

SAMOA

POLICE SERVICE REGULATIONS 2010

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PURSUANT to section 79 of the Police Service Act 2009, **I, TUI ATUA TUPUA TAMASESE EFI**, Head of State, acting on the advice of Cabinet, **MAKE** the following Regulations:

DATED at Apia this 6th day of September 2010.

signed: (Tui Atua Tupua Tamasese Efi)
HEAD OF STATE

REGULATIONS

PART I PRELIMINARY

1. Short title and commencement-(1) These regulations may be cited as the Police Service Regulations 2010.

(2) These regulations shall commence on a date to be nominated by the Minister.

2. Interpretation-(1) In these regulations, “the Act” means the Police Service Act 2009.

(2) Unless the context otherwise requires, words and expressions in these regulations shall have the same meaning as is given to them in the Act.

PART II STRUCTURE OF THE SERVICE

Division 1 – Ranks of sworn members

3. Designation of ranks of sworn members - The ranks of the sworn members of the Service are as follows:

- (a) Commissioner;
- (b) Deputy Commissioner;

- (c) Assistant Commissioner;
- (d) Superintendent;
- (e) Inspector;
- (f) Senior Sergeant;
- (g) Sergeant;
- (h) Corporal;
- (i) Constable.

4. Ranks of Commissioned and non-commissioned officers-(1) The ranks of the Commissioned Officers of the Service are as follows:

- (a) Commissioner;
- (b) Deputy Commissioner;
- (c) Assistant Commissioner;
- (d) Superintendent;
- (e) Inspector.

(2) The ranks of non-commissioned officers of the Service are as follows:

- (a) Senior Sergeant;
- (b) Sergeant;
- (c) Corporal.

Division 2 – Requirements for certain ranks

5. Eligibility for appointments and promotions-(1) To be eligible for appointment to or promotion to any rank within the Service, an applicant shall satisfy the minimum qualification requirements for the relevant rank or position as set out in General Instructions on recruitment and selection of members.

(2) The Commissioner may require an applicant for a vacant position to undergo examination, including a medical examination prior to appointment or promotion in order to determine a person's fitness to hold the position.

(3) All matters relating to the recruitment and selection or promotion of members within the Service shall be made in accordance with General Instructions on recruitment and selection of members.

6. Requirements applying to sworn members-(1) A sworn member appointed to the Service shall:

- (a) be a Samoan citizen; and
- (b) be at least 21 years of age; and
- (c) have satisfactorily completed the basic training requirements relevant to the office as provided for in subregulation (2); and
- (d) have never been convicted of an offence punishable by imprisonment; and
- (e) have passed a basic physical fitness test in accordance with any requirements stipulated in the relevant General Instructions; and
- (f) have achieved the educational and literacy requirements stipulated in the relevant General Instructions; and
- (g) have disclosed all information relating to any previous dismissals from previous employment and previous convictions for any offence he or she may have committed.

(2) A permanent sworn member shall have completed and passed a basic recruit training course approved by the Commissioner and including all elements of the course which are stated in General Instructions issued for this purpose by the Commissioner.

7. Contracts for Commissioner, Deputy Commissioner and Assistant Commissioner-(1) The Commissioner, Deputy Commissioner and Assistant Commissioner shall each be employed under written performance based contracts after being appointed under the Act.

(2) Each contract of appointment referred to in subregulation (1) shall stipulate annual performance targets for the Commissioner, Deputy Commissioner and Assistant Commissioners during their tenure in office.

8. Chain of command-(1) For every police team, operation or shift, there shall be a responsible team leader who shall be a Commissioned Officer whenever possible.

(2) If there is no Commissioned Officer available to lead a team, operation or shift, the member with the highest non-commissioned rank or grade shall assume authority and responsibility as the team leader.

(3) If there is no Commissioned Officer, senior sergeant or sergeant available to lead a team or operation, the officer sending the team or organising the operation shall appoint a constable to act as team leader, and such constable shall:

(a) be accountable for the proper performance by the members of their duties; and

(b) be obeyed for the time being as the team leader.

