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**POLICE SERVICE ACT, 1970**

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**ACT 350**  
**POLICE SERVICE ACT, 1970(1)**

**AN ACT to provide for the organisation and administration of the Police Service and for related matters.**

*Functions of the Service*

**1. Functions of the Service**

(1) The Police Service as provided for by article 190 of the Constitution, shall prevent and detect crime, apprehend offenders, and maintain public order and the safety of persons and property.

(2) A police officer shall perform the functions that are by law conferred on a police officer and shall obey the lawful orders and directions in respect of the execution of the office which may be received from

superiors in the Service.

## **2. Statutory declarations**

A superior police officer may take and receive the declaration of a person for the purposes of the Statutory Declarations Act, 1971 (Act 389).

### *Structure and Conditions of Service*

## **3. Members of the Service**

The members of the Service are,

- (a) the Inspector-General,
- (b) the Commissioners of Police,
- (c) the Deputy Commissioners of Police,
- (d) persons holding posts, or being of ranks, created under this Act, and
- (e) persons holding posts created by or under any other enactment, which are posts designated by that enactment as Police Service posts.<sup>2(2)</sup>

## **4. Administration of the Service**

(1) The Inspector-General is the head of the Service by virtue of article 202 of the Constitution, and is responsible, subject to the Constitution and to the control and direction of the Police Council, for the operational control and administration of the Service.

(2) The Inspector-General may delegate a function under this Act that the Inspector-General thinks fit to any other member of the Service.

## **5. Filling of vacancies**

(1) A vacancy in a Service post or rank may be filled

- (a) by promotion, that is by the appointment of a police officer who is to be moved from another grade or rank with an immediate increase in salary;
- (b) by transfer within the Service, that is by the appointment of a police officer who is to be moved from another grade or rank without an alternation in salary;
- (c) on reduction in rank, that is by the appointment of a police officer who is to be moved from another grade or rank with an immediate reduction in salary;
- (d) by recruitment, that is by the appointment of a person who is not a police officer or who would cease to be a police officer if the appointment were not made.

(2) Where practicable, a vacancy in the Service shall be filled by promotion or transfer within the Service.

(3) Promotions shall be made according to merit.

## **6. Acting assignment**

(1) Where a Service post is vacant or a police officer is absent from duty for a reason the

Inspector-General may assign a member of the Service to carry out the appropriate duties.

- (2) An assignment under subsection (1) shall cease to have effect
  - (a) on the filling of the vacancy or the return to duty of the officer, or
  - (b) where any other person is assigned to carry out the duties, or
  - (c) the assignment is revoked by the Inspector-General.

## **7. The Public Services Commission**

The Public Services Commission shall, in the performance of its functions under article 195 of the Constitution and in consultation with the Police Council, provide in accordance with article 196 of the Constitution for the procedure to be followed and requirements to be observed in the making of appointments.

## **8. Schemes of service and training**

- (1) The Inspector-General may, with the consent of the Police Council, prepare schemes of service giving details of duties, training facilities, and other matters relating to service as a police officer.
- (2) There shall be a branch of the Service with the function of supervising and co-ordinating, under the general direction of the Inspector-General, arrangements for the training of members of the Service.

## **9. Modes of leaving the Service**

- (1) A person holding a post otherwise than on a limited engagement shall retire from the Service in accordance with article 199 of the Constitution.
- (2) Subsection (1) shall not prevent the appointment of a person on a limited engagement.
- (3) A person holding a post as a police officer otherwise than on a limited engagement may retire from the Service in accordance with article 199 of the Constitution..
- (4) A superior police officer may retire at a earlier time with the consent of the President and a subordinate police officer may retire at an earlier time with the consent of the Inspector-General.3(3)

### *The Police Council*

## **10. Membership and functions of the Police Council**

- (1) The Police Council established by article 201 of the Constitution consists of
  - (a) a chairman who shall be appointed by the President acting in consultation with the Council of State,4(4)
  - (b) the Minister responsible for internal affairs,
  - (c) the Inspector-General,
  - (d) the Attorney-General or the Attorney General's representative,
  - (e) one lawyer nominated by the Ghana Bar Association,
  - (f) one representative of the Retired Senior Police Officers Association,
  - (g) two members of the Police Service, appointed by the President acting in consultation with

the Council of State, one of whom is of a junior rank, and

(h) two other members appointed by the President.

