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GOVERNMENT GAZETTE

STAATSKOERANT

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DEPARTMENT OF THE PRIME MINISTER

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 1270.

13 June 1979.

It is hereby notified that the Acting State President has assented to the following Act which is hereby published for general information:—

No. 64 of 1979: Police Amendment Act, 1979.

No. 1270.

13 Junie 1979.

Hierby word bekend gemaak dat die Waarnemende Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 64 van 1979: Polisiewysigingswet, 1979.

Act No. 64, 1979

POLICE AMENDMENT ACT, 1979.

GENERAL EXPLANATORY NOTE:

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Words in bold type in square brackets indicate omissions from existing enactments.

Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the Police Act, 1958, so as to further regulate the functions of the South African Police; to make new provision in connection with contraventions of the provisions of the said Act and the procedure in case of alleged misconduct of commissioned officers; to repeal the provisions of the said Act relating to places for imprisonment of certain offenders; to authorize the Commissioner of the South African Police to dismiss certain members of the said Police in certain circumstances; to prohibit the publication of certain statements; to further regulate the appointment of special constables; to make new provision in respect of the Police Reserve, and the remuneration of the members of the said Police; and to effect certain textual changes; and to provide for matters connected therewith.

(Afrikaans text signed by the Acting State President.)
(Assented to 6 June 1979.)

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa; as follows:—

Amendment of
section 1 of
Act 7 of 1958,
as amended by
section 1 of
Act 53 of 1961,
section 1 of
Act 64 of 1964,
section 1 of
Act 74 of 1967,
section 1 of
Act 94 of 1972
and section 1 of
Act 34 of 1973.

1. Section 1 of the Police Act, 1958 (hereinafter referred to as the principal Act), is hereby amended by the substitution for the definition of "member of the Force" of the following definition: 5
"member of the Force" means any commissioned officer, warrant-officer, non-commissioned officer or constable serving in the South African Police in accordance with this Act and includes, except for the purposes of any provision of this Act in respect of which the Commissioner may subject to the directions of the Minister otherwise prescribe, any member of the Police Reserve or the Reserve Police Force while **employed** serving in the Force and any temporary member while **so** 15 employed in the Force;"

Amendment of
section 6 of
Act 7 of 1958,
as amended by
section 4 of
Act 64 of 1964,
section 1 of
Act 74 of 1965
and section 3 of
Act 34 of 1973.

2. Section 6 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (4) of the following paragraph:

"(a) Notwithstanding anything to the contrary in any law contained, any member of the Force may, in the performance of the functions referred to in section 5, search without warrant any person, premises, other place, vehicle, vessel or aircraft, or any receptacle of whatever nature, at any place in the Republic within a distance of **one mile** ten kilometres of any border between the Republic and any foreign State or territory and seize anything found by him upon such person or upon or at or in such premises, other place, vehicle, vessel, aircraft 30 or receptacle."

ALGEMENE VERDUIDELIKENDE NOTA:

[**]** Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordeninge aan.

_____ Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordeninge aan.

WET

Tot wysiging van die Polisiewet, 1958, ten einde die werksaamhede van die Suid-Afrikaanse Polisie verder te reël; nuwe voorsiening te maak in verband met oortredings van die bepalings van genoemde Wet en die prosedure in geval van beweerde wangedrag van offisiere; die bepalings van genoemde Wet met betrekking tot plekke vir gevangesetting van sekere oortreders te herroep; die Kommissaris van die Suid-Afrikaanse Polisie te magtig om sekere lede van genoemde Polisie onder sekere omstandighede te ontslaan; die publiseer van sekere verklarings te verbied; die aanstelling van spesiale konstabels verder te reël; ten opsigte van die Polisie-reserwe, en die besoldiging van die lede van genoemde Polisie, nuwe voorsiening te maak; en sekere teksveranderinge aan te bring; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Afrikaanse teks deur die Waarnemende Staatspresident geteken.)
(Goedgekeur op 6 Junie 1979.)