(4) If no appointment has been made under subregulation (3), the constable most senior in experience shall assume command, and shall be accountable for the proper discharge of the required duty.

9. Giving and obeying commands-(1) A sworn member shall receive lawful commands from the member's superiors with deference and respect and shall promptly execute all orders from his or her superiors.

(2) A superior, when giving orders to a member of lower rank, shall give all such orders in a temperate language having due regard for the feelings and sensitivities of those under the superior's command.

(3) A member shall not criticise the orders or official conduct of a superior.

10. Giver of order responsible for consequences – A sworn member who gives an order to a member of lower rank shall be responsible for the consequences of the order, unless the order has been carried out in an improper or negligent manner, or in any way which is contrary to the order given.

**PART III
STAFFING ARRANGEMENTS
AND PROCEDURES**

**Division 1 – Appointments and
promotions within the Service**

11. General requirements-(1) All appointments and promotions within the Service shall be made pursuant to a merit based appointments and promotions system.

(2) The merit based appointments and promotions require that:

- (a) all eligible candidates for appointment and promotion within the Service shall be given reasonable notice that a vacancy is to be filled; and
- (b) positions that may be filled by external applicants shall be advertised on at least two (2) occasions in a newspaper circulating in Samoa; and
- (c) positions that may be filled only from within the Service shall be advertised internally for a reasonable time and shall be open to all eligible candidates; and
- (d) all applicants shall be assessed against selection criteria that directly relate to the job description applying to the position to be filled; and
- (e) the procedure of the Appointment and Promotion Board in conducting an assessment of applicants against relevant selection criteria is to be in accordance with the relevant General Instructions; and
- (f) applicants are to be ranked on a merit basis in accordance with their performance against the applicable selection criteria; and
- (g) the Appointment and Promotion Board shall then base its recommendation to the Commissioner on the ranked list of applicants, in the order of their assessed merit.

12. Arrangements for non-sworn members-(1) Non-sworn members may be engaged in accordance with the provisions of the Act on a permanent basis or under contract for a specific term of appointment.

(2) The Minister shall approve the engagement of any non-sworn member under contract for any period and for all kinds of service.

(3) Permanent appointments of non-sworn members may be made by the Commissioner in accordance with the requirements applying to the appointment of such members under the Act.

**Division 2 – Job descriptions,
Service records etc.**

13. Job descriptions-(1) General Instructions issued by the Commissioner shall include job descriptions in a form approved by the Commissioner for all ranks and positions within the Service and shall state the performance expectations applying to each rank and position.

(2) Reference shall be made to the relevant job descriptions during the processes of appointment, promotion and annual review which are to be applied in accordance with the Act, these regulations and applicable General Instructions.

14. Personnel files-(1) The Commissioner shall keep records of each member's personnel files.

(2) Personnel files of members required to be kept by the Commissioner under subregulation (1) shall contain information relating to the member's employment in the Service, and in particular:

- (a) the member's personal details; and
- (b) the member's performance reviews; and
- (c) the member's disciplinary matters, if any.

15. Certificates of service and conduct-(1) A member, whether currently or formerly employed in the Service, shall be entitled to receive a certificate of service and conduct upon being discharged from his or her policing duties if the member has:

- (a) been employed in the Service for a period of 12 months or more; and
 - (b) not been dismissed or compelled to resign on account of misconduct.
- (2) A certificate under subregulation (1) shall be issued by the Commissioner.
- (3) A member seeking to obtain a certificate of service or evidence to that effect shall do so by making a written application to the Commissioner who shall determine whether or not to issue a certificate in that regard.
- (4) A member who issues a certificate required to be issued by the Commissioner under this regulation commits a breach of duty and shall be liable to face disciplinary action in accordance with these regulations and the Act.

Division 3 – Salaries and allowances, leave and other entitlements

16. Rates of salaries, allowances and entitlements – All salaries, allowances and entitlements applying to members of the Service, other than salaries and allowances of Commissioned Officers, shall be reviewed each year in accordance with procedures which may be prescribed by General Instructions.

