, delete or dispose of any information about the identity of or any other information about any informer or undercover Police employee which has come to the knowledge or possession of such person by any means whatsoever by accident.

(f) any actual or possible danger or harm to or death any informer or undercover Police employee or a member of his or her family; or

(g) any actual or possible danger or harm to, or death of any animal owned by or in possession or custody of such informer or undercover Police employee or his or her member of the family commits an offence and shall be liable, upon conviction to imprisonment for life; or

(h) any actual or possible danger or harm to any property owned by or in possession or custody of such informer or undercover Police employee or his or her member of the family.

(6) Any person who commits an offence against subsection (5) shall be liable upon conviction to—

(a) For subsections (a), (b), (c) and (e), imprisonment not exceeding 20 years;

(b) For subsection (f), imprisonment not exceeding 15 years and if such danger or harm results in death, mandatory life imprisonment.

(c) For subsection (g), imprisonment not exceeding 10 years or to a fine not exceeding \$50,000, or to both such fine and imprisonment and the court shall direct all or part of such fine to be paid to the said informer or undercover Police officer or his or her family member, as the case may be, as compensation.

(d) For subsections (h), imprisonment not exceeding 15 years or to a fine which is equivalent to the value of the property harmed or damaged or a sum not exceeding \$500,000, whichever is greater or to both such fine and imprisonment and the court shall direct all or part of such fine to be paid to the said informer or undercover Police officer or his or her family member, as the case may be, as compensation.

(7) Subject to the provisions of this section, a person commits an offence who, without lawful excuse engages in any conduct which results in or may result in—

(a) any actual or potential danger, harm to or death of any person who has provided, is providing or may provide information to any informer or undercover Police employee in relation to—

(i) any person who is about to engage in, has engaged or is engaging in any illicit activity; or

(ii) any person who is wanted for arrest; or

(iii) Any article or thing which may be used as evidence by Police in the course of any investigation; or

(iv) any proceeds of crime in possession of any person or in any place;

(v) any information relating to any actual or potential threat to the safety and security of Fiji; or

(v) any information sought by Police or for any other lawful purpose.

(b) any actual or potential danger or harm to, or death of any member of the family of the person specified in subsection (a); or

(c) any actual or potential danger, harm to or death of any animal owned or in possession of or under the control of the person specified in subsection (a); or

(d) any actual or potential danger or harm to or loss of any property owned or in possession of or under the control of the person specified in subsection (a).

(e) any actual or potential danger, harm to or death of any animal owned or in possession of or under the control of any member of the family of the person specified in subsection (a); or

(f) any actual or potential danger, harm or loss of any property owned or in possession of or under the control of any member of the family of the person specified in subsection (a).

(8) Any person who commits an offence against subsection (7) shall be liable upon conviction to—

(a) For subsections (a) and (b), imprisonment not exceeding 15 years and if such danger or harm results in death, mandatory life imprisonment.

(b) For subsection (c) and (e), imprisonment not exceeding 10 years or to a fine not exceeding \$50,000, or to both such fine and imprisonment and the court shall direct all or part of such fine to be paid to the said informer or undercover Police officer or his or her family member, as the case may be, as compensation.

(c) For subsections (d) and (f), imprisonment not exceeding 15 years or to a fine which is equivalent to the value of the property harmed or damaged or a sum not exceeding \$500,000, whichever is greater or to both such fine and imprisonment and the court shall direct all or part of such fine to be paid to the said informer or undercover Police officer or his or her family member, as the case may be, as compensation.

(9) For the purposes of this section, the defence bears the burden to prove that such conduct was not intended to—

(a) intimidate or prevent any undercover Police employee from lawfully using or disseminating any information to any person authorised by the Commissioner.

(b) intimidate or prevent any informer from disseminating any information to his or her handler.

(c) intimidate or prevent the person specified in subsection 7 (a) from providing any information to any informer or undercover Police employee; or

(d) seek retribution against the person specified in this section for engaging in any conduct under the provisions of this section.

(10) Any Police officer or special constable may enter, search and seize anything which is evidence or potential evidence in any place and arrest without warrant any person who is suspected of having committed any offence against this section and where necessary, may use reasonable force.

(11) For the purposes of this section, family member means the relationship of—

(a) spouse or partner;

(b) boyfriend or girlfriend;

(c) parent, grandparent, step-parent, father-in-law, mother-in-law;

(d) child, grandchild, stepchild, son-in-law, daughter-in-law;

(e) sibling, half-brother, half-sister, brother-in-law, sister-in-law;

(f) uncle, aunt;

- (g) nephew, niece, cousin;
- (h) person who is wholly or partly dependent on
- (i) person who normally or regularly resides in the household or residential facility;
- (j) any other person who in the particular circumstances such informer or undercover Police officer considers to be part of his or her family member.

[POL 64] Publication of information of missing and wanted persons etc.

- (1) The Commissioner may authorise the publication, broadcast or dissemination of any photograph, visual recording or any other information in any form, in any media organisation or public internet website, or by placing a notice in any public place, of any—
 - (a) person who, upon a complaint being made to a Police officer or on reasonable grounds of suspicion of a Police officer, is presumed to be missing; and
 - (b) person who is wanted by Police for any lawful purpose, where all other avenues of locating such person has failed; or
 - (c) deceased person whose remains has been discovered by Police and his or her identification is not known; or
 - (d) vehicle, vessel or conveyance of any description which is wanted by Police for any lawful purpose, where all other avenues of locating such vehicle, vessel or conveyance of any description has failed; or
 - (e) vehicle, vessel or conveyance of any description which, upon a complaint being made to Police or on reasonable grounds of suspicion of a Police officer, is presumed to be missing or stolen; or
 - (f) Article or thing believed to be stolen and in respect of which a complaint has been made to Police or information has been received by a Police officer.

- (2) The Commissioner may prescribe the procedure for —

- (a) the type of information that shall be disseminated to the media organisation or public internet website or to be put in the public notice;
- (b) where applicable, the category of offences to which the provisions of this section shall apply;
- (c) Police employees who shall be authorised to make such release to the media organisation or public internet website or to prepare and affix any such public notice;
- (d) the duration for which such broadcast or publication or notice shall apply;
- (e) any other matters incidental hereto.

(3) The Force shall not be liable for any criminal or civil action taken in accordance with any provision of this section if such action was a result of any incorrect or false information provided by any person, whether by mistake or deliberately, unless it can be proved to the satisfaction of the court that the Force did not exercise due diligence in ascertaining whether -

- (a) Any person detained or arrested was the same person; or
- (b) Any information in respect of any deceased person was that of the same deceased person; or
- (c) Any vehicle, vessel or conveyance of any description detained or seized was the same; or
- (d) Any article or thing seized was the same;

in respect of whom any broadcast, publication or public notice was done.

[POL 65] Interception warrants

(1) A High Court Judge may, upon written application from a Police officer of or above the rank of inspector stating that the Police officer has reasonable grounds to suspect or believe that a person has committed, is committing or is about to commit any criminal offence, if satisfied that there are reasonable grounds for that suspicion or belief, issue a warrant authorising the covert monitoring and recording, by any means, of the conduct and communications, including telecommunications, of the person.

(2) A warrant issued under this section may be renewed by further application.

(3) A warrant issued under this section authorises all Police officers together with any person authorised by Commissioner of Police —

(a) to overtly or covertly enter or, in the case of a renewed warrant, re-enter any place specified in the warrant, by force if necessary, for the purpose of executing the warrant; and

(b) in the case of a renewed warrant, to continue monitoring and recording pursuant to the original warrant subject to any variation specified in accordance with subsection (7)(g).

(4) If the circumstances are such that a written application under subsection (1) is not reasonably practicable, an application may be made orally, including by telephone or any electronic communication.

(5) An application, whether in writing or made orally, must particularise the following—

- (a) the facts relied upon to show reasonable grounds for suspicion or belief;
- (b) the manner by which it is proposed to undertake the monitoring;
- (c) the name or names of the person or persons to be monitored, if known;

- (d) the place at which it is intended to monitor the person;
- (e) the identity of any person who may be required by the court to provide assistance for the purpose of giving effect to the warrant;
- (f) the requested duration of the warrant; and
- (g) where the application is oral, the circumstances said to render a written application not reasonably practicable.