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

1. Artikel 1 van die Polisiewet, 1958 (hieronder die Hoofwet 5 genoem), word hierby gewysig deur die omskrywing van „lid van die Mag” deur die volgende omskrywing te vervang:

„lid van die Mag” ’n offisier, adjudant-offisier, onderoffisier of konstabel wat ingevolge hierdie Wet in die Suid-Afrikaanse Polisie dien, en ook, behalwe by die toepassing van enige bepaling van hierdie Wet ten opsigte waarvan die Kommissaris onderworpe aan die voorskrifte van die Minister anders voorskryf, ’n lid van die Polisie-reserwe of die Reserwepolisiemag terwyl hy in die Mag **[in diens geneem is]** dien, en ’n tydelike lid terwyl hy **[aldus]** in die Mag in diens geneem is;”.
2. Artikel 6 van die Hoofwet word hierby gewysig deur paragraaf (a) van subartikel (4) deur die volgende paragraaf te vervang:

20 „(a) Ondanks andersluidende wetsbepalings kan ’n lid van die Mag by die verrigting van die in artikel 5 bedoelde werksaamhede, sonder lasbrief enige persoon, perseel, ander plek, voertuig, vaartuig of vliegtuig of enige houer van watter aard ook al op enige plek in die Republiek binne ’n afstand van 25 **[een myl]** tien kilometer vanaf enige grens tussen die Republiek en ’n vreemde Staat of gebied visenteer en enige voorwerp in beslag neem wat hy op bedoelde persoon of op of by of in bedoelde perseel, ander plek, voertuig, vaartuig, vliegtuig of 30 houer vind.”.

Wysiging van artikel 1 van Wet 7 van 1958, soos gewysig deur artikel 1 van Wet 53 van 1961, artikel 1 van Wet 64 van 1964, artikel 1 van Wet 74 van 1967, artikel 1 van Wet 94 van 1972 en artikel 1 van Wet 34 van 1973.

Wysiging van artikel 6 van Wet 7 van 1958, soos gewysig deur artikel 4 van Wet 64 van 1964, artikel 1 van Wet 74 van 1965 en artikel 3 van Wet 34 van 1973.

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Amendment of
section 7 of
Act 7 of 1958,
as amended by
section 5 of
Act 64 of 1964.

3. Section 7 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) The State President may in the event of war or other emergency, employ the Force or any part thereof to assist in the defence of the Republic, whether within or outside the Republic, [but in South Africa] and may place the Force or any part thereof, while so employed, under the orders and directions of such person as the State President may for that purpose appoint.”.

Amendment of
section 9 of
Act 7 of 1958,
as amended by
section 1 of
Act 43 of 1958,
section 4 of
Act 53 of 1961,
section 7 of
Act 64 of 1964,
section 3 of
Act 94 of 1972,
section 4 of
Act 34 of 1973
and section 1 of
Act 90 of 1977.

4. Section 9 of the principal Act is hereby amended— 10

(a) by the substitution for subsection (6) of the following subsection:

“(6) Any member of the Force who has been convicted and sentenced by a commissioned officer under this section, may, subject to the provisions of the regulations, appeal to the Commissioner against the conviction and sentence, and thereupon the Commissioner may—

(a) confirm the conviction and sentence; or

(b) make such finding or impose such sentence as, in his opinion, should have been made or imposed at the trial of such member; or

(c) allow the appeal if he is of opinion that the conviction should be set aside on the ground of a wrong decision on any question of law or that on any ground there was a failure of justice; or

(d) make such other order as justice may require.”;

(b) by the substitution for subsection (9) of the following subsection:

“(9) Whenever any member of the Force has been convicted and sentenced by a commissioned officer under this section, the Commissioner may, if he thinks fit, direct that the record of the proceedings in the case be submitted to him for review, and may thereupon [confirm the sentence or make such finding or impose such sentence which, in his opinion, should have been made or imposed at the trial of such member] act in respect of the conviction and sentence as provided by subsection (6).”; and

(c) by the addition of the following subsection: 40

“(10) Whenever the Commissioner sets aside a conviction and sentence under subsection (6) or (9) on the ground that there has been any technical irregularity or defect in the procedure, proceedings under subsection (2) in respect of the same offence to which the conviction and sentence referred shall, if the Commissioner so directs, again be instituted either on the original charge, suitably amended where necessary, or upon any other charge, as if the member of the Force concerned had not previously been tried and convicted under subsection (2): Provided that the commissioned officer before whom the original trial took place under subsection (2) shall not conduct the trial so directed by the Commissioner.”.

Amendment of
section 10 of
Act 7 of 1958,
as amended by
section 8 of
Act 64 of 1964
and section 4 of
Act 74 of 1967.