17. No final payments of entitlements until property is returned - A member may be paid his or her final entitlements upon termination from the Service if the member has returned all official property issued to the member, or such official property as may be in the member's possession.

18. Leave - Members of the Service shall be entitled to such leave and in such manner as specified under Schedule 1.

19. Allowances and other entitlements – Members of the Service, other than Commissioned Officers, shall be awarded such allowances and entitlements in such manner as specified under Schedule 2.

**PART IV
SPECIFIC SERVICE
OBLIGATIONS OF MEMBERS**

Division 1 – Uniform obligations

20. Wearing of uniform-(1) Every sworn member shall wear a police uniform of the type, at the times and under the circumstances that the Commissioner determines and approves by General Instructions.

(2) Sworn members may be authorised by a Commissioned Officer to undertake duties and perform responsibilities in clothes other than the approved uniform.

21. Uniform not to be worn during suspension - A member who is serving a period of suspension shall not appear in public in police uniform.

Division 2 - Other obligations during service

22. Obligation to cooperate - Every member shall co-operate with and give all information and assistance within the knowledge or power of the member, to other members in the performance of their duties.

23. Loss or damage to property - A member who, through fault or neglect, causes official property to be lost or damaged, shall be liable to pay the value of the property and shall also be liable to any punishment which is lawfully imposed as a result of the loss or damage.

24. Use and care of motor vehicle-(1) A motor vehicle of the Service shall be used only for police duty and other purposes of the Service as determined from time to time by the Commissioner.

(2) A member may, with the approval of the Commissioner, use his or her own motor vehicle for the performance of his or her duties, and when so approved may be paid an allowance as may be fixed from time to time by the Commissioner.

25. Notifying death of a member – The death of a member shall be notified to the Commissioner as soon as is practicable by the deceased member's immediate supervisor.

**Division 3 – Obligations concerning
information, records etc.**

26. Confidentiality of Service information-(1) Every member shall treat all information which comes to his or her knowledge or possession in the course of the member's duties or arising from the business of the Service as confidential.

(2) A member shall not communicate or divulge to a person who is not a member any information which has come to the member's knowledge or possession in the course of his or her duties or arising from the business of the Service.

(3) The obligations under subregulation (2) do not apply if the member:

(a) is obliged to make such a communication or to divulge such information in accordance with the member's duties or by law; or

(b) is authorised to do so by the Commissioner.

(4) A member shall not communicate to another member any information under subregulation (2) if:

(a) lawfully ordered by a superior officer to keep the information or document confidential; or

(b) the other member is under investigation or suspicion of being in breach of duty.

27. Records and reports to be kept secret-(1) Every member shall observe strict secrecy in relation to all records kept by the Service and reports prepared by members in the discharge of their duties.

(2) Information concerning records and reports held by the Service or prepared for the Service shall not be divulged by a member to any person, unless authorised or required to do so by the Commissioner or by law.

28. Information as to character not to be divulged-(1) A member shall not provide information or details relating to the criminal history, respectability, character, reputation or financial position of any person that are known to the Service, or believed by the Service to apply to any person.

(2) Subregulation (1) does not apply if:

- (a) the Commissioner authorises the release of the information or details; or
- (b) the information or details are provided by a member to another member in the course of duty, or to a public official having responsibilities relating to the administration of justice.

29. Family and civil cases-(1) Subject to subregulations (3) and (4), a member shall not undertake inquiries into or provide information to any person seeking to obtain information for the purpose of assisting the person in a matter relating to any family or civil proceedings.

(2) A member who breaches the provisions of this regulation commits a breach of duty and shall be disciplined in accordance with the provisions of these regulations and the Act.

(3) Despite this regulation, a person with an interest in the family or civil proceeding may apply in writing to the Commissioner for his or her consent to release information held by the Service in relation to a criminal matter relevant to the family or civil proceeding.

(4) The Commissioner may, upon receiving an application under subregulation (3), grant his or her consent to the release of such information where the Commissioner thinks it appropriate to do so in the circumstances and upon such terms and conditions as the Commissioner thinks necessary.

