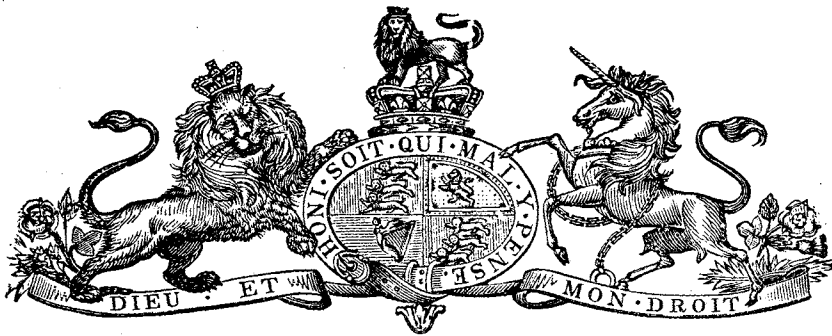


T A S M A N I A .



1898.

ANNO SEXAGESIMO-SECUNDO

VICTORIÆ REGINÆ,

No. 48.

Gazette 1918  
P. 627  
P 842.

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AN ACT to make better provision for the Appointment and Regulation of the Police Force of *Tasmania*. [29 October, 1898.] A.D. 1898.

Amended by 644.18.  
" 8.9.708  
" 129.703-

WHEREAS it is expedient to amend and consolidate the Law relating to the appointment and regulation of the Police Force of *Tasmania* : PREAMBLE.

Be it therefore enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows :—

1 This Act may be cited for all purposes as "The Police Regulation Act, 1898." Short title.

2 This Act shall come into operation and take effect on and after the First day of *January*, 1899. Commencement of Act.

3 On and after the day on which this Act comes into operation and takes effect the Acts set forth in Schedule (1.) shall be and they are hereby repealed : Provided that such repeal shall not affect— Repeal of existing Acts. Schedule (1.)

- (1.) Anything done before this Act comes into operation and takes effect :
- (2.) Any liability accruing before this Act comes into operation and takes effect :
- (3.) Any penalty, forfeiture, or other punishment incurred or to be incurred in respect of any offence committed before this Act comes into operation and takes effect :

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(4.) The institution of any legal proceeding or any other remedy for enforcing or recovering any such liability, penalty, forfeiture, or punishment as aforesaid.

Existing Rules, &amp;c., continued.

**4** All Rules, Orders, or Regulations made under the provisions of any Act hereby repealed, and of any force and effect upon the date on which this Act comes into operation, shall, notwithstanding such repeal, continue in full force and effect, and shall for all purposes be deemed to have been made under the provisions of this Act, until the same are altered or repealed under this Act.

Interpretation.  
"The Police Force."**5** In this Act, unless the context otherwise determines—

"The Police Force of *Tasmania*," or "The Police Force," means all Officers of Police and all Constables appointed under the authority of this Act or of any Act hereby repealed:

"Member of the Police Force."

"Member of the Police Force" shall apply to every person employed in the Police Force of *Tasmania*:

"Minister."

"Minister" means the Responsible Minister of the Crown for the time being administering this Act:

"Commissioner."

"Commissioner" means the Commissioner of Police in and for *Tasmania*.

Division of Act.

**6** This Act is divided into Five Parts, as follows:—

Part I. Appointments.

,, II. Duties and Discipline.

,, III. Penalties.

,, IV. Superannuation and Reward Fund.

,, V. Miscellaneous.

**PART I.****APPOINTMENTS.**

Districts may be proclaimed.

**7** The Governor in Council may, from time to time, by Proclamation published in the *Gazette*, declare any portion of *Tasmania* as and to be a District for the purposes of this Act.

Commissioner of Police.

**8** The Governor in Council may from time to time appoint a Commissioner of Police, who shall, under the direction of the Minister, and subject to the provisions of this Act, have the control and superintendence of the Police Force of *Tasmania*.

Acting Commissioner.

