



ANNO PRIMO

ELIZABETHAE II REGINAE

A.D. 1952

No. 54 of 1952.

An Act to consolidate and amend certain enactments relating to the management of the Police Force, and other matters incidental thereto.

[Assented to 4th December, 1952.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

PART I.

PART I.

PRELIMINARY MATTERS.

1. This Act may be cited as the "Police Regulation Act, 1952". Short title.

2. This Act shall come into operation on a day to be fixed by proclamation. Commencement.

3. (1) Sections 5 to 20, inclusive, and 22 to 43, inclusive, of the Police Act, 1936-1951, are repealed. Repeals and consequential amendments.
 (2) The Police Act, 1936-1951, is amended—
 - (a) by striking out all words in the third to eleventh lines (inclusive) in section 2 thereof:
 - (b) by striking out the headings to Parts II., III., IV., V., and VI. thereof.

4. In this Act, unless the context otherwise requires— Interpretation.
 "the Commissioner" means the Commissioner of Police.

5. This Act is divided into the following parts :— Division of Act.
 PART I.—Preliminary matters : Sections 1 to 5.

PART I.

- PART II.—Appointments, resignations and retirements :
Sections 6 to 20.
- PART III.—Regulation, duties and discipline of the
police force : Sections 21 to 29.
- PART IV.—Special constables : Sections 30 to 36.
- PART V.—The Police Appeal Board : Sections 37 to 51.
- PART VI.—Miscellaneous Provisions : Sections 52 to 54.

PART II.

PART II.

APPOINTMENTS, RESIGNATIONS AND
RETIREMENTS.

Appointment
of Commis-
sioner of
Police.
2280, 1936,
s. 5.

6. The Governor may appoint a fit and proper person to be the Commissioner of Police.

Retiring age of
Commissioner.
2280, 1936,
s. 6.

7. (1) The Commissioner shall retire on the thirtieth day of June next after he attains the age of sixty-five years.

(2) The Commissioner shall cease to contribute to the Police Pensions Fund on the thirtieth day of June next after he attains the age of sixty years :

Provided that this subsection shall not affect the operation of any enactment exempting a Commissioner from the obligation to contribute to the Police Pensions Fund.

Salary of
Commissioner.
2280, 1936,
s. 5a.

8. (1) The salary of the Commissioner shall be at the rate of two thousand two hundred pounds a year.

(2) The Commissioner shall also be entitled to be paid a uniform allowance at the rate of thirty pounds a year.

(3) The salary and allowance of the Commissioner shall be paid out of the general revenue of the State under authority of this Act and without other appropriation.

(4) The rate of salary fixed by this section shall include the increase provided for in the Public Officers Salaries Act, 1952.

9. When the Commissioner is absent from duty by reason of illness or for any other cause or is performing duties outside the State the senior superintendent of police, or such other person as may be appointed by the Governor may exercise and perform all the powers, authorities, duties, and functions conferred or imposed upon the Commissioner by this or any other Act or by the common law.

Acting
Commissioner.

10. (1) The Governor may appoint as many qualified persons to be superintendents, inspectors, and other officers of police as he deems necessary.

Appointment
of officers.
2230, 1936,
s. 7.

(2) Every such superintendent, inspector and other officer shall receive a commission for his appointment signed by the Governor.

11. (1) Subject to this Act, the Commissioner or any other person nominated by the Governor for the purpose, may appoint as many sergeants and constables of different grades or kinds as he deems necessary for the preservation of peace and order throughout the State.

Appointment of
sergeants and
constables.
2230, 1936,
s. 8.

(2) The Chief Secretary may, from time to time, fix the maximum number of sergeants and constables of each grade or kind respectively who may be in the police force at any one time, and the numbers so fixed shall not be exceeded.

(3) Every appointment by the Commissioner of a member of the police force to any rank, grade or class in the detective police, or to any rank above senior constable shall be subject to the approval of the Chief Secretary.

