

POLICE RULES 1989

- 1 Name
- 2 Interpretation

Police officers

- 3 Designation of police officers
- 4 Identification card
- 5 Functions of police officers
- 6 Powers and duties of police officers
- 7 —
- 8 Police officers to keep records
- 9 Protection of police officers

Police powers and fire

- 10 Police powers and fire

Lost property

- 11 Property in police possession
- 12 Unclaimed property and finder
- 13 Unclaimed property sold or destroyed
- 14 Proceeds of sale to be paid to village

Explosives, firearms, & ammunition

- 15 Arrival in Tokelau
- 16 Production at request of police officer
- 17 Reporting loss or theft

Offences

- 18 Offences

1 Name

These are the Police Rules 1989.

2 Interpretation

(1) In these Rules —

“Administrator” means the Administrator of Tokelau;

“ammunition” means ammunition for a firearm;

“Commissioner” means a Commissioner appointed under section 5 of the Tokelau Amendment Act 1986; and includes any person exercising the functions, duties, and powers of a Commissioner pursuant to section 6 of that Act;

“Director” means the Director of the Tokelau Public Service responsible for the Police;

“explosive” does not include coloured flares, fog signals, or fireworks;

“firearm” includes an airgun;

“police officer” means —

- (i) any person employed as a police officer in the Tokelau National Public Service or the public service of a village;
- (ii) any member of the New Zealand Police who is designated under rule 3(2) as a police officer.

Police Officers

3 Designation of police officers

(1) [repealed 2004/2]

- (2) The Administrator may from time to time, with the concurrence of the Commissioner of the Police of New Zealand, designate any member of the Police of New Zealand as a police officer, and may at any time revoke any such designation.

4 Identification card

- (1) The Director shall issue to every police officer an identification card identifying the holder as a police officer.
- (2) Every identification card shall be signed by the Director, and shall contain the full name of, and be signed by, the person to whom it is issued.
- (3) Every police officer shall, at all times when on duty, produce the identification card issued to that police officer to any person who requests to see it.
- (4) Every person who ceases to hold office as a police officer shall forthwith return to the Director the identification card issued under this rule.

5 Functions of police officers

- (1) Police officers shall have the following functions —
 - (i) the preservation of the public peace;
 - (ii) the prevention, detection, investigation, and prosecution of offences against the law of Tokelau;
 - (iii) the apprehension of persons who have committed, or are suspected of having committed, offences against the law of Tokelau;
 - (iv) the maintenance of order at the sittings of Courts in Tokelau;
 - (v) the maintenance of order in public places, including regulating processions and gatherings, preventing the obstruction of public places, and removing obstructions from public places;
 - (vi) assisting in the maintenance of order on vessels visiting Tokelau;
 - (vii) the service and execution of the process of any Court;
 - (viii) assisting the Taupulega of any village to give effect to the decisions of that Taupulega, and to the rules of that village;
 - (ix) the performance of any other function conferred by or under the law of Tokelau on a police officer.

- (2) Police officers shall exercise their functions nationally and in any of the villages of Tokelau shall exercise those functions under the directions of the employment authority in that village, and outside of a village shall exercise their functions subject to the directions of the Director.

6 Powers and duties of police officers

- (1) While on duty, a police officer shall have all the powers and duties conferred by law on a constable.
- (2) For the purposes of paragraph (1), a police officer shall be deemed to be on duty whenever the circumstances require him or her to act as a police officer, whether or not he or she is in uniform.

7 [repealed 2004/2]

8 Police officers to keep records

Every police officer shall keep such records and make such reports as the employer may direct.

9 Protection of police officers

Where any process has been issued out of any Court, or by any Judge or Commissioner, no proceedings, whether civil or criminal, shall lie against any police officer in respect of any act done in good faith by that police officer in obedience to any such process, notwithstanding that there is any irregularity in the issuing of the process, or that the Court, Judge, or Commissioner had no jurisdiction to issue the process.