(5) In this regulation, “family and civil proceedings” means any divorce, matrimonial or maintenance proceedings, any proceedings taken to the Court for the purpose of seeking civil remedies including but not limited to claims seeking monetary compensation, damages and such orders from the Court as may provide relief for such parties, and includes the defence of or any response to such claims.

**PART V
OFFENCES AND
DISCIPLINARY PROCEDURES**

30. Breach of these regulations-(1) A sworn member commits a breach of these regulations if he or she does any one (1) or more of the following:

- (a) while on duty, is drunk or intoxicated by alcohol, drugs or any other substance affecting the capacity of the member to perform his or her duties;
- (b) brings into or keeps intoxicating liquor in any barracks, offices or other premises of the Service without the permission of the Commissioner and otherwise than in the performance of any duty;
- (c) purchases, consumes or possesses liquor while in uniform and without lawful excuse;
- (d) treats any person or prisoner cruelly or harshly, or with unnecessary force or violence;
- (e) knowingly makes any false return, report, affidavit, declaration, statement, or signs any false certificate;
- (f) makes any unauthorised alteration or erasure in any public document, or in any official book, record or report of the Service;
- (g) wilfully makes any false entry in any official document, record or information recorded or stored by electronic means;
- (h) wilfully or negligently omits to make any entry in any official document, book or record of the Service, whether recorded or stored by electronic means or otherwise, as to any entry which the member must make in the performance of his or her duty;
- (i) suppresses, damages or tampers with, or unlawfully destroys any official correspondence, report, record or other document or thing, or conceals or unlawfully holds any such thing;

- (j) evades any court or inquiry, or fails or refuses to appear at and cooperate with a court or inquiry when required to do so;
- (k) solicits a gratuity, payment, bribe or inducement of any kind, or retains any gratuity without the Commissioner's approval;
- (l) fails to make a true, accurate and prompt return of all money or property received for which account is required, or unduly holding and improperly using any money or property belonging to any person or to an unknown person;
- (m) refuses or fails, without reasonable cause, to pay any lawful debt owing by the member;
- (n) gambles on premises used by the Service or while in uniform or while on duty;
- (o) wears, while in uniform, any medal or badge of any kind without the approval of the Commissioner;
- (p) takes part in any political procession in uniform unless in performance of his or her duty;
- (q) directly or indirectly communicates without authority to the media or to any unauthorised person, any matter or thing concerning the Service or the member's duties;
- (r) divulges any matter or thing which it is the member's duty to treat confidentially, or improperly divulges any information given to the member in an official capacity;
- (s) uses indecent, obscene, profane, abusive or threatening language in or on premises used by the Service or while on duty;
- (t) fails to report promptly anything which the member knows concerning an offence or an offender, or to disclose any evidence of which the member is aware, which the member or any other person can give for or against any person charged, or to be charged, with an offence;
- (u) fails to take necessary and prompt measures for the arrest of any offender, or the investigation of any reported offence;

- (v) wilfully or negligently allows any prisoner to escape;
 - (w) sleeps while on duty, or sits or lies down without proper cause while on patrol or on duty;
 - (x) directly or indirectly communicates with any person outside of the Service for the purpose of influencing any decision, instruction or arrangement regarding discipline, promotion or transfer within the Service, or any other matter affecting the Service;
 - (y) writes, makes or causes to be written or made to the Head of State or to the Commissioner or to any person, any anonymous communication relating to any member or to any police matter;
 - (z) improperly uses his or her position as a member of the Service for his or her personal advantage;
 - (za) feigns or exaggerates in any way any sickness or injury for the purpose of evading his or her duty;
 - (zb) signs or distributes any petition or statement relating to any matter concerning the Service, except through proper and authorised channels of communication;
 - (zc) directly or indirectly gives notice, or causes notice to be given, to any person against whom any legal proceedings have been issued, or in any way assists or encourages any such person to evade any legal process;
 - (zd) fails to report anything which the member knows concerning a criminal proceeding;
 - (ze) uses offensive or inappropriate language in any official document;
 - (zf) makes any improper use of, or improperly retains any money or property belonging to any person or to the Government;
 - (zg) breaches any of these regulations, other than this regulation.
- (2) For the purposes of subregulation (1)(a), a sworn member shall be considered to be drunk or intoxicated if his or her actions, words or behaviour indicate that by reason of alcohol, drugs or intoxication, the member:

- (a) is unable to effectively perform his or her duties; or
- (b) is unable to effectively exercise any powers vested in the member; or
- (c) is otherwise behaving in a manner that is inconsistent with the standard of behaviour expected of a member while on duty.