**9** The Governor in Council may, when circumstances so require, appoint a person to act in the place of the Commissioner, and such Acting Commissioner shall have all the powers conferred, and be subject to the duties imposed, by this Act upon the Commissioner.

Superintendents and other Officers.

**10** The Governor in Council may from time to time appoint so many Superintendents, Inspectors, Sub-Inspectors, and other Officers of Police as he may deem necessary, and may from time to time assign any such Superintendent, Inspector, Sub-Inspector, or other Officer to any such District as aforesaid.

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**11** The Governor in Council may at any time, and may from time to time suspend, reduce, discharge, or dismiss any Commissioner, or any Superintendent, Inspector, Sub-Inspector, or other Officer of Police appointed by him under this Act.

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Power to suspend, &amp;c.

**12** The Commissioner may from time to time, with the approval of the Minister, appoint so many Sergeants of Police and Constables, of different grades, as he may deem necessary, and may from time to time assign any such Sergeant of Police or Constable to any such District as aforesaid; and the Governor in Council may disallow any such appointment; and the Commissioner may from time to time, with the approval of the Minister, suspend, reduce, discharge, or dismiss any Sergeant of Police or any Constable appointed under the authority of this Act.

Appointment and dismissal of Constables.

**13** All Officers of Police, and all Constables who are in office on the day preceding the date on which this Act comes into operation, shall be deemed to have been duly appointed under and by virtue of the provisions of this Act; and where by any Act, or any appointment made by the Governor in Council or Governor, any powers or duties are vested in or imposed upon the Commissioner of Police, such powers and duties shall, upon the date on which this Act comes into operation, become vested in and assigned to the Commissioner; and the person holding the office of Commissioner on the day on which this Act comes into operation shall thereafter have and exercise and perform all the powers and duties by this Act vested in or imposed upon the Commissioner until a Commissioner shall be appointed under this Act.

Existing Officers of Police and Constables continued in office.

**14** The Superintendents and other Officers of Police appointed under this Act shall have the superintendence and control of that portion of the Force which may be placed under their charge, subject to the authority herein conferred upon the Commissioner and to the Rules and Regulations made or to be made by the Governor in Council as is hereinafter provided.

Authority of Commissioner and Officers.

*Powers and Oath, &c.*

**15** Every Member of the Force appointed under the authority of this Act shall have such powers and privileges and be liable to all such duties as any Constable duly appointed now has or hereafter may have either by the Common Law or by virtue of any Act of Parliament now or hereafter to be in force in *Tasmania*.

Authority of Members of the Force.

**16** Any person appointed to be a Member of the Police Force shall not be capable of acting in any way as such Member until he shall have taken and subscribed the oath set forth in Schedule (2.). And the said oath shall be administered by any Justice of the Peace, and shall in all cases be subscribed by the person taking the same; and the oaths so taken and subscribed by all persons appointed to any office under this Act shall be forwarded by the Justice before whom the same were taken to the Commissioner.

Oath to be taken by Members of the Force. Schedule (2.)

**17** Every Officer of Police and every Constable who is in office on the date preceding the date when this Act comes into operation, and who shall have taken the oath required by any Act hereby repealed to

Oath taken under Act hereby repealed deemed

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to have been  
taken under this  
Act.

Oath equivalent  
to agreement.

be taken by Officers of Police and Constables appointed thereunder, shall be deemed to have taken and subscribed under the provisions of this Act the oath set forth in Schedule (2).

**18** Every person who has taken and subscribed such oath shall, from the day on which such oath shall have been taken and subscribed, be taken to have thereby entered into a written agreement with, and shall be thereby bound to serve, Her Majesty as a Member of the Police Force in whatsoever capacity he may be at any time thereafter required to serve, and at the current rate of pay of any rank to which he may be appointed or reduced, until legally discharged; and such agreement shall not be set aside, cancelled, or annulled for want of reciprocity, but every agreement shall be determined by the discharge, dismissal, or other removal from office of any such person, or by the acceptance of the resignation of such person by the Governor in Council, or the Commissioner, as the case may be.

