

# POLICE SERVICE AMENDMENT

## SAMOA

### Arrangement of Provisions

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**2002, No. 7**

**AN ACT to amend the Police Service Act 1977 to provide the positions of Assistant Commissioners and other provisions.** *[28<sup>th</sup> March 2002]*

**BE IT ENACTED** by the Legislative Assembly of Samoa in Parliament assembled as follows:-

**1. Short title and commencement-**(1) This Act may be cited as the Police Service Amendment Act 2002.

(2) This Act shall come into force on such day as the Minister nominates by publication of a notice to that effect in the Savali.

(3) In this Act a reference to the principal Act shall be a reference to the Police Service Act 1977.

**2. Interpretation** - Section 2 of the principal Act is amended as follows:

(1) By deleting the definition of “Deputy Commissioner”:  
and

(2) By inserting the following definition in alphabetical order:

“Assistant Commissioner” means an Assistant Commissioner of the Police Service appointed under this Act, and includes any person acting as an Assistant Commissioner.’

(3) By inserting the words “Assistant Commissioner” after the word “Commissioner” in the definition of “Commissioned Officer”.

**3. Assistant Commissioners** – Section 4(1) of the principal Act is amended by deleting the words “Deputy Commissioner” and substituting the words “Assistant Commissioner”.

**4. Appointment and powers of Assistant Commissioners** – Section 5A of the principal Act is deleted and the following section substituted -

**‘5A Appointment and powers of Assistant Commissioners-**(1) The Head of State, acting on the advice of Cabinet, may appoint fit and proper persons to be Assistant Commissioners of the Police Service who, subject to the control of the Commissioner, shall have and may exercise such powers, duties and functions of the Commissioner as the Commissioner may from time to time, either generally or particularly, delegate to such Assistant Commissioners.

(2) On the occurrence from any cause of a vacancy in the office of the Commissioner (whether by reason of death, resignation or otherwise) or in the case of an absence from duty of the Commissioner (from whatever cause arising) and so long as such vacancy or absence continues an Assistant Commissioner nominated in writing by the Minister shall have and may exercise all the powers, duties and functions of the Commissioner.

(3) The fact that an Assistant Commissioner exercises any power, duty or function of the Commissioner shall be conclusive evidence of the person’s authority to do so.

(4) Every delegation under this section shall be in writing and shall be revocable at will, and no such delegation shall prevent the exercise of any power by the Commissioner.

(5) Notwithstanding any other Act, the Head of State, acting on the advice of Cabinet, may appoint an Assistant Commissioner to be the Superintendent of Prisons under the provisions of the Prisons Act 1967.

(6) Notwithstanding any other Act, the Commissioner, on the recommendation of the Appointment Board, may appoint an Assistant Commissioner to be the Chief Fire Officer under the provisions of the Fire Service Act 1994.

(7) Any Assistant Commissioner appointed as Superintendent of Prisons or Chief Fire Officer, or any Assistant Commissioner appointed as both Superintendent of Prisons and Chief Fire Officer, shall continue to hold the rank of Assistant Commissioner during such appointment or appointments without loss of rank, status or seniority as a Commissioned Officer.

(8) Where an Assistant Commissioner is appointed as Superintendent of Prisons or Chief Fire Officer, or to both offices, such Assistant Commissioner shall not be entitled to any additional salary, allowances or other benefits beyond that which the person is entitled to receive by virtue of his position as an Assistant Commissioner save for any additional salary, allowances or other benefits which may be prescribed by regulations and approved by the Commissioner.

**5. Appointment and Promotion Board** – Section 12(1)(b) of the principal Act is amended by deleting the words “Chief Inspector or Inspector” and substituting the words “Commissioned Officer”.

**6. Members of Police Service to take oath** – Section 14(2) of the principal Act is amended by deleting the words “the Deputy Commissioner” and substituting the words “an Assistant Commissioner”.

**7. Interchange of members with Prison Service and Fire Service** – Section 18 of the principal Act is amended by adding the words “or Fire Service” after the words “Prisons Service” wherever such words appear in the section.

**8. Breach of duty by Commissioner, Assistant Commissioner or Superintendent** - Section 24(1) of the principal Act is amended by deleting the words “the Deputy Commissioner” and substituting the words “an Assistant Commissioner”.

**9. Suspension of other officers for breaches of duty** - Section 25(1) of the principal Act is amended by deleting the words “the Deputy Commissioner” and substituting the words “an Assistant Commissioner”.

**10. Inquiries into charges of breaches of duty and punishment** – Section 26(1) of the principal Act is amended by deleting the words “the Deputy Commissioner” and substituting the words “an Assistant Commissioner”.

**11. Appeals** – Section 27 of the principal Act is amended by deleting the words “the Deputy Commissioner” wherever those words appear and substituting the words “an Assistant Commissioner”.

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