31. Breach of duty by a non-sworn member-(1) A member, other than a sworn member, who does any of the following may be charged with a breach of duty:

- (a) fails to comply with any lawful or reasonable direction given to the member by a person with authority to give those directions;
- (b) behaves disrespectfully towards, or speaks or writes disrespectfully of, another member;
- (c) displays insubordinate conduct by word or act;
- (d) is negligent in the performance of his or her duties;
- (e) engages in oppressive conduct toward a member in a lower position or office;
- (f) while on duty, is drunk or intoxicated by alcohol, drugs or any other substance affecting the capacity of the member to perform his or her duties;
- (g) brings into or keeps intoxicating liquor in any barracks, offices or other premises of the Service without the permission of the Commissioner and otherwise than in the performance of any duty;
- (h) purchases, consumes or possesses liquor while on duty and without lawful excuse;
- (i) treats any person cruelly or harshly, or with unnecessary force or violence;
- (j) knowingly makes any false return, report, affidavit, declaration, statement, or signs any false certificate;
- (k) makes any unauthorised alteration or erasure in any public document, or in any official book, record or report of the Service;

- (l) wilfully makes any false entry in any official document, record or information recorded or stored by electronic means;
- (m) wilfully or negligently omits to make any entry in any official document, book or record of the Service, whether recorded or stored by electronic means or otherwise, as to any entry which the member must make in the performance of his or her duty;
- (n) suppresses, destroys, damages or tampers with any official correspondence, report, record or other document or thing, or holds or conceals any such thing;
- (o) evades any court or inquiry, or fails or refuses to appear at and cooperate with a court or inquiry when required to do so;
- (p) solicits a gratuity, payment, bribe or inducement of any kind, or retaining any gratuity without the Commissioner's approval;
- (q) fails to make a true, accurate and prompt return of all money or property received for which account is required, or unduly holding and improperly using any money or property belonging to any person or persons unknown;
- (r) refuses or fails, without reasonable cause, to pay any lawful debt owing by the member;
- (s) gambles on premises used by the Service while on duty;
- (t) directly or indirectly communicates without authority to the media or to any unauthorised person, any matter or thing concerning the Service, or concerning any matter which the Service or member has any duty to perform;
- (u) divulges any matter or thing which it is the member's duty to treat confidentially, or improperly divulges any information given to the member in an official capacity;

- (v) uses indecent, obscene, profane, abusive or threatening language in or on premises used by the Service or while on duty;
- (w) commits any disgraceful conduct, or conduct tending to bring discredit on the Service, or conduct which may lessen the confidence of the community in the Service;
- (x) is convicted of any criminal offence by any court;
- (y) sleeps while on duty, or lies down without proper cause while on duty;
- (z) directly or indirectly communicates with any person outside of the Service for the purpose of influencing any decision, instruction or arrangement regarding discipline, promotion or transfer within the Service, or any other matter affecting the Service;
- (za) writes, makes or causes to be written or made to the Head of State or to the Commissioner or to any person, any anonymous communication relating to any member or to any police matter;
- (zb) improperly uses his or her position as a member of the Service for his or her personal advantage;
- (zc) feigns or exaggerates in any way any sickness or injury for the purpose of evading his or her duty;
- (zd) signs or distributes any petition or statement relating to any matter concerning the Service, except through proper and authorised channels of communication;
- (ze) directly or indirectly gives notice, or causes notice to be given, to any person against whom any legal proceedings have been issued, or in any way assists or encourages any such person to evade any legal process;
- (zf) fails to report anything which the member knows concerning a criminal proceeding;
- (zg) uses offensive or inappropriate language in any official document;

(zh) makes any improper use of, or improperly retains any money or property belonging to any person or to the Government;

(zi) breaches any of these regulations, other than this regulation.