One month's  
notice of resigna-  
tion to be given  
by Members of  
the Force.

**19** No Member of the Police Force shall be at liberty to resign his office or withdraw himself from the duties thereof, notwithstanding the period of his engagement shall have expired, unless expressly authorised in writing so to do by the Commissioner, as the case may be, or unless he shall give to the Commissioner One month's notice in writing of his intention so to resign or withdraw.

Repute to be  
evidence of ap-  
pointment.

**20** If any question shall arise as to the right of the Commissioner or any Member of the Police Force to hold or exercise the duties of his office, common reputation shall be deemed *prima facie* evidence of such right, and it shall not be necessary to have or produce any written appointment or other document or matter whatsoever in proof of such right.

All powers vested  
in Members of  
the Force to  
cease upon  
discharge.

**21** When any Member of the Police Force shall be discharged or dismissed from or shall otherwise cease to hold and exercise his office, all powers and authorities vested in him as a Member of the Police Force shall immediately cease.

*Special Constables.*

Commissioner  
or Superintendent  
in certain emer-  
gencies may  
appoint Special  
Constables.

**22** If it shall appear to the Commissioner or any Superintendent of Police appointed by the Governor in Council that any tumult, riot, felony, or breach of the Peace has taken place or may reasonably be apprehended within any District under the control of any such Superintendent of Police as aforesaid, or whenever any emergency arises and the Commissioner or such Superintendent of Police as aforesaid is of opinion that the ordinary Police Force is not sufficient for the preservation of the inhabitants and the security of property, then, and in every such case, the Commissioner, or such Superintendent of Police as aforesaid, as the case may be, is hereby authorised to appoint, by precept in writing under his hand, so many as he thinks fit of the inhabitants who are not legally exempt from serving the office of Constable residing within the District for which they are appointed, and also such other persons as may be willing to serve although exempt or not residing therein, to act as Special Constables for such time and in such manner as to the said Commissioner or Superintendent seems fit and necessary for the preservation of the public peace, and for the

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protection of the inhabitants, and the security of property within such District. A. D. 1898.

**23** Every person appointed a Special Constable under this Act shall, before acting as such, take an Oath before a Justice of the Peace according to the form in the Schedule (3). Oath taken by Special Constables. Schedule (3.)

**24** If any person residing within any such District is appointed a Special Constable, who is not legally exempt from serving the office of Constable, and neglects or refuses without sufficient cause or excuse to appear at the time and place for which he is summoned by the Commissioner or Superintendent, as the case may be, for the purpose of taking the said Oath, or refuses to take the said Oath when thereunto lawfully required by the Commissioner or Superintendent, as the case may be, he shall forfeit a penalty not exceeding Five Pounds. Penalty on Special Constable refusing to take the oath of office.

**25** If any person being appointed and sworn a Special Constable as aforesaid, and being called upon to serve, neglects or refuses to act as such Special Constable, or to obey such lawful orders and directions as may be given to him for the performance of the duties of his office, he shall for every such offence forfeit a penalty not exceeding Five Pounds, unless he shows to the satisfaction of the Justices adjudicating that he was prevented by sickness or such other unavoidable accident as in their judgment is a sufficient excuse. Penalty on Special Constable refusing to serve or guilty of disobedience of orders.

**26** Every Special Constable appointed under this Act shall throughout the Colony have and exercise all such powers, authorities, and privileges, and be liable to all such duties and responsibilities, as any other Constable duly appointed now has or hereafter may have in this Colony. Powers of Special Constables.

**27** Every Special Constable appointed as aforesaid by the Commissioner or a Superintendent of Police shall receive for his services such salary, wages, and allowances as the Minister from time to time directs. Special Constables to be paid for their services.

**28** The like persons shall be deemed to be legally exempted from serving the office of Special Constable in this Colony as are legally exempt from serving upon a jury in *Tasmania*. Exemptions from serving as Constable.

