



Town Police Clauses Act 1847

1847 CHAPTER 89

Constables

And with respect to the Appointment, and the Powers, Duties, and Privileges, of Constables, be it enacted as follows :

VI Appointment of Constables.

If any Constables shall have been appointed within the Limits of the special Act under the Provisions of an Act passed in the Third Year of the Reign of Her Majesty, intituled *An Act for the Establishment of County and District Constables by the Authority of the Justices of the Peace* ; and of another Act passed in the Fourth Year of the Reign of Her Majesty, intituled *An Act to amend the Act for the Establishment of County and District Constables*; and if the Justices for the County in which such District is situated, in General or Quarter Session assembled, report to One of Her Majesty's Principal Secretaries of State that the Constables so appointed ought to be discontinued, and the said Constables be, in pursuance thereof or otherwise, discontinued, or where no Constables shall have been appointed under the Provisions of the last mentioned Act, the Commissioners may from Time to Time appoint and employ a Superintendent Constable and also such Number of Constables as they judge necessary for the Protection of the Inhabitants and Property within the said Limits, and allow the Superintendent Constable and the other Constables such Salaries or Wages as they think proper; and it shall be lawful for the Commissioners from Time to Time to remove any such Superintendent Constable, Constables, and Officers as they think fit.

VII Power to apply for additional Constables in case of Need.

Where Constables shall have been appointed under the last Two recited Acts, or either of them, the Commissioners, if they think it necessary so to do, may apply to the Chief Constable of the County in which the District within the said Limits is situated, under the Provisions of the last-recited Act, to appoint any additional Number of Constables within the said Limits, and they may pay the Charge of such Appointments out of the Rates to be levied under this and the special Act.

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VIII Constables to be sworn in.

Any Justice may swear in any Person appointed and employed as a Constable under this and the special Act, and the Constables so sworn in shall have, within the Limits of the special Act, and in any Place not more than Five Miles beyond such Limits, the like Powers, Privileges, and, Duties, and shall have the same Indemnities and Protection, and shall be subject to the like Penalties and Forfeitures, as any Constable duly appointed has or is subject to within his Constablewick by Law.

IX Expences of Prosecutions, and Allowances to Constables.

The Commissioners may defray the Expence of prosecuting any Felons or Offenders, and of defending any Constable in the Execution of his Duty, and may make such Allowances to any Constable disabled in the Execution of his Duty, or worn out by Length of Service, as the Commissioners think reasonable.

X Constables not to resign without Leave or Notice.

No Constable appointed under this or the special Act shall resign his Office, or withdraw himself from the Duties thereof, unless expressly allowed so to do in Writing by the Commissioners or by the Superintendent Constable, or until after he has given to such Superintendent Constable One Month's Notice; and every Constable who so resigns or withdraws himself without such Leave or Notice shall be liable to forfeit all Arrears of Pay then due to him, or to a Penalty of not more than Five Pounds, or, in the Discretion of the Justices before whom he shall be convicted, may be committed to Prison, there to remain for a Time not exceeding Fourteen Days,

XI Constables dismissed to deliver up Accoutrements.

Every Constable appointed under this or the special Act who is dismissed from or ceases to hold and exercise his Office shall forthwith deliver over to the Superintendent Constable, or to such Person and at such Time and Place as the Commissioners direct, all the Clothing, Accoutrements, Appointments, and other Necessaries which have been supplied to him for the Execution of his Duty, under pain of Imprisonment, with or without hard Labour, for any Time not exceeding One Month ; and any Justice of the Peace may issue his Warrant to search for and seize to the Use of the Commissioners all the Clothing, Accoutrements, Appointments, and other Necessaries not so delivered over, wherever the same are found.

XII Penalty for unlawful Possession of Accoutrements, or for assuming the Dress of Constables.

