



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

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Government Notice

MINISTRY OF HOME AFFAIRS

No. 167

1994

REGULATIONS MADE UNDER THE POLICE ACT, 1990 (ACT 19 OF 1990)

The Minister of Home Affairs has under section 42 of the Police Act, 1990 (Act 19 of 1990) -

- (a) made the regulations set out in the Schedule;
- (b) repealed the regulations promulgated under Government Notice R.203 of 1964, except regulations 58(32).

SCHEDULE

Definitions

1. In these regulations, unless the context otherwise indicates, any word or expression to which a meaning has been assigned in the Act, shall have that meaning, and -

“branch” means a branch of the Force into which the Force has been subdivided under regulation 3(2)(b);

“commander” means the head of an office, branch, institution of whatever nature, district, station or place of employment and includes the Inspector-General and a commanding officer;

“commanding officer” means an officer designated by the Inspector-General to exercise a command over a police district and all members on the authorised establishment thereof or attached thereto for duty or discipline, and in relation to a member not on the authorised establishment of a police district or attached thereto for duty or discipline, the officer under whose command, supervision or control such member is serving, whether permanently or temporarily, and also any other officer designated as such by the Inspector-General;

“convening authority” means the Inspector-General or any other person who is, in terms of the Act or these regulations, empowered to convene a board of inquiry for any purpose whatsoever, and includes any member to whom the Inspector-General has delegated his or her powers to convene such board;

“district” means one or more stations which the Inspector-General determines to be a district for the purpose of these regulations;

“fixed establishment” means the posts created for the normal and regular requirements of the Force;

“functions” unless otherwise stated, means police duties in general and the functions referred to in Chapter II of the Act, including recruiting, training and any administrative or other duty of whatever nature connected with the Force or which, in the opinion of the Inspector-General, is necessary for the general management, control and maintenance of the Force or for the effective performance of such duties or functions or for the instruction and training of and rendering members fit for the performance of the functions or duties of the Force;

“month” means a period from the first day of any month of a year up to and including the last day of that month;

“Public Service Regulations” means the regulations made under section 28 of the Public Service Act, 1980 (Act 2 of 1980), and promulgated under Government Notice AG.28 of 1981;

“service” means any continuous full-time public service in any capacity, and for the purpose of this definition a member shall be deemed to be on duty while -

- (a) being suspended from office;
- (b) participating in any kind of amateur sport, exercise for recreational purposes, performance, contest or competition referred to in regulation 30; or
- (c) performing a function, service or duty referred to in regulation 26;

“station” means a police station established under regulation 3(2)(a)(i);

“student” means a member who has not yet completed his or her basic training as prescribed by the Inspector-General;

“superior” means in addition to a superior in rank, any member, who irrespective of seniority in service or rank, has command or exercises authority over another member;

“the Act” means the Police Act, 1990 (Act 19 of 1990);

“Treasury” means the Treasury as defined in section 1 of the State Finance Act, 1991 (Act 31 of 1991);

“uniform” means any buttons, badges of rank, distinctive badges, articles of uniform and equipment, clothing and accoutrement of any nature whatsoever referred to in regulation 28 or prescribed under that regulation.

CHAPTER I

FIXED ESTABLISHMENT, ORGANIZATION AND ADMINISTRATION OF THE FORCE

Determination and distribution of establishment

2. (1) (a) The fixed establishment of the Force shall be determined by the Minister.
 - (b) The Inspector-General shall make recommendations to the Minister as to the number, grading, regrading, conversion or abolition of posts constituting part of the fixed establishment, including any reduction in or reorganization or readjustment of the Force.
 - (c) Any such recommendation which involves expenditure from revenue shall, if approved by the Minister, not be carried out unless prior approval for such expenditure has been obtained.
- (2) The Inspector-General shall distribute the strength of the Force among the different districts, stations, offices or other institutions and may -

- (a) transfer any member permanently or temporarily from one district, station, office or institution to another; or
 - (b) appoint or employ any member permanently or temporarily in any branch or transfer him or her from one branch to another.
- (3) The Inspector-General may discharge any member from the Force -
- (a) on account of the abolition of such member's post or any reduction in or reorganization or readjustment of the Force if a recommendation under subregulation (1)(b) to that effect has been approved by the Minister;
 - (b) if for reasons other than such member's unfitness or incapacity, his or her discharge will promote efficiency or economy in the Force and such discharge has been approved by the Minister.

Powers, duties and functions of the Inspector-General

3. (1) The Inspector-General shall be accountable to the Minister for the administration of the Force, and shall submit an annual report to the Minister in such form as the Minister may determine on the exercise of the Inspector-General's powers and the performance of his or her functions, the maintenance of discipline, efficient administration and the proper use and care of government property in the Force.

(2) In addition to any powers or duties lawfully conferred or imposed upon the Inspector-General, he or she may -

- (a) subject to the provisions of sections 6 and 17 of the State Finance Act, 1991 (Act 31 of 1991) -
 - (i) establish and maintain stations, offices, training institutions, training centres or any other institutions;
 - (ii) purchase or hire supplies, arms, ammunition, accessories and other equipment, means of transport and animals required for use in the Force; and
 - (iii) generally incur such expenditure as he or she may deem necessary or expedient for the efficient administration and control of the Force;
- (b) subdivide the Force into different subdivisions or branches and assign such designation to such subdivisions or branches and the personnel attached thereto as he or she may consider fit.

(3) In so far as the Public Service Regulations apply by virtue of the provisions of section 31(2) of the Public Service Act, 1980 (Act 2 of 1980), to any member of the Force, any power, duty or function conferred upon any chief executive officer by such regulations shall be deemed to be a power, duty or function of the Inspector-General, and for the purposes of such application any reference in the said regulations to a ministry or public office shall be construed as a reference to the Force.

Delegation of powers by Inspector-General

4. The Inspector-General may, on such conditions as he or she may determine, delegate any power or function conferred upon or entrusted to him or her by these regulations to any other member or the holder of any post constituting part of the fixed establishment: Provided that the Inspector-General shall not be divested of any power or function so delegated and may at any time withdraw or amend any decision given under such delegation.

Conditions in regard to the filling of posts

5. (1) An applicant who wishes to enrol as a member in the Force shall -

- (a) apply on a form prescribed by the Inspector-General and confirm under oath or by way of a solemn affirmation on such form that the information furnished by him or her is correct;
 - (b) allow his or her fingerprints to be taken;
 - (c) furnish proof of good character;
 - (d) submit himself or herself to a medical examination;
 - (e) furnish proof of his or her age;
 - (f) furnish proof of his or her educational qualifications; and
 - (g) sit for an examination or undergo such educational or aptitude tests as may be prescribed by the Inspector-General.
- (2) (a) Subject to the provisions of subparagraphs (b) and (c), no person shall be appointed as a member unless he or she -
- (i) is a Namibian citizen;
 - (ii) is at least 18 years of age;
 - (iii) is free from any mental or physical defect, disease or infirmity which, in the opinion of the Inspector-General, will probably interfere with the proper execution of his or her duties or necessitate his or her retirement from the Force before reaching the pensionable age;
 - (iv) is of good character;
 - (v) has passed at least the grade ten examination or an examination equivalent to that grade or higher; and
 - (vi) is prepared to take the declaration of accession to office contained in Schedule A.
- (b) The provisions of paragraph (a)(v) shall not apply to the appointment of auxiliary members.

- (c) The Inspector-General may in his or her discretion and in exceptional circumstances, waive the requirements of paragraph (a)(ii).
- (d) Notwithstanding the provisions of paragraph (a)(i), the Minister may authorize the appointment of any person who is not a Namibian citizen in the Force in a temporary capacity: Provided that the period of any such appointment shall not exceed three years.