(4) The Commissioner may appoint any member of the police force to any rank, grade or class in an acting capacity. While a person holds such an acting appointment he shall for the purpose of promotion be deemed to hold the substantive rank, grade and relative seniority which he held immediately before the appointment or such other substantive rank, grade or seniority as he may acquire while holding the appointment.

Subsections (3) and (4) of this section do not apply to appointments to the rank of inspector or any higher rank.

12. (1) The Governor may appoint any legally qualified medical practitioner to be a police medical officer.

Police medical
officers.
New.

(2) Every such appointment shall be on such terms and conditions as are fixed by the Governor.

(3) A police medical officer shall not be subject to the Public Service Act, 1936-1951.

(4) A police medical officer shall perform such duties as are arranged between the Commissioner and the officer.

(5) A police medical officer shall not be deemed to be a member of the police force.

Probationary
service.
New.

13. (1) Except as hereinafter provided, where a person who immediately before his appointment was not a member of the police force is appointed as a member of the police force, his appointment shall in the first place be on probation for such period, not exceeding twelve months, as the Commissioner determines.

(2) At the end of the probationary period the Commissioner, after obtaining reports on the conduct and efficiency of the appointee, and requiring him to submit to such examinations as the Commissioner deems proper, shall confirm or terminate the appointment, or extend the probationary period.

(3) A person appointed as a member of the police force on probation shall during the probationary period have the like powers as if he were permanently appointed as such member.

(4) Notwithstanding the foregoing provisions of this section any person with special skill may, with the approval of the Chief Secretary, be appointed, without a period of probation, as a member of the police force for the purpose of doing work requiring such special skill.

Notice of
promotions
and appoint-
ments.
New.

14. (1) Before appointing a person who is already a member of the police force to any rank or grade, the Commissioner, if he thinks fit, may by notice in the *Police Gazette*, give not less than five weeks notice of his intention to make that appointment.

(2) If such a notice is given any person aggrieved by the intended appointment may appeal against it to the Police Appeal Board in the same way as against an actual appointment.

(3) If there is no appeal against the intended appointment and the person named in the notice of intention, is appointed to the rank or grade, or if after an appeal has been heard that person or some other person is so appointed pursuant to a recommendation of the Police Appeal Board, there shall be no appeal against that appointment.

False state-
ments in
applications
for admission
to force.
New.

15. (1) A person shall not, in connection with any application for admission to the police force make any false statement.

Penalty : One hundred pounds or imprisonment for six months.

(2) In a prosecution for an offence against this section it shall not be necessary for the prosecution to prove that the false statement was made wilfully or negligently; but it shall be a defence if the accused proves that he believed on reasonable grounds that the statement was true.

16. (1) A person appointed as a member of the police force after the passing of this Act shall not be capable of acting as such member until he has taken and subscribed an oath in the following form :—

Police oath.
2280, 1936,
s. 11.

I, A.B. do swear that I will well and truly serve Her Majesty Queen Elizabeth II. and Her heirs and successors according to law, as a member of the police force of South Australia, without favour or affection, malice or ill-will; that to the best of my power I will cause Her Majesty's peace to be kept throughout the said State and prevent the commission of offences against the said peace or against the laws of the said State; and that I will faithfully discharge all duties imposed on me as a member of the said force—So help me God!

Taken and subscribed at }
 this day }
of 19 }

Before me

.....Justice of the Peace.

(2) A person who is a member of the police force at the time of the passing of this Act, shall on being promoted to any higher rank take an oath in the form prescribed in subsection (1) of this section, but shall not thereafter be required to take any further police oath.

17. (1) Every person who takes and subscribes the oath referred to in the preceding section shall be deemed to have thereby entered into a written agreement with and be bound to serve Her Majesty as a member of the police force in each rank, office or position which he may hold as such a member, until he lawfully ceases to be a member of the police force.

Effect of
taking oath.
2280, 1936,
s. 12.

(2) No such agreement shall be void for want of consideration.

