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ANALYSIS

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|----|--------------------------------|-------------------------------|
| | Title | |
| 1. | Short Title | 5. Dismissal or suspension of |
| 2. | Commissioner | Commissioner or Deputy |
| 3. | Deputy Commissioner | Commissioner of Police |
| 4. | Other Commissioned
Officers | |

1986, No. 1

An Act to amend the Police Act 1981

(8 July 1986)

BE IT ENACTED by the Parliament of the Cook Islands in Session assembled and by the authority of the same as follows:

1. Short Title - This Act may be cited as the Police Amendment Act 1986 and shall be read together with and deemed part of the Police Act 1981 (herein referred to as the "principal Act").
2. Commissioner - Section 3 of the principal Act is amended by repealing subsection (2).
3. Deputy Commissioner - Section 4 of the principal Act is repealed and the following section substituted.
 - "4. Deputy Commissioner - (1) The Queen's Representative with the consent of the Executive Council may from time to time appoint one fit and proper person as Deputy Commissioner of Police.
 - (2) Any appointment under this section shall be made from those commissioned officers for the time being holding the rank of superintendent or chief inspector.
 - (3) The Deputy Commissioner of Police shall have and may exercise such of the powers, authorities, duties, and functions of the Commissioner as the Commissioner may delegate to him generally or in any particular case.
 - (4) Every delegation shall be revocable at will, and no such delegation shall prevent the exercise by the Commissioner of any power, authority, duty or functions.

(5) In the case of absence by the Commissioner (whether by reason of illness, absence from the Cook Islands, or for any other reason whatever) or in the case of a vacancy in the office of the Commissioner (whether by reason of death, resignation, or otherwise) and for so long as the absence or vacancy continues, the Deputy Commissioner of Police shall have and may exercise all the powers, authorities, duties, and functions of the Commissioner provided that in the case of any such absence or vacancy of both the Commissioner and Deputy Commissioner of Police then such powers, authorities, duties and functions shall be vested in the next senior officer.

(6) The fact that the Deputy Commissioner exercises any power, authority, duty, or function, pursuant to this section, shall, in the absence of proof to the contrary, be sufficient evidence of his authority to do so."

4. Other Commissioned Officers - Section 5 of the principal Act is repealed and the following section substituted:

"5. Other Commissioned Officers - (1) The Commissioner may from time to time appoint such commissioned officers (other than the commissioned officers authorised to be appointed by the Queen's Representative) as he considers necessary.

(2) Any appointment under this section to the rank of Superintendent shall be made from those commissioned officers for the time being holding the rank of Chief Inspector."

5. Dismissal or suspension of Commissioner or Deputy Commissioner of Police - The Queen's Representative, acting on the advice of Cabinet, conveyed by the Minister, may remove or suspend from office the Commissioner or Deputy Commissioner of Police for disability, neglect of duty or misconduct."

This Act is administered in the Police Department