**PART II.****DUTIES AND DISCIPLINE.**

**29** The Governor in Council may from time to time make Rules and Regulations for the government of the Members of the Police Force with respect to all matters necessary for carrying into effect the several objects of this Act and for making the Police Force efficient for the discharge of their respective duties, and for prescribing their duties in enforcing obedience to law, and may from time to time alter and repeal such Rules and Regulations made under this Act. The Governor in Council to make Rules.

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**PART III.****PENALTIES.**

Penalty for resigning without notice.

**30** If any Member of the Police Force shall resign his office or withdraw himself from the duties thereof without the previous permission or notice required by this Act, he shall, upon conviction thereof in a summary way before Two or more Justices of the Peace, for every such offence forfeit and pay a penalty not exceeding Ten Pounds.

Penalty for misconduct.

**31** Any Member of the Police Force who is guilty of any insubordination, misconduct, neglect, or violation of duty in his office as such Member of the Police Force, shall forfeit a penalty not exceeding Ten Pounds.

In any case in which any Member of the Police Force is charged with any offence under this Section of the Act, such Member may elect to have such charge determined by the Commissioner of Police; and if upon enquiring into any such charge the Commissioner considers the charge is satisfactorily proved, he may inflict a fine not exceeding Five Pounds.

Penalty for taking bribe, &amp;c.

**32** Any Member of the Police Force who shall take any bribe, pecuniary or otherwise, either directly or indirectly, to forego his duty, or who shall in any manner aid or connive at the escape or attempt to escape of any prisoner in lawful custody, or who shall desert his post, or assault his superior in rank in the Police Force, or shall neglect or refuse to obey or execute any process directed to be by him executed, or shall be guilty of any act of insubordination or misconduct against the discipline of the Police Force, shall, for every such offence, upon conviction thereof on the complaint of any Officer of the Force in a summary way before Two Justices, forfeit and pay a penalty not exceeding Twenty-five Pounds, or, in the discretion of the Justices before whom he is convicted, to be imprisoned for any term not exceeding Six months, with or without hard labour.

Penalty for not delivering accoutrements.

**33** If any person who, having been a Member of the Police Force, has been discharged or dismissed from, or who has otherwise ceased to hold and execute his office, shall not forthwith deliver over everything whatsoever which may have been supplied to him for the execution of his office, or which may be in his custody by virtue thereof, to such person as may be appointed by any order, special or general, issued by the Commissioner, every such person shall, upon conviction thereof on the complaint of any Officer or Sergeant in a summary way before Two Justices, be imprisoned and kept to hard labour for any period not exceeding Three Months; and any Justice may and shall issue his warrant to search for and seize to the use of Her Majesty all and every the arms, ammunition, accoutrements, horses, saddles, bridles, clothing, and other appointments and things whatsoever which shall not be so delivered over wherever the same shall be found.

Penalty for personating Members of the Force.

**34** If any person, not being a Member of the Force, shall have in his possession any arms or ammunition, or any article of clothing, accoutrements, or appointments supplied to any Member of the Force, and shall not be able satisfactorily to account for his possession thereof, or shall put on or assume the dress, name, designation, or description of a Member

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of the Police Force, with the intention that it should be believed, or the knowledge that it is likely that it will be believed that he is a Member of the Police Force, every such person so offending shall, in addition to any other punishment for which he may be liable for such offence, upon conviction thereof on the complaint of any Member of the Force in a summary way before Two Justices, forfeit and pay a penalty not exceeding Fifty Pounds. A.D. 1898.

**35** If any person gives, or offers or promises to give, any bribe, recompense, or reward to, or makes any collusive agreement with, any Member of the Police Force appointed under this Act to induce him in any way to neglect his duty, or to conceal or connive at any act whereby any law or any Rule or Regulation made under this Act may be infringed or evaded, he shall for every such offence, whether such recompense or bribe, reward, or offer, promise, or agreement is accepted or performed or not, forfeit a penalty not exceeding Fifty Pounds, or, in the discretion of the Justices before whom he is convicted, to be imprisoned for any term not exceeding Six months, with or without hard labour. Penalty for bribing Members of the Force.