(6) In determining whether a warrant should be granted under this section, the High Court Judge shall have regard to the following—

- (a) the nature and gravity of the offence in respect of which the warrant is sought;
- (b) the extent to which the privacy of any person is likely to be affected;
- (c) alternative means of obtaining the information or evidence sought and the extent to which employing these means could prejudice the investigation, through delay or any other reason;
- (d) the extent to which information that may be obtained is likely to assist the investigation of the offence;
- (e) the evidentiary value of any information sought to be obtained;
- (f) any previous warrant sought or issued in connection with the same offence;
- (g) in the case of an oral application, the circumstances that render a written application not reasonably practicable.

(7) A warrant issued under this section shall—

- (a) specify the manner by which monitoring is authorised;
- (b) if known, specify the name of any person or persons who may be monitored;
- (c) specify the place or places at which monitoring is authorised;
- (d) specify any conditions subject to which premises may be entered pursuant to the warrant;
- (e) specify any person required to provide assistance for the purpose of giving effect to the warrant and order that person to provide such assistance;
- (f) specify the duration of the warrant;
- (g) in the case of a renewed warrant, specify any variation to the authority conferred by the previous warrant; and

(h) authorise and require the retrieval of the monitoring and recording device.

(8) A warrant issued pursuant to an oral application is valid for 48 hours.

(9) Where—

(a) in the case of a warrant issued under subsection (1)(a), the Commissioner of Police is satisfied that the grounds upon which a warrant was issued have ceased to exist, the Commissioner must, if the warrant is still in force, cancel the warrant in writing.

(10) A High Court Judge may revoke a warrant issued under this section that is in force.

(11) The Minister by regulation may prescribe the category of offences to which this section shall apply.

[POL 66] Tracking Warrants

(1) A Police officer of or above the rank of inspector who suspects or believes on reasonable grounds that it is expedient for the investigation of an offence against this Act suspects or believes on reasonable grounds that it is expedient for the investigation of any offence, the Police officer of or above the rank of inspector may authorise the placement of a tracking device in or on any vehicle, craft, or conveyance of any kind or goods and may subsequently service or retrieve that device.

(2) If placement, service or retrieval of the tracking device requires covert or forcible entry onto or into any premises, the Police officer of or above the rank of inspector must apply in writing to a High Court Judge for a warrant to so enter.

(3) If the circumstances are such that a written application under subsection (1) is not reasonably practicable, an application may be made orally, including by telephone or any electronic communication.

(4) Upon application pursuant to this section, a High Court Judge may, if satisfied that there are reasonable grounds to believe that the tracking device will yield information or evidence relating to the commission of an offence against this Act, issue a warrant authorising covert or forcible entry, or both covert and forcible entry, for the purpose of placing, servicing and retrieving the device.

(5) A warrant issued under this section may be renewed by further application.

(6) A renewed warrant authorises—

(a) covert or forcible entry or both covert and forcible entry for the purpose of placing, servicing and retrieving the tracking device; and

(b) the continued use of any tracking device pursuant to the original warrant subject to any variation specified in accordance with subsection (9)(f).

(7) An application, whether in writing or made orally, must particularise the following—

(a) the facts relied upon to show reasonable grounds for the suspicion or belief; referred to in subsection (1);

(b) the manner by which it is proposed to undertake the tracking;

(c) the vehicle, craft, or conveyance of any kind or goods to be tracked;

(d) the requested duration of the warrant; and

(e) where the application is oral, the circumstances said to render a written application not reasonably practicable.

(8) In determining whether a warrant should be granted under this section, the High Court Judge shall have regard to—

(a) the nature and gravity of the offence in respect of which the warrant is sought;

(b) alternative means of obtaining the information or evidence sought, the reliability of those alternative means and the resources required to employ them;

(c) the extent to which information that may be obtained is likely to assist the investigation of the offence;

(d) the evidentiary value of any information sought to be obtained;

(e) any previous warrant sought or issued in connection with the same offence; and

(f) in the case of an oral application, the circumstances said to render a written application not reasonably practicable.

(9) A warrant issued under this section shall—

(a) specify the manner by which tracking is authorised;

(b) specify the vehicle, craft, or conveyance of any kind or goods that may be tracked;

(c) specify the premises, vehicle, craft, or conveyance of any kind that may be entered pursuant to the warrant;

(d) specify any conditions subject to which premises, vehicle, craft, or conveyance of any kind or goods may be entered pursuant to the warrant;

(e) specify the duration of the warrant;

- (f) in the case of a renewed warrant, specify any variation to the authority conferred by the previous warrant; and
- (g) authorise and require the retrieval of the tracking device.

(10) A warrant—

- (a) when issued pursuant to an oral application, is valid for 72 hours; and
- (b) when issued pursuant to a written application, is valid for 30 days.

(11) Where the Commissioner of Police is satisfied that the grounds upon which a warrant was issued have ceased to exist, the Commissioner must, if the warrant is still in force, cancel the warrant by instrument in writing.

(12) A warrant issued under this section and still in force may be revoked by a High Court Judge.

(13) Mere external placement of a tracking device upon any craft, vehicle or goods does not constitute entry requiring a warrant.

[POL 67] Police Animals

- (1) The Commissioner may appoint any animal as a member of the Force to assist any Police employee in the lawful execution of their powers, duties and functions.
- (2) The Commissioner may appoint any Police employee to handle any Police animal prescribed in subsection (1).
- (3) The Commissioner shall prescribe instructions and policies regarding the training, care, custody, use of Police animals and any other matters incidental thereto.

[POL 68] Authority to use Police Animals

- (1) Any Police animal under the control of an authorised handler may enter any place for which such authorised handler has power to enter and assist him or her in the execution of any lawful duty.
- (2) Any person in charge of any place specified in subsection (1) shall give unrestricted access to any Police animal authorised to enter such place and conduct any duty prescribed by law.
- (3) Any person who obstructs, hinders, or in any way prevents any Police animal in carrying out its lawful duty commits an offence.
- (4) Any person in charge of any place specified in subsection (1) shall properly confine or remove any animal therein or take any other lawful action to prevent such animals from attacking any Police animal or authorised handler.

(5) Any person who contravenes the provision of subsection (4) commits an offence.

(6) Any person who commits any offence against this section shall be liable on conviction to imprisonment for 5 years or a fine not exceeding \$10,000 or both; or in case of a body corporate a fine not exceeding \$100,000.

(7) The Commissioner or a handler in charge of a Police animal shall not be liable in any way if the Police animal litters or damages any property or causes injury to any person or animal in the course of lawful duty.

(8) For the purpose of this section litter includes any prints, impressions or marks or bodily discharge of any type as a result of the presence of such animal on any premises.

[POL 69] Killing or Injuring Police Animal

(1) It shall be an offence for any person to intentionally or attempt to kill, maim, wound or otherwise injure any Police animal without lawful excuse or authority, either by himself or herself or by any other means whatsoever and upon conviction shall be liable to imprisonment for 10 years or a fine not less than the sum equivalent to the cost of acquisition, care and treatment of such Police animal or both.

(2) The Commissioner shall provide the cost of acquisition, care and treatment of such Police animal which shall be recoverable from the fine imposed.

Division 4 – Powers In Respect Of Electronic Devices Etc.

[POL 70] Interpretations

In this Act, unless the context requires otherwise –

Data means representations, in any form, of information or concepts, and includes the whole or part of a computer program (and, for this purpose, computer program means a set of statements or instructions to be used directly or indirectly in a computer in order to bring about a certain result);

Data message means information generated, sent, received or stored by electronic, magnetic, optical or similar means, including, but not limited to, electronic data interchange, electronic mail, telegram, telex or telecopy;

Data storage device means any article or material (for example, a disk) from which information is capable of being reproduced, with or without the aid of any other article or device;

Electronic communication means any communication that the parties make by means of data messages;

Electronic document includes documents, records, information, communications or transactions in electronic form;

Electronic record means data that is recorded or stored on any medium in or by a computer system or other similar device and that can be read or perceived by a person or a computer system or other similar device. It includes a display, print out or other output of that data;

Electronic records system includes the computer system or other similar device by or in which data is recorded or stored, and any procedures related to the recording and preservation of electronic records.