(2) The Inspector-General shall be appointed by the President acting in consultation with the Council of State by virtue of paragraph (e) of clause (1) of Article 70 of the Constitution.

(3) In accordance with article 195 of the Constitution, the power to appoint persons to hold or to act in an office in the Police Service shall vest in the President, acting in accordance with the advice of the Police Council.

(4) The President may, subject to the conditions that the President thinks fit, delegate any of the functions under this section by directions in writing to the Police Council or to a committee or to a member of the Council.

(5) Where, pursuant to clause (2) of article 195 of the Constitution, the President delegates any of the powers referred to in that article, the person to whom the powers are delegated shall exercise them in accordance with the advice of the Police Council.

(6) The functions of the Police Council are, in accordance with article 203 of the Constitution,

(a) to advise the President on matters of policy relating to internal security, including the role of the Service, budgeting and finance, administration and the promotion of officers above the rank of Assistant Commissioner of Police;

(b) to advise the authority empowered to appoint persons below the rank of Inspector-General to hold or act in an office in the Service;

(c) to examine and advise on matters concerning the welfare and discipline of the Service, the selection and training of members of the Service, relations between the police and public, the utilisation of the Police Welfare Fund, the prevention and detection of crime, the maintenance of public order and the safety of persons and property;

(d) to hear appeals brought under section 20 (3) (a) of this Act;

(e) to advise the President on the making of Regulations under section 37 of this Act.5(5)

(7) The quorum of the Police Council is five.

#### **10A. Other functions of the Police Council**

(1) The Police Council may, with the prior approval of the President in accordance with article 203 of the Constitution, by constitutional instrument, make Regulations for the performance of its functions under the Constitution or any other law and for other effective and efficient administration of the Service.

(2) Regulations made under subsection (1) shall include Regulations in respect of

(a) the control and administration of the Service;

(b) the ranks of officers and men of each unit of the Service, the members of each rank and the use of uniforms by the members;

(c) the conditions of service including those relating to the enrolment, salaries, provisions, gratuities and other allowances of officers and men;

(d) the authority and powers of command of officers and men of the Service; and

(e) the delegation to other persons of powers to discipline persons and the conditions subject to which delegations may be made.6(6)

## **11. Composition and functions of regional police committees**

- (1) There shall be established for each region a regional police committee consisting of
  - (a) the Minister of State appointed for the region, who shall be the chairman,
  - (b) the two most senior officers of the Service in the region,
  - (c) one representative of each district in the region appointed by the District Assembly,
  - (d) one lawyer practising in the region nominated by the Ghana Bar Association,
  - (e) one representative of the Attorney-General, and
  - (f) one representative of the Regional House of Chiefs.

(2) The regional police committee shall advise the Police Council on a matter relating to the administration of the Service in the region and generally supervise the conduct of the Service in the region.

(3) The quorum of a regional police committee shall not be less than half the number of members of the committee.

## **12. Secretary to the Police Council**

- (1) A public officer shall be appointed as a secretary to the Police Council.
- (2) The secretary is not a member of the Police Council, and shall perform the administrative functions relating to its work as determined by the Police Council.

## **13. Protection from legal proceedings**

The chairman and the members of the Police Council have the same protection and privilege in case of an action or a suit for an act done or omitted to be done in the exercise of duty in relation to the hearing of appeals under section 20 as is by law given to acts done or words spoken by a Justice of the Superior Court of Judicature in the exercise of judicial office.