**36** Every person who assaults or resists, or who aids or incites any person to assault or resist, any Member of the Police Force in the execution of his duty, or any person at the time lawfully acting in aid of such Member, shall for every such offence be liable to a penalty not exceeding Ten Pounds, or, in the discretion of the Justices before whom he is convicted, to be imprisoned for any term not exceeding Six months, with or without hard labour, and shall further pay the amount of any damage caused by such assault or resistance to the clothes, apparel, or accoutrements of such Member, or any person lawfully aiding such Member as aforesaid, and in default of payment of the amount of any such damage, to be further imprisoned for any term not exceeding Two months. Penalties on persons assaulting Members of the Force.

**37** Any Member of the Force, when in the lawful execution of his duty, may call upon any male bystander, not being under the age of Eighteen years, to aid or assist him to secure or convey any prisoner in his charge to a watch-house or other place when reasonable necessity exists for calling for such assistance; and any such person refusing to aid or assist such Member of the Force when so called upon shall for every such offence forfeit and pay a penalty not exceeding Five Pounds. Penalty for not assisting Members of the Force.

**38** Nothing contained in this Act shall be construed to prevent any person from being prosecuted under any other Act of Parliament for any offence made punishable by this Act, or from being liable under any other Act to any other or higher penalty or punishment than is provided for such offence by this Act. Provided, that no person shall be punished twice for the same offence. Offenders may be prosecuted under any other Act.

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## PART IV

## SUPERANNUATION AND REWARD FUND.

Existing  
Provident Fund  
to be transferred  
to Police  
Provident Fund.

**39** Upon the date on which this Act comes into operation, all moneys, investments, and securities whatsoever constituting or forming any part of the Fund known as "The Territorial Police Provident Fund," shall be and the same are hereby respectively transferred to, and shall form part of, the Fund to be established under this Act, and which shall be called "The Police Provident Fund": Provided that the claim which any Officer of Police or Special or other Constable may have upon any portion of the said Fund on the day preceding the date on which this Act comes into operation, shall thereafter become a charge upon the Fund to be established as aforesaid.

Money and  
other securities  
to be transferred.

**40** All persons having in their possession or control any moneys or investments or securities whatsoever constituting or forming any part of any of the Funds to be transferred as aforesaid, and any books or accounts of any of such funds, are hereby required, and it shall be lawful for them, to transfer and hand over all such moneys, investments, and securities whatsoever, and all such books and accounts as aforesaid, to such person or persons as the Minister may appoint to receive the same.

Appropriation of  
Fund.

**41** The Police Provident Fund established under this Act, and all accumulations thereof, shall be solely appropriated (after payment of the expense of management, if any) for the providing superannuation allowances for any Member of the Police Force appointed under this Act who may retire from his office as hereinafter is mentioned, or for rewards and gratuities to any Member of the Police Force as hereinafter is mentioned; and such Fund shall be divided into Two parts, namely, the Superannuation Branch and the Reward Branch.

Fund to be  
managed and  
controlled by  
Board.

**42** Such Fund shall be from time to time managed and controlled by, and be invested and disbursed under, the direction of a Board to be called the "The Police Provident Fund Board," consisting of the Minister, the Commissioner, and the Government Statistician respectively for the time being, in accordance with the provisions of this Act, and of the rules and regulations to be made thereunder as hereinafter provided; and any dispute or question as to any claim upon the said Fund, or any application for aid therefrom, shall be decided by the Governor in Council.

*New section added  
by 12 Geo 7. 5-*Deductions from  
pay of Police to  
be added to  
Fund.