Electronic signature means—

- (a) electronic data; or
- (b) an electronic process, that is attached to or logically associated with a data message, electronic document, electronic record or electronic communication and that may be used to identify the signatory in relation to the communication and to indicate the signatory's intention in respect of the information contained in the communication;

Evidence or potential evidence means any article or thing of any description or any electronic evidence which will or may be used during the course of any police investigation or any judicial proceeding.

[POL 71] Designation of Crime Scene

Any police officer or any other authorised Police employee may without warrant, access and designate as a crime scene any cyberspace, whether used for private or public purposes, where such police officer has reasonable grounds to believe that a crime has been committed.

[POL 72] Power to Seize Electronic Storage Devices

(1) Any police officer or any other authorized Police employee may seize, without warrant, any electronic storage device which is found –

- (a) in any crime scene; or
- (b) in the possession of any person detained or arrested who is reasonably suspected of having committed any offence; or
- (c) anywhere in any public place; and

if the arresting officer has reasons to believe that such electronic device has been used in the commission of any offence or may contain evidence in respect of any crime.

(2) In all other cases, such seizure may be done on the authority of a warrant.

[POL 73] Power to Seize Computer and other Electronic Devices

(1) Any police officer or any other authorized Police employee may seize, without warrant, any computer or any other form of electronic device which is found –

(a) in any crime scene; or

(b) in the possession of any person detained or arrested who is reasonably suspected of having committed an offence; or

(c) anywhere or in anything in any public place; and

if the police officer or any other authorized Police employee has reasons to believe that such computer or electronic device has been used, is being used or will be used in the commission of any offence or may contain evidence in respect of any crime.

(2) In all other cases, such seizure shall be done on the authority of a warrant.

[POL 74] Power to Access, Extract and Store Information

(1) Any police officer or any other authorized Police employee may access, extract and store information from any computer or computer network, storage mediums or any other devices of any description seized in the course of any investigation.

(2) For the purposes of this section, any information which is personal and not required for the purposes for which such computer or computer network, storage medium or any other device of any description was seized shall be treated with respect and shall not be communicated to any other person by any means whatsoever; unless such information is required for the purposes of any other investigation or for any lawful purpose.

(3) Any police officer or any other authorized Police employee who contravenes the provision of subsection (2) commits an offence and upon conviction shall be liable to imprisonment not exceeding 5 years.

[POL 75] Power to Access Cloud Based Application Accounts etc.

(1) Any Police officer of or above the rank of sergeant may seize any cloud, network, or desktop based application account through changing of passwords for the purpose of ensuring that proper recording procedures are maintained.

(2) Any person being the owner, being in charge, or having control of or having access to any cloud, network, or desktop based application account shall give unrestricted access to the same to such police officer on demand.

(3) For the purposes of this section, any person in charge or having control of any password, security code or any other form of access code or medium of access to any such cloud, network, or desktop based application account shall provide such password, security code or any other form of access code or means of access to such Police officer on demand.

(4) If any person in charge or having control of any password, security code or any other form of access code or means of access to anything specified in subsection (2) on demand, any Police officer of or above the rank of sergeant may authorise the use of other means it considers appropriate to access any such cloud, network, or desktop based application account.

(5) Any person in charge or having control of any password, security code or any other form of access code or means of access to anything specified in subsection (2) who contravenes any provisions of this section commits an offence and shall be liable upon conviction –

(a) to a fine not exceeding \$10,000 or to imprisonment not exceeding 10 years; or to both; and

(b) in case of a body corporate, to a fine not exceeding \$100,000.

[POL 76] Access to Electronic Telecommunication

(1) Any Police officer of or above the rank of Inspector may demand any person being the owner, being in charge, or having control of or having access to any electronic telecommunication material apparatus, or device, data storage device, or cloud storage to provide the password, encryption whether biometrics or in any other form for the purposes of gaining access to such electronic telecommunication material, apparatus, or device, data storage device, or cloud storage, if he or she has reasonable grounds to believe that such electronic telecommunication has been used, is being used or may be used for the commission of any offence prescribed by the Minister by Regulations.

(2) The Minister may, by Regulations prescribe Police the powers to monitor, record and use for investigation purposes any conversation on any telecommunication device, apparatus, telecommunication service or network if there is reasonable grounds to suspect that such conversation is in relation to the commission of any offence, whether committed, is being committed or may be committed.

(3) It shall be the responsibility of the service provider of any telecommunication service or network to give unrestricted access to Police and all due assistance upon demand for the purposes of subsection (2).

(4) For the purposes of subsection (3), such service provider shall provide, including, but not limited to, password, encryption whether biometric or in any other form or any other method that has been used to prevent access to any telecommunication device, apparatus, service or network for the purposes of allowing Police to gain access to such telecommunication device, apparatus, service or network.

(5) For the purposes of this section the Minister may, by Regulations prescribe the offences to which such powers shall apply and the procedure that may be used for such purpose.

(6) Any person or service provider on whom a demand was made for the purposes of this section shall comply forthwith without imposing any fees for facilitating such demand

(7) Any person or service provider on whom a demand was made within the provisions of this section and who resists or fails to comply with such demand in full, commits an offence and shall be liable upon conviction –

(a) to imprisonment for life; or

(b) in case of a service provider, to a fine not exceeding \$1000,000.

(8) Where a person or service provider has failed to comply with the provisions of this section, it shall be lawful for the Police to use reasonable force to gain access to and gain control of any telecommunication facility, service or network and use all means to secure any evidence or potential evidence found on such facility or thing specified in subsections (1) and (2) and such evidence shall be admissible in any legal proceedings.

(9) For the purposes of subsection (8), any person who resists or fails to comply with any demand made by Police under the authority of this section may be arrested without warrant.

[POL 77] Notice to Service Providers

(1) Any Police Officer of or above the rank of sergeant may issue a written notice to any service provider in a prescribed form to preserve or freeze any data in their possession which is subject to any investigation.

(2) A service provider, upon whom such notice has been served shall, without delay, comply with the provisions of such notice.

(3) Any service provider who fails to comply with any provisions of subsection (1) commits an offence and shall be liable, upon conviction to a fine not exceeding \$100,000.

[POL 78] Powers in relation to Digital Currency

(1) Any police officer or any other authorized Police employee who has reasonable grounds to believe that any form of digital currency is being used or is derived from any criminal activity, may seize such digital currency under the authority of a warrant.

(2) Any police officer or any other authorized Police employee who has reasonable grounds to believe that any digital currency transaction is used or has been derived from any criminal activity may direct any financial institution to freeze the account which has been used for such transaction.

(3) Any financial institution which fails to comply with any provisions of subsection (2) commits an offence and shall be liable, upon conviction to a fine not exceeding \$100,000.

(4) Any Police officer may, by warrant signed by a Magistrate, search the contents of any digital currency from any devices, gadgets, or from cloud storage if such digital currency has been used for or derived from any criminal activity.

[POL 79] Disposal of Exhibits

The Commissioner shall prescribe procedures for the proper care, custody and disposal of exhibits seized under this division.

Division 5 – Powers In Case of Emergencies

[POL 80] Interpretations

In this Division, unless the context otherwise requires—

Competent authority means any person or organisation authorised by law to –

- (a) Issue any advice, warning or request to take any preparatory measures in respect of any natural or man-made disaster or other emergency situation or adverse weather condition for which there is reasonable grounds to suspect that it may affect Fiji or any part thereof; or
- (b) Declare that a natural or man-made disaster or other emergency situation has affected Fiji or any part thereof.

Emergency situation means natural disasters, man-made disasters and any other situation which give rise to or may give rise to casualties, and or damage or loss of property, infrastructure, essential services or affects the means of livelihood or health or the general wellbeing of the public on a scale which is beyond the normal capacity of the affected communities to cope with unaided.

Emergency warning means any advice, warning or request to take any preparatory measures issued or given by a competent authority of any natural disaster, man-made disaster or other emergency situation; whether declared to have affected, or there is reasonable grounds to suspect that it may affect Fiji or any part thereof.

