CAP. XXXII.

An Act to amend the Law concerning the Police in Counties and Boroughs in *England* and *Wales*. [13th *August* 1859.]

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Police Districts under 3 & 4 Vict. c. 88. and 19 & 20 Vict. c. 69. may be consolidated or merged.

I. The Powers given to the Justices of the Peace in General or Quarter Sessions by Section Twenty-seven of the Act of the Third and Fourth Years of Her Majesty, Chapter Eighty-eight, and by Section Four of the Act of the Nineteenth and Twentieth Years of Her Majesty, Chapter Sixty-nine, to alter from Time to Time the Extent of Police Districts, shall extend and be deemed to have extended to authorize the Union of Two or more Police Districts, with or without any other Alteration of Limits, or the Consolidation for Police Purposes of any such District or Districts with the rest or with any Part of their County.

County Constables not to be required to act in any Borough.

II. No County Constable shall, as such Constable, be required to act in any Borough having a separate Police Establishment, except in Execution of Warrants of Justices of such County, or by the Order of his Chief Constable or Superintendent; and in all Cases of special Emergency the Chief Constable or Superintendent, when required so to do by the Watch Committee of any Borough having a separate Police Establishment, shall have Power to direct the County Constables to act within such Borough; and no Constable of any Borough having a separate Police Establishment shall as such Constable be required to act out of his Borough, except in Execution of Warrants of Justices of such Borough, or in pursuance of Directions from the Watch Committee in case of special Emergency.

County Constables not to vote in certain Municipal Elections.

III. No Chief or other Constable already appointed or hereafter to be appointed for any County, under the Act of the Session holden in the Second and Third Years of Her Majesty, Chapter Ninety-three, or the said Act of the Third and Fourth Years of Her Majesty, or the said Act of the Nineteenth and Twentieth Years of Her Majesty, shall during the Time he continues to be such Constable be capable of giving his Vote for the Election of any Person to any Municipal Office in any Borough within such County, or in any other Borough in which such Constable has Authority, nor shall any such Constable, by Word, Message, Writing, or in other Manner, endeavour to persuade any Elector to give, or dissuade any Elector from giving, his Vote for the Choice of any Person to hold any Municipal Office in such Borough; and if any such Constable shall offend therein he shall forfeit the Sum of Ten Pounds, to be recovered in any Court of competent Jurisdiction, by any Person who shall sue for the same within Six Months after the Commission of the Offence, and One Half of the Sum recovered shall be paid to the Person suing for the same, and the other Half to the Treasurer of the County, to be by him applied for the Purposes of the Police of the County.

Sect. 13. of 2 & 3 Vict. c. 93. amended

IV. So much of Section Thirteen of the said Act of the Second and Third Years of Her Majesty, Chapter Ninety-three, as provides that every Constable who shall resign or withdraw himself without such Leave or Notice as therein mentioned shall be liable, on being convicted thereof before any Two Justices of the Peace for the County, to forfeit all Arrears of Pay then due to him, or to a Penalty not more than Five Pounds, shall be repealed; and in case any Constable under the said Acts of the Second and Third Years, Third and Fourth Years, and Nineteenth and Twentieth Years of Her Majesty, or any of them, shall resign or withdraw himself from his Duty without such Leave or Notice as is required by the said Section, such Resignation or Withdrawal shall be notified in Writing, by the Chief Constable or by the Superintendent under whom the offending Constable may have been placed, to the Treasurer of the County or the Paymaster of the Constabulary Force, and all Arrears of Pay then due to such Constable so resigning or withdrawing shall, without further Proceeding in respect of his Offence, be forfeited; and upon summary Conviction of such Offence before any Two Justices of the Peace for the County such Constable shall be liable to a Penalty not exceeding Five Pounds.

V. So

Limitation of Borough Watch Rate under 2 & 3 Vict. c. 28. and 3 & 4 Vict. c. 28. repealed.

V. So much of the Acts passed in the Second and Third Years of Her Majesty, Chapter Twenty-eight, for more equally assessing Watch Rates in certain Boroughs, and of the Act passed in the Third and Fourth Years of Her Majesty, Chapter Twenty-eight, to explain and amend the previously mentioned Act, as provides that the Amount of Watch Rate to be levied by the Council of any Borough shall not exceed in any One Year the Rate or Sum of Sixpence in the Pound, or otherwise limits the Discretion of the said Council in relation to the Amount of such Rates, shall be repealed.

Rates under said Acts not to exceed 8*d.* in the Pound.

VI. The Watch Rates levied under the Authority of the said Act may be of any Amount, at the Discretion of the Council, not exceeding in any One Year the Sum of Eightpence in the Pound.