18. Common reputation that a person is a member of the police force, or holds any particular rank, office or position in the police force shall be *prima facie* evidence of that fact.

Evidence of
appointment.
2280, 1936,
s. 9.

s. 17. COOPER, DALY, JUCKES v. HUNKIN (1942) S.A.S.R. 162. Held, that notwithstanding section 17 it was competent for the Commissioner of Police to reduce a police constable in rank, although his reduction involved a reduction in the rate of pay.

PART II.

Resigning
without leave.
2280, 1936,
s. 13.

19. (1) No member of the police force shall resign his office, or relinquish the duties of his office unless—

- (a) he is expressly authorized in writing by the Commissioner to do so ; or
- (b) he has given the Commissioner one month's notice of his intention to do so ; or
- (c) he has reached the retiring age prescribed by law or is incapacitated by infirmity of mind or body from performing his duties.

(2) A person who contravenes subsection (1) of this section shall be guilty of an offence.

Penalty : Fifty pounds or imprisonment for three months.

Duty to
deliver up
equipment,
etc., on
ceasing to be
in police
force.
2280, 1936,
s. 14.

20. (1) A person who for any reason ceases to be a member of the police force shall, forthwith upon so ceasing, deliver up to the Commissioner, or to a person appointed by the Commissioner to receive property under this section, all property of every kind which belongs to the Crown and was supplied to that person for the execution of his duty as a member of the force.

Penalty : One hundred pounds.

(2) Any justice may issue a warrant authorizing the persons named or indicated in the warrant to search any place and seize any property therein which has not been delivered up as required by this section.

PART III.**PART III.**

**REGULATION, DUTIES, AND DISCIPLINE OF THE
POLICE FORCE.**

General
control of
police force.

21. Subject to this Act, the Commissioner shall have the control and management of the police force.

Regulations.
Cf. 2280, 1936,
s. 10 (1).

22. The Governor may make regulations prescribing any matters which it is necessary or convenient to prescribe for the purpose of the administration of this Act and for the regulation,

s. 20. COOPER, DALY, JUCKES v. HUNKIN (1942) S.A.S.R. 162. The provisions of the section relating to the power of a court of summary jurisdiction to impose a fine or imprisonment for the offences mentioned in the section do not exclude the power of the Commissioner of Police to reduce a police constable in grade.

control and management of the police force and in particular and without limiting his general powers under this section, regulations with respect to all or any of the following matters :—

- (1) The ranks, classes and grades of members of the police force ;
- (2) The division of the police force into groups, branches, divisions or sections ;
- (3) The division of the State into police districts, and the administration of the police force in each district ;
- (4) The examinations and other requirements for, and conditions of, appointments to and promotions in the police force ;
- (5) The duties and functions of members of the police force ;
- (6) The maintenance of good order, good conduct, discipline, and efficiency in the police force ;
- (7) The establishment, practice, procedure, and powers of committees of inquiry to investigate charges of breaches of regulations by members of the police force ;
- (8) Empowering the Commissioner to suspend any member of the force charged with any offence, and punish by dismissal, reduction in rank, class, grade, or seniority, or by fine not exceeding twenty pounds any member of the force found guilty of an offence against the regulations : Provided that the regulations shall not provide for the dismissal of any person except with the approval of the Chief Secretary ;
- (9) The uniforms, badges, and insignia of rank to be worn by members of the police force and the equipment to be supplied to them ;
- (10) Transfers of members of the police force from one part of the State to another, or from one station to another, or to different duties ;
- (11) The records to be kept respecting members of the police force ;
- (12) The leave, other than long service leave, which may be granted to members of the police force ;

(13) The custody, disposal, and sale of property in the possession or custody of members of the police force ;

(14) The treatment and maintenance of prisoners or other persons who are in the custody of any member of the police force.

Orders.
Of. 2280, 1936,
s. 10 (2).