Guardian or person in control includes both guardians and persons in control where applicable.

Man-made disaster means any disaster or situation declared by the Commissioner to be a man-made disaster, caused by or resulting from any deliberate, negligent or reckless human conduct or omission, which give rise to or may give rise to casualties, and or damage or loss of property, infrastructure, essential services or affects the means of livelihood on a scale which is beyond the normal capacity of the affected communities to cope with unaided, but does not include natural disasters or other emergency situations.

“Natural disaster” means a disaster declared by Cabinet on the advice of the Council or Emergency Committee under the provisions of section 17 of the Natural Disaster Management Act 1998 which includes—

(a) the occurrence of a major misfortune which disrupts the basic fabric and normal functioning of the society or community; or

(b) an event or series of events which give rise to or may give rise to casualties, and/or damage or loss of property, infrastructure, essential services or means of livelihood;

on a scale which is beyond the normal capacity of the affected communities to cope with unaided, but does not include man-made disasters or other emergency situations.

Natural disaster or Man-made disaster or other emergency situation zone means any zone, area or place declared to be in danger to be affected by, is being affected by or has been affected by any natural disaster or man-made disaster or any other emergency situation under the provisions prescribed by this Act.

Parent includes both parents where applicable.

[POL 81] Police to Take Precautionary Measures

(1) Notwithstanding any provisions in any law on powers of the Police in respect of any natural or man-made disaster or other emergency situations, it shall be lawful for any Police officer to take any precautionary measures which is necessary for the maintenance of law and order, preservation of the peace, protection of life and property, prevention and detection of crime, and for any other lawful purpose

(2) For the purposes of this section, precautionary measures means any order, direction or instruction given or any action taken by any Police officer—

(a) after an emergency warning has been issued by a competent authority that a natural or man-made disaster or other emergency situation or adverse weather condition may affect Fiji or any part thereof; or

(b) who has reasonable grounds to believe that a natural or man-made disaster or other emergency situation may affect Fiji or any part thereof.

(3) The following precautionary measures may be taken by any Police officer or any other Police employee or person acting on the authority of such Police officer in relation to any place which, in the view of such Police officer, may be affected by any emergency situation —

(a) Direct any person to move away from any public place or public road; or

- (b) For the purposes of subsection (a), any person so directed shall remove any animal, vehicle or moveable property in their possession or under their care or control from any such public place or public road; or
- (c) Direct any person to remove any boat, vessel or conveyance of any kind by water or anything in their possession or under their care or control from any river, sea or body of water wherever situated; or
- (d) Enter without warrant into any land, premises, vehicle, craft or conveyance of any kind or any place whatsoever for the purpose of removing any person, animal or property for safety reasons; or
- (e) Exit from any land, premises, vehicle, craft or conveyance of any kind by water or any place whatsoever after having entered for the purposes prescribed in subsection (d); or
- (f) Direct any suitably qualified person to assist or to remove or secure any article or thing in any place prescribed in subsection (d) which may cause injury to any person or damage to property if such emergency situation or adverse weather condition does occur; or
- (g) Take any other lawful action which is necessary for the maintenance of law and order, preservation of the peace, protection of life and property and prevention and detection of crime.

(4) For the purposes of this section, any person or body corporate, in possession, charge or control of any place prescribed in subsection (3), shall give unrestricted access to any Police officer or any other Police employee or person acting on the authority of such Police officer.

(5) Any person who does not comply with any order, direction or interferes, obstructs or in any way and by any means hinders any lawful action taken by any Police officer or any other Police employee or person acting on the authority of such Police officer commit an offence and upon conviction, shall be liable to imprisonment not exceeding 2 years or to fine not exceeding \$2,000 or both; or

(6) In case of a body corporate, a fine not exceeding \$100,000.

[POL 82] Deployment of the Force

(1) Notwithstanding any provisions in any law, the Commissioner may deploy the Force before, during or after any emergency situation or adverse weather condition may affect or has affected any part of Fiji for the purposes of maintenance of law and order, preservation of the peace, protection of life and property, prevention and detection of crime, and for any other lawful purpose.

(2) It shall be lawful for any Police employee or other person or organisation deployed by the Commissioner to any natural disaster or man-made disaster or other emergency situation zone to—

- (a) Direct any person to move away from any public place or public road in or in the immediate vicinity of such natural or man-made disaster or other emergency situation zone; or

- (b) For the purposes of subsection (a), any person so directed shall remove any animal, or any moveable property in their possession or under their care or control from any such public place or public road; or
- (c) Direct any person to remove any boat, vessel or conveyance of any kind by water or anything in their possession or under their care or control from any river, sea or body of water in such natural or man-made disaster or other emergency situation zone; or
- (d) Enter without warrant into any land, premises, vehicle, craft or conveyance of any kind or any place whatsoever for the purpose of removing any person, animal or property from such natural or man-made disaster or other emergency situation zone for safety reasons; or
- (e) Commandeer any property belonging to any person or body corporate for use where interest of the public so requires.
- (f) Convey into and use any Police property or resources provided by any person or organisation assisting such Police employee in any natural or man-made disaster or other emergency situation zone for the purposes prescribed in subsection (d); or
- (g) Exit from any land, premises, vehicle, craft or conveyance of any kind by water or any place whatsoever after having entered for the purposes prescribed in subsection (d); or
- (h) Remove or secure any article or thing of any description in any place prescribed in subsection (d) which may pose danger or cause injury to any person or further damage to property in such natural or man-made disaster or other emergency situation zone; or
- (i) Rescue any person, animal or property of any description; or
- (j) Recover dead bodies of humans; or
- (k) Provide humanitarian support and relief to any person or animal in such natural or man-made disaster or other emergency situation zone; or
- (l) Recover any exhibits or potential exhibits in relation to any crime committed in such natural or man-made disaster or other emergency situation zone; or
- (m) Detain or arrest without warrant any person reasonably suspected of having committed any offence in such natural or man-made disaster or other emergency situation zone; or
- (n) Establish a temporary shelter or structure of any description in the natural or man-made disaster or other emergency situation zone for the purposes of monitoring the situation therein, providing humanitarian relief to any person or animal, storing any properties recovered from such zone, providing safe custody of any person detained or arrested for any offence committed in such zone, or for any other lawful purpose; or

(o) Erect barriers in any place to restrict the movement of persons, vehicles, craft, or conveyance of any kind in or in the vicinity of such natural or man-made disaster or other emergency situation zone; or

(p) Take any other lawful action which is necessary for the maintenance of law and order, preservation of the peace, protection of life and property and prevention and detection of crime or enforcement of any law with which the Force is charged with.

(3) For the purposes of carrying out any lawful duty prescribed in this section, it shall be lawful for any Police officer or special constable to use reasonable force for the purposes of removing any person from such natural or man-made disaster or other emergency situation zone or to enforce any lawful orders or directions given earlier.

(4) For the purposes of this section, any person or body corporate, in possession, charge or control of any land, premises, vehicle, craft or conveyance of any kind or any place whatsoever situated in such natural or man-made disaster or other emergency situation zone, shall give unrestricted access to any Police officer or any other Police employee or person acting on the authority of such Police officer.

(5) Any person who does not comply with any order, direction or interferes, obstructs or in any way and by any means hinders any lawful action taken by any Police officer or any other Police employee or person acting on the authority of such Police officer commits an offence and upon conviction, shall be liable to imprisonment not exceeding 5 years or to a fine not exceeding \$10,000 or both; or

(6) In case of a body corporate, to a fine not exceeding \$500,000.

[POL 83] Powers during Adverse Weather Condition

(1) It shall be lawful for any Police officer or special constable to take any precautionary measures for the purposes of protection of life and property if—

(a) the Fiji Meteorological Services or any other competent authority has publicly declared or announced that an adverse weather condition may affect or is affecting Fiji or any part thereof; and

(b) such declaration or announcement includes an advice for the general public not to engage in any particular activity, whether for recreational purposes or otherwise, during or after any adverse weather condition which may put their or other person's safety and security at risk.