11 & 12 Vict. c. 14. repealed.

VII. The Act passed in the Session holden in the Eleventh and Twelfth Years of Her Majesty, Chapter Fourteen, "for authorizing a Borough Police Superannuation Fund," shall be repealed; but any Superannuation Fund created or applied under that Act shall be transferred to and form Part of the Superannuation Fund to be created or applied under this Act.

Superannuation Fund to be provided for Constables.

VIII. There shall be deducted from the Pay of every Constable belonging to the Police Force established in any Borough under the Act of the Session holden in the Fifth and Sixth Years of King *William* the Fourth, Chapter Seventy-six, a Sum after such yearly Rate as the Council of the Borough may direct, not exceeding the Rate of Two Pounds Ten Shillings in a Hundred Pounds for a Year, which Sum so deducted, and also the Moneys accruing from Stoppages from any of the said Constables during Sickness, and Fines imposed on any of the said Constables for Misconduct, and from any Portion of the Fines imposed by any Justice of the Peace upon drunken Persons, or for Assaults upon Police Constables, and from Moieties of Fines and Penalties awarded to Informers (being Police Constables) on summary Convictions as shall be directed by such Justice to be paid for the Benefit of this Fund, and all Moneys arising from the Sale of worn or cast Clothing supplied for the Use of the said Constables, shall from Time to Time be invested in such Manner as the Council may direct, and the Interest and Dividends thereof, or so much of the same as shall not be required for the Purposes herein-after mentioned, shall be likewise invested in the like Manner, and accumulate so as to form a Superannuation Fund, and shall be applied from Time to Time for Payment of such Superannuation or Retiring Allowances or Gratuities as may be ordered by the Watch Committee, as herein-after provided; and the Council shall guarantee the Security of the Superannuation Fund of their Borough, and make good out of the Borough Fund or the Borough Rates any Deficiency which may arise in such Superannuation Fund from the Default of any Treasurer or other Person intrusted with the Custody or Management thereof.

Rates of Allowance from the said Fund.

IX. It shall be lawful for the Watch Committee of any Borough, with the Approbation of the Council, to order that any of the said Constables who may be worn out or otherwise disabled from Infirmity of Mind or Body be superannuated, and receive thereupon, out of the Superannuation Fund, a yearly Allowance, subject to the following Conditions, and not exceeding the following Proportions; (that is to say,) if the Constable has served with Diligence and Fidelity for Fifteen Years and less than Twenty Years, an annual Sum not more than Half his Pay; if for Twenty Years or upwards, an annual Sum not more than Two Thirds of his Pay; provided that if he be under Sixty Years of Age it shall not be lawful to grant any such Allowance unless upon the Certificate of the Chief or Head Constable that the Constable to be superannuated is incapable from Infirmity of Mind or Body to discharge the Duties of his Office; provided also, that if any Constable be disabled, from any Wound or Injury received in the actual Execution of the Duty of his Office, it shall be lawful to grant him any Allowance not more than the whole of his Pay; but nothing herein contained shall be construed to entitle any Constable absolutely to any Superannuation Allowance, or to prevent his being dismissed without Superannuation Allowance.

X. It

Power to grant Gratuities to incapacitated Constables who have not served Fifteen Years.

X. It shall be lawful for the Watch Committee of any Borough, if they think fit, with the Approbation of the Council, and upon the Recommendation of the Chief or Head Constable, and upon his certifying that any Constable belonging to the Police Force of the Borough who has not served so long as Fifteen Years is incapable from Infirmity of Mind or Body to discharge the Duties of his Office, to order that such Constable shall receive out of the Superannuation Fund such Sum in gross as a Gratuity upon his Retirement as to the said Watch Committee may seem proper.

Fees received by Constables of a Borough to be paid to the Superannuation Fund.

XI. Any Fee payable to any Constable appointed for any Borough, for the Performance of any Act done in the Execution of his Duty as such Constable, shall be received in such Manner as the Watch Committee, subject to the Approbation of the Council, may direct, and shall be paid over to the Superannuation Fund.

Provision for Insufficiency of Superannuation Fund.

XII. If at any Time the Superannuation Fund to be created under this Act for any Borough be found insufficient to pay the Allowances granted upon it, the Amount in which the Fund shall from Time to Time be found insufficient shall be made good from the Borough Fund, or where such Fund be inadequate then from the Borough Rates.

Superannuation Fund to vest in Borough Treasurer.