(3) Subject to Article 116(2) of the Namibian Constitution, due regard shall, in making any appointment or promotion, or filling any post, be had to the qualifications, relative merit, efficiency and suitability of the persons being considered for promotion or appointment.

(4) In filling any post the Inspector-General shall, subject to the provisions of subregulations (3) and (5), either -

- (a) promote or transfer a member; or
- (b) if the post cannot be satisfactorily filled by any such promotion or transfer, appoint any other person.

(5) All members serving in the Force on the date of commencement of these regulations shall take the declaration referred to in subregulation (2).

Certificate of appointment

6. A certificate of appointment in the form contained in Schedule B and with the member's photo affixed thereto, shall for the purposes of section 4(2) of the Act be issued to every member: Provided that the Inspector-General may withhold the issue of such certificate to a student.

Promotion

7. (1) The Inspector-General shall, subject to the provisions of regulation 5(3), before promoting a member satisfy himself or herself that such member is in all respects fit to hold the higher rank.

(2) If the Inspector-General considers it necessary, he or she shall provide training or cause training to be provided, or conduct examinations or cause examinations to be conducted in such subjects as may be prescribed by him or her or be prescribed as a qualification to be possessed by members on promotion.

Ranks, official designations, precedence and seniority in rank

8. (1) The ranks in the Force, in order of precedence, are as set out in Schedule C.

- (2) (a) If the Inspector-General deems it expedient he or she may, from time to time temporarily confer a higher rank on any member, and the member concerned shall hold such temporary higher rank so conferred, during the pleasure of the Inspector-General.
- (b) A member to whom such temporary higher rank has been conferred shall have the powers and authority applicable to such higher rank: Provided that such member shall not be entitled to the higher scale of salary or allowance applicable to such higher rank.

(3) A commander shall, irrespective of seniority in service or rank, be deemed to be the superior of any members over whom such commander exercises authority, command, control or supervision, whether permanently or temporarily.

Resignation by non-officers

9. (1) Any non-officer may by notice in writing tender his or her resignation.

(2) Any such notice shall take effect upon the expiration of a period of one calendar month after the date upon which it is lodged with such member's commanding officer or on such earlier date as may be approved by the Inspector-General.

Discharge of members on account of ill-health under section 7(1) of the Act

10. (1) The Inspector-General may at any time direct a member to submit himself or herself to an examination, at the expense of the State, by a district surgeon or other registered medical practitioner for the purpose of obtaining a report on his or her state of health or with a view to the appearance of such member before a medical board.

(2) If a district surgeon or other medical practitioner states in his or her report that, in his or her opinion, the member concerned is or is likely to become medically unfit for further service in the Force, such report shall be submitted to the Inspector-General without delay.

- (3) (a) The Inspector-General may convene a medical board or may direct that such a board be convened for the purpose of examining a member and determining whether or not he or she is fit to remain in the Force.
- (b) Such board shall consist of one or more registered medical practitioners and, if necessary, one or more persons registered to render medical auxiliary services, appointed by the convening authority.
- (c) (i) Any medical reports or sheets which may have a bearing on the case, as well as any relevant reports which the member concerned may wish to submit, shall be submitted to the board for consideration and shall be included in the proceedings.

- (ii) If such member so desires, he or she may at his or her own expense be represented at the proceedings of the board by his or her private registered medical practitioner.
- (d) (i) After examining the member concerned and considering the reports or sheets referred to in paragraph (c), the board shall record its report, findings and recommendation on the prescribed form.
 - (ii) The records of the board shall be signed by all its members.
- (e) If the board recommends that the member concerned be discharged from the Force on account of ill-health, he or she shall be given the opportunity to make written representations to the Inspector-General.
- (f) The records and any representations referred to in paragraphs (d) and (e), respectively, shall be forwarded to the Inspector-General for consideration, who may, if he or she deems it expedient, consult the Permanent Secretary: Health and Social Services or a medical officer designated by him or her.
- (4) (a) The Inspector-General shall decide whether the member concerned shall -
 - (i) in terms of section 7(1) of the Act, be discharged as medically unfit for further service in the Force;
 - (ii) be granted leave of absence;
 - (iii) again be examined; or
 - (iv) be ordered to resume duty.
- (b) If the Inspector-General decides to discharge the member concerned, the date of his or her discharge shall be determined by the Inspector-General.

Appeal against discharge on account of ill-health in terms of section 7(2) of the Act

11. (1) A member who desires to appeal in terms of section 7(2) of the Act against an order discharging him or her, shall within 14 days after the date on which he or she is notified of such order, lodge with the officer who served the order on him or her, a written appeal in which the grounds on which the appeal is based are set out clearly and in detail.

(2) The appeal, together with the record of the board's proceedings and all other relevant documents, shall be submitted by the Inspector-General to the Minister.

(3) The execution of an order discharging a member shall not be suspended by reason of an appeal in terms of this regulation.

(4) After consideration of all the documents submitted to the Minister, he or she shall allow the appeal and set aside the order of discharge, or dismiss the appeal and confirm such order.

Discharge or reduction in rank of non-officers under section 8(1) of the Act

12. (1) If on account of any conviction for misconduct or allegations concerning misconduct, unfitness to carry out his or her functions, incapacity to do so efficiently, improper or unbecoming conduct or behaviour or any other fact or matter concerning him or her, the question arises whether a non-officer is fit to remain in the Force or to retain his or her rank, and such conviction or allegations may result in his or her reduction in rank or his or her discharge or dismissal in terms of section 8(1) of the Act, the Inspector-General shall convene a board or direct that a board be convened for the purpose of inquiry into the fitness of such member to -

- (a) retain his or her rank; or
- (b) remain in the Force.

(2) A board may be convened in terms of subregulation (1) notwithstanding the fact that a member has been acquitted on a particular charge of misconduct by a criminal court or under section 18 of the Act.

(3) The convening authority shall appoint an officer as chairperson of the board and, if considered necessary, one or more other officers as members.

(4) The convening order shall clearly and specifically state -

- (a) the purpose for which the board is convened;
- (b) the particulars of the conviction or allegations referred to in subregulation (1) which gave rise to the inquiry; and
- (c) whether only a finding and report are required or whether a recommendation is also required.

(5) The board shall convene on a date, time and place determined by the chairperson, who shall also arrange for the defendant to be given reasonable notice accordingly and to be served with a copy of the convening order, as well as of any annexure referred to therein.

(6) The inquiry shall be limited to the terms of reference contained in the convening order, and the original order, together with any annexure referred to therein, shall be included in the proceedings.

(7) The provisions of regulation 17(11) to (13), inclusive, shall apply *mutatis mutandis* to a board convened under this regulation, and for the purposes of such application any reference in those provisions to -

- (a) the non-officer charged shall be construed as a reference to the defendant;

- (b) the proceedings shall be construed as a reference to the inquiry; and
- (c) the presiding officer shall be construed as a reference to the chairperson of the board.

(8) A member equal or senior in rank to the defendant may be designated by the chairperson to adduce evidence in support of the allegations referred to in the convening order.

(9) No person who is not a member of the Force shall be compelled to appear as a witness before the board, and no witness shall be compelled to give evidence under oath or solemn affirmation.

- (10) (a) Subject to paragraph (e), a witness shall appear in person before the board for examination, and any question considered necessary in order to test the accuracy or credibility of his or her testimony or to clarify any point in issue, may be put to such witness.
- (b) The defendant and his or her legal representative, if any, shall be afforded the opportunity of being present when a witness is examined by the board and of cross-examining him or her.
- (c) The defendant may testify in person before the board, call witnesses to testify on his or her behalf and produce any other relevant evidence.
- (d) The statements of witnesses shall be recorded, read over and signed by them.
- (e) If the chairperson is of the opinion that, because of the expense or for other conclusive reasons, the attendance of any witness is not justified, an affidavit or other written statement by such witness or any other documentary evidence may be produced and admitted: Provided that the chairperson may cause written interrogatories raised by the board, or the defendant or his or her legal representative to be submitted to such witness for reply, and such interrogatories and any reply thereto, purporting to be a reply from such witness, shall likewise be admissible evidence.
- (f) The board shall not impose any punishment but shall, after consideration of all the available evidence as well as any representations by or on behalf of the defendant, record its findings and forward the record of the board's proceedings and all other relevant documents, together with a recommendation if so required by the convening order, to the convening authority.