## **14. Attendance of public officers**

The Police Council may require a public officer to attend and give evidence before it concerning a matter which it is required to consider in the performance of its functions.

## **15. Production of documents**

Subject to Article 135 of the Constitution, the Police Council may require the production of an official document reasonably required for the performance of its functions; and a public officer who submits a matter for the consideration of the Police Council shall ensure that the relevant documents and papers are made available to the Police Council.

## **16. Failure to comply with request of Police Council**

A public officer, who without reasonable excuse, fails to appear before the Police Council when notified to do so, or who fails to comply with a request lawfully and properly made by the Police Council, commits a misconduct and the Police Council may direct that the matter should be brought to the notice of the appropriate disciplinary authority.

## *Misconduct and Unsatisfactory Service*

### **17. Misconduct and unsatisfactory service**

It is a misconduct for a police officer

- (a) to be absent from duty without leave or reasonable excuse;
- (b) to be insubordinate;
- (c) to use, without lawful authority, the property or facilities provided for the purposes of the Police Service for a purpose not connected with official duties;
- (d) to engage in an activity outside official duties which is likely to involve the police officer in political controversy or to lead to the taking of improper advantage of the police officer's position in the Service;
- (e) to engage in a gainful occupation outside the Service without the consent of the Inspector-General;
- (f) to become or be a member of a trade union or of any other association, other than an association authorised by the Minister having similar objects;
- (g) to sleep on duty;
- (h) to take an alcoholic drink while on duty;
- (i) to permit a prisoner to escape through negligence or wilfulness;
- (j) to divulge a confidential information to a person not authorised to receive it;
- (k) to do any other act without reasonable excuse which amounts to a failure to discharge in a proper manner a duty, or which contravenes an enactment relating to the Service, or which is otherwise prejudicial to the efficient conduct of the Service or tends to bring the Service into disrepute.

### **18. Penalties**

(1) The following are the penalties that may be imposed in disciplinary proceedings under this Act, in respect of the misconduct or unsatisfactory service of a police officer:

- (a) dismissal, that is termination of an appointment with forfeiture of the retirement benefits;
- (b) removal, that is termination of an appointment with or without reduction in retirement benefits;
- (c) reduction in rank, that is removal to another rank with immediate reduction of salary;
- (d) reduction of salary, that is an immediate adjustment of salary to a lower point on the salary scale attached to the post in question;
- (e) deferment of increment, that is a postponement of the date on which the next increment is due, with corresponding postponement in subsequent years;
- (f) stoppage of increment, that is non-payment for a specified period of an increment otherwise due;
- (g) imposition of a fine not exceeding one-eighth of one month's salary;

- (h) severe reprimand or reprimand;
- (i) in the case of constables only, confinement to barracks for a period not exceeding fourteen days;
- (j) caution or admonition.

(2) For the purposes of this Act, dismissal, removal and reduction in rank are major penalties and all other penalties are minor penalties.

## **19. Disciplinary authorities**

(1) The President acting in accordance with the advice of the Police Council shall have disciplinary powers over police officers.

(2) The President may delegate disciplinary powers in respect of all or any police officers to the Inspector-General, and may authorise the Inspector-General of Police to exercise all or any of those powers through a disciplinary board or superior police officer in accordance with the Regulations made under section 20.

(3) A person or body in whom disciplinary powers under this Act are vested is a disciplinary authority for the purposes of this Act.

## **20. Disciplinary proceedings**

(1) Disciplinary proceedings are either summary or formal.

(2) A major penalty shall not be imposed on an officer in summary proceedings not arising out of a conviction.

(3) The Minister, after consultation with the Inspector-General may, by Legislative Instrument, make Regulations providing for the conduct of disciplinary proceedings in cases of misconduct or unsatisfactory service, and providing for appeals

- (a) to the Police Council, in the case of police officers of the rank of Inspector and above;
- (b) to the Inspector-General, in the case of police officers below the rank of Inspector.