XIII. The Superannuation Fund created under this Act in any Borough shall vest in the Treasurer of the Borough, and such Treasurer shall keep a separate Account of all Sums of Money by him received and paid in respect of such Superannuation Fund or for Superannuations, and of the several Matters for which such Sums have been received and paid, and all Provisions concerning the keeping, auditing, and publishing, and otherwise in relation to the Accounts kept by such Treasurer, under the said Act of the Fifth and Sixth Years of King *William* the Fourth, shall be applied to the Accounts kept under this Enactment.

Moiety of Penalty on summary Conviction may be directed to be paid for the Benefit of Superannuation Fund.

XIV. That a Moiety of any Penalty imposed on summary Conviction by the Act of the Eighteenth and Nineteenth Years of Her present Majesty, intituled *An Act to repeal the Act of the Seventeenth and Eighteenth Years of the Reign of Her present Majesty, for further regulating the Sale of Beer and other Liquors on the Lord's Day, and to substitute other Provisions in lieu thereof*, may be directed by the Justice imposing the Penalty to be paid for the Benefit of the Superannuation Fund herein-before mentioned of the County or Borough, according as the Offence so punished shall be committed within the Limits of the County or Borough, and shall be invested and otherwise dealt with accordingly.

Provision for Payment of Allowances heretofore granted.

Rights, &c. under the repealed Act reserved.

XV. Allowances heretofore granted to Constables, or which might have been granted to Constables appointed previous to the passing of this Act, under the said Act of the Eleventh and Twelfth Years of Her Majesty, shall be paid from the Superannuation Fund to be applicable under this Act; and all Constables now appointed in any Borough in which the Provisions of the said last-mentioned Act are now in force shall be entitled to receive from the Superannuation Fund all such Allowances, payable at such Times, and with and under the same Rights and Conditions, as they would have been entitled to if this Act had not passed.

How past Services of existing Constables to be reckoned for Superannuation Allowance.

XVI. The Periods of Service during which Constables have been subjected to Deductions from their Pay towards a Superannuation Fund under the said Act of the Eleventh and Twelfth Years of Her Majesty shall, in determining what Superannuation Allowances may be granted to them, be reckoned and allowed to such Constables, and in the Case of Constables permanently appointed in any Borough for which no Superannuation Fund has been provided, and from whose Pay no such Deduction has been paid, One Half only of the respective Periods of Service of such Constables before the passing of this Act shall be reckoned or allowed to such Constables in determining what Superannuation Allowances may be granted under this Act.

Provision for the Case of Consolidation of County and Borough Police.

XVII. On the Consolidation of the Police of any Borough with the Police of any County, under the Provisions of the Act of the Session holden in the Third and Fourth Years of Her Majesty, Chapter Eighty-eight, the Superannuation Allowance previously granted to any Borough Constable shall be charged on the Borough Fund or the Borough Rates or the

the Borough, and the Superannuation Allowance to be thereafter granted to any Borough Constable transferred under such Consolidation shall be charged upon the Superannuation Fund of the County; and in determining the Amount of any such Allowance the Period of Service of any such Constable in the Borough shall be reckoned as if the same had been in the County Police; and this Charge, and the Disposal of the Borough Superannuation Fund, shall form a Part of the Agreement to be entered into on the Consolidation.

Justices may direct Police to keep Order in Court of Assize.

XVIII. It shall be lawful for the Justices of the Peace of any County, in General or Quarter Sessions assembled, if they shall think fit, to direct that a sufficient Number of Police Constables of the said County shall be employed to keep Order in and within the Precincts of the Court of Assize, and the Chief Constable of the County shall thereupon employ a sufficient Number of such Constables for such Purpose, and in that Case it shall not be necessary for the High Sheriff to provide and maintain any Javelin Men, or other Men Servants with Liveries, at the Assizes, anything contained in the Act of the Thirteenth and Fourteenth Years of His Majesty King *Charles* the Second, Chapter Twenty-one, notwithstanding.

On Promotion of Constables from one Force to another, Half of past Service may be reckoned as Service in the latter Force.

XIX. In order to provide the most meritorious and fit Men to fill the superior Ranks in the Police, any Constable or Officer promoted from one Force to another, either of a County or a Borough, who shall have served in his last Force for a Period of Seven Years, shall, for the Purposes of Superannuation, reckon as Service in the Force to which he is promoted One Half of the Period of his previous Service, provided that the Promotion be made, in the Case of a County Constable, on the Recommendation of the Chief Constable, with the Sanction of the Court of Quarter Sessions, and in the Case of a Borough Constable on the Recommendation of the Head Constable of the Borough, with the Sanction of the Council, and that in both Cases the Service be formally certified at the Time of Promotion.