(2) Any person who does not comply with any order, direction, instruction given or interferes, obstructs or in any way and by any means hinders any lawful action taken by any Police officer or any other Police employee or person acting on the authority of such Police officer commits an offence and upon conviction, shall be liable to imprisonment not exceeding 1 year or to a fine not exceeding \$1,000 or both; or

(3) In case of a body corporate, to a fine not exceeding \$100,000.

[POL 84] Duty of Certain Persons

- (1) It shall be the responsibility of the parent, guardian, or any other person having charge or control over any child to ensure that such child is made aware of such adverse weather condition or other natural or man-made disaster and advice such child not to conduct himself or herself in any manner which contravenes the provisions of this Division.
- (2) Any parent, guardian, or any other person having charge or control over any child who contravenes the provisions of Subsection (1) commits an offence and shall be liable upon conviction for the same penalties prescribed in Subsection (5).
- (3) It shall be the duty of every parent, guardian or any person having charge or control over any person who is unable by reason of age, sickness, unsoundness of mind, or any other cause to withdraw from such charge to keep such person safe from any natural or man-made disaster or other emergency situation or area affected by any adverse weather condition.
- (4) Any parent, guardian or any person having charge or control over any person described in subsection (1) who does any willful, reckless or negligent act or omits to take any measures to keep any such person safe from any natural or man-made disaster or area affected by any adverse weather condition; and
- (5) As a result of such willful, reckless, or negligent act or omission, such person in his or her charge or under his or her control is harmed, commits an offence and upon conviction, shall be liable to imprisonment not exceeding 5 years or to a fine not exceeding \$10,000 or to both.
- (6) Any person who fails to comply with any provisions of this section may be detained or arrested without warrant.

[POL 85] Providing Assistance

- (1) Any Police employee deployed by the Commissioner for the purposes of this Division may request any person or body corporate having the means, to provide any support and assistance which may be necessary for any purposes prescribed in this division.
- (2) Any person or body corporate so requested shall comply with such request.
- (3) It shall be lawful for any Police officer acting under the authority of this Division to take control of and use any building, premises or place or vehicle, vessel, or conveyance of any kind on land or water for the efficient and effective carrying out his or her lawful duty.
- (4) It shall be the lawful duty of any person in charge or control of any such building, premises or place or vehicle, vessel, or conveyance of any kind on land or water to give unrestricted access and control of such building, premises or place or vehicle, vessel, or conveyance of any kind on land or water to such Police officer.
- (5) The Commissioner may authorise any Police employee to take control of and use any aircraft or any other type of aerial transportation or device for the purposes of this Division and it shall be

the lawful duty of any person in charge or control of any such aircraft or any other type of aerial transportation or device to give unrestricted access and control of such aircraft or any other type of aerial transportation or device to such Police employee.

(6) Any person who does not comply with the provisions of this section commits an offence and upon conviction, shall be liable to imprisonment not exceeding 10 years or to a fine not exceeding \$100,000 or both; or

(7) In case of a body corporate, to a fine not exceeding \$500,000.

(8) A Police employee shall not be held liable for any damage to any building, premises or place or vehicle, vessel, craft or conveyance of any kind or damage to any property in such building, premises or place or vehicle, vessel, craft or conveyance of any kind.

PART 5 OFFENCES AGAINST POLICE

[POL 86] Abusing, Insulting or Annoying Any Police employee

(1) Any person who, intending to abuse, insult or annoy any Police employee during the course of such Police employees lawful duty, utters any word, makes any sound or gesture, or exhibits any object, intending that such word or sound shall be heard, or that such gesture or object shall be seen, by the Police employee commits an offence and shall be liable upon conviction to a fine not exceeding \$5000 or to imprisonment not exceeding 5 years; or both.

(2) Any person who commits any offence prescribed by subsection (1) may be arrested without warrant.

[POL 87] Disobedience of lawful orders

(1) Any person who disobeys any lawful order, direction or command duly made by any Police officer or Special Constable, in the cause of the lawful duty commits an offence and upon conviction, shall be liable to a fine not exceeding \$5000 or to imprisonment for 5 years; or both.

(2) Any person who commits any offence prescribed by subsection (1) may be arrested without warrant.

(3) Any Police Officer or Special Constable, for the purposes of subsection (2) may enter without warrant any place and may use reasonable force to execute such arrest, entry to or exit from such place.

(4) This section shall apply to any provision of this Act for which such penalty is not prescribed.

[POL 88] Assault on Police Employees, etc.

(1) Any person who assaults, resists or wilfully obstructs any Police employee in the due execution of his or her duty, or any person acting in aid of such Police employee commits an offence and shall be liable upon conviction to imprisonment not exceeding 5 years.

(2) For the purposes of this section, if the person assaults a Police employee in any of the following circumstances—

(a) he or she bites, spits on or throws at the Police employee, or otherwise applies to the Police employee a bodily fluid or human or animal faeces;

(b) he or she is, or pretends to be, armed with a dangerous or offensive weapon or instrument; or

(c) he or she causes bodily harm to the Police employee;

shall be liable upon conviction to imprisonment not exceeding 10 years.

(3) Any person who commits any offence against this section may be arrested without warrant.

[POL 89] Duty to Assist Police

It shall be lawful for any police officer or special constable to call upon any person to assist him or her if, whilst acting in the execution of his or her duty, he or she is assaulted or resisted or in danger of being assaulted or resisted, and any person so called upon to assist a police officer or special constable who without reasonable excuse refuses or neglects to render assistance to the best of his or her ability, shall be guilty of an offence and liable to a fine not exceeding \$500 or to imprisonment for a period not exceeding 12 months or to both such fine and imprisonment.

PART 6 DISCIPLINE

Division 1 – Standard of Discipline

[POL 90] Code of Conduct

(1) Establishment

(a) The Minister, on the recommendation of the Commissioner may, by regulations, prescribe a Code of Conduct stating the standards of behaviour expected from Police employees.

(b) The Minister, on the recommendation of the Commissioner, may make necessary modifications to the Code of Conduct from time to time in accordance with the duties, powers and functions of the Force.

(2) Purpose

The purpose of this Code of Conduct is to provide Police employees with a set of guiding principles and standards to assist them determine what is right and proper and resolve ethical dilemmas.

(3) Administration

It shall be the responsibility of every Police employee to familiarise themselves and conduct himself or herself in accordance with the Code of Conduct.

(4) Code of Ethics

The Commissioner may, prescribe a Code of Ethics for Police employees stating the general principles that shall guide the behaviour of Police employees which shall be in conformity with the Code of Conduct.

(5) Instructions and Validity

(a) The Commissioner may issue any instructions in addition to the provisions of the Code of Conduct from time to time which shall be binding on Police employees prescribed therein.

(b) Any general instruction which is inconsistent with the Code of Conduct is invalid to the extent of the inconsistency.

(6) Compliance

It shall be the duty of every Police employee to conduct himself or herself in accordance with the Code of Conduct.

(7) Breach of Code of Conduct

Any Police employee who contravenes any provisions of the Code of Conduct or any other lawful instruction commits an offence against discipline and shall be dealt with in accordance with the provisions of this Act, provided that—

(a) nothing in this connection shall be construed to exempt any such Police employee from being proceeded against for any offence by any other process of law;

(b) nothing in this connection shall be construed to exempt any Police employee who has been subject to any proceeding for any offence by any other process of law from being proceeded against for any offence against discipline;

(c) save as is expressly provided under the provisions of this Act, no such Police employee shall be punished twice for the same offence.

(d) It shall be lawful for an authorised Police employee to provide counselling to any Police employee who has committed a disciplinary offence of minor misconduct in lieu of a tribunal hearing for the purpose and in the manner prescribed by the regulations.

(8) Extended Jurisdiction

Any Police employee who contravenes any provision of the Code of Conduct or general instructions may be dealt with under the provisions of this Act; whether or not the alleged contravention took place in or outside Fiji.

(9) Double Jeopardy

(a) If a Police employee either in the Force or on deployment to an organisation in Fiji or outside Fiji for any official purpose who has been convicted or acquitted of any offence, either within the provisions of this Act or the Code of Conduct of that organisation, the Police employee cannot be convicted for the same offence based on the same facts against this section.