5. Section 10 of the principal Act is hereby amended— 55

(a) by the substitution for subsection (4) of the following subsection:

“(4) At the investigation of any charge under this section, the provisions of the law relating to evidence and witnesses as applicable in connection with criminal proceedings in a magistrate's court, except [the first proviso to subsection (1) of section two hundred and forty-four of the Criminal Procedure Act, 1955 (Act

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3. Artikel 7 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:
- „(1) Die Staatspresident kan in geval van oorlog of ander noodtoestand, die Mag of enige deel daarvan gebruik om in verband met die verdediging van die Republiek te dien, hetsy binne of buite die Republiek, **[maar in Suid-Afrika]** en kan die Mag of 'n deel daarvan wat aldus dien onder die bevel en beheer stel van 'n persoon wat die Staatspresident daartoe aanstel.”.
4. Artikel 9 van die Hoofwet word hierby gewysig—
- (a) deur subartikel (6) deur die volgende subartikel te vervang:
- „(6) 'n Lid van die Mag wat ingevolge hierdie artikel deur 'n offisier skuldig bevind en gevonnissen is, kan, onderworpe aan die bepalings van die regulasies, teen die skuldigbevinding en vonnis by die Kommissaris appèl aanteken, en daarop kan die Kommissaris—
- (a) die skuldigbevinding en vonnis bekragtig; of
- (b) die bevinding maak of die vonnis oplê wat, na sy oordeel, by die verhoor van daardie lid gemaak of opgelê moes gewees het; of
- (c) die appèl handhaaf indien hy van oordeel is dat die skuldigbevinding op grond van 'n verkeerde beslissing oor 'n regspraak tersyde gestel behoort te word of dat om enige rede geregtigheid nie geskied het nie; of
- (d) die ander bevel uitreik wat geregtigheid vereis.”;
- (b) deur subartikel (9) deur die volgende subartikel te vervang:
- „(9) Wanneer 'n lid van die Mag ingevolge hierdie artikel deur 'n offisier skuldig bevind en gevonnissen is, kan die Kommissaris na goeë dunnke gelas dat die relaas van die verrigtinge in die saak vir hersiening aan hom voorgelê word, en daarop **[die vonnis bekragtig of die bevinding maak of die vonnis oplê wat, na sy oordeel, by die verhoor van daardie lid gemaak of opgelê moes gewees het]** ten opsigte van die skuldigbevinding en vonnis optree soos by subartikel (6) bepaal.”; en
- (c) deur die volgende subartikel by te voeg:
- „(10) Wanneer die Kommissaris 'n skuldigbevinding en vonnis kragtens subartikel (6) of (9) tersyde stel op grond daarvan dat daar 'n tegniese onreëlmatigheid of gebrek by die prosedure was, word stappe kragtens subartikel (2) ten opsigte van dieselfde misdryf waarop die skuldigbevinding en vonnis betrekking gehad het, hetsy op die oorspronklike aanklag, met gepaste wysigings waar nodig, of op 'n ander aanklag, op las van die Kommissaris weer ingestel asof die betrokke lid van die Mag nie voorheen kragtens subartikel (2) verhoor en skuldig bevind was nie: Met dien verstande dat die offisier voor wie die oorspronklike verhoor kragtens subartikel (2) gedien het, nie die verhoor wat deur die Kommissaris aldus gelas word, mag waarneem nie.”.
5. Artikel 10 van die Hoofwet word hierby gewysig—
- (a) deur subartikel (4) deur die volgende subartikel te vervang:
- „(4) By die ondersoek van 'n aanklag ingevolge hierdie artikel geld die wetsbepalings wat met betrekking tot getuies en getuies in verband met strafsake in 'n landdroshof van toepassing is, met uitsondering van **[die eerste voorbehoudsbepaling by subartikel (1) van artikel twee-honderd vier-en-veertig van die Strafproseswet, 1955 (Wet No. 56 van 1955)]**

Wysiging van artikel 7 van Wet 7 van 1958, soos gewysig deur artikel 5 van Wet 64 van 1964.

Wysiging van artikel 9 van Wet 7 van 1958, soos gewysig deur artikel 1 van Wet 43 van 1958, artikel 4 van Wet 53 van 1961, artikel 7 van Wet 64 van 1964, artikel 3 van Wet 94 van 1972, artikel 4 van Wet 34 van 1973 en artikel 1 van Wet 90 van 1977.

Wysiging van artikel 10 van Wet 7 van 1958, soos gewysig deur artikel 8 van Wet 64 van 1964 en artikel 4 van Wet 74 van 1967.