23. (1) The Commissioner may make or give general or special orders, not inconsistent with this Act or the regulations made under this Act—

(a) prescribing and allocating the duties to be performed by the respective members of the police force ;

(b) directing the manner in which and the time and place at which any such duties are to be performed ;

(c) prescribing or directing any other matters relating to the performance of the duties of members of the police force.

(2) Such orders shall not be deemed to be regulations or rules within the meaning of section 38 of the Acts Interpretation Act, 1915-1949.

(3) This section shall not restrict the power of the Commissioner to give any order or direction, not inconsistent with this Act, for the purpose of the control and management of the police force.

Members
subject to
duty in or
outside the
State.
2280, 1936,
s. 17.

24. (1) Every member of the police force shall, if so ordered by the Commissioner, or by any superior officer, be liable to perform police duties in any place within or outside the State.

(2) While a member of the police force is performing duties outside the State he shall obey the lawful orders of his superior officers and shall be liable for any violation or neglect of his duty committed outside the State to the same extent as if such violation or neglect had occurred within the State.

Execution of
process.
2280, 1936,
s. 18.

25. (1) Every member of the police force shall execute every process directed to him for levying the amount of—

(a) any recognizance forfeited to Her Majesty ;

(b) any fine imposed on any person by any court or other body or person authorized by law to impose fines.

(2) Any process, order, warrant, or command of any court or justice directed delivered or given to any member of the police force may be executed and enforced by any other member of that force or his assistants.

Every such other member or assistant shall have all the rights, powers, and authorities for and in the execution of that process, order, warrant, or command as if it had originally been directed to him expressly by name.

26. Every member of the force shall be entitled to receive allowances in respect of such matters and at such rates as are approved from time to time by the Chief Secretary. Allowances.

27. (1) Any person who, not being a member of the police force—

(a) wears the uniform of a member of the police force or any dress having the appearance of such a uniform ;
or

(b) by word or conduct represents himself to be a member of the police force.

Impersonating police, and unlawful possession of uniforms and equipment.
2280, 1936, s. 19.
44, 1946, s. 3.

shall be guilty of an offence.

Penalty : Twenty-five pounds.

(2) Any person who, without lawful excuse, has in his possession any arms, ammunition, article of clothing, accoutrements or appointments supplied to any member of the police force shall be guilty of an offence.

Penalty : One hundred pounds or imprisonment for twelve months.

(3) Subsection (1) of this section shall not prevent any person taking part in a stage play or other entertainment from wearing any dress in the course of that play or entertainment.

28. (1) Any owner or occupier of premises, or person resident in any premises who knowingly encourages or suffers any constable to remain in those premises during any part of the time appointed for the constable to be on duty, unless for the purpose of keeping or restoring order or executing his duty shall be guilty of an offence.

Harbouring constables on duty.
2280, 1936, s. 20 (b).

Penalty : Twenty-five pounds.

(2) In this section "premises" means any hotel, house, shop, office, or other building of any kind.

29. Any member of the police force who—

(a) solicits or directly or indirectly takes any bribe, pecuniary or otherwise, to forego his duty as such a member ; or

Taking bribes and other offences.
2280, 1936, s. 18.

- (b) gives, offers, or promises to give any bribe to, or makes any collusive agreement with, any member of the police force to induce him to neglect his duty, or to conceal or connive at any act whereby any regulation or order made or given under this Act may be evaded ; or
- (c) in any manner aids or connives at the escape or attempt or preparation to escape, of any prisoner in lawful custody ; or
- (d) deserts his post ; or
- (e) assaults any superior officer ;

shall be guilty of an offence.

Penalty : One hundred pounds or imprisonment for six months.

PART IV.

PART IV.

SPECIAL CONSTABLES.

Appointment
of special
constables.
Cf. 2280, 1936,
s. 33.

30. (1) The Commissioner or any special magistrate may by written minute appoint any person to be a special constable either for the whole State or for any part of the State indicated in the minute of appointment.

(2) Forthwith after making any such appointment the Commissioner or special magistrate shall give written notice to the Chief Secretary of the name and address of the person appointed.

Oath of
special
constable.
2280, 1936,
s. 33.