(11) As often as the convening authority may direct, the board may be reconvened for the purpose of -

- (a) examining additional witnesses;
- (b) further examining any witness or other person whose affidavit or statement has been accepted in terms of subregulation (10)(e);

- (c) recording additional information; or
 - (d) reconsidering its finding or recommendation.
- (12) (a) The convening authority shall, after having recorded its remarks thereon, submit the record of the proceedings of the board and all other relevant documents to the Inspector-General for his or her decision in terms of section 8(1) of the Act.
- (b) The Inspector-General may, if he or she considers it expedient, reserve his or her decision.

(13) If the Inspector-General is of the opinion that, owing to any technical irregularity or defect in the proceedings, justice has in fact not been done, he or she may order the inquiry to be held *de novo* and convene or cause to be convened a further board in terms of subregulation (1).

Appeal by non-officer against discharge or reduction in rank under section 8(3) of the Act

13. (1) A member who desires to appeal in terms of section 8(3) of the Act against an order discharging or reducing him or her in rank, may within 14 days after the date on which he or she was notified of the order, lodge with the Inspector-General a written appeal in which the grounds on which the appeal is based are set out clearly and in detail.

(2) The appeal, together with the record of the board's proceedings and all other relevant documents, shall be submitted by the Inspector-General to the Minister.

(3) The execution of an order discharging or reducing a member in rank shall not be suspended by reason of an appeal in terms of this regulation.

(4) After consideration of all the documents submitted to the Minister, he or she shall allow the appeal and set aside the order of discharge or reduction in rank, or dismiss the appeal and confirm such order.

Certificate of service

14. (1) A certificate of service showing his or her rank and setting out the period of his or her service in the Force and the reason for, cause or manner of, his or her leaving the Force, shall on resignation, discharge or retirement be provided to any member: Provided that if the member was discharged in terms of section 8(1) or (2), 9 or 19(7)(v) of the Act, such certificate shall not contain any description of the circumstances in which he or she was discharged.

(2) Such certificate shall be signed by the Inspector-General and he or she may attach to it any recommendation concerning the conduct of such member which he or she considers justified in giving.

CHAPTER II

DISCIPLINE

Offences against duty or discipline

15. A member shall be guilty of misconduct if he or she -
- (a) contravenes any rule made by the Inspector-General in terms of section 3(2) of the Act;
 - (b) sleeps on duty;
 - (c) is grossly discourteous to any person whilst on duty;
 - (d) is negligent or indolent in the discharge of his or her duties;
 - (e) absents himself or herself from duty without leave or valid cause;
 - (f) fails without valid cause, to report for duty at a stipulated time at his or her station, place of employment or any other place appointed by his or her commander;
 - (g) contrary to any orders or instructions of a superior, goes off duty before being relieved or without having first obtained permission from his or her superior to do so;
 - (h)
 - (i) without proper authority, releases a prisoner or other person in custody, or wilfully or negligently allows him or her to escape;
 - (ii) uses unnecessary force or violence against a prisoner or other person in custody, or otherwise ill-treats him or her;
 - (i)
 - (i) assaults his or her superior, threatens him or her with violence, uses threatening or insulting language towards him or her, resists him or her by word or action or adopts towards him or her a disdainful, recalcitrant or insolent attitude;
 - (ii) falsely imputes improper demeanour or misconduct to a superior;
 - (iii) disobeys, disregards or makes wilful default in carrying out any order given to him or her by his or her superior, or by word or conduct is guilty of insubordination;
 - (j) treats an inferior in a tyrannical or oppressive manner;
 - (k) borrows money from or through a member holding a lower rank;
 - (l) fights or otherwise behaves in a riotous or an unseemingly manner;
 - (m) intentionally causes an unnecessary disturbance, gives a false alarm or disseminates false information;
 - (n) conducts himself or herself in a disgraceful, improper or unbecoming manner;

- (o) takes an active part in any activity which is likely to interfere with the impartial discharge of his or her duties or which is likely to give rise to that impression amongst members of the public;
- (p)
 - (i) malingers, feigns or pretends to be ill, infirm, indisposed, injured or suffering from pain;
 - (ii) obtains or attempts to obtain exemption from duty by advancing a false or exaggerated excuse on the ground of illness, infirmity, indisposition, injury or pain;
 - (iii) wilfully causes illness, infirmity, indisposition or pain or wilfully maims or injures himself or herself or any other member, whether at the request of such member or not, or wilfully causes himself or herself to be maimed or injured by any other person with the intention of rendering himself or herself or such other member unfit for duty or the performance of his or her functions;
 - (iv) as a patient in any hospital or nursing institution, wilfully fails to obey any regulation or rule thereof or any lawful direction given by a member of the medical or nursing staff attached to such hospital or institution;
- (q)
 - (i) deserts the Force, refuses to serve in or carry out the functions of the Force or incites or persuades any other member to desert, refuse to serve in or to carry out the functions of the Force;
 - (ii) knowingly and wilfully receives, cares for, harbours or conceals a member who deserted or, without valid cause, absented himself or herself from duty or, knowing the whereabouts of such member, fails to notify his or her superior immediately or to do everything in his or her power to have him or her arrested;
- (r)
 - (i) conspires with any other person to commit mutiny or to cause a mutiny, strike, riot or revolt;
 - (ii) joins in any mutiny, strike, riot or revolt or incites any person to do so;
 - (iii) while a mutiny, strike, riot or revolt takes place in his or her presence, fails to do everything in his or her power to suppress it;
 - (iv) while knowing or suspecting any other person to be involved in any conspiracy to cause a mutiny, strike, riot or revolt or to have joined in it, fails to report all the facts which he or she knows immediately to his or her commander or superior;
- (s) addresses any anonymous communication to a Minister, the Inspector-General, any other dignitary or a superior in the Force;

- (t) makes a false accusation against any member or, during an investigation, disciplinary proceedings or inquiry makes a false statement or wilfully suppresses or conceals material facts;
- (u) withholds or unreasonably delays any complaint against or an adverse communication concerning another member;
- (v) wilfully refuses or neglects to discharge any lawful debt;
- (w) without the permission of the Inspector-General -
 - (i) discloses, otherwise than in the discharge of his or her official duties, information gained by or conveyed to him or her as a result of his or her employment in the Force, or uses such information for any purpose other than for the discharge of his or her official duties, whether or not he or she discloses such information;
 - (ii) accepts or demands in respect of the carrying out of or the failure to carry out his or her duties any commission, fee or reward, pecuniary or otherwise, to which he or she is not entitled by virtue of his or her office, or fails to report immediately to his or her commander the offer of any such commission, fee or reward;
- (x)
 - (i) is under the influence of intoxicating liquor or stupefying drugs regardless of whether he or she is on or off duty;
 - (ii) uses intoxicating liquor or stupefying drugs on duty;
 - (iii) uses intoxicating liquor excessively or uses stupefying drugs without a prescription from a medical practitioner;
 - (iv) enters, while on duty, any room or place being used for the manufacture, storage, sale or supply of intoxicating liquor, except in the performance of his or her functions or to obtain accommodation;
 - (v) places himself or herself under an obligation to any dealer in intoxicating liquor or any barman or other person in the employ of any such dealer or barman where such obligation is likely to hamper him or her in the proper discharge of his or her duties;
 - (vi) holds shares in an unlisted company, the main object of which is the manufacture or supply of or trading in intoxicating liquor;
- (y) demands, solicits, receives or accepts any discount, commission, gift, fee, reward or other consideration or advantage, whether pecuniary or otherwise (except his or her official remuneration), in respect of the acquisition, purchase, sale or disposal of any supplies, arms, ammunition, accessories, transport, animals and other

equipment or any other requisites of whatever nature, required for use in, or being the property of the Force, a canteen, mess or any other institution of the Force;

