



**TRISTAN DA CUNHA**

**REVISED EDITION OF THE LAWS, 2017**

**CRIME AND CRIMINAL PROCEDURE**

**POLICE (TRISTAN DA CUNHA) ORDINANCE, 1923<sup>1</sup>**

*Ordinance SH2 of 1923  
In force 27 October 1922*

*Amended by Ordinances 5 of 1927, 19 of 1949, 13 of 1950 and T1 of 1988*

*No subsidiary legislation to 1 November 2017*

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**POLICE (TRISTAN DA CUNHA) ORDINANCE, 1923**

AN ORDINANCE relating to the duties and powers of magistrates and police in connection with certain offences in Tristan da Cunha.<sup>2</sup>

**Short title**

1. This Ordinance may be cited as the Police (Tristan da Cunha) Ordinance, 1923.

**Oath of police officer**

2. Every person appointed a police officer must before he or she begins to execute the duties of the office take the following oath before a Magistrate or Justice of the Peace—

“I, A.B., do swear that I will well and truly serve our Sovereign Queen in the office of police officer without favour or affection, malice or ill-will, and that I will to the best of my power cause the peace to be kept and preserved, and prevent all offences

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<sup>1</sup> Under section 10 of the Revised Edition of the Laws Ordinance, 1999 this text is authoritative and is the sole authentic edition in respect of the law contained in it as at 1 November 2017.

<sup>2</sup> This Ordinance was originally made for Ascension Island and later applied to Tristan da Cunha with amendments (Cap. 118 of 1950 Revised Edition). It has been repealed in Ascension but continues in force in Tristan da Cunha under Ord. T1 of 1979; and because of the specification in section 2(3) of Ord. T1 of 1979, it is treated as not impliedly repealed by Ord. T3 of 1987.

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 skill and knowledge discharge all the duties thereof faithfully according to the law".

### **Penalty for committing certain offences**

3. A person who—
- (a) is found drunk in any public place or thoroughfare, and while drunk is guilty of any riotous or indecent behaviour; and also every person who shall be guilty of any violent or indecent behaviour whether drunk or otherwise;
  - (b) suffers to be at large any ferocious dog being unmuzzled, or sets on or urges any dog or other animal to attack, worry or put in fear any person, horse or other animal;
  - (c) fires or lets off any fireworks in any public place or thoroughfare;
  - (d) wilfully or maliciously wastes or allows to run to waste the water from the public pipes or reservoirs;
  - (e) throws or leaves any rubbish, offal or refuse in a public place or thoroughfare;
  - (f) wilfully takes away, breaks down or damages any lamp set up for the lighting of any street, lane or place; or extinguishes the light thereof;
  - (g) without the consent of the owner or occupier affixes any posting bill, or other paper against or upon any building, wall, fence or pole; or writes upon, soils, defaces or marks the same with chalk or paint or in any other way whatsoever; or wilfully breaks, destroys or damage sany part of any building, wall, fence or pole or any fixture or appendage thereunto, or any tree, shrub or seat in any public walk, street or garden;
  - (h) uses any profane, indecent or obscene language, or is guilty of any riotous or indecent behaviour to the annoyance of the inhabitants or passengers;
  - (i) uses any threatening, abusive or insulting words or behaviour with the intent to provoke a breach of the peace, or whereby a breach of the peace might be occasioned;
  - (j) wantonly discharges any firearm or throws or discharges any stone or other missile to the damage or danger of any person;
  - (k) wilfully or wantonly disturbs any inhabitants by pulling or ringing any door bell, or knocking at any door without lawful excuse,

commits an offence.

Penalty: A fine of £2.

### **Penalty for second conviction of riotous behaviour, etc.**

4. In cases of a second conviction within the space of 6 calendar months of any person for using profane, obscene or indecent language, or for riotous or indecent behaviour in public thoroughfares or places; it shall be lawful for any Magistrate if he or she sees fit, over and beyond a penalty of £2, to commit the offender to prison, for any period not exceeding 4 weeks.

### **Police may arrest disorderly persons, etc.**

5. (1) The Administrator or any police officer may arrest any disorderly person whom he or she finds disturbing the public peace and any person whom he or she finds between 10 o'clock at night and sunrise lying or loitering in any highway, yard or other

place, or carrying a bundle, load or package and not giving a satisfactory account of themselves.

(2) The Administrator or a police officer who arrests a person pursuant to subsection (1) may detain the person so apprehended at the police station or other room set apart for such purpose in the prison or any other place appointed for the purpose by the Administrator in his or her discretion, in order that such person may be secured until he or she can be brought before a Magistrate to be dealt with according to law.

(3) The Administrator may, if he or she considers it prudent, accept reasonable security for the person's appearance.

### **Penalty for assaulting or resisting the police**

6. A person who assaults or resists or who aids or incites any person to assault or resist any police officer in the execution of his or her duty commits an offence.  
Penalty; A fine of £5 or imprisonment for 2 months.

### **Conviction may be before any one Justice**

7. Every Magistrate may summarily to convict any person charged with any offence against this Ordinance, on the oath of one or more witnesses or by the person's own confession, and may impose the penalty or punishment herein provided for such offence.

### **Penalties how recovered**

8. (1) All penalties and sum of money imposed or ordered to be paid under the authority of this Ordinance may be levied, with the costs of the proceedings, on non-payment, by distress and sale of the goods and chattels of the person liable to pay the same by warrant under the hand of any Magistrate.

(2) The surplus, if any, of the money so raised or recovered, after discharging with costs the penalty or sum ordered to be paid, must be returned to the party whose goods and chattels have been distrained.

(3) If upon the return of such warrant it appears to the satisfaction of the Magistrate that no sufficient distress could be found, the Magistrate may commit the party liable to pay the same to prison, there to remain for any time not exceeding 14 days or until the penalty or sum ordered to be paid is paid.

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