31. A special constable appointed after the passing of this Act shall not be capable of acting in his office until he has taken and subscribed an oath in the following form :—

I, A.B. do swear that I will well and truly serve Her Majesty Queen Elizabeth II. Her heirs and successors according to law in the office of special constable for the State of South Australia [*or, as the case may be, the following part of the State of South Australia, namely*] without favour or affection, malice or ill-will ; that to the best of my power I will cause Her Majesty's peace to be kept throughout the said State [*or the said part of the said State*] and prevent the commission of offences against the said peace or against the laws of the said State ; and that I will faithfully discharge all duties imposed on me as a special constable—So help me God !

Taken and subscribed at }
 this day }
of 19 }
Before me

.....
Justice of the Peace.

32. A special constable shall while performing his duties as a special constable have all the powers and immunities and be subject to the duties and liabilities of a member of the police force.

Powers of special constables. 2280, 1936, s. 37.

33. (1) The Commissioner may, at his discretion—

- (a) suspend or determine the appointment of any special constable appointed under this Act ;
- (b) remove any special constable from his office for misconduct, neglect of duty, or inability to perform his duty.

Suspension or dismissal of special constable. 2280, 1936, s. 38.

(2) Forthwith after any such suspension, determination, or removal the Commissioner shall send notice thereof to the Chief Secretary.

34. (1) A person who for any reason ceases to be a special constable shall, forthwith upon so ceasing, deliver up to the Commissioner, or to such person as the Commissioner nominates, all property of every kind which belongs to the Crown and was supplied to that person for the execution of his duty as a special constable.

Duty to deliver up weapons. 2280, 1936, s. 39.

Penalty : One hundred pounds.

PART IV.

(2) Any justice may issue a warrant authorizing the persons named or indicated in the warrant to search any place and seize any property therein which has not been delivered up as required by this section.

Allowances and equipment for special constables. 2280, 1936, s. 40.

35. The Chief Secretary may upon the recommendation of the Commissioner—

- (a) pay such reasonable remuneration and allowances as he deems proper to any special constables or persons who have been special constables ;
- (b) provide such clothing, arms, and equipment for special constables as he deems necessary.

Regulations. 2280, 1936, s. 42.

36. The Governor may make regulations prescribing any matters which it is necessary or convenient to prescribe for giving effect to this Part and, without limiting his general powers under this section, regulations in respect to all or any of the following matters :—

- I. the supervision and control of special constables :
- II. the training of special constables for the performance of their duty :
- III. the duties and functions of special constables :
- IV. the maintenance of good order, good conduct, discipline, and efficiency on the part of special constables.

PART V.

PART V.

THE POLICE APPEAL BOARD.

Interpretation. 2280, 1936, s. 22.

37. In this Part, unless the context otherwise requires, or some other meaning is clearly intended—

- “ the board ” means the Police Appeal Board constituted under this Part :
- “ the chairman ” means the chairman of the board :
- “ member ” means member of the board :
- “ the secretary ” means the secretary or acting secretary of the board.

38. (1) There shall be a Police Appeal Board constituted in accordance with this Part.

Constitution
of Board.
2280, 1936,
s. 23.

(2) The board shall consist of—

- (a) a special magistrate appointed by the Governor to be the chairman ;
- (b) a person appointed by the Commissioner ;
- (c) a member of the police force elected by the police force in manner prescribed by regulations.

39. (1) Subject to sub-section (2) of this section the chairman and every member of the board shall hold office until the thirtieth day of June in the second year after the year in which he was appointed or elected : Provided that a person appointed or elected to a casual vacancy on the board shall hold office for the unexpired portion only of the term of the person in whose place he was appointed.

Term of office.
Cf. 2280, 1936,
s. 23 (3).

(2) The chairman and members of the board in office at the time of the passing of this Act shall, subject to this Act, hold office for the balance of the term for which they were appointed.

40. (1) If for any reason the chairman is unable to act in his office the Governor may appoint a special magistrate to be acting chairman during the period of such inability.