(4) The defendant in appeal proceedings before the Police Council is entitled to be represented by counsel, and where so represented, the Police Service is entitled to be represented by counsel.

(5) Subject to this Act, and except as may be otherwise provided by the Regulations, the Police Council on deciding an appeal under this section may make an order that it thinks fit.

(6) The Inspector-General is not entitled to sit as a member of the Police Council for the purpose of determining an appeal made to the Police Council.

(7) Where the defendant in a disciplinary or appeal proceedings referred to in this section has exhausted the available processes provided by this Act or the Regulations, and is aggrieved in respect of any matter relating to the proceedings, the defendant may petition the President.<sup>7(7)</sup>

## **21. Pay not to accrue in certain cases**

(1) A pay shall not accrue to a police officer in respect of a period during which the police officer is absent from duty without leave, unless the Police Council in the case of a superior police officer, or the Inspector-General in any other case, authorises the payment of the proportion of pay, not being more than



one half, that the Council or the Inspector-General thinks fit.

(2) Pay shall not accrue to a police officer in respect of a period during which the police officer is absent from duty as a deserter or undergoing a sentence of imprisonment for an offence of whatever nature.

## **22. Loss or damage to property**

Where in a disciplinary inquiry a police officer is punished for an offence involving the sale, loss by neglect or wilful or negligent injury or damage to any accoutrement, clothing, public stores or other property issued for the use of the Service, or taken into possession by the officer as a police officer, the Inspector-General may order, in addition to the punishment imposed on the officer, that the amount of the loss or damage or the portion of it that the Inspector-General thinks proper be recovered by stoppages from that officer's pay.

### *Complaints and Offences*

## **23. Complaints by the public**

(1) A member of the public is entitled, without prejudice to any other means of redress legally available, to make a signed complaint in writing as to

- (a) an instance of bribery, corruption, oppression or intimidation by a police officer;
- (b) a neglect or non-performance of duty by a police officer;
- (c) any other misconduct by a police officer.

(2) A complaint of bribery, corruption, oppression or intimidation shall be addressed to the superior police officer in charge of the district or unit to which the police officer concerning whom the complaint is made belongs or to the Inspector-General.

(3) A complaint of neglect or non-performance of duty or any other misconduct shall be addressed to a superior police officer.

(4) The Inspector-General or superior police officer, on receiving a written complaint under this section, shall cause a full and impartial investigation to be made, and shall

- (a) send a report of the conclusion to the complainant, and
- (b) take an action on the report that the circumstances may require.

(5) A person who knowingly makes a false or malicious complaint under this section commits an offence and is liable on conviction to a fine not exceeding two hundred penalty units.

## **24. Desertion**

(1) A police officer who deserts commits an offence and is liable on conviction to a fine not exceeding one hundred penalty units or to a term of imprisonment not exceeding three months or to both the fine and the imprisonment.

(2) For the purposes of subsection (1), a police officer deserts where the police officer leaves or fails to attend a place of duty with the intention of remaining permanently absent from duty without proper authority or if, having left or failed to attend at a place of duty in any circumstances, does an act with the like intention.

(3) A police officer who is absent without authority for a continuous period of twenty-one days or more shall, for the purposes of this section, unless the contrary is proved, be presumed to have deserted.

## **25. False statement on appointment**

A police officer who on appointment in the Service falsely states that the officer has not been convicted of, or imprisoned for, a criminal offence or that the officer has never been employed by the Government, commits an offence, and is liable on conviction to a fine not exceeding two hundred penalty units or to imprisonment not exceeding six months, or to both the fine and the imprisonment.

## **26. Refusal to serve**

A person enlisted as a supernumerary or special police officer, and a member of the Volunteer Police Reserve called out for active service who, without reasonable cause refuses or neglects

- (a) to serve on being called upon, or
- (b) to obey a lawful order or direction,

commits an offence and is liable on conviction to a fine not exceeding two hundred penalty units, unless the Court is satisfied that the officer was prevented from serving or complying with the order or direction by sickness or any other unavoidable cause that the Court considers a sufficient excuse.