General or Quarter Sessions of Counties, &c. may grant Gratuities to Widows of Constables dying in Service.

XX. The Court of General or Quarter Sessions for any County, and the Watch Committee, subject to the Approbation of the Council for any Borough, may, upon the Recommendation of the Chief or Head Constable, grant a Gratuity out of the Superannuation Fund of their County or Borough to the Widow of any Constable who has died in the Service, provided the Sum so granted do not exceed the Amount of One Year's Pay of such Constable, and that he have contributed to the Superannuation Fund for a Period of not less than Three Years.

Act not to apply, as to Superannuation Fund, to Places where such a Fund already exists.

XXI. None of the Provisions of this Act relating to a Police Superannuation Fund, or Contributions thereto or Payments thereout, shall apply to any County, City, or Borough in which a Police Superannuation Fund has at the Time of the passing of this Act been established under the Provisions of any Local Act now in force.

Superannuation Fund for the whole County of Lincoln to be One common Fund.

XXII. 'Whereas the County of *Lincoln* is under Three separate Commissions of the 'Peace, namely, *Lindsey*, *Kesteven*, and *Holland*, but is for Police Superintendence under 'One Chief Constable, and it is found inconvenient and unjust that the Superannuation 'Fund should be separate:' Be it enacted, That after the passing of this Act the said Superannuation Fund shall be One common Account, so long as the Police Force for the said County of *Lincoln* shall be under the Direction of One Chief Constable for the Three Divisions; but if the said Force shall hereafter be separated under different Chief Constables, in that Case it shall be lawful to divide the said Superannuation Fund in proportion to the Number of Men for each Division of the said County of *Lincoln* at that Time serving in the said Force, the said Superannuation Fund to be under the Management of the Joint Committee for the Three Divisions, and invested by them from Time to Time.

Brighton Watchmen's Superannuation Fund to be transferred to Brighton

XXIII. 'And whereas under and by virtue of an Act of Parliament passed in the 'Sixth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act* '*for the better regulating, paving, improving, and managing the Town of* Brighthelmston *in* '*the County of* Sussex, *and the Poor thereof*, the Commissioners therein named appointed 'Watchmen under the Power of that Act to keep Watch and Ward within the Limits

'thereof

'thereof (such Limits being the same as those of the Borough); and such Watchmen were 'sworn in as Constables, and such Watchmen contributed from their weekly Wages Sums to 'form a Fund in the Nature of a Police Superannuation Fund: And whereas Her present 'Majesty, by the Advice of Her Privy Council, by certain Letters Patent under the Great 'Seal of *Great Britain* and *Ireland*, bearing Date the First Day of *April* in the Seventeenth Year of Her Reign, granted that the Inhabitants of the said Town should be for 'ever thereafter One Body Politic and Corporate, and should be called "The Mayor, '"Aldermen, and Burgesses of the Borough of *Brighton*," and should have perpetual 'Succession and a Common Seal, and the Mayor, Aldermen, and Councillors of the said 'Borough have been duly elected, and the Council thereof duly established, pursuant to the 'Charter: And whereas at the Time when the said recited Charter of Incorporation came 'into operation within the Borough the said Fund amounted to a considerable Sum, which 'was deposited in the Hands of Trustees, and had been invested by them in Government 'Securities, and the same now remains vested in such Securities: And whereas the Watch 'Committee of the Borough, on their first Appointment of Constables for the Borough, 'appointed all the said Watchmen who were then in Office to be such Constables: And 'whereas, under the Powers and Provisions of an Act made and passed in the Session of 'Parliament held in the Eleventh and Twelfth Years of the Reign of Her present Majesty, 'intituled *An Act for authorizing a Borough Police Superannuation Fund*, the Council have 'established a Police Superannuation Fund in and for the Borough: And whereas it is 'expedient that the Fund so contributed as aforesaid, and the Securities wherein the same 'is invested, should be added to the Borough of *Brighton* Police Superannuation Fund:' Be it enacted, That the Fund so contributed as aforesaid by the Watchmen appointed by the said Commissioners, and the Securities wherein the same is invested, and all Arrears of Dividends thereon, shall be and the same is hereby vested in the Treasurer of the said Borough for the Time being, and shall be transferred and paid to such Treasurer accordingly, who shall hold the same as Part of the Police Superannuation Fund of the said Borough so as aforesaid established under the Authority of the said Act for authorizing a Borough Police Superannuation Fund.

Police Superaunuation Fund.