- (z) wrongfully and unlawfully appropriates, withholds, abuses, makes unauthorised use of or wilfully injures or negligently loses any government property, including property issued to him or her or to another member at public expense for personal use in the execution of his or her or such member's functions, or property in possession or under the control of the Government or for which the Government is responsible or any property belonging to another member, a canteen, mess or any other institution of the Force, a prisoner or other person in custody, or any exhibit in a criminal case, or property abandoned, lost or unclaimed and found or taken into safekeeping by a member or being in his or her possession;
- (aa)
 - (i) whether on or off duty, knowingly and deliberately wears, exhibits or uses any badge, emblem, standard, colours, salute, greeting, distinctive gesture or device of any kind which associates him or her with any political party or any movement, organisation, body or association having political objects;
 - (ii) takes an active part in party-political matters or associates himself or herself with the political activities, objects or matters of a party, movement, organisation, body or association referred to in subparagraph (i) or, subject to the provisions of regulation A13. 2(b) of the Public Service Regulations, in any way actively promotes the candidature of a candidate for the National Assembly, the National Council, a regional council established under section 2 of the Regional Councils Act, 1992 (Act 22 of 1992), or a local authority council established in respect of an area declared or deemed to be declared as the area of a local authority under section 3 of the Local Authorities Act, 1992 (Act 23 of 1992), or a school board, beyond recording his or her vote or carrying out his or her functions and official duties in connection with an election;
- (ab)
 - (i) without the written permission of the Inspector-General, establishes a trade union or becomes a member of a trade union;
 - (ii) without the written permission of the Inspector-General, takes part in or associates with the activities, objects or matters of a trade union;
 - (iii) before the permission contemplated in subparagraph (i) or (ii) has been obtained, whether on or off duty, knowingly and deliberately wears, exhibits or uses any badge, emblem, standard, colours, salute, greeting, distinctive gesture or device of any kind which associates him or her with such trade union;

- (ac) attempts to secure intervention from political or outside sources in relation to his or her own or another member's position or conditions of employment or functions in the Force;
- (ad) with intent to deceive or prejudice any person, suppresses, conceals, withholds, defaces, alters, destroys or does away, whether wholly or partly, with any report, return, register, book, record, form, claim, letter or any other document in relation to his or her functions or duties in the Force, obliterates anything therein or makes, causes or allows to be made or connives at the making of any false, misleading, incomplete or inaccurate statement, record or entry therein;
- (ae) with a view to obtain any privilege or advantage in relation to his or her official position, functions or duties, or to causing prejudice or injury to the Government, the Public Service, the Force, another ministry or public office or any other member of the Force or the Public Service, makes a false or incorrect statement, knowing it to be false or incorrect;
- (af) after having been duly ordered to be present at a specified time and place as the accused, defendant or witness at disciplinary proceedings or a board of inquiry or any other inquiry under the Act or these regulations, fails without just cause to appear at the time and place specified or, subject to the provisions of section 20(2) of the Act and these regulations, if he or she is present, refuses to take an oath or to make an affirmation administered to him or her or refuses or fails to answer all questions which have lawfully been put to him or her or refuses or fails to produce a document or thing which he or she has lawfully been required to produce;
- (ag) performs, or causes or permits to be performed or connives at, any act prejudicial to the administration, discipline or efficiency of the Force; or
- (ah) while on duty, on the grounds of another person's colour, race, nationality or ethnic or national origin, wilfully discriminates against such person or treats such person improperly.

Recording and investigation of complaints of misconduct against members and the institution of criminal or disciplinary proceedings against such members

16. (1) (a) If -

- (i) any person other than a member lodges a complaint of misconduct against any member; or
- (ii) a member suspects that any other member has committed a criminal offence,

it shall be the duty of the member to whom such complaint has been made or who has formed such suspicion to record it on a prescribed document and obtain and preserve any evidence relating to such misconduct or offence.

- (b) The member to whom such complaint has been made or who formed such suspicion shall immediately submit a written report relating thereto to his or her commander for submission to the Inspector-General in accordance with such procedures as he or she may prescribe.
- (c)
 - (i) Subject to subparagraphs (ii) and (iii), the Inspector-General shall immediately upon receipt of such report designate an officer of a higher rank than the member to whom such complaint or suspicion relates to investigate such complaint or suspicion.
 - (ii) The Inspector-General may designate a member of lesser rank than the member to whom such complaint or suspicion relates, to assist the investigating officer.
 - (iii) The investigating officer shall not be attached to the same station or office as the member to whom such complaint or suspicion relates.
 - (iv) The Inspector-General shall not be obliged to designate an investigating officer if the complaint or suspicion in question has been withdrawn, was reported anonymously or does not reveal any misconduct or offence.
- (d) After completion of his or her investigation the investigating officer shall submit his or her report together with all relevant statements, documents and such written comments as he or she may consider appropriate, to the Inspector-General in accordance with such procedures as he or she may prescribe.
- (e) After consideration of the report, statements, documents and comments the Inspector-General shall, if he or she is of the opinion that -
 - (i) an offence was committed, submit such report, statements, documents and comments to the Prosecutor-General for his or her decision as to whether criminal proceedings shall be instituted; or
 - (ii) an offence of misconduct other than a criminal offence was committed, determine whether any disciplinary proceedings shall be instituted in terms of section 18 or 19 of the Act.
- (f) Subject to the provisions of section 22 of the Act, the Inspector-General shall not, after the report, statements, documents and comments referred to in paragraph (e)(i) has been submitted to the Prosecutor-General, take any decision relating to the institution of disciplinary proceedings as contemplated in paragraph (e)(ii).

- (2) (a) Where a complaint of misconduct, except misconduct relating to a criminal offence, arises otherwise than in the case of a complaint lodged by a person contemplated in subregulation (1)(a)(i), the provisions of subregulation (1)(a), (b), (c), (d) and (e)(ii) shall apply *mutatis mutandis*.
- (b) For the purpose of the application of subregulation (1) to a complaint of misconduct contemplated in paragraph (a), any reference in that subregulation to the Inspector-General shall be construed as a reference to the commanding officer of the district in which the alleged misconduct took place.
- (3) Disciplinary proceedings may be instituted against a member notwithstanding the fact that the Prosecutor-General has declined to prosecute him or her.
- (4) The Inspector-General or the commanding officer contemplated in subregulation (2), as the case may be, may at any time before the start of any disciplinary proceedings, direct that such proceedings be suspended.
- (5) For the purposes of this regulation, "complaint" includes any report or allegation of misconduct.

Disciplinary proceedings against non-officers under section 18(1) of the Act

17. (1) Subject to the provisions of these regulations and excluding the provisions of sections 73(3) and 74 of the Criminal Procedure Act, 1977 (Act 51 of 1977), disciplinary proceedings in terms of section 18(1) of the Act shall be conducted as nearly as is practicable in the manner and form followed in summary criminal proceedings in a magistrate's court.

- (2) The proceedings shall be held at any place which the presiding officer may consider convenient, having regard to the place of residence of any witness.
- (3) A member of a rank higher than the non-officer charged shall be designated by the presiding officer to act as prosecutor, and if it is necessary for such prosecutor to give evidence on behalf of the prosecution which is not merely of a formal nature, he or she shall as far as practicable do so before any other evidence is recorded.