Every Person who, not being at the Time a Constable appointed: under this or the special Act, has in his Possession any Article being Part of the Clothing, Accoutrements, or Appointments supplied to any such Constable, and who is not able satisfactorily to account for his Possession thereof, or who puts on the Dress or takes the Name, Designation, or Character of any Person appointed as such Constable, for the Purpose of "thereby obtaining Admission into any House or other Place, or of doing or procuring to be done any Act which such Person would not be entitled to do or procure to be done of his own Authority, or for any other unlawful Purpose, shall, in Addition t to any other Punishment to which he is liable for such Offence, be liable to a Penalty of not exceeding Ten Pounds.

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XIII Power to provide Offices, Watch-houses, &c.

The Commissioners may from Time to Time purchase or rent any Buildings or Land, and convert such Buildings into or build on such Land' Offices, Watch-houses, Lock-up Houses, and other Places necessary for the Purposes of this and the special Act, with all proper Conveniences thereto, and may repair the same from Time to Time, and furnish and fit up the same, and employ proper Persons to take care thereof.

XIV Duties of Constables.

The Constables appointed by virtue of this and the special Act shall keep Watch and Ward within the Limits of the special Act, and shall use their best Endeavours to prevent any Mischief by Fire, and all Felonies, Misdemeanors, and Breaches of the Peace.

XV Power to Police Constables and Persons aggrieved to apprehend certain Offenders.

Any Person found committing any Offence punishable either upon Indictment or as a Misdemeanor upon summary Conviction by virtue of this or the special Act may be taken into Custody, without a Warrant, by any of the said Constables, or may be apprehended by the Owner of the Property on or with respect to which the Offence is committed, or by his Servant or any Person authorized by him, and may be detained .until he can be delivered into the Custody of a Constable ; and the Persons so arrested shall be taken, as soon as conveniently may be, before some Justice, to be examined and dealt with according to Law: Provided always, that no Person arrested under the Powers of this or the special Act shall be detained in Custody by any Constable or other Officer, without the Order of some Justice, longer than shall be necessary for bringing him before a Justice, or than Forty Hours at the utmost.

XVI Penalty for Neglect of Duty.

Every Constable acting within the Limits of the special Act who is guilty of any Neglect or Violation of his Duty as a Constable, and convicted thereof before Two Justices, shall be liable to a Penalty not exceeding Ten Pounds, the Amount of which Penalty may be deducted from the Salary or Wages due to him or to become due to him, or, in the Discretion of the Justices before whom he is convicted, he may lawfully be imprisoned for any Time not exceeding One Month, with or without hard Labour.

XVII Power to Constables to take Recognizances.

Whenever any Person charged with any Offence under this or the special Act, or any Act incorporated therewith, not amounting to Felony, and of which he is liable to be summarily convicted before a Justice, is in the Custody of any Constable acting as aforesaid, without the Warrant of a Justice, the Superintendent Constable of the District, or appointed under this Act, or other the superior Officer of Police acting within the said Limits, may, if he deem it prudent so to do, but in such Cases only in which the Offender cannot be conveniently taken before a Justice, take the Recognizance of such Person, with or without Sureties, conditioned as herein-after mentioned.

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XVIII Form of Recognizances.

Every Recognizance so taken shall be taken without Fee or Reward, and shall be conditioned for the Appearance of the Person thereby bound before a Justice, at a certain Day not later than Seven Days from the Date of such Recognizance, and the Time and Place of such Appearance shall be specified in the Recognizance.

XIX Recognizances to be registered and returned to the Justice.

The Officer taking any such Recognizance shall enter in a Book to be kept for that Purpose the Name, Residence, and Occupation of the Party and his Sureties, if any, entering into such Recognizance, together with the Condition thereof, and the Sum thereby acknowledged, and shall return every such Recognizance to the Justice at the Time and Place when and where the Party is bound to appear, and every such Recognizance shall have the like Force and Effect as if the same had been taken before a Justice.

XX Penalties on Persons assaulting Constables.

Every Person who assaults or resists, or who aids or incites any Person to assault or resist, any Constable in the Execution of his Duty under the Provisions of this or the special Act, shall for every such Offence be liable to a Penalty not exceeding Five Pounds, or, in the Discretion of the Justice before whom he is convicted, may be imprisoned for any Term not exceeding One Month, with or without hard Labour.