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No. 56 of 1955)] paragraph (a) of the proviso to section 217 (1) of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), shall apply.”;

- (b) by the substitution for the proviso to subsection (6) of the following proviso: 5

“Provided that if the officer charged admits, pursuant to a request under subsection (1) or to the board, that he is guilty of the misconduct in question, he may, if the Commissioner approves, be found guilty without any evidence having been adduced.”; and 10

- (c) by the substitution for subsection (6C) of the following subsection:

“(6C) The Minister may, after considering the record of the proceedings before the board of enquiry, the recommendations of the board and the Commissioner 15 and the grounds of appeal of and any representations made by the officer charged—

- (a) set aside the finding of the board; or

- [(a)] (b) direct that no further action be taken in the matter; or 20

- [(b)] (c) direct that the matter be re-submitted to him for disposal in terms of this section after the expiry of such period, not exceeding 12 months, as he may specify; or

- [(c)] (d) direct that the officer concerned be cautioned or 25 reprimanded; or

- [(d)] (e) impose a fine not exceeding R100 which may be recovered by way of stoppages from the salary or allowances of the officer concerned; or

- [(e)] (f) direct that the salary of the officer concerned be 30 reduced to a lower notch on the scale applicable to his rank; or

- [(f)] (g) direct that the matter be referred to the State President, who may thereupon take any steps 35 referred to in section 3; or

- (h) make such other order as to him seems just.”.

Amendment of section 11 of Act 7 of 1958.

6. Section 11 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) Any such witness who—

- (a) at any such enquiry or trial makes on oath any false 40 statement knowing it to be false, shall be guilty of an offence and liable on conviction to the penalties prescribed by law for the crime of perjury; or

- (b) does anything in relation to any such enquiry or trial 45 which if done in relation to a court of law would have constituted contempt of court, shall be guilty of an offence and liable on conviction to the penalties which may be imposed under the law for the offence of contempt of court.”.

Repeal of section 13 of Act 7 of 1958.

7. Section 13 of the principal Act is hereby repealed. 50

Amendment of section 17 of Act 7 of 1958, as amended by section 6 of Act 53 of 1961 and section 10 of Act 64 of 1964.

8. Section 17 of the principal Act is hereby amended—

- (a) by the insertion of the following subsection after subsection (1):

“(1A) Notwithstanding the provisions of subsection (1), the Commissioner may discharge any such member 55 from the Force in the absence of any such enquiry—

- (a) if the member undergoes imprisonment on account of a sentence of imprisonment without the option of a fine; or

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paragraaf (a) van die voorbehoudsbepaling by artikel 217 (1) van die Strafproseswet, 1977 (Wet No. 51 van 1977).”;

(b) deur die voorbehoudsbepaling by subartikel (6) deur die volgende voorbehoudsbepaling te vervang:

„Met dien verstande dat indien die aangeklaagde offisier, ingevolge 'n versoek kragtens subartikel (1) of teenoor die raad erken dat hy aan die betrokke wangedrag skuldig is, hy, indien die Kommissaris dit goedkeur, skuldig bevind kan word sonder dat getuienis aagevoer is.”; en

(c) deur subartikel (6C) deur die volgende subartikel te vervang:

„(6C) Die Minister kan, na oorweging van die relaas van die verrigtinge voor die raad van ondersoek, die aanbevelings van die raad en die Kommissaris, en die appèlgronde van en vertoë gerig deur die aangeklaagde offisier—

(a) die bevinding van die raad tersyde stel; of
 (b) gelas dat geen verdere stappe in verband met die saak gedoen word nie; of

(c) gelas dat die saak weer vir afhandeling ingevolge hierdie artikel aan hom voorgelê word na verstryking van die tydperk, maar hoogstens 12 maande, wat hy bepaal; of

(d) gelas dat die betrokke offisier gewaarsku of berispe word; of

(e) 'n boete van hoogstens R100 oplê, wat by wyse van aftrekkings van die salaris of toelaes van die betrokke offisier verhaal kan word; of

(f) gelas dat die salaris van die betrokke offisier verlaag word na 'n laer kerf op die skaal wat op sy rang van toepassing is; of

(g) gelas dat die saak na die Staatspresident verwys word, wat daarop enige van die in artikel 3 bedoelde stappe kan doen; of

(h) so 'n ander bevel uitvaardig as wat hy billik ag.”.