**43** It shall be lawful for the Commissioner from time to time to deduct from the pay or allowance of every Member of the Police Force appointed under this Act, such sum, not exceeding Eighteen Pence in the Pound, upon the amount of such pay or allowance as may be directed by any rule or regulation framed as hereinafter directed, and the amount of all such deductions shall be added to and form part of the Superannuation Branch of "The Police Provident Fund" aforesaid.

Appropriation of  
fines and penalties  
in aid of Fund.

**44** There shall be annually paid by the Treasurer of *Tasmania* to the Reward Branch of "The Police Provident Fund" aforesaid such sum as the Governor in Council appoints, not exceeding one-half of all fines and penalties received by the said Treasurer in the year preceding in respect of any information or complaint which has been laid or



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made by any Member of the Police Force appointed under this Act, for the purpose of enabling rewards to be paid out of such Fund to any Member of the Police Force for extraordinary diligence and exertion and for general good conduct, or as compensation for wounds or severe injuries received in the performance of his duty.

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**45** It shall be lawful for the Governor in Council from time to time to make, alter, or repeal such Rules or Regulations as to him may seem fit for any of the following purposes:—

Regulations.

- i. For the investment of "The Police Provident Fund" aforesaid and of all accumulations thereof upon such securities, and in such manner as may be thereby directed:
- ii. For fixing the period at which, and the conditions upon which, every Member of the Police Force appointed under this Act shall be entitled to benefits from the said Fund, and for determining the amount and duration of such benefits:
- iii. For fixing from time to time the amount to be deducted from the pay of every such Member by way of contribution to the said Fund, not exceeding the limits imposed by this Act, and prescribing the time and manner in which such deductions shall be made:
- iv. For fixing the amount and mode of distribution of any reward or compensation which may be made payable out of the said Fund, and the manner in which claims thereon shall be made and decided:
- v. Generally for carrying out the objects and purposes of this Part of this Act.

The Rules and Regulations relating to "The Territorial Police Provident Fund" shall be the Rules and Regulations of "The Police Provident Fund" hereby established, until altered or repealed under the provisions hereinbefore contained.

Continuance of existing Regulations.

**46** The full actuarial value of any interest in any Municipal Police Provident Fund accruing or standing to the credit of any Member of the Police Force in office on the day on which this Act comes into operation shall, with the consent of the Municipal Council, be determined by a competent actuary; and the amount so determined shall be transferred by every Municipal Council to the Police Provident Fund Board, and placed to the credit of such Member of the Police Force; or, if such Member prefer to draw the amount standing to his credit, he shall be allowed to do so: Provided, that where any such Member whose accrued contribution shall have been transferred to the Police Provident Fund Board shall subsequently resign, be discharged, or dismissed from the Force, no part of such accrued contribution or interest thereon shall be liable to forfeiture, but shall be payable to such Member on his resignation, discharge, or dismissal.

Actuarial computation of the Provident Fund to be made.

**47** Nothing in this Act contained shall be construed to absolutely entitle any Member of the Police Force who may resign or be discharged from his office to any share of the Police Provident Fund; and, subject as aforesaid, any such Member being discharged or dismissed from his office shall be liable to forfeit all or any part of his share therein.

Act not to give absolute right to share of the Fund.

**48** All accounts and moneys in connection with "The Police Provident Fund" shall be subject and liable to all the provisions of

Accounts to be subject to 52 Vict. No. 43.

*See the 1900 page 1682  
1912 page 3092*

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“The Audit Act, 1888,” in the same manner in all respects as if such accounts and moneys had been specifically mentioned therein.

Act not to apply  
to certain persons.  
27 Vict. No. 4.

**49** Nothing hereinbefore contained relating to the Superannuation Branch of the Police Provident Fund shall extend or apply to any person appointed a Constable before the commencement of *The Abolition of Pensions Act*, and who shall be acting in that capacity under the Commissioner of Police upon the day preceding the date on which this Act comes into operation.

## PART V.

## MISCELLANEOUS.

Commissioner to  
take possession of  
Police Buildings.