- (4) (a) Subject to the provisions of subparagraph (b), no person other than the presiding officer, prosecutor, non-officer charged and his or her legal representative, a witness while giving evidence and the interpreter, if required, shall be present at such proceedings.
- (b) If the proceedings arise from a complaint referred to in paragraph (a)(i) of regulation 16(1), the presiding officer shall, subject to the provisions of subparagraph (c), allow the complainant to attend such proceedings and, if the presiding officer considers it appropriate by virtue of the age of such complainant or for any other reason allow the complainant to be accompanied by a friend or a relative: Provided that where the complainant, friend or relative

concerned is to be called as a witness at the proceedings, he or she shall not be allowed to attend such proceedings before his or her evidence has been recorded.

- (c) If it appears to the presiding officer that any evidence recorded or to be recorded at the proceedings may disclose information which in the public interest ought not to be disclosed to any person other than a member, the presiding officer may exclude any person referred to in subparagraph (b) from all or any part of the proceedings.

(5) The presiding officer shall arrange for the attendance of the non-officer charged by serving or causing to be served on him or her, at least seven days (Sundays and public holidays excluded) before the commencement of the proceedings, a copy of the charge sheet in the prescribed form, on which shall be indicated the time, date and venue of the proceedings.

- (6) (a) The prosecutor shall arrange for the attendance of all witnesses by giving them reasonable notice of the time, date and venue of the proceedings.

- (b) In the case of witnesses who are not members, the prosecutor shall, if required, serve or cause to be served upon them subpoenas in the prescribed form signed by the presiding officer and the service of such subpoenas shall be subject to the rules of court which apply to the service of subpoenas in criminal proceedings in a magistrate's court.

- (c) If the non-officer charged desires any witness to be subpoenaed to testify on his or her behalf, he or she may submit an application to such effect to the presiding officer: Provided that if in the opinion of the presiding officer, the evidence of such witness was not necessary and of material importance, the Inspector-General may refuse the payment from public funds of any expense involved in securing the attendance of such witness and recover payment thereof from the non-officer charged.

- (7) (a) If the non-officer charged has previously indicated in writing that he or she intends to plead guilty to the offence in question, the Inspector-General, if the proceedings arose from a complaint referred to in sub-regulation (1), or the officer contemplated in subregulation (2), if the proceedings arose from a complaint referred to in that subregulation shall, if he or she is of the opinion that having regard to the nature of the alleged offence and other relevant circumstances, a fine of not more than N\$200 should be imposed on the non-officer charged, direct that the non-officer charged be brought before him or her or another officer designated by him or her and if the non-officer charged at such appearance pleads guilty, find the non-officer charged guilty without the hearing of evidence and, subject to the provisions of paragraph (b), reprimand him or her or sentence him or her to a fine of not more than N\$200.

- (b) Where the non-officer charged, subject to the provisions of paragraph (a), pleads guilty at such proceedings to the offence in question, the presiding officer may convict the non-officer charged of that offence without hearing evidence provided that he or she had questioned the non-officer charged with regard to the alleged facts of the case in order to ascertain whether the non-officer charged admits the allegations in the charge sheet to which he or she has so pleaded: Provided that where the presiding officer is not the commanding officer of the non-officer charged, the Inspector-General, if the proceedings arose from a complaint referred to in subregulation (1), or the officer contemplated in subregulation (2), if the proceedings arose from a complaint referred to in that subregulation, may, having regard to the nature of the alleged offence and other relevant circumstances, direct that notwithstanding a possible plea of guilty, evidence must be led by the non-officer charged to establish the nature and extent of the offence in question.
- (9) (a) As soon as the non-officer charged is found guilty, the prosecutor shall produce a certified extract from the conduct sheet referred to in regulation 22, and thereupon the presiding officer shall direct the non-officer charged to admit or deny such convictions.
- (b) If the non-officer charged does not admit an alleged previous conviction the prosecutor may, with the leave of the presiding officer, lead evidence to prove such conviction.
- (c) A previous conviction lawfully proved or admitted by the non-officer charged shall be taken into consideration by the presiding officer in imposing penalties.
- (10) The presiding officer may, before imposing penalties, invite such evidence or arguments as he or she considers fit in order to determine the proper penalties to be imposed.
- (11) (a) The non-officer charged and all other members attending the proceedings referred to in this regulation shall be regarded as being on duty and shall be entitled to the travelling privileges and subsistence allowances provided for in regulation D.1 of the Public Service Regulations.
- (b) Witnesses, other than those referred to in paragraph (a), shall be entitled to such subsistence allowances and travelling facilities as are prescribed for witnesses in criminal proceedings in a magistrate's court and the costs shall be met from public funds.
- (12) The non-officer charged shall be responsible for the payment of fees to any legal representative who appears on his or her behalf.
- (13) The non-officer concerned or his or her legal representative may, under the supervision of a member designated by the presiding officer, inspect the record of the proceedings and make a copy thereof, free of charge:

Provided that, if the non-officer concerned so requests, he or she may be furnished with a copy on payment of the fees prescribed by the Inspector-General for the supply of a copy of the record at a summary trial in a magistrate's court.

Penalties to be imposed upon conviction of non-officers in disciplinary proceedings referred to in section 18 of the Act

18. (1) A presiding officer may, upon conviction of a non-officer in respect of any contravention or non-compliance of the Act or any order issued in terms thereof -

- (a) caution or reprimand such non-officer;
 - (b) subject to subregulation (2)(a), recommend to the Inspector-General that the salary or rank or both the salary and rank of the non-officer concerned be reduced to such extent as may be recommended;
 - (c) subject to subregulation (2)(b), impose upon the non-officer concerned a fine not exceeding N\$500, which fine may be recovered by way of deductions from such non-officer's salary or allowances in such instalments as may be determined by the Inspector-General: Provided that the officer concerned may suspend the payment of any fine so imposed, or any part of such fine, for a period not exceeding three years on any condition relating to good conduct; or
 - (d) recommend to the Inspector-General that the non-officer concerned be discharged or be called upon to resign from the Force with effect from a date to be specified by the Inspector-General.
- (2) (a) A penalty imposed in terms of subregulation (1)(b) shall not be such as to reduce the salary of the non-officer concerned below the scale of salary for his or her rank.
- (b) Where a fine has been imposed in terms of subregulation (1)(c), the instalments which may be deducted from the salary or allowances of such non-officer shall not exceed N\$100 per month.

Appeal against conviction and penalties imposed under section 18(5) of the Act

19. (1) (a) A non-officer who intends to appeal in terms of section 18(5) of the Act against a conviction or penalties imposed and confirmed under subsection (3) of the said section, shall within 14 days after the date on which he or she was notified of the confirmation of the conviction and penalties, lodge an appeal with the presiding officer.
- (b) The Inspector-General may, if it appears to him or her that substantial prejudice may occur, extend the said period of 14 days.

(c) In such an appeal the appellant shall -

- (i) specify whether he or she is appealing against both the conviction and the penalties imposed, or against the disciplinary measures or penalties only; and
- (ii) set out clearly in detail the grounds on which the appeal is based.

(2) On receipt of the appeal, the presiding officer shall compile a written reply in which he or she shall set forth -

- (a) the facts found to be proved;
- (b) the reasons for his or her finding regarding any fact in connection with which the appeal is noted; and
- (c) the reasons for his or her ruling on any point of law which was raised or on the admission, credibility or rejection of evidence in connection with which the appeal is lodged.

(3) The presiding officer shall submit the appeal and his or her reply, together with the record of the proceedings and all other relevant documents, to the officer designated by the Inspector-General in terms of section 18(3) of the Act, and he or she shall in turn submit such reply, record and documents to the Inspector-General with such written comment as he or she may consider appropriate.