Acting
members.
Cf. 2280, 1936,
s. 24.

(2) If for any reason the member appointed by the Commissioner is unable to act in his office the Commissioner may appoint another person to be an acting member during the period of such inability.

(3) If for any reason the member elected by the police force is unable to act in his office, or if a casual vacancy occurs in the office of any such member within twelve months before the expiration of his term of office, the member of the police force who received the second highest number of votes at the last previous election held to choose a member of the police force to sit on the board, shall be an acting member during the period of such inability.

If there was only one candidate at the said election or if for any reason the acting member mentioned above is unable to act, the President of the Police Association of South Australia may appoint a member of the police force to be an acting member as aforesaid.

Casual vacancies.
New.

41. Except as provided in the last preceding section every casual vacancy in the office of a member of the board shall be filled in the same manner as a vacancy occurring by effluxion of time.

Quorum.
2280, 1936,
s. 25.

42. The chairman together with one member of the board shall constitute a quorum thereof.

Secretary, meetings, and records.
2280, 1936,
s. 26.

43. The Minister shall appoint a secretary of the board who shall convene all meetings of the board, and keep a record of all proceedings and decisions of the board.

Right of appeal.
Cf. 2280, 1936,
s. 27.

44. Any person who at the time of the promotion, intended promotion, punishment, decision, or finding appealed against was a member of the police force, may appeal, in accordance with this Act against—

- (a) any promotion made by the Commissioner ;
- (b) any intended promotion of which notice is given as provided in section 14 of this Act ;
- (c) any punishment inflicted on him by the Commissioner, including any fine, reduction in rank, grade, or pay, dismissal or discharge ;
- (d) any decision or finding on which any such punishment was based.

Institution of appeal.
2280, 1936,
s. 27 (2).

45. (1) Every appeal shall be instituted by a notice of appeal complying with the regulations and given to the secretary within thirty days after the decision appealed against became known to the appellant.

(2) The chairman of the board shall fix a time and place for hearing the appeal and the secretary shall give the appellant and the Commissioner at least seven days' notice of the time and place so fixed.

Witnesses and evidence.
Cf. 2280, 1936,
s. 28 (2) (6).

46. (1) Upon the hearing of the appeal the board may—

- (a) take evidence on oath or affirmation ;
- (b) admit as evidence any statement or document which in its opinion is relevant whether or not such statement or document is legal evidence.

(2) The board may—

- (a) if satisfied that any person is likely to give relevant evidence on any appeal, or to have in his possession or control any book document or writing relevant to the appeal, by summons under the hand of the chairman or secretary require that person to attend before the board and give evidence, or to produce to the board any books, documents, or writings in his possession or under his control ;
- (b) require any person before the board to take an oath or affirmation and answer questions put to him by the board, or by or on behalf of any party.

(3) Any person who—

- (a) refuses or fails to comply with any requirement of a summons issued by the board under this section and served on him ;
- (b) refuses to take an oath or affirmation when required by the board ;
- (c) without lawful excuse refuses to answer any questions which the board requires him to answer ;
- (d) wilfully interrupts the proceedings of the board or in the course of such proceedings behaves offensively to the chairman or any member of the board,

shall be guilty of an offence.

Penalty : Fifty pounds.

(4) The Commissioner and the appellant may on the hearing of any appeal appear before the board either personally or by any other person, and shall be entitled to call and examine witnesses and address the board.

(5) The evidence taken and the decision of the board shall be recorded in writing.

47. (1) Upon an appeal the board may do such one or more of the following things as it deems just namely—

- (a) dismiss the appeal and recommend that the promotion, intended promotion, punishment, decision, or finding appealed against be confirmed ;
- (b) recommend that the promotion, intended promotion, punishment, decision, or finding appealed against be rescinded :

Determination
of appeal.
2280, 1936,
s. 29.