(2) For the purposes of subregulation (1)(f), a member shall be considered to be drunk or intoxicated if his or her actions, words or behaviour indicate that by reason of alcohol, drugs or intoxication, the member:

(a) is unable to effectively perform his or her duties; or

(b) is unable to effectively exercise any powers vested in the member; or

(c) is otherwise behaving in a manner that is inconsistent with the standard of behaviour expected of a member while on duty.

32. Tribunal procedures-(1) This Division prescribes procedural matters which are to be applied:

(a) when disciplinary action is taken against a member, other than the Commissioner, Deputy Commissioner or an Assistant Commissioner; and

(b) by a tribunal hearing a disciplinary proceeding against a member, other than the Commissioner, Deputy Commissioner or an Assistant Commissioner.

(2) Failure to follow a procedural requirement under this Division shall not invalidate any disciplinary proceeding, but where such a failure arises the Tribunal shall ensure that the member's defence of the charge is not prejudiced by the failure, and shall ensure that the member is given an adequate opportunity to prepare his or her defence.

33. Caution or reprimand-(1) If the Commissioner, or an officer authorised for this purpose by the Commissioner, is of the opinion that a disciplinary matter reported against a member

is of such a nature that it can be adequately dealt with by a caution or reprimand to the member, the member may be cautioned or reprimanded without further proceedings being taken.

(2) A report of all cautions and reprimands made under this regulation shall be placed on the personal file of the member who has been so dealt with.

34. Members to be informed of alleged offence-(1) A member who is charged with an offence shall be informed as soon as is practicable of the nature of the report that is to be made against the member.

(2) The report made against a member shall be prepared and delivered to the member without delay.

35. Written copy of a charge to be served on member-(1) If a member is charged with an offence, the charge shall be in writing and shall clearly set out all of the breaches alleged against the member, with sufficient details to permit the member to know of the matters alleged and to prepare any defence in relation to them.

(2) A copy of the written charge shall be served on the member personally, and as soon as is practicable after its preparation.

(3) The member shall be required to make a written response to the charge within seven (7) days of the service of the charge, and the response shall be deemed to either be a plea of guilty or not guilty as stated in the response.

36. Limitation of time for making charge-(1) A member shall not be charged in accordance with these regulations if the offence or breach alleged against the member arose more than 12 months before the laying of a charge in relation to it.

(2) Subregulation (1) shall not prevent the issuing of a charge, or the hearing of a matter alleged against a member, if it is shown to the satisfaction of the Tribunal that circumstances existed which prevented the issuing of a charge within the required 12 month period.

(3) This regulation shall not prevent the laying of charges against a member who is accused of breaches of duty over an extended period of time.

37. Member to be allowed to make representations in mitigation – A member who pleads guilty to a charge, or who is found guilty of a charge shall be given an opportunity to make a plea by way of explanation and mitigation.

38. Notice of tribunal hearing-(1) Notice of the date, time and place of the commencement of a hearing, inquiry or appeal of a Tribunal or Board of Appeal shall be given to the member charged at least two (2) weeks before the date of commencement.

(2) A notice given under subregulation (1) shall be in writing and shall require the attendance of the member charged.

39. Procedures at hearings-(1) The procedure at any Tribunal or Board hearing, inquiry or appeal shall conform as far as is possible to the procedures of the District Court.

(2) All evidence given to a Tribunal or Board shall be on oath, and a record of the administration of the oath and of the evidence shall be taken.

(3) Where a witness gives evidence, the record of evidence shall be read over to the witness who shall be required to sign it if the witness agrees that it is a true and accurate account of the evidence given.

(4) After hearing all of the evidence and submissions the Tribunal or Board shall close the inquiry or appeal and consider the report or decision.

(5) All reports given at the hearing, inquiry or appeal, shall be forwarded to the Commissioner.

(6) The Tribunal or Board shall include in its report or decision, any order that it makes in relation to the payment of the whole or any part of the costs of the hearing, inquiry or appeal.