6. Artikel 11 van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

„(2) So 'n getuie wat—

(a) by so 'n ondersoek of verhoor 'n valse verklaring onder eed maak met die wete dat dit vals is, is aan 'n misdryf skuldig en by veroordeling strafbaar met die strawwe volgens wet vir die misdaad van meened voorgeskryf; of

(b) in verband met so 'n ondersoek of verhoor iets doen wat, indien dit in verband met 'n geregshof gedoen was, minagting van die hof sou uitgemaak het, is aan 'n misdryf skuldig en by veroordeling strafbaar met die strawwe wat kragtens die reg vir die misdryf van minagting van die hof opgelê kan word.”.

Wysiging van
artikel 11 van
Wet 7 van 1958.

7. Artikel 13 van die Hoofwet word hierby herroep.

Herroeping van
artikel 13 van
Wet 7 van 1958.

8. Artikel 17 van die Hoofwet word hierby gewysig—

(a) deur na subartikel (1) die volgende subartikel in te voeg:
 „(1A) Ondanks die bepalinge van subartikel (1) kan die Kommissaris so 'n lid by ontstentenis van so 'n ondersoek uit die Mag ontslaan—

(a) indien die lid gevangenisstraf ondergaan uit hoofde van 'n vonnis van gevangenisstraf sonder die keuse van 'n boete; of

Wysiging van
artikel 17 van
Wet 7 van 1958,
soos gewysig deur
artikel 6 van
Wet 53 van 1961
en artikel 10 van
Wet 64 van 1964.

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- (b) within a period of 12 months after the member's enrolment as a member of the Force, if it appears to the Commissioner that, on account of unfitness for his duties or incapacity to carry them out efficiently, the member is unfit to remain in the Force."'; and
- (b) by the substitution for subsection (2) of the following subsection:
- "(2) Any **[such]** member mentioned in subsection (1) or (1A) may in the manner prescribed by the regulations appeal to the Minister against an order discharging or dismissing him or reducing him in rank, and in such event the Minister may confirm, alter or set aside such order or make such other order as to him seems just."

Insertion of section 27B in Act 7 of 1958.

9. The following section is hereby inserted in the principal Act after section 27A:

27B. (1) Any person who publishes any untrue matter in relation to any action by the Force or any part of the Force, or any member of the Force in relation to the performance of his functions as such a member, without having reasonable grounds (the onus of proof of which shall rest on such person) for believing that that statement is true, shall be guilty of an offence and on conviction liable to a fine not exceeding R10 000 or to imprisonment for a period not exceeding five years or to both such fine and such imprisonment.

(2) No prosecution shall be instituted in respect of an offence referred to in subsection (1) except upon the written authority of the attorney-general concerned."

Amendment of section 34 of Act 7 of 1958, as amended by section 9 of Act 53 of 1961, section 20 of Act 64 of 1964 and section 6 of Act 74 of 1967.

10. Section 34 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) Whenever there are not in any locality sufficient ordinary members of the Force available to perform police duties or any particular police duty therein, or to convey any person in lawful custody from such locality to any other place, **[the Minister or, if authorized thereto by the Minister either generally or in any particular case]** any commissioned officer, magistrate, additional magistrate, assistant magistrate, Commissioner, Additional Commissioner or Assistant Commissioner in that locality may appoint as temporary members to act as such, so many fit and proper persons as may be necessary for the performance of any such duty as aforesaid."

Amendment of section 34A of Act 7 of 1958, as inserted by section 21 of Act 64 of 1964, substituted by section 1 of Act 15 of 1975 and amended by section 1 of Act 34 of 1976 and section 10 of Act 90 of 1977.

11. Section 34A of the principal Act is hereby amended—

- (a) by the substitution for subsection (2) of the following subsection:
- "(2) (a) Every member of the Police Reserve referred to in subsection (1) **[(a) or] (b) or (bA)** shall in writing notify an officer designated by the Commissioner, of his name and residential address within three months after he has become a member.
- (b) Every member of the Police Reserve shall in writing notify the said officer of any change of his residential address within 14 days of such change.
- (c) In any prosecution of any **[such]** member of the Police Reserve for a contravention of any provision of paragraph (a) or (b), the member concerned shall be deemed not to have notified the said officer of his name and residential address or of any change of his residential address, unless **[he—**
- (i) produces an acknowledgement by the said officer of his notice of his name and address or of any change of his address, as circumstances may require; or