(4) In the exercise of the powers conferred upon him or her by section 18(5) of the Act, the Inspector-General shall consider the documents submitted to him or her in terms of subregulation (3) without hearing any *viva voce* argument, and if he or she is satisfied that there is sufficient evidence to justify the finding and that, in substance, justice has in fact been done, he or she may disallow the appeal notwithstanding any irregularity or defect, technical or otherwise, in connection with the proceedings or record which do not affect the merits of the case.

Disciplinary proceedings against officers under section 19(1) of the Act

20. (1) If it is suspected that an officer has committed an offence of misconduct, written statements as well as the other relevant documents in relation to such suspicion shall be submitted to the Inspector-General and if the Inspector-General is of the opinion that there are adequate grounds for a charge of misconduct, he or she may in the form prescribed by him or her, charge the officer concerned, in writing, with misconduct and request the officer to submit, within seven days or such other period as he or she may determine, after the date on which he or she was furnished with particulars of the charge, an admission or denial of the charge and an explanation referred to in section 19(1) of the Act.

(2) If a board of enquiry referred to in section 19(2) of the Act consists of one person, such person shall act as chairperson and if the board consists of more than one person, the Inspector-General shall designate one of such persons as the chairperson.

(3) The chairperson shall determine the place, the date and time when the enquiry will be held, notify the prosecutor and the other members of the board accordingly and furnish the prosecutor with a copy of the order constituting the board, for service on the officer charged.

(4) The provisions of regulation 17(1), (2), (4), (5), (6), (8), (9), (10), (11) and (12), shall apply *mutatis mutandis* to a board convened under this regulation, and for the purposes of such application -

- (a) the prosecutor shall be designated by the Inspector-General; and
- (b) (i) any reference to disciplinary proceedings shall be construed as a reference to an inquiry;
- (ii) any reference to the presiding officer shall be construed as a reference to the chairperson of the board;
- (iii) any reference to the non-officer charged shall be construed as a reference to the officer charged; and
- (iv) any reference to the imposition of penalties shall be construed as a reference to the making of a recommendation in terms of section 19(5) of the Act.

(5) The proceedings of such enquiry shall be treated as confidential, and shall be submitted to the Inspector-General.

Appeal or representations against conviction or recommendation under section 19(6) of the Act

21. (1) (a) An officer desiring to appeal under section 19(6) of the Act against a conviction or, with regard to any punishment, make representations to the Minister, shall within 14 days after the date on which he or she was found guilty, lodge with the chairperson his or her appeal or representations or both in which he or she shall set out clearly and in detail the grounds on which the appeal or representations are based.

(b) The Inspector-General may, if it appears to him or her that substantial prejudice may occur, extend the period of 14 days.

(2) (a) The provisions of regulation 19(2) shall apply *mutatis mutandis* to such appeal or representations.

(b) For the purposes of paragraph (a), the reference in regulation 19(2) to the presiding officer shall be construed as a reference to the chairperson.

(3) The chairperson shall forward the appeal or representations, together with the record of the board's proceedings, other relevant documents and his or her reply contemplated in subregulation (2), to the Inspector-General for submission to the Minister.

Conduct sheets

22. (1) A conduct sheet, in the prescribed form, shall be maintained in respect of every member and all convictions for misconduct shall, unless the Inspector-General in general prescribes otherwise, be recorded thereon.

(2) (a) If, for a period of five years since the date of the last conviction appearing on a member's conduct sheet, no further conviction is recorded thereon, all entries shall, subject to paragraph (b), be expunged.

(b) An entry in connection with a conviction in respect of which the sentence or part thereof has been suspended or postponed shall be expunged as soon as all the conditions of such suspension or postponement have been complied with.

(3) Notwithstanding the provisions of subregulation (2), the Inspector-General may prescribe that a conviction which has already been expunged, be taken into account for certain purposes.

Prohibition on wearing of uniform during period of suspension

23. A member who has been suspended from office may not wear uniform during the period of such suspension.

CHAPTER III

GENERAL

Board of inquiry for administrative purposes

24. (1) The Inspector-General may, for administrative purposes, convene a board to enquire into -

- (a) (i) an injury alleged to have been sustained by a member or any other person in the service of the Force in an accident arising out of or in the course of the performance of his or her functions;
- (ii) a disease or indisposition alleged to have been contracted in the course and as a result of the performance of such member's or person's functions;
- (iii) any subsequent incapacitation alleged to be due to the same injury, disease or indisposition; or
- (iv) an indisposition alleged to have resulted from vaccination or inoculation in accordance with the provisions of these regulations;

- (b) the death of a member or any other person in the service of the Force, alleged to have been caused as a result of the circumstances referred to in paragraph (a);
- (c) the absence from duty of a member or any other person in the service of the Force, owing to illness, indisposition or injury alleged to be due to misconduct or serious or deliberate failure to take reasonable precautions;
- (d) the suitability, value and purchase of any supplies, arms, ammunition, accessories and other articles of equipment, means of transport and other animals required for use in the Force or the suitability for further service of any part of the aforesaid property already in use in the Force;
- (e) any deficiency in or damage to or loss of public property or any property in possession of or under the control of the Government or for which the Government is responsible, or any property of a member or other person employed in the Force, which is alleged to have occurred in connection with the performance of his or her functions or duties in the Force;
- (f) any deficiency, loss, damage or expense occasioned to the Government as a result of the alleged wrongful conduct, negligence or carelessness of a member or any other person employed in the Force; or
- (g) any other matter which the Inspector-General may consider necessary.

(2) The convening authority shall appoint an officer as chairperson of such board and may appoint any member who is in his or her opinion well-versed in any matter which is relevant to the enquiry, as a member of the board.

(3) Subject to subregulation (4), the provisions of regulation 12(2) and (4) to (13), inclusive, shall, in so far as these are practicable and not inconsistent with any other provisions of this regulation, apply *mutatis mutandis* to a board of enquiry which is convened in terms of subregulation (1).

- (4) (a) The provisions of subregulations (5) and (10)(b) and (c) of regulation 12 shall apply only if such board is convened in terms of paragraph (f) of subregulation (1) of this regulation or, if convened in terms of any other paragraph of that subregulation, it appears to the chairperson that substantial prejudice may occur if any member is not afforded the privileges in question.
- (b) Notwithstanding the provisions of regulation (10)(e), expert or technical evidence may be produced in the form of a certificate or in any other prescribed form.
- (c) Notwithstanding anything to the contrary contained in these regulations, but subject to the provisions of paragraph (a), written

statements instead of *viva voce* evidence may be considered by the board if, in the opinion of the chairperson, substantial justice will be done notwithstanding the fact that a witness does not personally appear before the board for examination.

(5) The provisions of this regulation shall not apply in respect of a board of survey constituted in accordance with the provisions prescribed by the Inspector-General in relation to durable supplies or other equipment.

Deficiency, loss, damage or expenses

25. (1) Any member may be held liable to make good any deficiency, loss, damage or expense caused to the State as a result of his or her wrongful act, negligence or carelessness or his or her failure to carry out a specific duty, and if more than one member is responsible for such deficiency, loss, damage or expense, they shall be jointly and severally liable.

(2) Unless a member who is held liable in terms of subregulation (1) is prepared to compensate any such deficiency, loss, damage or expense of his or her own accord and unless he or she furnishes within a reasonable time to be determined by the Inspector-General, a proper, acceptable explanation in regard to his or her alleged wrongful act, negligence, carelessness or failure to perform a duty to the Inspector-General or his or her commanding officer to whom the Inspector-General has delegated the powers conferred upon him or her by this regulation, an order against the member concerned for the recovery of the full amount of the deficiency, loss, damage or expense may be issued by -

- (a) the Inspector-General or an officer authorised by him or her, if the amount is N\$1 000 or more and if the member concerned was convicted on a charge of misconduct involving such deficiency, loss, damage or expense or if a board of enquiry convened under regulation 24(1) has found that he or she was responsible therefor; or
- (b) the Inspector-General, an officer authorised by him or her, or the member's commanding officer if the amount is less than N\$1 000 and the Inspector-General or such authorised officer or commanding officer, after careful investigation, is satisfied that such deficiency, loss, damage or expense was in fact caused through the member's wrongful act, negligence, carelessness or omission.