(b) If a Police employee on deployment to an organisation in Fiji or outside Fiji for any official purpose who has been convicted or acquitted of any offence against the Code of Conduct of that organisation, the Police employee cannot be convicted for the same offence based on the same facts against this section.

Division 2 – Investigation for Offences against Discipline

[POL 91] Investigation

(1) The Commissioner may direct investigation against any Police employee who is reasonably suspected of having committed any disciplinary offence.

(2) The Commissioner may direct the procedure that shall be followed during the investigation process.

(3) The Commissioner may appoint a Board of Inquiry to investigate any offence against discipline or any breach of the Act, Regulation or any Police procedure.

(4) The Minister may, by regulations, prescribe the powers, duties, and functions of the Board of Inquiry.

[POL 92] Powers of Arrest

(1) Any Police officer may arrest without warrant any—

(a) Police officer not being an officer of his or her own or of higher rank unless directed otherwise by the Commissioner; or

(b) any other Police employee;

who is accused of any offence under the provisions of this Act.

(2) A Police officer effecting an arrest under the provisions of this section shall forthwith bring the accused person before a Police officer of or above the rank of Assistant Superintendent or in the absence of such officer before the most senior Police officer readily accessible who shall cause

the case to be heard by a Tribunal or board of enquiry or court of criminal jurisdiction without delay.

[POL 93] Suspension and Interdiction

(1) Interpretations

For the purpose of this section—

“Suspension” means the placing of a Police employee, other than a Police officer, in a temporary status without duties and with or without pay pending any investigation or trial for any offence.

“Interdiction” means the placing of a Police officer in a temporary status without duties and with or without salary or allowances as prescribed by this section pending any investigation or trial for any offence.

(2) The Commissioner may interdict from duty any Police officer pending any investigation or trial for any offence, and pending the determination of any appeal in relation to any conviction or acquittal for such offence.

(3) For the purposes of subsection (2), the Commissioner may direct stoppage of pay for such Police officer provided that he or she shall be entitled to not less than 50 % of his or her normal salary including payment of full lodging allowance calculated on his or her gross annual salary.

(4) The Commissioner may suspend from duty any other Police employee pending any investigation or trial for any offence, and pending the determination of any appeal in relation to any conviction or acquittal for such offence

(5) A Police employee interdicted or suspended from duty under the provisions of this section shall not by reason of such interdiction or suspension cease to be a Police employee, provided that the powers, privileges and benefits vested in him or her as a Police employee shall during his or her interdiction or suspension be in abeyance, subject to the provision of this section, but he or she shall continue subject to the same responsibilities, discipline and penalties and to the same authority as if he or she had not been interdicted or suspended.

(6) Any Police employee interdicted or suspended from duty under the provisions of this section shall not be paid any amount in compensation for loss of earnings in respect of a period of interdiction or suspension unless the Commissioner otherwise directs or he or she is acquitted of the offence.

Division 3 – Fiji Police Force Disciplinary Tribunal

[POL 94] Establishment

(1) There shall be established a Fiji Police Force Disciplinary Tribunal for all Police employees.

(2) A Tribunal shall have the authority to inquire into offences against discipline and in such regard, take any action prescribed by this Act or Regulations.

(3) The Minister may, by Regulations, prescribe additional powers and duties of the Tribunal.

[POL 95] Appointment

(1) The Commissioner may appoint the following Tribunals to inquire into offences against discipline.

(a) In case of Chief Officers other than the Commissioner, the Commissioner shall appoint a Tribunal consisting of independent and suitably qualified persons to hear and investigate charges, and if the Tribunal finds the accused guilty of an offence against discipline, it may impose any one or more of the punishments prescribed by subsection (2), (3), or (4) as the case may be.

(b) In case of any Police officer of the rank of a Senior Superintendent, any Assistant Commissioner shall have the power to hear and investigate charges, and if he or she finds the accused person guilty of an offence against discipline, to make recommendations to the Deputy Commissioner to impose any one or more of the following punishments prescribed by subsection (2), (3), or (4) as the case may be.

(c) In case of any Police officer of or above the rank of a Assistant Superintendent but below the rank of Senior Superintendent, any superintendent senior in rank shall have the power to hear and investigate charges, and if he or she finds the accused person guilty of an offence against discipline, to make recommendations to the Deputy Commissioner to impose any one or more of the following punishments prescribed by subsection (2), (3), or (4) as the case may be..

(d) In case of any Police officer below the rank of an Assistant Superintendent or any member of the Special Constabulary, any officer of or above the rank of Assistant Superintendent shall have the power to hear and investigate charges, and if he or she finds the accused person guilty of an offence against discipline, to make recommendations to the Deputy Commissioner to impose any one or more of the following punishments prescribed by subsection (2), (3), or (4) as the case may be.

(2) In case of civilian employees, a Police Officer of or above the rank of Assistant Superintendent and below the rank of Deputy Commissioner as the case may be shall have the power to hear and investigate charges and he or she shall be assisted by a civilian employee who fully understands the nature of the charge laid against the accused and the accused's roles and responsibilities.

(3) For the purposes of subsection (2), the Tribunal, if he or she finds the accused person guilty of an offence against discipline, he or she shall make recommendations to the Deputy Commissioner to impose any one or more of the following punishments prescribed by subsection (2), (3), or (4) as the case may be.

(4) The following penalties shall apply to Police officers and members of the special constabulary for offences against discipline—

(a) For any conduct prescribed by the Minister by regulations, to be a minor misconduct—

- (i) Admonishment with or without counselling;
- (ii) Reprimand; or
- (iii) A fine not exceeding three day's pay.

(b) For any conduct prescribed by the Minister by regulations to be a misconduct—

- (i) a fine not exceeding 14 day's pay; or
- (ii) severely reprimand.

(c) For any conduct prescribed by the Minister by regulations to be a serious misconduct—

- (i) a fine not exceeding 30 day's pay; or,
- (ii) reduction in rank, or
- (iii) recommendation to the Commissioner for dismissal from the Force.

(5) The following penalties shall apply to Civilian employees for offences against discipline—

(a) For any conduct prescribed by the Minister by regulations to be a minor misconduct—

- (i) Admonishment with or without counselling;
- (ii) Reprimand; or
- (iii) A fine not exceeding three day's pay.

(b) For any conduct prescribed by the Minister by regulations, to be a misconduct—

- (i) severely reprimand.
- (ii) a fine not exceeding 14 day's pay; or
- (iii) transfer or redeploy the employee to other duties, provided that such transfer is permissible under the terms of such employees employment contract.

(c) For any conduct prescribed by the Minister by regulations, to be a serious misconduct—

- (i) a fine not exceeding 30 day's pay; or,
- (ii) demote the employee provided such demotion is permissible under the terms of such employees employment contract, or
- (iii) defer a merit increase in remuneration for the employee for a specified period;

(iv) recommendation to the Commissioner for dismissal from the Force.

(6) For Other Appointees, the penalties to be imposed shall be expressed in the terms of employment of such employee.

(7) For the purposes of this section, the Commissioner shall have the authority to dismiss any Police employee found guilty of any serious misconduct.

(8) Subject to the provisions of subsection (9), no Police employee shall be convicted of an offence against discipline unless the charge has been read and investigated in his or her presence and he or she has been given sufficient opportunity to make his or her defence thereto.

(9) Where an accused, who has been notified of the hearing before the Tribunal of disciplinary charges against him or her and has been given sufficient opportunity to make his or her defence thereto and he or she does not attend the hearing without providing any good reason, the Tribunal hearing may proceed and be concluded in his or her absence.

(10) Where an accused does not attend the hearing before the Tribunal on the hearing of disciplinary charges against him or her and a good reason is provided by or on behalf of the accused, the hearing shall be postponed or adjourned, as the case may be.

[POL 96] Fines to be recovered by stoppage of pay

(1) All fines imposed on any Police employee in respect of offences under the provisions of this Act may be recovered by stoppage of such employees pay due at the time of committing such offence and thereafter accruing due.

