

TRANSLATION OF THE OFFICIAL PUBLICATION OF SINT MAARTEN

National Police Ordinance

§ 1 General

Article 1

The following definitions apply for the purposes of this national ordinance and the provisions based on it:

police officer: police officer, referred to in Article 3(a) and 3(b) of the Kingdom Act;

special police agent: special police agent, referred to in Article 10 of the Kingdom Act;

commissioner: the Commissioner of Police, referred to in Article 6 of the Kingdom Act;

mandate: the authorisation to take orders in the name of an administrative authority;

minister: the Minister of Justice;

police tasks: the tasks referred to in Article 5 of the Kingdom Act;

police force: the police force of Sint Maarten, referred to in Article 4 of the Kingdom Act;

Attorney-General: the Attorney-General, referred to in Article 2(2) of the Kingdom Act concerning the Departments of Public Prosecutions of Curaçao, Sint Maarten, and of Bonaire, Sint Eustatius and Saba;

Kingdom Act: Police Kingdom Act of Curaçao, Sint Maarten, and of Bonaire, Sint Eustatius and Saba;

Law Enforcement Council: the Law Enforcement Council referred to in Article 2(1) of the Law Enforcement Council Kingdom Act;

tasks for the judicial authorities: the tasks referred to in Article 1(n)(2°) of the Kingdom Act.

§ 2 Structure and organisation

Article 2

1. The police force shall in any event include the following organisational units:
 - a. The Basic Police Service, to which the task field referred to in Article 7(2)(d) of the Kingdom Act is assigned;
 - b. The Detection Service, to which the task fields referred to in Article 7(2)(a) up to and including 7(2)(c) of the Kingdom Act are assigned;
2. By national decree containing general measures, further rules may be laid down concerning the organisation and tasks of the organisational units referred to in paragraph 1(a) and 1(b) .
3. By national decree containing general measures, organisational units may be formed to support the organisational units referred to in paragraph 1.
4. By national decree containing general measures, organisational units may be formed with specific tasks and activities for that purpose as referred to in Article 7(2) of the Kingdom Act and elsewhere.

Article 3

Persons authorised to perform detection work pursuant to Articles 184 and 185 of the Code of Criminal Procedure shall work together with the police force.

Article 4

1. The minister may designate objects and services requiring police monitoring and protection in the interests of the security of Sint Maarten or relations with other powers, or in view of serious social interests.
2. The minister shall provide for the implementation of an order as referred to in paragraph 1, to the extent that this takes place for the enforcement of public order.
3. The Attorney-General shall provide for the implementation of an order as referred to in paragraph 1, to the extent that this takes place for the enforcement of the legal order under criminal law.

Article 5

1. The officers appointed by the minister for the transportation of persons who have been deprived of their liberty by law may exercise the powers referred to in Article 13(1) and 13(4) of the Kingdom Act or take the measures described in the national decree containing general

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measures referred to in Article 14(3) of the Kingdom Act, to the extent necessary in the interests of preventing the avoidance of the supervision exercised over the person to be transported. The first sentence applies to the extent that the persons deprived of their liberty by law have been placed in police custody.

2. The national decree, containing general measures, as referred to in Article 14(3) of the Kingdom Act, is likewise applicable to persons who have been placed in police custody in the interests of the provision of assistance to them.

Article 6

By national decree containing general measures, further rules may be laid down concerning the financial management, financial accounting and reporting of the police force.

§ 3 Legal status

Article 7 Legal status

1. The minister is responsible for the appointment, promotion, suspension and dismissal of police officers, on the understanding that placement of police officers responsible solely or primarily for enforcement of the legal system under criminal law or the performance of tasks for the judicial authorities shall not take place until the Attorney-General has been consulted. The police officers shall be appointed, promoted, suspended and dismissed by national decree.
2. By or pursuant to national decree containing general measures, rules shall be laid down concerning the legal status of police officers.
3. By national decree containing general measures, rules may be laid down concerning the legal status of officers as referred to in Article 3(c) of the Kingdom Act, and concerning their tasks.

§ 4 Transitional and final provisions

Article 8

The provisions based on the Police Regulation (PB 1962, No. 64) and on the 1999 Police Regulation (PB 1999, No. 79) shall remain in force after the date on which this national ordinance enters into force, until they are replaced by other regulations and implementing orders in accordance with this national ordinance or the Kingdom Act. Until new regulations and implementing orders have been established, the existing regulations and implementing orders shall be interpreted and applied in accordance with this national ordinance as far as possible. In the event of any conflict, this national ordinance applies.

Article 9

[expired]

Article 10

[regulates the entry into force]

Article 11

This national ordinance may be referred to as National Police Ordinance.

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