



Tuvalu

POLICE POWERS AND DUTIES FORMS APPROVAL 2012

LN No.4 of 2012

**MADE UNDER SECTION 175 OF THE POLICE POWERS AND DUTIES
ACT 2009**

Commencement [10th October, 2012]

1 Citation

This Notice may be cited as the Police Powers and Duties Forms Approval 2012.

Form 1 Requirement to have motor vehicle inspected

(Police Powers and Duties Act 2009, s 23(7)(a))

To:

Details of person			
Name:			
Address:			
Date of birth (if known):		Driver's licence number:	

I suspect that:

Details of vehicle			
Make:		Model:	
Colour:		Registration:	

does not comply with:

Transport law:	
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I require you to have the vehicle inspected at:

Date:		Time:	
Place:			

Officer's name:	
Officer's rank:	
Officer's station:	

The maximum penalty for not complying with this notice is a fine of \$200.

Dated

.....
(Signature of police officer)

Form 2 Requirement not to use motor vehicle*(Police Powers and Duties Act 2009, s 26(2))*

To:

Details of person			
Name:			
Address:			
Date of birth (if known):		Driver's licence number:	

I suspect that:

Details of vehicle			
Make:		Model:	
Colour:		Registration:	

is *unsafe or *defective because:

Reason:	
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I require you not to use the vehicle, or permit it to be used, on a road until:

*the vehicle is inspected at:

Date:		Time:	
Place:			

or

*the following action is taken in relation to the vehicle to ensure that it complies with the Traffic Act:

Action:	
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Officer's name:	
Officer's rank:	
Officer's station:	

The maximum penalty for not complying with this requirement is a fine of \$200.

If you are not the owner of the vehicle, you must immediately give this notice to the owner of the vehicle.

The maximum penalty for not doing so is a fine of \$300.

Dated

.....
 (Signature of police officer)

**delete if not required*

Form 3 Requirement not to drive motor vehicle*(Police Powers and Duties Act 2009, s 25(2))*

To:

Details of person			
Name:			
Address:			
Date of birth (if known):		Driver's licence number:	

I suspect that you would contravene:

Transport law:	
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by driving:

Details of vehicle			
Make:		Model:	
Colour:		Registration:	

I require you not to drive the vehicle in contravention of that law until:

Date:		Time:	
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Officer's name:	
Officer's rank:	
Officer's station:	

The maximum penalty for not complying with this notice is a fine of \$1 000.

Dated

.....
(Signature of police officer)

Form 4 Impounded motor vehicle*(Police Powers and Duties Act 2009, s 27(4))*

To:

Details of person			
Name:			
Address:			
Date of birth (if known):		Driver's licence number (if any):	

(A separate notice must be given to the driver and each owner of the motor vehicle)

I have impounded:

Details of vehicle			
Make:		Model:	
Colour:		Registration:	

for:

Period (<i>up to 1 month</i>):	
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An owner of the vehicle may recover the vehicle:

How the vehicle may be recovered:	
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Before the vehicle is recovered, you may be required to produce satisfactory evidence of ownership.

If the driver is found guilty of the offence for which the motor vehicle was impounded, the court may order:

- (a) if the driver of the motor vehicle when the motor vehicle was impounded was an adult — the driver to pay the costs of moving and keeping the motor vehicle; or

- (b) if the driver of the motor vehicle when the motor vehicle was impounded was a child — the child or the child’s parent or guardian to pay the costs of moving and keeping the motor vehicle.

Officer’s name:	
Officer’s rank:	
Officer’s station:	

Dated

.....
(Signature of police officer)

Form 5 Disposing of motor vehicle if not recovered after impounding ends

(Police Powers and Duties Act 2009, s 28(2))

*

Details of owner			
Name:			
Address:			
Date of birth (if known):		Driver's licence number (if any):	

(* Delete if owner not known)

Details of vehicle			
Make:		Model:	
Colour:		Registration:	
Impounded on:			

I intend:

*to sell this vehicle by public auction.

*to dispose of this vehicle by *[state how]*.