**50** Upon the date on which this Act comes into operation, the Commissioner, or any Officer of Police authorised by him, is hereby empowered to enter into and take possession of, and use and occupy for Police purposes, all lands and buildings belonging to any Municipality and heretofore used for Police purposes, or as a residence for any Officer of Police or for any Constable, in any Municipality, until the Thirtieth day of *June*, 1899.

Certain lands to  
revert to the  
Crown.

**51** Upon the date on which this Act comes into operation, all lands and buildings, or any part of any lands or buildings, vested in any Municipality and heretofore used exclusively for Police purposes, or as a residence for any Officer of Police or for any Constable, in any Municipality, and which were before the day on which such Municipality was proclaimed vested in Her Majesty, and upon which the Municipal Council of such Municipality have not expended any money in the construction of any buildings erected thereon, shall revert to Her Majesty, and shall thereafter be available for the purposes of this Act, or may be disposed of as the Governor in Council may think fit.

Minister  
empowered to  
take land.  
21 Vict. No. 11.

**52** It shall be lawful for the Minister, with the consent of the Governor in Council, to purchase, acquire, and take such land and the buildings thereon as may be required for the purposes of this Act, in the manner provided by *The Lands Clauses Act*, which Act is hereby incorporated with this Act; but there shall not be incorporated with this Act Sections Eight and Nine of the said *Lands Clauses Act*.

In the construction of this Act and the said incorporated Act, this Act shall be deemed to be the Special Act, and the Minister shall be deemed to be the “Promoter of the undertaking.”

Compensation  
for buildings only  
in certain cases.

**53** In the event of any land being acquired, or taken from any Municipality by the Minister under this Act which was originally granted to or vested in such Municipality by the Crown, or by any Act of Parliament, the amount of compensation payable by the Minister for such land shall be assessed at the present value of any buildings and improvements erected on such land at the cost of and out of the funds at the disposal of the Municipal Council of such Municipality.

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**54** The Municipal Council of every Municipality is hereby empowered to sell and dispose of to the Minister all lands and buildings belonging to or vested in any such Municipality, and heretofore used exclusively for Police purposes, or as a residence for any Officer of Police or for any Constable.

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Municipal Councils empowered to sell.

**55** All moneys received by any Municipal Council as the purchase money or compensation for any land or buildings disposed of or vested in the Crown by virtue of this Act, shall be paid into and form part of the Municipal Fund at the disposal of such Municipal Council.

Appropriation of moneys paid to Municipal Councils.

**56** If either party to any arbitration under this Act is dissatisfied with the award of the arbitrators or the umpire appointed to determine the amount of compensation, the dissatisfied party, when the amount of compensation awarded by the arbitrators or the umpire exceeds One hundred Pounds, may appeal from the award of the arbitrators or the umpire, as the case may be, to a Judge of the Supreme Court, and may have the amount of compensation fixed by a Judge of the said Court, in the manner hereinafter provided.

Disaffected party may appeal to a Judge of the Supreme Court.

**57** If the dissatisfied party desires to appeal from the award of the arbitrators or umpire as aforesaid, he shall, within Fourteen days after the delivery to him of such award or a copy thereof, give notice in writing to the other party of his intention to appeal, and shall, within One month after the service of such notice upon the opposite party, prosecute such appeal in accordance with such Rules as may be made by the Judges of the Supreme Court; and the amount of compensation to be paid in such case shall be ascertained by a Judge of the Supreme Court in such manner as he deems advisable, and subject to such conditions as such Judge sees fit to impose, and the Judge may also, in his discretion, make any Order as to the person by whom the costs of the appeal shall be borne:

Procedure upon appeal.

Provided, that a Judge of the Supreme Court may, upon what he shall deem sufficient cause, allow an appeal under this Act to be prosecuted after the expiration of the time hereinbefore allowed for that purpose; but no appeal shall be allowed after the expiration of Three months after the service of notice of intention to appeal.

