



REPUBLIC OF VANUATU

**POLICE (AMENDMENT)
ACT NO. 7 OF 2020**

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REPUBLIC OF VANUATU

Assent: 30/06/2020
Commencement: 02/07/2020

POLICE (AMENDMENT) ACT NO. 7 OF 2020

An Act to amend the Police Act [CAP 105].

Be it enacted by the President and Parliament as follows-

1 Amendment

The Police Act [CAP 105] is amended as set out in the Schedule.

2 Commencement

This Act commences on the day on which it is published in the Gazette.

SCHEDULE

AMENDMENTS OF THE POLICE ACT [CAP 105]

1 Subsections 9(2) and (3)

Repeal the subsections, substitute

- “(2) The Commission consists of 6 members nominated by the Minister and appointed in writing by the President for 4 years.
- (3) In making a nomination under subsection (2), the Minister must only nominate retired members of the Force as members of the Commission.
- (3A) Any person nominated under subsection (2) must not have a past criminal record.
- (3B) For the purposes of subsection (3), **retired members of the Force** means persons who have retired from the Force after reaching the age of retirement set out under the Employment Act [CAP 160].”

2 Subsections 33(1) and 33(3)

Delete “may”, substitute “must”

3 After section 33

Insert

“33A Intentional assault committed by a member while on duty

- (1) Subject to subsections (2), (3) and (4), a member who intentionally assaults any person in the course of carrying out his or her duties under this Act or any other Act must be dismissed from the Force by the Commission or the Commissioner, as the case may be, on the recommendation of the Director of the Professional Standard Unit.
- (2) The person who was assaulted by a member or any other person on behalf of that person, is to lodge a complaint in writing with the Professional Standard Unit.
- (3) The Director must within 7 days of receiving the complaint, give 14 days to the member to respond to the allegations made against him or her.

SCHEDULE
AMENDMENTS OF THE POLICE ACT [CAP 105]

- (4) If the member fails to respond within 14 days from being informed of the complaint from the Director, he or she is to be dismissed immediately on the expiry of that period by the Commission or the Commissioner as the case may be, on the recommendation of the Director.
- (5) The Director must consider any response made under subsection (3) within 7 days of receiving the response.
- (6) If the Director is satisfied after considering a response under subsection (5) that a member has intentionally assaulted a person in the course of carrying out his or her duties under this Act or any other Act, the Director must recommend to the Commission or the Commissioner to dismiss that member from the Force.
- (7) The Director must not dishonestly form the view that a member has not committed intentional assault under this section.
- (8) The Commission or the Commissioner must dismiss that member from the Force within 7 days of receiving the recommendation from the Director.
- (9) If the Director, the Commission or the Commissioner fails to comply with subsection (3), (4), (5), (6), (7) or (8), the Director, the Commission or the Commissioner, as the case may be, commits an offence punishable on conviction by a fine not exceeding VT1,000,000.”