## **27. Harboursing officers**

A person who harbours or entertains, or supplies an intoxicating liquor to, a police officer in uniform, or a person knowing that person to be a police officer on duty or permits that officer or person to be in or on those premises, except for a reason shown to be in course of duty, commits an offence and is liable on conviction to a fine not exceeding one hundred penalty units.

## **28. Unlawful possession of uniform and other property**

(1) A person who is not a police officer who possesses an article which is part of the clothing, accoutrements or equipment supplied to a police officer and who is not able satisfactorily to account for the possession of it, commits an offence and is liable on conviction to a fine not exceeding two hundred and fifty penalty units or to a term of imprisonment not exceeding twelve months, or to both the fine and the imprisonment.

(2) A police officer shall on ceasing to hold and exercise office as a police officer deliver over the clothing, arms, accoutrements and equipment supplied to that officer free of charge for the execution of that officer's duty or taken by the officer for the execution of duty to the superior police officer under whom the officer is serving and on failing to do so the police officer commits an offence and is liable on conviction to a fine not exceeding two hundred and fifty penalty units or to imprisonment not exceeding twelve months, or to both the fine and the imprisonment.

(3) A person who possesses, wears or uses an article so closely resembling a part of the uniform of a police officer as to be likely to deceive commits a misdemeanour.

## **29. Causing disaffection**

A person who causes or does an act calculated to cause disaffection among police officers, or induces or does an act calculated to induce a police officer to withhold service or commit an act of misconduct, commits an offence and is liable on conviction to a fine not exceeding two hundred and fifty penalty units

or to a term of imprisonment not exceeding twelve months, or to both the fine and the imprisonment.

### *The Volunteer Police Reserve*

#### **30. Volunteer Police Reserve**

- (1) There shall be a reserve body of persons to be known as the Volunteer Police Reserve.
- (2) The Reserve shall not form part of the Police Service or of the Public Services within the meaning of article 190 of the Constitution but shall be a voluntary body subject to this section and to section 31.
- (3) Despite subsection (2), a member of the Reserve is a public officer for the purposes of the Criminal Offences Act, 1960 (Act 29); and a member of the Reserve when called out for active service shall have the powers and duties given by law to a public officer.
- (4) The Reserve shall be organised within the districts to the extent determined by the Inspector-General.
- (5) The Reserve in a district shall be under the control of the senior police officer of the district and of any other officers appointed by the Inspector-General.

#### **31. Calling out for active service**

- (1) In case of actual or apprehended public disorder, the President, acting in accordance with the advice of the Cabinet, may call at the Volunteer Police Reserve or any of its members for active service.
- (2) The Minister may authorise the Inspector-General to call out the Reserve or a part of it for active service, for the periods and for the performance of the functions that the Inspector-General considers necessary for the maintenance of law and order, the control of traffic or crowds or otherwise for the assistance of members of the Service.
- (3) The period for which a member is called out under subsection (2) shall not exceed fourteen days.
- (4) The superior police officer in charge of a police region or division may call out the Reserve or any of its members within the region or division for active service.
- (5) The period for which a member is called out under subsection (4) shall not exceed eight days.
- (6) For the purposes of subsection (4), a police region or division means an area established by the Inspector-General as a police region or district.
- (7) A person called out under this section is bound to assemble at the place directed and perform the service that may be required.
- (8) The period of active service of members of the Reserve shall continue,
  - (a) in the case of calling out under subsection (1), until the President by order terminates the period of calling out;
  - (b) in the case of calling out under subsection (2) or (3), until the period of calling out is terminated, by writing signed personally by the officer who called out the Reserve or until the date stipulated in the notice of calling out.
- (9) This Act does not render a member of the Reserve liable to serve or proceed on duty without the consent of the member beyond the limits of the district of the Reserve in which the member is resident.