**58** Where the dissatisfied party gives such notice of appeal as aforesaid, then the award given by the arbitrators or the umpire shall not be made a Rule of Court until a Judge of the Supreme Court, by an Order in writing under his hand, determines the matter in dispute, or the time hereinbefore allowed for prosecuting the appeal has expired.

Award not to be made a Rule of Court until Judge determines matter in dispute.

**59** It shall be lawful for the Judges of the Supreme Court to frame and make Rules determining the nature of the proceedings which shall be taken for carrying out any appeal to a Judge of such Court under this Act, but such Rules shall have no force or effect until the same are published in the *Gazette*.

Judges may make Rules.

**60** It shall be lawful for any Member of the Police Force in charge of any Police Station to take bail in the same manner as any superior officer of Police is authorised by Section Two hundred and sixty-nine of *The Police Act*, 1865, so to do.

Member in charge of station may take bail. 29 Vict. No. 10.

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In actions brought against Member, Court may require security for costs.

**61** In any action brought against any Member of the Police Force for anything done by him as such Member, it shall be lawful for the Court in which such action is brought, or any Judge thereof, if the Court or Judge thinks fit, to order that the plaintiff in such action shall give security for costs, or that all proceedings therein shall be stayed.

Summary procedure before Two Justices.

19 Vict. No. 8. Appeal.  
19 Vict. No. 10.

**62** All offences against this Act, for which no other mode of proceeding is hereinbefore otherwise specially provided, shall be heard and determined and all penalties shall be recovered in a summary way by and before any Two or more Justices of the Peace, in the mode prescribed by *The Magistrates Summary Procedure Act*; and any person aggrieved by any summary conviction may appeal therefrom in the mode prescribed by *The Appeals Regulation Act*.

Regulations to be laid before Parliament.

**63** All Rules and Regulations made under this Act, and all amendments thereof, shall be laid before both Houses of Parliament within Fourteen days of the making thereof if Parliament is in Session, and if Parliament be not in Session then within Fourteen days after the commencement of the next Session, and shall be published in *The Hobart Gazette*; and after publication as aforesaid shall have the force of law, so far as they are not inconsistent with or repugnant to this Act or any other Act.

Reference to former Acts.

**64** Where in any Act the several Acts hereby repealed may be referred to, the same shall, for the purposes of any such Act as first aforesaid, be deemed to mean this Act.

## SCHEDULE.

(1.)

## ACTS TO BE REPEALED.

Sect. 3.

<i>Date and Number of Act.</i>	<i>Title of Act.</i>	<i>Extent of Repeal.</i>
29 Vict. No. 9. J	"The Police Regulation Act, 1865."	The whole Act.
45 Vict. No. 21. J	"The Police Regulation Amendment Act, 1881."	The whole Act.
54 Vict. No. 12. J	"The Police Regulation Amendment Act, 1890."	The whole Act.

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*Police Regulation.*


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(2.)

## CONSTABLE'S OATH.

A.D. 1898.

Sects. 16 and 17.

I, *A.B.*, do swear that I will well and truly serve Our Sovereign Lady the Queen in the office of Constable for the Colony of *Tasmania*, and that I will, to the best of my power, without favour or affection, malice or ill-will, cause the peace to be kept and preserved, and prevent all offences against the persons and properties of Her Majesty's subjects; and that while I continue to hold the said office I will, to the best of my ability, skill, and knowledge, discharge all the duties thereof faithfully according to law. So help me God.

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(3.)

## SPECIAL CONSTABLE'S OATH.

Sect. 23.

I, *A.B.*, do swear that I will well and truly serve Our Sovereign Lady the Queen in the office of Special Constable for the [City of *Hobart*, or District of \_\_\_\_\_, as the case may be]; and that I will, without favour or affection, malice or ill-will, to the best of my power, cause the peace to be kept and preserved, and prevent all offences against the persons and properties of Her Majesty's subjects; and that while I continue to hold the said office I will, to the best of my ability, skill, and knowledge, discharge all the duties thereof faithfully according to law. So help me God.