(3) An order made in terms of subregulation (2) shall be served on the member concerned and the amount mentioned in such order shall, subject to the provisions of subregulation (5), be a debt due to the State.

(4) The person authorised in terms of subregulation (2) to issue an order against a member shall, subject to the provisions of subregulation (5), also be competent to order that the amount owing be recovered from the member in such manner and on such conditions as may be prescribed in consultation with the Treasury.

(5) Any member who is aggrieved by an order made against him or her in terms of subregulation (2) by a commanding officer or other officer authorised by the Inspector-General, may within a period of one calendar month from the date on which the order was served on him or her in accordance with subregulation (3), or such further period as the Inspector-General may allow, appeal in writing to the Inspector-General against such order.

(6) After consideration of the appeal and any relevant documents and after such further investigation as may be considered necessary, the Inspector-General may either confirm the order or, with due regard to any directions by the Treasury, exempt the appellant either wholly or in part, as may appear to be just and reasonable, from the provisions of such order.

Payment by the public for police services

26. (1) The Inspector-General shall, with due regard to the provisions of sections 13 and 14 of the Act, determine whether a particular function, duty or service falls within the scope of the normal and generally accepted responsibilities of the Force, and if such function, duty or service does not fall within such scope, it shall, subject to the provisions of subregulation (2), be performed only on such conditions as may be prescribed in consultation with the Treasury.

(2) Notwithstanding the provisions of subregulation (1), the Inspector-General may, subject to the directions of the Minister, authorise that any function, duty or service be carried out free of charge on behalf of any charity or in cases considered to be of general cultural or educational interest.

Deductions from salary

27. (1) From the salary, wage or allowance or other moneys to which a member (including a member deemed to have been discharged under section 9 of the Act) may be entitled, the Inspector-General may deduct any amount for which such member is liable to the State in respect of any -

- (a) fine, suspension, arrest, detention or imprisonment;
- (b) loss of or damage to State property or any property for which the State is responsible;
- (c) deficit, expense, loss, damage, injury or destruction caused by his or her misconduct or any wrongful act, negligence or carelessness on his or her part;
- (d) overpayment of salary or allowances;
- (e) rent for quarters and buildings provided by the State;
- (f) uniform, clothing and equipment issued against repayment;
- (g) authorised assignment of pay;

- (h) compulsory pension contribution;
- (i) compulsory medical aid contribution; and
- (j) official debt or any other liability of a like nature.

(2) Subject to the directions of the Treasury, any amount referred to in subregulation (1) may be deducted in full or in such monthly instalments as the Inspector-General may decide.

Dress, uniform and equipment

28. (1) The distinctive badges, buttons and insignia of rank of the Force shall be as set out in Schedule D.

(2) With due regard to the nature of his or her duties a member shall receive either -

- (a) prescribed articles of uniform at public expense; or
- (b) an allowance for civilian clothes as determined by the Treasury.

(3) Articles of uniform issued to any member in terms of subregulation (2)(a) shall remain the property of the Force and shall be returned when it is replaced or when such member resigns, is dismissed or discharged, unless he or she, with the consent of the Inspector-General, buys such article at a price determined by the Treasury, or with such consent, retains it without payment.

(4) The dress and clothing of the Force, and the control or disposal of any article of uniform or equipment by any member, shall be as prescribed by the Inspector-General.

Police canteens established under section 37 of the Act

29. (1) The Inspector-General may, with due regard to the directions of the Minister, establish a canteen as contemplated in section 37(1) of the Act, if in his or her opinion, the exigencies of the Force as such or of members at any particular place or in any particular area, so require.

(2) With the exception of the necessary accommodation or other necessities which may be provided by the State and such expenditure as the Inspector-General, in consultation with the Treasury, may authorise from public funds, such canteen shall be self-supporting.

(3) A canteen shall be conducted and controlled by a committee constituted in terms of such rules as the Inspector-General may prescribe.

Participation in sport

30. Any member who takes part in any exercise, contest or competition of any sport approved by the Inspector-General and subject to the conditions which the Inspector-General may impose, shall in the case of any injury sustained in the course of such exercise, contest or competition, for the purposes of regulation C.30.1 of the Public Service Regulations be deemed to be on official duty.

Redress of wrongs

31. (1) Any member who feels aggrieved by any act or omission on the part of any other member may complain in writing to his or her immediate commander, and if the grievance concerns such commander or if the latter is not empowered or is unable to redress the wrong or otherwise to satisfy the aggrieved member within a reasonable time, such member may refer the complaint to his or her commanding officer.

(2) If such commanding officer is not empowered or is unable to redress the wrong or otherwise to satisfy the aggrieved member, the commanding officer shall without unreasonable delay submit the complaint for decision to the Inspector-General.

(3) If the Inspector-General is unable to redress the wrong or otherwise to satisfy the aggrieved member, he or she shall, if such member so requests and if there appears to be *prima facie* grounds for such grievance, transmit the complaint to the Minister.

(4) Any member who refers a complaint to a higher authority in terms of this regulation, shall immediately notify the aggrieved member to that effect.

(5) Any member who has lodged a complaint with his or her commander or commanding officer, as the case may be, and whose grievance is not redressed or who has not otherwise been satisfied within a reasonable time, or who has not been advised within a reasonable time that his or her grievance had been referred to a higher authority, may complain directly to such higher authority and ultimately to the Inspector-General, but such member shall, when complaining to such higher authority or to the Inspector-General, simultaneously forward a copy of such further complaint to his or her commanding officer.

(6) The provisions of this regulation shall apply *mutatis mutandis* to any other grievance concerning the Force for which no express provision has been made in the Act or these regulations and which a member may desire to bring to the notice of a higher authority.

Abandoned, lost or unclaimed property

32. (1) A member who finds, takes charge of or otherwise comes into possession of abandoned, lost or unclaimed property, shall hand in such property at a police station for safe-keeping and ultimate disposal in accordance with the provisions of this regulation: Provided that -

- (a) live-stock shall be sent to the nearest pound for disposal in accordance with the provisions of the pound laws which apply in respect of the particular area; and
- (b) if any other law provides for the disposal of such property, the provisions of such law shall be complied with.

(2) Particulars of the property referred to in subregulation (1) shall be recorded in registers prescribed by the Inspector-General and stored in the manner prescribed by him or her until such property can be disposed of in accordance with the provisions of this regulation or any other law.

(3) If the name and address of the owner or a person apparently entitled to possess the property mentioned in subregulation (1) is or becomes known and his or her possession thereof is not in conflict with any law, he or she shall, with due regard to subregulation (1), be called upon by written notice, either served on him or her in person or sent by registered post to his or her last-known address, to claim such property, which may then be delivered to him or her provided he or she is prepared to -

- (a) defray any expenditure which may be incurred in taking care of, storing, maintaining or advertising the property or which may be incurred in the delivery thereof; and
- (b) give a receipt therefor and, if so required, sign an indemnity on the prescribed form:

Provided that if the property referred to in subregulation (1) is a motor vehicle and the owner or a person apparently entitled to the possession of such vehicle fails within 30 days of a notice, as prescribed in this regulation, having been served on or sent to him or her to take possession of such vehicle subject to the provisions of this regulation, the vehicle may be sold by public auction and the proceeds shall, subject to the provisions of subregulation (8), be paid into the State Revenue Fund.