40. Copy of evidence to be given to member - A written record of all evidence taken at a hearing, inquiry or appeal shall be supplied to the member charged if the member requests that it be so recorded and supplied.

41. Hearings to be closed-(1) Subject to subregulation (1), a person shall not be admitted to attend a hearing, inquiry or appeal unless he or she has a direct interest in the hearing, inquiry or appeal.

(2) The Commissioner may give permission to a member or person to attend a hearing, inquiry or appeal, and the Tribunal or Board of Appeal shall then permit that member or person to be in attendance.

PART VI MISCELLANEOUS

42. Repeal – The Police Service Regulations 1970 are repealed.

43. Transitional and savings provisions-(1) Every document and act of authority so far as it is subsisting or in force at the time of the repeal of the Police Service Regulations 1970 shall continue and have effect under the corresponding provisions of these regulations until such time as the Regulations are altered, amended or cancelled, as the case may require.

(2) All decisions, determinations, disciplinary proceedings and criminal proceedings being undertaken by or on behalf of the Service or arising out of or under the Police Service Regulations 1970 as at the commencement of these regulations shall be deemed to have been made and taken under these regulations.

(3) Unless the context otherwise requires, a reference in any enactment to the Police Service Regulations 1970, other than these regulations, shall be taken as a reference to these regulations.

SCHEDULE 1**(Regulation 18)****LEAVE ENTITLEMENTS OF MEMBERS**

1. Annual Leave-(1) A member is entitled to 21 working days annual leave every year.

(2) Any accumulation of leave at any time in excess of 21 working days shall be forfeited unless postponement has been applied for and granted for Service reasons.

(3) Upon cessation of service, the member is entitled to payment of 100% of untaken annual leave.

2. Sick Leave-(1) A member is entitled to nine (9) working days sick leave every year.

(2) Upon cessation of service, the member is entitled to payment of 30% of untaken sick leave.

3. Maternity Leave-(1) Subject to subclause (6), a pregnant female member is entitled to maternity leave for a period of not less than eight (8) weeks and not exceeding six (6) months.

(2) Leave granted under subclause (1) shall be with pay for the first eight (8) weeks and without pay for any time thereafter.

(3) Subject to subclause (5), a female member may utilise accrued annual leave during an approved period of maternity leave.

(4) Subject to subclause (5), a female member may utilise accrued sick leave during an approved period of maternity leave upon satisfaction of requirements for granting of sick leave under clause 2.

(5) The total aggregate period of leave under this clause, including any leave granted under subclauses (3) and (4), shall not exceed six (6) months.

(6) The Commissioner may transfer a female member who is pregnant to other duties at the same rank for the purpose of protecting the female member and her unborn child or to ensure that the Service is able to operate effectively and efficiently.

4. Paternity Leave - A male member may be entitled to paternity leave of up to five (5) working days in a year.

5. Bereavement Leave - Any member may be entitled to bereavement leave up to 10 working days in a year.

6. Study Leave - A member may be entitled to study leave.

7. Special Leave - Any member may be entitled to special leave of up to 10 working days in a year.

8. Leave without Pay - Any member may be entitled to leave without pay.

9. Long Service Leave-(1) A member who has completed not less than 10 years of service in accordance with the following table may be entitled to long service leave on full pay:

Length of service	Long service leave entitlement (working days)
10 years	61
15 years	91
20 years	121
25 years	151
30 years	181
35 years	211

(2) The payment of untaken long service leave under subclause (1) may be made in lieu of utilisation as leave, to:

- (a) the member when he or she resigns or retires from the Service; or
- (b) a member who becomes disabled from an accident, injury or an illness arising in the course of his or her employment; or
- (c) the spouse and/or dependants of a member who dies in service.

10. Resignation Leave-(1) A member who resigns after completing 10 or more years of service in accordance with the following table may be entitled to resignation leave on full pay:

Length of service	Resignation leave entitlement (working days)
10 years	21
15 years	30
20 years	45
25 years	63
30 years	91

(2) The payment of untaken resignation leave under subclause (1) may be made in lieu of utilisation as leave, to:

- (a) the member when he or she resigns from the Service;
or
- (b) a member who becomes disabled from an accident, injury or an illness arising in the course of his or her employment; or
- (c) the spouse and/or dependants of a member who dies in service.