**delete if inapplicable*

Dated

.....
(Signature of Commissioner)

Form 6 Police order*(Police Powers and Duties Act 2009, s 42)*

To:

Details of person	
Name:	
Address:	
Date of birth (if known):	

Person for whose safety this order is issued:

Details of person	
Name:	
Address:	
Date of birth (if known):	

Duration of order (up to 72 hours):	
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Your obligations under this order:

- 1 You must immediately:
 - (a) surrender to a police officer any weapon in your possession or control; and
 - (b) vacate any land or building occupied by a person at risk, whether or not you have a legal or equitable interest in the land or building.
- 2 You must not:
 - (a) physically or sexually abuse a person at risk; or
 - (b) threaten to physically or sexually abuse a person at risk; or

- (c) damage, or threaten to damage, property of a person at risk; or
- (d) engage, or threaten to engage, in other behaviour, including intimidation or harassment, that amounts to psychological abuse of a person at risk; or
- (e) encourage any person to engage in behaviour against a person at risk, if the behaviour, if engaged in by you, would be prohibited by the order; or
- (f) watch, loiter near, or prevent or hinder access to or from the dwelling, business, or employment of a person at risk, or an educational institution attended by a person at risk, or any other place that a person at risk often visits; or
- (g) follow a person at risk, or stop or accost a person at risk, in any place; or
- (h) if a person at risk is present on any land or building — enter or remain on that land or building in circumstances that constitute a trespass; or
- (i) make any other contact with a person at risk (whether by telephone, correspondence, or otherwise) unless reasonably necessary in an emergency.

In this order:

“**person at risk**” means:

- (a) the person for whose safety this order is issued; and
- (b) any child residing with that person.

I:

Officer’s name:	
Officer’s rank:	
Officer’s station:	

- * have the approval of the officer in charge of a police station to make this order.
- * believe on reasonable grounds that I should make this order urgently, and cannot use remote communication to apply for the approval.

**delete if inapplicable*

If you do not comply with this order:

- (a) a police officer may, using such force as is reasonably necessary, take you into custody and before a magistrate’s court; and

(b) you will be liable for a fine of up to \$200 and imprisonment for up to 1 year.

Date and time:

.....

(Signature of police officer)

Form 7 Notice about search warrant

(Police Powers and Duties Act 2009, s 64(1)(b))

To:

Details of person	
Name:	
Address:	
Date of birth (if known):	

Notice

- 1 A search warrant has been issued for the place stated in the warrant.
- 2 A police officer may exercise the following powers under the warrant:
 - (a) enter the place stated in the warrant, and to stay at the place for the time that is reasonably necessary to exercise the powers authorised by this section;
 - (b) pass over, through, along or under another place to enter the place to which the warrant relates;
 - (c) prevent a person from entering the place;
 - (d) detain anyone at the place for the time that is reasonably necessary to find out if the person has the evidence sought under the warrant;
 - (e) if the police officer suspects, on reasonable grounds, that a person at the place has been involved in the commission of the offence to which the warrant relates —detain the person for the time taken to search the place;
 - (f) direct a person to leave the place, or to remove a vehicle or animal from the place;
 - (g) remove from the place:
 - (i) a person who fails to comply with a direction to leave the place; or
 - (ii) a vehicle or animal that a person fails to remove from the place;
 - (h) search:
 - (i) the place and anything at the place; or

- (ii) any person at the place for the evidence that is sought under the warrant and that can be concealed on the person;
 - (i) open anything at the place that is locked; and
 - (j) remove wall or ceiling linings or floors of a building, or panels of a vehicle, to search for the evidence sought at the place under the warrant;
 - (k) dig up land to search for the evidence sought at the place under the warrant;
 - (l) photograph anything that the police officer suspects, on reasonable grounds, may provide the evidence sought at the place under the warrant, even if the thing is not seized under the warrant;
 - (m) seize anything found at the place, or on a person at the place, that the police officer suspects, on reasonable grounds, may provide the evidence sought under the warrant;
 - (n) take electricity for use at the place;
 - (o) direct the occupier of the place or a person apparently in charge of the place to maintain a continuous supply of electricity at the place;
 - (p) direct a person at the place who has access to documents that are stored on a computer at the place:
 - (i) to give a police officer any password that the police officer needs to be able to access the information on the computer; and
 - (ii) to give a police officer access to the computer:
 - (A) to examine the information on the computer to find out whether it may be evidence of the commission of an offence; or
 - (B) to make a copy of any information that may be evidence of the commission of an offence.
- 3 The most senior police officer who is present during the search must, as soon as reasonably practicable, state the police officer's name, rank and station.
- 4 The occupier may ask any other police officer who is present during the search for his or her name, rank and station.

Date:

.....
 (Signature of police officer)

Form 8 Notice about search of unattended vehicle

(Police Powers and Duties Act 2009, s 74(4))

Details of vehicle			
Make:		Model:	
Colour:		Registration:	
Impounded on:			

I:

Officer's name:	
Officer's rank:	
Officer's station:	

have searched:

*this vehicle

*the following thing in this vehicle:

(description of thing)

**delete if inapplicable*

Dated:

.....
(Signature of police officer)

1 I believe the seized *thing *things may be forfeited to the Crown because:

* (a) it is necessary for the *thing *things to be retained to prevent *it *them being used in the commission of an offence; or

* (b) possession of the seized *thing *things is an offence because the possession is not authorised, justified or excused by law.