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(b) binne 'n tydperk van 12 maande na die lid se inlywing as 'n lid van die Mag, indien dit aan die Kommissaris blyk dat die lid weens ongeskiktheid vir sy pligte of onvermoë om hulle op bekwame wyse uit te voer ongeskik is om in die Mag te bly.''; en

(b) deur subartikel (2) deur die volgende subartikel te vervang:
 „(2) **【So 'n lid】** 'n Lid in subartikel (1) of (1A) vermeld kan op die by regulasie voorgeskrewe wyse teen 'n bevel waarby hy ontslaan of afgedank of in rang verlaag word, by die Minister appèl aanteken, en in so 'n geval kan die Minister die bevel bekrachtig, verander of tersyde stel of so 'n ander bevel uitvaardig as wat hy billik ag.'';

9. Die volgende artikel word hierby in die Hoofwet na artikel 27A ingevoeg:

Invoeging van artikel 27B in Wet 7 van 1958.

„Verbod op publseer van sekere onware verkla-
 rings.
27B. (1) Iemand wat 'n onwaarheid publiseer met betrekking tot enige optrede deur die Mag of 'n deel van die Mag, of 'n lid van die Mag met betrekking tot die verrigting van sy werksaamhede as so 'n lid, sonder om redelike gronde (waarvan die bewyslas op so iemand rus) daarvoor te hê om te vermoed dat daardie verklaring waar is, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R10 000 of met gevangenisstraf vir 'n tydperk van hoogstens vyf jaar of met daardie boete sowel as daardie gevangenisstraf.

(2) Geen vervolging word ten opsigte van 'n misdryf in subartikel (1) bedoel, ingestel nie behalwe op die skriftelike magtiging van die betrokke prokureur-generaal.'';

10. Artikel 34 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

Wysiging van artikel 34 van Wet 7 van 1958, soos gewysig deur artikel 9 van Wet 53 van 1961, artikel 20 van Wet 64 van 1964 en artikel 6 van Wet 74 van 1967.

„(1) Wanneer daar op die een of ander plek nie voldoende gewone lede van die Mag beskikbaar is om polisiewerksaamhede of 'n bepaalde polisiewerksaamheid aldaar te verrig of om enigiemand in wettige aanhouding van daardie plek na 'n ander plek te bring nie, kan **【die Minister of (indien algemeen of in 'n besondere geval deur die Minister daartoe gemagtig)】** 'n offisier, landdros, addisionele landdros, assistent-landdros, Kommissaris, Addisionele Kommissaris of Assistent-kommissaris op daardie plek soveel geskikte persone as tydelike lede aanstel om in die hoedanigheid op te tree as wat vir die verrigting van so 'n voormelde werksaamheid nodig mag wees.'';

11. Artikel 34A van die Hoofwet word hierby gewysig—

Wysiging van artikel 34A van Wet 7 van 1958, soos ingevoeg deur artikel 21 van Wet 64 van 1964, vervang deur artikel 1 van Wet 15 van 1975 en gewysig deur artikel 1 van Wet 34 van 1976 en artikel 10 van Wet 90 van 1977.

(a) deur subartikel (2) deur die volgende subartikel te vervang:

„(2) (a) Elke in subartikel (1) **【(a) of】** (b) of (bA) bedoelde lid van die Polisie-reserwe moet binne drie maande nadat hy so 'n lid geword het, 'n beampte wat deur die Kommissaris aangewys word, skriftelik van sy naam en **【adres】** woonadres in kennis stel.

(b) Elke lid van die Polisie-reserwe moet binne 14 dae na 'n verandering van sy **【adres】** woonadres genoemde beampte skriftelik daarvan in kennis stel.

(c) By vervolging van **【so】** 'n lid van die Polisie-reserwe weens 'n oortreding van 'n bepaling van paragraaf (a) of (b), word die betrokke lid geag nie genoemde beampte van sy naam en **【adres】** woonadres of van 'n verandering van sy **【adres】** woonadres in kennis te gestel het nie, tensy **【hy—**

(i) 'n erkenning deur genoemde beampte van sy kennisgewing van sy naam en adres of van 'n verandering van sy adres, na gelang van omstandighede, toon; of