11. Retirement Leave-(1) A member who retires on account of age or medical unfitness after completing not less than 10 years of service in accordance with the following table may be entitled to retirement leave on full pay:

Length of service	Base number of days of retirement leave on full pay	Additional working days of retirement leave for period beyond minimum
10 years	31 days	one (1) day for every four (4) months served over 10 years up to 19 years and eight (8) months
20 years	92 days	one (1) day for every three (3) months served over 20 years up to 29 years and nine (9) months
30 years	183 days	one (1) day for every two (2) months served over 30 years

(2) The payment of untaken retirement leave under subclause (1) may be made in lieu of utilisation as leave, to:

- (a) the member when he or she retires from the Service;
or
- (b) a member who becomes disabled from an accident, injury or an illness arising in the course of his or her employment; or
- (c) the spouse and/or dependants of a member who dies in service.

SCHEDULE 2

(Regulation 19)

ALLOWANCES AND OTHER ENTITLEMENTS OF MEMBERS

1. Overtime allowance-(1) A member may be directed by the Commissioner to work overtime (time worked in excess of 40 hours a week), where necessary, for the purpose of maintaining an efficient and effective Service.

(2) A member who has been directed by the Commissioner to work overtime is entitled to an overtime allowance.

2. On-call allowance-(1) A member may be directed by the Commissioner to be on-call for the purpose of maintaining an efficient and effective Service.

(2) A member who has been directed by the Commissioner to be on-call is entitled to an on-call allowance.

3. Allowances for official travel-(1) Where for work purposes, a member is required to travel to other parts of Samoa and spend the night away from their usual place of residence, he or she is entitled to:

- (a) accommodation and meals arranged and paid by the Service; and
- (b) overnight allowances.

(2) Where for work purposes, a member is required to travel outside Samoa, he or she is entitled to all applicable allowances in accordance with the prevailing Cabinet decision on the same.

4. Clothing allowance - A member travelling overseas for work purposes may be entitled to a clothing allowance in accordance with Cabinet directives issued from time to time.

5. Special clothing allowance - A member may be entitled to a special clothing allowance.

6. Remote location allowance - A member may be entitled to a remote location allowance.

7. Risk allowance - A member may be entitled to a risk allowance.

8. Qualification allowance - A member who has successfully completed rank qualifying courses and examinations or accredited qualifications is entitled to a qualification allowance.

9. Hazardous environment allowance - A member may be entitled to a hazardous environment allowance.

10. Life Insurance - A serving member of the Service may be provided with life insurance.

11. Safety Equipment - The Commissioner shall make arrangements for the provision of all equipment and gear that members may require for their personal safety and protection while undertaking police duties.

12. Shift allowance - Members working in shifts as required by the Service may be entitled to a shift allowance.

13. Cash grants for death or disability-(1) The spouse and/or dependants of a member who died in the line of duty are entitled to receive *ex gratia* cash payment of up to six (6) months salary or wages plus any untaken leave entitlement of the deceased member.

(2) A member who has become disabled in the line of duty is entitled to cash payment of up to 12 months salary or wage plus any untaken leave entitlement of the member.

(3) Despite subclauses (1) and (2), General Instructions may provide for the manner in which cash grants are awarded under subclauses (1) and (2) and the determination of the appropriate amounts to issue in any given case.

14. Other allowances and entitlements-(1) The General Instructions on conditions of service and entitlements may set out other allowances and entitlements that may be granted to members.

(2) Any other allowances provided for under this clause shall include but not be limited to special allowances as may be determined by the Commissioner.

Issued under the authority of the Regulations Ordinance 1953.

Date of Commencement: Monday, 27 September 2010

These Regulations are administered by the Ministry of Police and Prisons.

**Copies of these Regulations can be purchased from the
Office of the Clerk of the Legislative Assembly.**

**Printed by the Clerk of the Legislative Assembly,
by authority of the Legislative Assembly.**