(4) If such property remains in police custody for a reasonable time without being claimed and the name and address of the owner or any person apparently entitled thereto cannot be ascertained in the ordinary course of police functions, particulars thereof shall, subject to subregulation (1) and with due regard to the provisions of section 13 of the Act, be advertised or circulated in accordance with the directions of the Inspector-General: Provided that -

- (a) the property concerned shall bear sufficient distinctive marks to enable it to be identified on a description; and

- (b) the estimated value thereof is considered sufficient to justify the expenditure.

(5) Unless property as referred to in subregulation (1) has in terms of paragraph (a) or (b) of that subregulation or subregulation (3) been disposed of or is likely to be disposed of within a reasonable time and the possession of such property by the *bona fide* finder is not in conflict with any law, such finder may, if he or she can be located, be called upon by way of written notice either served on him or her personally or sent by registered post to his or her last-known address to claim such property subject to the provisions of subregulation (7)(a), after the expiry of three calendar months or, in the case of property of low value, one calendar month reckoned from the date on which such property was handed in, which property may then be delivered to him or her provided he or she is prepared to comply with the provisions of subregulation (3)(a) and (b), which shall apply *mutatis mutandis* to this matter.

(6) Property referred to in subregulation (1) which has not been or cannot be disposed of in accordance with the provisions of paragraphs (a) and (b) of that subregulation or subregulation (3) or (5) shall, with due regard to the provisions of subregulation (7) and the directions of the Inspector-General, at the expiry of the periods referred to in subregulation (5), be sold by public auction, and the proceeds shall be paid into the State Revenue Fund: Provided that where such property can be used by the Force in any manner for official purposes, the Inspector-General may appropriate any such property for such purpose.

(7) Notwithstanding any provision to the contrary contained in this regulation -

- (a) a *bona fide* finder who is a member shall not be entitled to claim or receive any property which was handed in by him or her in accordance with the provisions of subregulation (1);
- (b) any commander or officer may extend any period referred to in subregulation (5) or (6) if he or she is of the opinion that a particular article is exceptionally valuable or of intrinsic value or if he or she is of the opinion that there is a sound reason for such extension;
- (c) property of a perishable nature or which is apparently valueless and not claimed within a reasonable time after the date on which it was taken charge of, may forthwith but subject to the directions of the Inspector-General and with due regard to the nature and condition thereof, either be delivered to the *bona fide* finder or sold or destroyed;
- (d) but subject to the provisions of any other law and with due regard to the directions of the Treasury, a procedure may be prescribed by the Inspector-General for the disposal of explosives, arms, ammunition, liquor, money, negotiable instruments, stamps, money orders, postal orders, deposit books, uniforms, medals and all other articles of whatever nature, which are handed in at a police station in accordance with the provisions of subregulation (1) and the

possession, purchase or sale of which is controlled or prohibited by any such law or the sale of which by public auction is, in the opinion of the Inspector-General, undesirable.

(8) If property which was taken charge of or stored, is sold in terms of subregulation (6) or by order of the Inspector-General, the proceeds of the sale, less any expenditure of whatever nature in connection with the transport, safe-keeping, storage, care, advertising or sale of such property, may be refunded to the lawful owner or any other person who is entitled thereto.

(9) For the purposes of this regulation "public auction" shall mean any sale by a licensed auctioneer at a public sale or, at places where the services of such an auctioneer are not available, any sale in public at premises under the control of the police and by a member who is authorised by his or her commander to sell, after public notice in the manner prescribed by the Inspector-General has been given at least seven days prior to the intended sale in the vicinity of the premises concerned, any property which has been abandoned, lost or unclaimed.

Departures in time of war or national emergency

33. If a state of war or national emergency arises, the Inspector-General may, subject to the provisions of the Act and section 7(3) of the Public Service Act, 1980 (Act 2 of 1980), authorise a departure from the provisions of these regulations, either in general or in respect of a particular member.

SCHEDULE A

(Regulation 5(2)(a)(vi) and (5))

ACCESSION TO OFFICE ON APPOINTMENT AND ENROLMENT

I, solemnly state

- (a) that I shall defend and uphold the Constitution of Namibia;
- (b) that I shall perform my duties as a member of the Namibian Police to the best of my ability, and in particular, faithfully and impartially -
 - (i) preserve the internal security of Namibia;
 - (ii) maintain law and order;
 - (iii) investigate any offence or alleged offence; and
 - (iv) prevent crimes and protect life and property;
- (c) that I shall abide by the provisions of the Police Act, 1990 (Act 19 of 1990), and any regulations or rules made thereunder and obey any orders or instructions issued in pursuance of the said Act, regulations or rules.

I know and understand the contents of this declaration. I object/do not have any objection* to taking the prescribed oath. I consider/do not consider* the prescribed oath to be binding on my conscience.

* I swear that the contents of this declaration are true.

SO HELP ME GOD

*I truly affirm that the contents of this declaration are true.

.....
SIGNATURE OF WITNESS

.....
SIGNATURE OF DEPONENT

I certify that the deponent has acknowledged that he/she knows and understands the contents of this declaration, which was sworn to/affirmed* before me on this day of 19 and signed in my presence.

DATE:

PLACE:

.....
SIGNATURE OF
COMMISSIONER OF OATHS

PLEASE PRINT

FULL NAMES:

BUSINESS ADDRESS:

DESIGNATION (RANK): EX OFFICIO

* Delete the words not applicable

SCHEDULE B

(Regulation 6)

NAMIBIAN POLICE

CERTIFICATE OF APPOINTMENT

This is to certify that

has on been appointed a member of the
 Namibian Police and that he/she holds the rank of

since

Signed by me this day of 19.....

PLACE:

INSPECTOR-GENERAL OF
 THE NAMIBIAN POLICE

SCHEDULE C

(Regulation 8(1))

RANKS IN THE FORCE

1. Members (excluding auxiliary members):

(a) Officers:

- (i) Inspector-General;
- (ii) deputy Inspector-General;
- (iii) assistant Inspector-General;
- (iv) commissioner;
- (v) deputy commissioner;
- (vi) chief inspector; and
- (vii) inspector.

(b) Non-officers:

- (i) Warrant officer class 1;
- (ii) warrant officer;
- (iii) first sergeant;
- (iv) sergeant;
- (v) constable.

2. Auxiliary members:

- (a) Chief protection officer;
- (b) senior protection officer;
- (c) protection officer class 1; and
- (d) protection officer.

SCHEDULE D

(Regulation 28(1))

BADGES, BUTTONS AND INSIGNIA OF RANK

1. Badges:

- (a) A twelve-pointed sun, in the centre of which appears the coat-of-arms of the Republic of Namibia within a circle. The words "Namibian Police" appear as circumscription on the rim of the circle, above the coat-of-arms.
- (b) A shoulder-flash depicting the National Flag of the Republic of Namibia. The words "Police" and "Namibia" appear above and below the flag, respectively, on the flash.

2. Buttons:

Dome-shaped, embossed with the badge as described in paragraph 1(a).

3. Insignia of rank:

Inspector-General	Crossed sword and baton below two separate fish eagles within a laurel wreath.
Deputy Inspector-General	Crossed sword and baton below one fish eagle within a laurel wreath.
Assistant Inspector-General	Crossed sword and baton below one sun.
Commissioner	Three suns in a triangle below a fish eagle within a laurel wreath.
Deputy Commissioner	Two suns below a fish eagle within a laurel wreath.
Chief Inspector	One sun below a fish eagle within a laurel wreath.
Inspector	Three suns.
Warrant Officer class 1	A fish eagle within a laurel wreath.
Warrant Officer	A sun within a laurel wreath.

First Sergeant

A three-bar chevron below a fish eagle within a laurel wreath.

Sergeant

A three-bar chevron below a sun.