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- (ii) **adduces other** proof to the satisfaction of the court is adduced that [he has in fact notified the said officer of his name and address or of any change of his address, as circumstances may require] the member 5 concerned did in fact comply with such provision or took all reasonable steps to comply therewith.”;
- (b) by the substitution for subsection (3) of the following subsection: 10
 “(3) The Minister or any commissioned officer acting under his authority may, from time to time, by notice in writing, sent by post or delivered, order any member of the Police Reserve, other than a member who has attained the age of 65 years, to report for training or 15 service to the officer in charge of such police station or institution as may be specified in such notice, and at such time and for such period as may be so specified: Provided that the Minister or any such commissioned officer may exempt any such member from any 20 obligation imposed upon him in terms of this section or may [notwithstanding the provisions of section 17, discharge or dismiss any such member from the Force] grant him an extension of time to comply 25 therewith.”;
- (c) by the insertion of the following subsection after subsection (3):
 “(3A) The Minister or any commissioned officer acting under his authority may, notwithstanding the provisions of section 17, discharge or dismiss any 30 member of the Police Reserve from that reserve.”;
- (d) by the substitution for subsection (4) of the following subsection:
 “(4) No member of the Police Reserve referred to in subsection (1) (a), **[or] (b) or (bA)** shall be compelled 35 to serve in the Force in a rank inferior to the rank in which he served in the Force at the termination of his permanent service.”;
- (e) by the substitution for subsection (5) of the following subsection: 40
 “(5) The period referred to in subsection (3) shall, subject to the provisions of **[subsections]** subsection (11), **[and (12)]** not exceed **[thirty]** 90 days per year, and in the aggregate not 150 days in the case of 45 any person who becomes a member of the Police Reserve before 1 July 1979, or 180 days in the case of any person who becomes a member of the Police Reserve on or after 1 July 1979: Provided that where any member of the Police Reserve has on or after 1 July 1979 rendered more than two years continuous service 50 in a permanent capacity in the Force, his obligation so to serve shall be reduced by 30 days in respect of every completed year of such continuous service.”;
- (f) by the substitution for subsection (6) of the following subsection: 55
 “(6) The provisions of subsection (3) shall not apply—
 (a) to a member of the Police Reserve referred to in subsection (1) (a), **[or] (b) or (bA)** after the expiration of a period of five years as from the date 60 on which he terminated his service in a permanent capacity in the Force or the date on which he was discharged or dismissed from the Force or was retired on pension from such service; or
 (b) to a member of the Police Reserve referred to in 65 subsection (1) (c) after the expiration of the periods or period determined by subsection (11) **[or (12)]** or if he was allotted to the Force for training and

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- (ii) **ander**] bewys ten genoeë van die hof **[lewer]** gelewer word dat **[hy inderdaad genoemde beampte van sy naam en adres of van 'n verandering van sy adres, na gelang van omstandighede, in kennis gestel het]** die betrokke lid inderdaad aan so 'n bepaling voldoen het of alle redelike stappe gedoen het om daaraan te voldoen.”;
- (b) deur subartikel (3) deur die volgende subartikel te vervang:
 „(3) Die Minister of 'n offisier wat op sy gesag handel, kan van tyd tot tyd, by skriftelike kennisgewing, deur die pos bestel of oorhandig, 'n lid van die Polisereserwe, behalwe 'n lid wat die ouderdom van 65 jaar bereik het, beveel om hom vir opleiding of diens aan te meld by die beampte in bevel van 'n polisiestasie of -inrigting wat in die kennisgewing vermeld word en op die tyd en vir die tydperk wat aldus vermeld word: Met dien verstande dat die Minister of so 'n offisier so 'n lid kan vrystel van 'n verpligting wat hom ingevolge hierdie artikel opgelê is of **[ondanks die bepalings van artikel 17, so 'n lid uit die Polisereserwe kan ontslaan of afdank]** hom uitstel van die nakoming daarvan kan gee.”;
- (c) deur die volgende subartikel na subartikel (3) in te voeg:
 „(3A) Die Minister of 'n offisier wat op sy gesag handel kan, **[ondanks die bepalings van artikel 17, 'n lid van die Polisereserwe uit daardie reserwe ontslaan of afdank]**.”;
- (d) deur subartikel (4) deur die volgende subartikel te vervang:
 „(4) Geen in subartikel (1) (a), **[of] (b) of (bA)** bedoelde lid van die Polisereserwe word verplig om in 'n laer rang in die Mag diens te doen nie as die rang waarin hy by die beëindiging van sy permanente diens in die Mag diens gedoen het.”;
- (e) deur subartikel (5) deur die volgende subartikel te vervang:
 „(5) Die in subartikel (3) bedoelde tydperk oorskry, behoudens die bepalings van **[subartikels]** subartikel (11), **[en (12)]** nie **[dertig]** 90 dae per jaar nie, en as geheel nie 150 dae in die geval van 'n persoon wat voor 1 Julie 1979, of 180 dae in die geval van 'n persoon wat op of na 1 Julie 1979, lid van die Polisereserwe word nie: Met dien verstande dat waar 'n lid van die Polisereserwe op of na 1 Julie 1979 meer as twee jaar ononderbroke diens in 'n permanente hoedanigheid in die Mag gedoen het, sy verpligting om aldus diens te doen met 30 dae verminder word ten opsigte van elke voltooië jaar van sodanige ononderbroke diens.”;
- (f) deur subartikel (6) deur die volgende subartikel te vervang:
 „(6) Die bepalings van subartikel (3) is nie van toepassing nie—
 (a) op 'n in subartikel (1) (a), **[of] (b) of (bA)** bedoelde lid van die Polisereserwe na verloop van 'n tydperk van vyf jaar vanaf die datum waarop hy sy permanente diens in die Mag beëindig het of die datum waarop hy uit die Mag ontslaan of afgedank is of met pensioen uit bedoelde diens afgedank is; of
 (b) op 'n in subartikel (1) (c) bedoelde lid van die Polisereserwe na verloop van die by subartikel (11) **[of (12)]** bepaalde tydperke **[of tydperk]** of indien hy voor 1 Julie 1977 vir opleiding en