*Miscellaneous and Supplemental*

**32. Regulation of traffic**

(1) A superior police officer or any other police officer so authorised by a superior police officer may, for the purpose of preserving public order and safety stop, divert or otherwise direct and regulate the flow of traffic.

(2) A person who opposes or disobeys an order under subsection (1) commits an offence and is liable on conviction to a fine not exceeding one hundred penalty units or to a term of imprisonment not exceeding three months, or to both the fine and the imprisonment.

**33. Duty in case of fire**

(1) A police officer shall assist in the extinguishment of a fire which threatens life or property and for that purpose a police officer may enter a building or part of it and do all other things which the police officer considers necessary to check the spread of the fire.

(2) Damage occasioned by the officer in the discharge of a duty shall be deemed for all purposes to be damage by fire.

(3) A person who obstructs a police officer in the discharge of a duty under subsection (1) commits an offence and liable on conviction to a fine not exceeding two hundred penalty units or to a term of imprisonment not exceeding six months, or to both the fine and the imprisonment.

**34. Police welfare fund**

(1) There shall be a police welfare fund, and there shall be paid to the Accountant-General to the credit of the fund the fines imposed on police officers in disciplinary proceedings, the sums of money paid for hire of police officers, voluntary contributions and moneys granted by Parliament.

(2) The fund shall be under the control of the Inspector-General and in accordance with the Regulations, there shall be payable from the fund

- (a) rewards and gratuities to, or in respect of, subordinate police officers;
- (b) grants for providing and improving comforts, conveniences and advantages, not chargeable to the general revenue, for the benefit of subordinate police officers;
- (c) gratuities to, or in respect of, dependants of a deceased subordinate police officer.

**35. Disposal of property in possession of police**

(1) Where property has come into the possession of the police a Magistrate may, on application by or on behalf of the Inspector-General or by a claimant of the property, make an order for the delivery of the property to the person appearing to the Magistrate to be entitled to it.

(2) An order under subsection (1) shall not affect the right of a person to take legal proceedings against the person in possession of property delivered by virtue of the order for the recovery of the property.

(3) The Minister may, by legislative instrument, make Regulations to regulate the disposal of a property which has come into the possession of the police where the owner of the property cannot be ascertained or an order of a Magistrate has not been made with respect to it.

(4) The Regulations may authorise the sale of the property, and the application of the proceeds of sale, and the application of money of which the owner cannot be ascertained, to all or any of the following purposes:

- (a) the expenses of executing the Regulations;
- (b) the payment of reasonable compensation to a person by whom the property has been delivered into the possession of the police;
- (c) the making of payments for the benefit of discharged prisoners or of persons dependent on prisoners or discharged prisoners;
- (d) the fund; or
- (e) any other purpose directed by the Minister.

(5) Where the property is a perishable article or its custody involves unreasonable expense or inconvenience it may be sold, but the proceeds of sale shall not be disposed of until they have remained in the possession of the police for six months; and in any other case the property shall not be sold until it has remained in the possession of the police for six months.

### **36. Annual report**

(1) As soon as may be after the 30th day of June in each year the Inspector-General shall prepare a report giving details of the administration of the Service and the Volunteer Police Reserve during the previous twelve months.

(2) The report shall be submitted to the Minister who shall lay it before Parliament.