(2) The amount of stoppage in respect of any fine or for any other cause authorised by the provisions of this Act shall be at the discretion of the authority by whom the fine was imposed but shall in no case exceed one-half of the offender's monthly pay and whenever more than one order of stoppage is in force against the same person so much only of his or her pay shall be stopped as shall leave him or her a residue of at least one-half of his or her 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.

[POL 97] Review by the Commissioner

(1) The Commissioner shall review all proceedings heard by any Tribunal or Board of Inquiry.

(2) Upon such review, the Commissioner may—

(a) quash the finding and acquit the accused;

- (b) alter the finding, find the offender guilty of another offence and punish him or her in accordance with his or her powers under this division;
- (c) confirm the finding and punishment in accordance with his or her powers under this division;
- (d) remit the proceedings to that Tribunal or board of inquiry or to another Tribunal or board of inquiry for rehearing.

[POL 98] Power to suspend punishment

- (1) Subject to the provisions of this section any punishment awarded under the provisions of this division may be suspended by order of the Commissioner for such period not exceeding 12 months as he or she may determine.
- (2) Where any punishment has been suspended under the provisions of this section, such Police officer of or above the rank of Assistant Superintendent as may be directed by the Commissioner shall, at the expiration of the period of suspension, review the case, taking into consideration such reports on the conduct of the offender during the period of suspension as shall be available. Such officer may there upon make a recommendation to the Commissioner that the suspended punishment be remitted or reduced, in which case, if so remitted or reduced by the Commissioner, any entry relating to the offence which has been made in the records of the offender shall be expunged or altered, as the case may be, or the Commissioner may order the punishment imposed, provided that if, during the period of suspension, the offender is convicted of a further offence, the Commissioner may order the suspended punishment imposed.

[POL 99] Procedure in cases of grave or repeated offences

(1) Subject to the provisions of sub regulation (2), in any case where it appears to the Tribunal inquiring into an alleged offence against discipline, that the offence alleged to have been committed, on account of its gravity, or by reason of previous offences or for any other reason, should be considered by the Deputy Commissioner, such Police officer or employee shall, without recording any finding, stay the proceedings and transmit them to the Deputy Commissioner for him or her to hear and determine the case himself or herself or to direct that it be heard by the Tribunal which transmitted it, provided that when no statement in mitigation has been recorded, the Deputy Commissioner shall give the accused an opportunity of making representations to him or her either orally or in writing as the Deputy Commissioner may direct.

(2) If provisions of sub regulation (1) is in regards to Chief Officers, the Tribunal may transmit the proceeding to the Commissioner as prescribed.

(3) For the purposes of sub regulation (1), grave offences means a serious misconduct which merits serious consideration of the conduct of the accused and the effect of such conduct.

(4) The Minister may by Regulations further prescribe the procedure to be followed in case of repeated offences against discipline.

[POL 100] Dismissal and reduction in rank upon conviction by any court

(1) The Commissioner may reduce in rank, or may dismiss from the Force, any Police officer or Special Constable who has been convicted by any court in respect of any offence, whether against the provisions of this Act or otherwise, unless such officer or Special Constable has successfully appealed from such conviction.

(2) The Commissioner may dismiss or discharge the appointment of any other Police employee who has been convicted by any court in respect of any offence, whether against the provisions of this Act or otherwise, unless such Police employee has successfully appealed from such conviction.

[POL 101] Pay not to accrue during absence without leave, imprisonment or detention

No pay shall accrue to any Police employee in respect of any period exceeding 24 hours during which he or she is absent from duty without leave, or is undergoing any sentence of imprisonment, either for any offence against discipline or for any other offence whatsoever, provided that in any case the Commissioner may in his or her discretion authorise the payment of such proportion of pay, not being more than one-half, as he or she may think fit.

[POL 102] Place of confinement of offenders

Every Police employee arrested for any offence under the provisions of this Act may be confined to his or her quarters or in any building set apart as a guard room or cell including a Police cell.

[POL 103] Establishment of Police Rewards and Fines Fund

(1) All fines imposed under the provisions of this Act for any offence against discipline shall be paid to the Chief Accountant to be placed to the credit of a fund to be called the “Police Rewards and Fines Fund”.

(2) No payment shall be made from the Police Rewards and Fines Fund except upon the authority of the Commissioner.

(3) The Commissioner may, in his or her discretion, sanction payments from the Police Rewards and Fines Fund for any of the following purposes—

(a) assistance to the wives or families of deceased Police employees, or to any such Police employee discharged from the Force as medically unfit for further service;

(b) contributions towards prizes to be given at athletic meetings and similar events organised by or for the benefit of the Force;

- (c) purchase of ammunition for the encouragement of range practice amongst Police officers or special constables;
- (d) payments to Police employees, as rewards for meritorious acts or service in the execution of duty, if such payments are not met from public funds;
- (e) expenditure for the benefit and advancement of authorised recreation and sport and other branches of Police activity organised within the Force;
- (f) any other purpose which the Commissioner considers to be for the general welfare of Police employees.

(4) All rewards, forfeitures and penalties which by law are payable to informers shall, when the information is laid by a Police officer and there is no other informer on the case, be paid into the Police Rewards and Fines Fund.

PART 7 GENERAL OFFENCES BY POLICE EMPLOYEES

[POL 104] Police employees not to join certain associations

- (1) It shall not be lawful for a Police employee to become or to be, a member of any union or association having for its objects, or one of its objects, to control or influence the pay or conditions of service of the Force subject to subsection (3).
- (2) Any Police employee contravening any of the provisions of subsection (1) shall be guilty of an offence and liable to a fine not exceeding \$1,000.
- (3) Notwithstanding subsections (1) and (2), the Minister may make regulations—
 - (a) for the establishment and regulation of a Police association (including the regulation of office bearers) for the purposes of enabling Police employee to negotiate with the Government matters affecting their pay and conditions of service of the Force, other than discipline and promotion;
 - (b) for the rules and procedures for negotiation of pay or conditions of service of the Force;
 - (c) for the rules and procedures relating to the determination of grievance for disputes relating to pay and conditions of service of the Force.
- (4) It is unlawful for a Police employee or member of a Police association to go on strike or to take any industrial action on any dispute relating to pay and conditions of service of the Force.
- (5) A Police employee or a member of a Police association who contravenes subsection (4) is liable on conviction to a fine of \$10,000.

(6) A person who instigates or encourages a Police employee or a member of a Police association to contravene subsection (4) commits an offence and is liable on conviction to a fine of \$20,000.

[POL 105] Penalty on persons causing disaffection etc.

Any person who causes or attempts to cause or does any act calculated to cause disaffection amongst Police employees or induces or attempts to induce or does any act calculated to induce any Police employees to withhold his or her services or to commit any breach of discipline shall be guilty of an offence and liable to imprisonment for a period not exceeding 5 years.

[POL 106] Penalty for disorderly conduct in Police Premises etc.

Any person who, in any Police premises or in any part of a Police compound engages in any riotous, indecent, disorderly or insulting behaviour shall be guilty of an offence and liable to imprisonment for a period not exceeding 12 months and may be arrested without warrant.

[POL 107] Pay or allowances of Police employees not liable to attachment

No pay or other allowance of any Police employee shall be liable to be attached, sequestered or levied upon for or in respect of any debt or goods supplied to him or her or to any person on his or her behalf.

PART 8 SERVICE OUTSIDE FIJI

[POL 108] Neighbouring territory defined

For the purposes of this Part:

“neighbouring territory” means any territory which the Minister may, by notice in the Gazette, declare to be a neighbouring territory for the purposes of this Part, provided that no such notice shall be published in respect of any territory unless and until the Minister is satisfied that satisfactory arrangements have been or will be made for the inclusion in the law of that territory of provisions reciprocal to those of this Part.

“Overseas deployment or operation” means the deployment of a Police officer or any Police employee outside of Fiji in a United Nations activity, foreign posting, overseas operation, or training;

“foreign posting” means the temporary deployment or exchange of one or more Police officers or Police employee to a prescribed foreign country or territory for the purposes of working in or with the Police or other law enforcement agency of the country or territory;

"foreign Police officer" means a Police officer from a prescribed country or territory deployed to Fiji to assist the Police.