- (c) recommend that a promotion or intended promotion appealed against be granted to another person ;
- (d) recommend that any decision, finding or punishment be substituted for the decision, finding or punishment appealed against ;
- (e) recommend any other course of action in connection with the subject matter of the appeal, which the board deems just.

(2) The decision of the chairman and one member, or of the two members of the board shall be deemed to be the decision of the whole board.

(3) Any member of the board may make a dissenting report.

Transmission
of decision.
2280, 1936,
s. 29 (2).

48. (1) The chairman shall forward to the Commissioner a copy, certified by the chairman as correct, of the evidence taken and the decision of the board, and of any dissenting report.

(2) The Commissioner shall transmit the evidence and decision of the board and any dissenting report, together with any comments and recommendations which he desires to make thereon, to the Chief Secretary.

(3) After considering the matters so transmitted to him the Chief Secretary shall decide the matter in issue in the appeal.

No further
appeal.
2280, 1936,
s. 31.

49. There shall be no further appeal against any decision of the board, and no appeal against any decision of the Chief Secretary given upon consideration of a decision of the board.

Trivial
appeals.
2280, 1936,
s. 30.

50. The board may decline to hear or determine any appeal which appears from the notice of appeal to be merely trivial, frivolous, or vexatious.

Regulations.
2280, 1936,
s. 32.

51. (1) The Governor may make regulations prescribing any matters necessary or convenient to be prescribed for giving effect to this Part, and without limiting the generality of this power, with respect to—

- (a) the nomination and election of members ;
- (b) the mode of appealing and the practice and procedure on appeal.

(2) The regulations made under the Police Appeal Board Act, 1925, and published in the *Gazette* on the eleventh day of February, 1926, at page 265, shall remain in force until other regulations are made under this Act.

PART VI.

PART VI.

MISCELLANEOUS PROVISIONS.

52. Proceedings for offences against this Act shall be heard and determined summarily. Proceedings for offences.

53. (1) All actions and prosecutions against any person for anything done in pursuance or execution or intended execution of this Act shall be commenced within two months after the act complained of was committed, and not otherwise. Proceedings against persons acting under the Act.

(2) Notice in writing of every such action, and of the cause thereof, shall be given to the defendant ten days at least before the commencement of the action.

(3) In any such action the defendant may plead the general issue, and give this Act and the special matter in evidence, at any trial to be had thereon.

(4) No plaintiff shall succeed in any such action if tender of sufficient amends has been made before action brought, or if a sufficient sum of money has been paid into court, after action brought, by or on behalf of the defendant, together with the costs incurred up to that time.

(5) If a verdict is given for the defendant, or the plaintiff becomes non-suited or discontinues any such action after issue joined, or if judgment is given against the plaintiff, the defendant shall recover his full costs as between solicitor and client, and have the like remedy for the same as any defendant has by law in other cases.

(6) Notwithstanding that a verdict has been given for the plaintiff in any such action, the plaintiff shall not have costs against the defendant unless the judge before whom the trial takes place certifies his approbation of the action and the verdict obtained thereon.

54. This Act shall not take away or restrict any power of the Crown under any other Act or at common law to dispense with the services of any member of the police force. Saving of power of Crown.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

J. M. NAPIER, Lieutenant-Governor.

s. 53. *HODGSON v. ORR* (1874) 8 S.A.L.R. 273; 13 Austn. Digest 77. Where a South Australian constable arrested a person out of South Australia for an offence committed in South Australia, held that, for the purposes of section 111 of the Police Act, 1869-70 (similar in substance to section 53 of the Police Regulation Act, 1952), he was in the same position as a private person and not entitled to notice.

COBB v. DUFFY AND ANOTHER (1887) 21 S.A.L.R. 142; 13 Austn. Digest 90. The notice of action must state the place where the circumstances complained of occurred.

KYLOH v. WILSEN (1923) S.A.S.R. 501; 13 Austn. Digest 76. Where a constable making an arrest uses more force than is reasonably necessary, and the excess of force was not used in the honest belief that it was justified, no notice of action is necessary.