### **37. Regulations**

(1) Subject to articles 195, 196 and 197 of the Constitution, the Police Council, with the approval of the President may by Constitutional instrument, under clause (3) of article 203 of the Constitution, make Regulations

- (a) in respect of the matter referred to clause (3) of article 203 of the Constitution;
- (b) designating posts created under any other enactment as Service posts;
- (c) dividing the Service into branches and divisions, and specifying the composition, organisation and functions of a branch or division and the functions of a member of the branch or division;
- (d) creating posts and ranks in the Service and specifying the number of persons constituting each rank or grade of post;
- (e) providing, in relation to each post or rank created by or under this Act, the conditions of service attached to it;
- (f) providing for the enlistment in the Service of persons as supernumerary or special police officers for specified purposes or occasions;
- (g) for the determination of the salary or salary scale payable to a police officer;
- (h) regulating the award of increments of salary, and the payment of allowances and other additional remuneration;
- (i) regulating hours of work and the granting of leave with or without pay or allowances;

- (j) for making available to police officers, with or without charge housing accommodation, medical treatment or other facilities;
- (k) regulating the presentation of petitions by police officers;
- (l) for any other matters relating to the conditions of service of police officers;
- (m) providing for the retirement ages, pensions, gratuities and other allowances, conditions for resignation, and the procedure to be followed in determining whether a police officer should be removed or should retire for medical reasons;8(8)
- (n) providing for the transfer of a police officer, with the consent of that officer, to employment in another Public Service or to any other approved employment;
- (o) providing for the making of payments from the fund;
- (p) providing for the organisation of the Volunteer Police Reserve, the fixing of the numbers and ranks of its members, the enrolment in, discipline in, and loss of membership of, the Reserve;
- (q) providing for any other matter which under this Act is to be prescribed or which otherwise relates to the administration and functions of the Service or the Volunteer Police Reserve.

(2) Subject to the Regulations and to the directions given by the Minister, the Inspector-General may issue Police Service Instructions providing for a matter referred to in paragraphs (g) to (l) of subsection (1), and a matter otherwise relating to the administration and functions of the Service or the Volunteer Police Reserve.

### **38. Control of private security organisations**

- (1) The Minister may, by legislative instrument, make Regulations
  - (a) controlling the establishment and operations of a private security organisation,
  - (b) requiring the registration of private security organisations,
  - (c) regulating the conditions of employment of persons in a private security organisation,
  - (d) regulating the use of uniforms by a private security organisation,
  - (e) prescribing fees and forms for any of the above purposes.

(2) A doubt as to whether or not an organisation is a private security organisation shall be determined by the Minister.

### **39. Interpretation**

In this Act, unless the context otherwise requires,

**“approved employment”** means an employment that the Minister may by executive instrument specify;

**“fund”** means the police welfare fund established under section 34;

**“Inspector-General”** means the Inspector-General of Police;

**“Minister”** means the Minister to whom responsibility for the Service is assigned by the President;

**“police officer”** means a member of the Police Service;

**“prescribed”** means prescribed by Regulations made under section 36;

“**prisoner**” includes a person involved in a criminal case and who is in police custody;

“**private security organisation**” includes an organisation which undertakes private investigations as to facts or the character of a person, or which performs services of watching, guarding, patrolling or carriage for the purpose of providing protection against crime, but does not include the Police Service, the Prisons Service or the Armed Forces;

“**Regulations**” means Regulations made under this Act;

“**salary**” includes wages;

“**Service**” means the Police Service;

“**subordinate police officer**” means a member of the Police Service other than a superior police officer;

“**superior police officer**” means an officer not below the rank of Assistant Superintendent of Police.

#### **40. Repeals and savings**

(1) The following enactments are hereby repealed:

- (a) sections 150 and 151 of the Criminal Procedure Code, 1960 (Act 30);
- (b) the Police Service Act, 1965 (Act 284);
- (c) the Police Service Act, 1965 (Amendment) Decree, 1966 (N.L.C.D. 16);
- (d) the Police Service Act, 1965 (Commencement) Decree, 1966 (N.L.C.D. 25);
- (e) the Police Service Act, 1965 (Amendment) Decree, 1969 (N.L.C.D. 336).