2 An application may be made to a magistrate under section 85 of the *Police Powers and Duties Act 2009* for an order for the return of the seized thing.

3 If an application is not made to a magistrate within 28 days after this notice is given, I may order that a seized thing be forfeited to the Crown.

**delete if inapplicable.*

Dated:

.....

(Signature of Commissioner of Police)

Name:

Commissioner of Police

Form 10 Notice of possible order for forfeiture — owner not found

(Police Powers and Duties Act 2009, s 86(3))

Description of seized things subject to possible forfeiture order

- 1 I believe the seized **thing* **things* may be forfeited to the Crown because:
 - *(a)* it is necessary for the **thing* **things* to be retained to prevent **it* **them* being used in the commission of an offence; or
 - *(b)* possession of the seized **thing* **things* is an offence because the possession is not authorised, justified or excused by law; or
 - *(c)* the owner of the seized **thing* **things* cannot be found after reasonable inquiries; or
 - *(d)* having regard to the nature, condition and value of the seized **thing* **things* — it is not reasonable to make inquiries about **its* **their* owner.

- 2 An application may be made to a magistrate under section 85 of the *Police Powers and Duties Act 2009* for an order for the return of the seized thing.

- 3 If an application is not made to a magistrate within 28 days after this notice is given, I may order that a seized thing be forfeited to the Crown.

**delete if inapplicable.*

Dated:

(Signature of Commissioner of Police)

Name:

Commissioner of Police

Form 11 Arrest warrant

(Police Powers and Duties Act 2009, s94(1))

To:

Details of officer applying for warrant	
Officer's name:	
Officer's rank:	
Officer's station:	

I issue this warrant under subsection 93 (6) of the *Police Powers and Duties Act 2009* for the arrest of the person described below, satisfied that there are reasonable grounds for suspecting:

- (a) that the person has committed the offence described below; and
- (b) for an offence other than a felony — that proceedings by notice to appear or summons would be ineffective (including because the person cannot currently be located or served with a notice to appear or summons for the offence).

Any police officer may arrest the person named below.

Details of warrant	
Person to be arrested (<i>insert person's name and, if necessary, physical description</i>):	
Offence person is alleged to have committed:	

Note A description of persons or things sufficient in an indictment is sufficient here — see s94(3) of the Act. The offence may be described in the words of the law defining it, or in similar words — see s94(2) of the Act.

This search warrant has been issued after consideration of the application for an arrest warrant datedwith the application number

**insert date of application for the arrest warrant and application number.*

Dated

.....

(Signature of magistrate)

Name:

Designation:

Form 12 Notice to appear*(Police Powers and Duties Act 2009, s 102(1))*

To:

Details of person to appear	
Name:	
Address:	
Date of birth (<i>if known</i>):	

This notice requires you to appear before a magistrate's court on the following date at the following time, at the following place, in relation to the following alleged offence:

Date, time and place person is to appear before magistrate's court:	
Offence person is alleged to have committed:	

Note Only general particulars of the offence are required eg type of offence and when and where the offence is alleged to have been committed — see s 102(5) of the Act.

At the time of the alleged offence the person alleged to have committed it was *an adult *a child.

**delete if inapplicable.*

Details of issuing police officer	
Name:	
Rank:	
Station:	

Dated:

.....

(Signature of police officer)

Form 13 Notice to report for identifying particulars to be taken

(Police Powers and Duties Act 2009, s 115 (2))

To:

Details of person to report	
Name:	
Address:	
Date of birth (<i>if known</i>):	

You must report to the following police station on the *day *days and at the time stated below, or, if no day or time is stated, within 7 days after being given this notice.

**delete if inapplicable.*

Police station:	
Date(s) and time(s) person is to report:	

At the police station a police officer will take your identifying particulars or photograph you. You must bring to the police station satisfactory evidence of your identity.

It is an offence not to comply with this notice.

Details of issuing police officer	
Name:	
Rank:	
Station:	

Dated:

.....

(*Signature of police officer*)

Form 14 Penalty notice*(Police Powers and Duties Act 2009, s148 (1))*

To:

Details of person	
Name:	
Address:	
Date of birth (<i>if known</i>):	

Statement of offence:

Offence person is alleged to have committed:	
Penalty notice penalty:	\$
Payable to:	
Court date (if penalty not paid):	

Notice:

- 1 It is alleged that you have committed the offence stated.
- 2 If you do not wish to have the matter determined by a court, you can pay, within 28 days and to person stated, the amount of the penalty stated.
- 2 If you do not pay within 28 days, you must appear in court for the offence at 10.00am on the date stated, or the matter may be dealt with in your absence.

Details of issuing police officer	
Name:	
Rank:	
Station:	

Dated:

.....

(Signature of police officer)