XXIV. The Court of General or Quarter Sessions for any County, and the Watch Committee, subject to the Approbation of the Council for any Borough, may, upon the Recommendation of the Chief Constable of any County Police Force, or of the Superintendent of the Police for the said Borough, grant to any Constable in the said County or Borough, out of the Police Rate or Borough Fund, a Gratuity in Money not exceeding Three Pounds, in respect of and as a Reward for any meritorious Act done by the said Constable in the Execution of his Duty.

Gratuities may be granted as Reward for good Service to Police out of Police Rates, &c.

XXV. All the Penalties and Provisions of the Act passed in the Second and Third Years of King *William* the Fourth, Chapter Four, "for more effectually preventing "Embezzlements by Persons employed in the Public Service of His Majesty," shall extend and be applicable to Constables and other Persons employed in the Police of any County, City, Borough, District, or Place whatsoever, in like Manner as to any Person employed in the Public Service of Her Majesty within the Meaning of that Act, and for all the Purposes of the said Act the Employment of Constable or any other such Employment in the Police shall be deemed an Employment in the Public Service of Her Majesty.

Embezzlement by Constables punishable under 2 & 3 W. 4. c. 4.

XXVI. The Chief Constable of any County Police Force, and the Watch Committee of any City, Borough, District, or Place, is and are hereby empowered to suspend any Constable, within their respective Jurisdiction, whom he or they shall think remiss or negligent in the Discharge of his Duty, or otherwise unfit for the same; and the said Chief Constable or Watch Committee is and are hereby also empowered, at his or their Discretion, to fine any such Constable in a Sum of Money not exceeding One Week's Pay, and to reduce the said Constable from a superior to an inferior Rank, such Fine and Reduction in Rank to be in addition to any other Punishment to which the said Constable may be liable; and all Punishment, Penalties, and Fines, such as above enumerated, heretofore imposed or inflicted

Chief Constable empowered to suspend Constables.

inflicted under Rules framed under and by virtue of the Third Section of the Act of the Second and Third *Victoria*, Chapter Ninety-three, shall be deemed to have been legally imposed or inflicted.

Inspectors under 19 & 20 Vict. c. 69. still entitled to Half Pay.

XXVII. The Office or Employment of Inspector under the Act of the Nineteenth and Twentieth Years of Her Majesty, Chapter Sixty-nine, shall not prevent the Holder thereof from receiving any Half Pay to which if he did not hold such Office or Employment he might be or become entitled.

Repeal of Parts of 3 & 4 Vict. c. 88. as to Local Constables.

XXVIII. That Sections Sixteen, Seventeen, and Eighteen of the Act, Third and Fourth *Victoria*, Chapter Eighty-eight, be repealed as far as relates to local Constables; provided that the Power of Justices of the County in General or Quarter Session assembled, subject to the Approval of One of Her Majesty's Principal Secretaries of State, to settle Tables of Fees and Allowances, shall be retained as far as relates to the County Constabulary.

CAP. XXXIII.

An Act to confirm certain Provisional Orders made under an Act of the Fifteenth Year of Her present Majesty, to facilitate Arrangements for the Relief of Turnpike Trusts. [13th *August* 1859.]

14 & 15 Vict. c. 38.

'WHEREAS, in pursuance of the Act of the Fifteenth Year of Her Majesty, "to "facilitate Arrangements for the Relief of Turnpike Trusts, and to make certain "Provisions respecting Exemptions from Tolls," certain Provisional Orders have been 'made for reducing the Rate of Interest on the Mortgage Debts charged or secured on the 'Tolls or Revenues of certain Turnpike Roads, and such Orders have been published in the '*London Gazette* and in Newspapers circulating in the Neighbourhood of such Roads, and 'the Dates of such Provisional Orders, and the Acts under which the Tolls or Revenues on 'which such Debts are charged or secured are levied or raised, together with the Amount 'to which the Rate of Interest on such Debts is to be reduced, and the Day from which 'the Interest on such Debts is to be reduced by such Orders, are mentioned in the Schedule 'to this Act, and the First and Second of the said Orders bearing Date in the Year One 'thousand eight hundred and fifty-eight were made by the Right Honourable *Spencer* '*Horatio Walpole*, who at the Date thereof was One of Her Majesty's Principal Secretaries 'of State, and the Third of the said Orders bearing Date in the Year One thousand eight 'hundred and fifty-nine was made by the Right Honourable *Thomas Henry Sutton Sotheron* '*Estcourt*, who at the Date thereof was One of such Secretaries of State: And whereas it 'is expedient that the said Provisional Orders should be confirmed and made absolute:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Provisional Orders confirmed.

I. The said Provisional Orders are hereby confirmed and made absolute, and shall be as binding and of the like Force and Effect as if the Provisions thereof had been expressly enacted by Parliament.

SCHE-