Powers of Police Officers in cases of Fire

10 Powers of police officers in cases of fire

In the event of any fire, or where it is suspected, on reasonable grounds, that a fire is occurring, any police officer may, for the purposes of extinguishing the fire or suspected fire, or preventing the spread of the fire or suspected fire, or saving any lives or property endangered by the fire or suspected fire —

- (i) enter on any land;
- (ii) enter, and, if necessary, break into, any building or structure;

- (iii) do all other things that are reasonably necessary for protecting life or property in dealing with the fire or suspected fire.

Lost Property and Property in Police Possession

11 Return of property in possession of Police

Except as provided in any other enactment, and subject to rules 13 and 14, any property that has come into the possession of any police officer and is no longer required for any purpose relating to the detection, investigation, or prosecution of any offence shall be returned to the person entitled to the possession of the property.

12 Unclaimed property to become property of finder

- (1) This rule applies to any property that is delivered into the custody of a police officer by any person who is not the owner of the property.
- (2) Except as provided in any other enactment, where any property to which this rule applies is not claimed by —
 - (i) its owner; or
 - (ii) any person entitled to possession of it (other than the person who delivered it into the custody of a police officer),within the period of 2 months beginning on the date on which the property was delivered into the custody of a police officer, the person who delivered the property into the custody of a police officer shall be deemed to be the owner of the property.

13 Unclaimed property may be sold or destroyed

- (1) Subject to rule 14(2), any property that has come into the possession of any police officer and is unclaimed after being held for not less than 3 months shall, if a Commissioner so directs, be sold or destroyed.
- (2) Notwithstanding anything in paragraph (1) or in rule 11 or rule 12, any perishable goods that have come into the possession of a police officer may, if a Commissioner so directs, be sold or destroyed at any time.

14 Proceeds of sale to be paid to village

- (1) The proceeds of every sale made pursuant to rule 13 shall be paid to the appropriate village.
- (2) Any money that has come into the possession of any police officer and is unclaimed after being held for not less than 3 months shall be paid to the appropriate village.

Control of Explosives, Firearms, and Ammunition

15 Certain items to be handed to police officer on arrival in Tokelau

- (1) Where any person lands on any of the islands of Tokelau, that person shall, as soon as practicable after landing on that island, deliver to a police officer any explosive, firearm, or ammunition which that person has in that person's possession and for which that person does not have a permit allowing that person to import that explosive, firearm, or ammunition into Tokelau.
- (2) Where any explosive, firearm, or ammunition is delivered to a police officer in accordance with paragraph (1), that police officer shall record in writing the following details —
 - (i) the name of the person who delivered the explosive, firearm, or ammunition to the police officer;
 - (ii) the date on which the explosive, firearm, or ammunition was so delivered;
 - (iii) a description of the explosive, firearm, or ammunition, including its make and serial number (if any).
- (3) Where, in accordance with paragraph (1), any explosive, firearm, or ammunition is delivered to a police officer by any person who lands on any of the islands of Tokelau, that explosive, firearm, or ammunition shall be retained in safe custody by that police officer, and shall be returned to that person on that person's departure from that island.

16 Production of certain items at request of police officer

Every person in possession of any explosive, firearm, or ammunition shall, at the request of a police officer, produce that explosive, firearm, or ammunition to that police officer.

17 Reporting of loss or theft of explosive, firearm, or ammunition

Whenever any explosive, firearm, or ammunition is lost or stolen, the person entitled to ownership or possession of the explosive, firearm, or ammunition shall, within 24 hours after becoming aware of the loss or theft, report that loss or theft to a police officer.

Offences

18 Offences

- (1) Every person commits an offence against these Rules who —
 - (i) not being a police officer, by words, conduct, or demeanour pretends to be a police officer, or puts on or assumes the dress, name, designation, or description of a police officer; or
 - (ii) requests or incites or induces any police officer to act in any manner contrary to the police officer's duty; or
 - (iii) fails to comply with rule 4(4) or rule 15(1) or rule 16 or rule 17.
 - (2) Every person who commits an offence against these Rules shall be liable on conviction to imprisonment for a term not exceeding 3 months or to a fine not exceeding 3 penalty units.
-