[POL 109] Power to order service outside Fiji

For the purpose of service outside of Fiji;

- (1) The President may, on the application of the government of a neighbouring territory, order such number of Police officers or other Police employees as he or she may think fit to proceed to such territory for service therein.
- (2) The Commissioner may authorise any Police employee to engage in an overseas operation, United Nations activity, foreign posting or training.

[POL 110] Effect of punishment of Police officer in neighbouring territory

(1) If a Police officer or other Police employee on an overseas operation or foreign posting or official overseas training is punished under the law of a neighboring territory,

(2) or under any of the provisions of this Act applied by the law of such territory for any offence (whether against discipline or otherwise) committed while the Police officer or other Police employee was serving therein pursuant to Section 109 of this Act,

he or she shall be deemed to have been so punished in Fiji for a like offence committed within Fiji

[POL 111] Provisions as to officers of neighbouring territory serving in Fiji

(1) Whenever any Police officer from the Police force, or any person authorised by the Police Force of a neighbouring territory are present in Fiji in response to an application made by the President for the purpose of assisting the Force in a temporary emergency, the following provisions shall have effect with regard to such officers—

(a) they shall be under the orders of their own officers present with them (if any), subject however to the command of the Commissioner;

(b) they shall have and may exercise the powers, and shall be liable to perform the duties, of Police officers of equivalent rank in the Force, and shall for those purposes be deemed to be members of the Force;

(c) the provisions of any written law affecting the discipline, punishment or terms and conditions of service of such officers whilst serving in such neighbouring territory shall, so far as circumstances admit, be applied in Fiji as if such written law were part of the general law of Fiji, provided that—

- (i) no such law as aforesaid shall be interpreted in its application within Fiji as conferring any power on any officer of the Force to punish any officer of the Police force of the neighbouring territory for any offence against discipline;
- (ii) where any such law confers on a court or Magistrate of the neighbouring territory jurisdiction to try and punish any such offence as aforesaid, such jurisdiction may be exercised by a court or Magistrate possessing comparable jurisdiction within Fiji;
- (d) any contract of service between any such officer and the government of the neighbouring territory may be enforced in Fiji in the same manner and with the like effect as if it were made between the officer and the Government of the Republic of Fiji.

[POL 112] Exemption of Fees and Charges

- (1) Notwithstanding any provision in any Act, where a written notice or search warrant signed by a competent authority is served on any service provider by the prescribed police employee for any purpose prescribed in this Act, such service provider shall without unreasonable delay provide to such police employee anything required by such notice or search warrant in the form or manner so required by such Police employee.
- (2) For the purposes of subsection (1), no fees or charges of any form shall be levied by any service provider in relation to anything provided to such police employee.
- (3) Any service provider who fails to comply with any provisions of this section commits an offence and shall be liable upon conviction to a fine not exceeding \$100,000.
- (4) Service provider includes any person or body corporate which provides any service to the State, body corporate or the public, whether on payment or otherwise.

[POL 113] Immunity from Legal Proceedings

- (1) The Force shall have immunity from legal proceedings in relation to any actions taken or omissions of the Police employees or any person lawfully assisting such Police employee done in good faith and in the course of, or which are incidental to his or her lawful duties.
- (2) In this section, “legal proceedings” includes criminal and civil proceedings.
- (3) Where the defence to any suit instituted against a police employee is that the act complained of was done in obedience to a warrant purporting to be issued by a Magistrate or a justice of the peace or in case of offences against discipline, by any Police officer of or above the rank of Assistant Superintendent the court shall, upon production of the warrant containing the signature of the Magistrate or justice of the peace or any Police officer of or above the rank of Assistant Superintendent and upon proof that the act complained of was done in obedience to such warrant, enter judgment in favour of such police employee.

(4) No proof of the signature of such Magistrate or justice of the peace or any Police officer of or above the rank of Assistant Superintendent 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 employee if it is proved that, at the time when the act complained of was committed, he or she believed on reasonable grounds that such signature was genuine.

[POL 114] Administrative Directives

The Commissioner may give directives, instructions or guidelines relating to any or all of the following matters—

- (a) procedures and standards for effective exercise of powers, duties and functions of the Force
- (b) prescribing anything to be prescribed under the provisions of this Act; and
- (c) generally for the effective administration of this Act and for the good order and government of the Force and Police employees.

[POL 115] Regulations

The Minister may make regulations relating to all or any of the following matters—

- (a) the numerical establishment of the Force and the salaries, benefits and allowances payable and, conditions of service, duties and conduct of Police employees;
- (b) the description and issue of Police properties and other appointments to be supplied to Police employees;
- (c) prescribing offences against discipline punishable under the provisions of this Act;
- (d) rules of procedure for the trial of offences against discipline;
- (e) Forms necessary for the purpose of this Act;
- (f) the control, administration and application of the Police Rewards and Fines Fund;
- (g) additional powers and duties of the Force necessary for efficient exercise of its functions and the manner in which such powers and duties may be effectively carried out
- (h) Offences with penalties necessary for effective administration of this Act.
- (i) Penalties for offences under this Act where no penalty is prescribed.
- (j) prescribing anything to be prescribed under the provisions of this Act; and

(k) generally for the effective administration of this Act and for the good order and government of the Force and Police employees.

PART 9 REPEALS, SAVINGS, TRANSITIONAL PROVISIONS

[POL 116] Repeal of the Police Act 1965

- (1) The Police Act 1965 is repealed.
- (2) This section shall apply subject to sections 117 and 118.

[POL 117] Savings provisions

- (1) Nothing in this Act affects the validity of any court or disciplinary proceedings for an offence under the Police Act 1965 which has been commenced or conducted prior to the commencement of this Act.
- (2) When imposing sentences for any offence under the Police Act 1965 which was committed prior to the commencement of this Act, the court or Tribunal shall apply the penalties prescribed for that offence by the Police Act 1965.

[POL 118] Transitional provisions

For all purposes associated with the application of section 117, the Police Act 1965 shall still apply to any offence committed against the Police Act 1965 prior to the commencement of this Act, and for the purposes of the proceedings relating to such offences the Police Act 1965 shall be deemed to be still in force.

PART 10 AMENDMENTS TO OTHER ACTS

[POL 119] Bail Act 2002

- (1) The Bail Act 2002 is amended as follows—
 - (a) by deleting the definition of "police officer" in section 2 and replacing it with the following:

"police officer means a police officer of the rank of sergeant or above, or, where bail is considered at a police station, a police officer of or above the rank of corporal;" and
 - (b) by deleting the definition of "police station" in section 2 and replacing it with the following:

“Police premises includes a Police station, Police post and other premises used for Police purposes”.

(c) by inserting a new definition in section 2 after the definition of “police premises” as follows:

“Police purposes means any lawful action taken which is necessary for the efficient exercise and performance of the powers, function, and duties of the Force”

(d) by inserting the new definition in section 2 after the definition prescribed in subsection (c) as follows:

“Other premises, in reference to Police premises includes any land, building, premises, vehicle, craft or conveyance of any kind, or any other place.”

(e) by deleting section 8 (1) and replacing it with the following:

“Subject to subsection (2), if a person is arrested for a cognisable offence and taken to a police station, a police officer of or above the rank of corporal may grant bail to the accused person.”

SCHEDULES

[POL 120] SCHEDULE 1 - RANKS OF THE FIJI POLICE FORCE (Section 4)

1. Pursuant to the provisions of section 4 of the Police Act I declare that the Fiji Police Force shall consist of the following ranks for Police officers with relative seniority in the order in which they are enumerated as follows—

(a) Chief Officers —

- (i) Commissioner of Police;
- (ii) Deputy Commissioner of Police;
- (iii) Assistant Commissioner of Police;

(b) Superintendents —

- (iii) Senior Superintendent of Police;
- (iv) Superintendent of Police;
- (v) Deputy Superintendent of Police;

- (vi) Assistant Superintendent of Police,
- (c) Inspectorate Officers—
 - (i) Senior Inspector
 - (ii) Inspector.
- (d) Subordinate Officers—
 - (i) Sergeant Major;
 - (ii) Sergeant;
 - (iii) Corporal;
 - (iv) Constable.