(2) Despite the repeal of the above enactments, the following statutory instruments shall continue in force as if made under the corresponding provisions of this Act, until modified or revoked:

- (a) the Police Force Regulations, 1922 (No. 7);
- (b) the Police Reward Fund Regulations, 1922 (No. 8);
- (c) the Transport of Private Property (Police Escort) Regulations, 1922 (No. 20);
- (d) the Police Force (Volunteer Police Reserve) Regulations, 1939 (No. 16);
- (e) the Unclaimed Property Disposal Regulations, 1941 (No. 37);
- (f) the Police Force (Volunteer Police Reserve) (Amendment) Regulations, 1956 (L.N. 134);
- (g) the Police Force (Volunteer Police Reserve) (Amendment) (No. 2) Regulations, 1956 (L.N. 245);
- (h) the Unclaimed Property Disposal (Amendment) Regulations, 1963 (L.I. 321).

(3) Despite the repeals effected by subsection (1), the Police Service Instructions issued under the Police Service Act, 1965 and in force immediately before the commencement of this Act shall continue in force as if made under section 37 (2) of this Act, until modified or rescinded.

#### **41. Amendment of Criminal Offences (Procedure) Act**

The Criminal and Other Offences (Procedure) Act, 1960 (Act 30) is hereby amended by the insertion

immediately after section 149 of the following new section:

**“150. Property in possession of police**

Where property has come into the possession of the police in connection with a criminal charge it shall be dealt with in accordance with section 35 of the Police Service Act, 1970 (Act 350).”

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## Endnotes

### 1 (Popup - Footnote)

1. The Act was assented to on 19th January, 1971, as the Police Force Act, 1970 ([Act 350](#)). By virtue of [article 190](#) of [the Constitution](#), the force is now the Police Service.

### 2 (Popup - Footnote)

2. Amended by section 2 of the Police Service (Amendment) Decree 1974 (N.R.C.D. 303)

### 3 (Popup - Footnote)

3. Amended by section 3 of the Police Service (Amendment) Decree, 1974 (N.R.C.D. 303). The previous sections reads,

- “(1) A police officer may resign from the Police Service in accordance with such conditions as may be prescribed.
- (2) A police officer may leave the Police Service on the expiry or other termination of a limited engagement.
- (3) A police officer may leave the Police Service by transfer, consent, to employment in another Public Service or to other approved employment in accordance with Regulations made under this Act.
- (4) A police officer may leave the Police Service on the abolition of his post; and where a post in a grade is abolished by the revocation or amendment of the Instrument by which it was created, the appointing authority shall, if two or more persons hold posts in that grade, determine which of those persons is to be treated as the person whose post is abolished.
- (5) Unless the person in respect of whom a determination is to be made under subsection (6) is to be promoted or transferred, shall be given an opportunity to make presentations to the appointing authority, who shall consider any such representations before making the determination.
- (6) Where a post or rank is held by an officer on probation and it appears to the appointing authority during or at the end of the probationary period that he is unlikely to fulfil the requirements of the post or rank, the appointing authority may order that he shall cease to be a member of the Police Service, and if no such order is made he shall revert to the post or rank, if any, held immediately before the commencement of such probationary period.”

### 4 (Popup - Footnote)

4. Amended by [section 7](#) of [the Constitution](#) of the Republic of Ghana (Amendment) Act, 1996 (Act 527).

### 5 (Popup - Footnote)

5. [Article 203 \(1\)](#) of [the Constitution](#).

### 6 (Popup - Footnote)

6. Amended by section 4 of the Police Service (Amendment) Decree, 1974 (N.R.C.D. 303).

### 7 (Popup - Footnote)

7. [Sections 19](#) and [20](#) are substituted by section 5 of the Police Service (Amendment) Decree, 1974 (N.R.C.D. 307). The words, “whose decision shall be final” appearing at the end of subsection (7) of [section 20](#) are omitted in view of [clause \(3\)](#) of [article 125](#) of [the Constitution](#).

### 8 (Popup - Footnote)

8. Amended by [section 3](#) of the Police Service (Pensions) Law, 1985 ([P.N.D.C.L. 126](#)).