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service before 1 July 1977 and served in the Force for a single period of 24 months.”;

- (g) by the substitution for subsection (11) of the following subsection:

“(11) Subject to the provisions of **subsections** 5 subsection 7, **and (12)** the continuous service which any person shall be liable to render in the Force in terms of subsection (10), shall—

(a) in the case of any person allotted to the Force for training and service before 1 July 1977, be 10 completed in not more than five periods and shall not exceed **[(a)]** 12 months during the first period of service and **[(b)]** 30 days during every later period of service; and

(b) in the case of any person allotted to the Force for 15 training and service on or after 1 July 1977, be completed in not more than five periods and shall not exceed 24 months during the first period of service and 90 days during every later period of service and in the aggregate 180 days during such 20 later periods of service.”;

- (h) by the deletion of subsection (12); and

- (i) by the addition of the following subsection:

“(14) The provisions of the Moratorium Act, 1963 (Act No. 25 of 1963), shall *mutatis mutandis* apply also 25 with reference to any member of the Police Reserve mentioned in subsection (1) (a), (b) or (b A) who renders continuous service in the Force as such, as if such continuous service is the continuous service which is rendered in terms of subsection (10) by a member of the 30 Police Reserve mentioned in subsection (1) (c).”.

Amendment of section 34D of Act 7 of 1958, as inserted by section 8 of Act 94 of 1972.

12. Section 34D of the principal Act is hereby amended by the insertion of the following subsection after subsection (1):

“(1A) Notwithstanding the provisions of subsection (1) 35 and of any other law, the Commissioner may, after consultation with and on the recommendation of the Public Service Commission and with the approval of the Treasury, pay to any member of the Force a higher salary, wage or allowance than the salary, wage or allowance so payable to 40 him.”.

Short title.

13. This Act shall be called the Police Amendment Act, 1979.

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diens aan die Mag toegewys is en vir 'n enkele tydperk van 24 maande in die Mag gedien het.'';

- (g) deur subartikel (11) deur die volgende subartikel te vervang:

5 „(11) Behoudens die bepalings van **subartikels** subartikel (7) **en (12)** word die ononderbroke diens wat 'n persoon ingevolge subartikel (10) verplig is om in die Mag te doen—

10 (a) in die geval van 'n persoon wat voor 1 Julie 1977 vir opleiding en diens aan die Mag toegewys is, voltooi in hoogstens vyf tydperke en duur dit hoogstens **[(a)]** 12 maande gedurende die eerste dienstydperk en **[(b)]** 30 dae gedurende elke latere dienstydperk; en

15 (b) in die geval van 'n persoon wat op of na 1 Julie 1977 vir opleiding en diens aan die Mag toegewys is, voltooi in hoogstens vyf tydperke en duur dit hoogstens 24 maande gedurende die eerste dienstydperk en 90 dae gedurende elke latere dienstydperk en 180 dae as geheel gedurende sodanige latere dienstydperke.'';

- (h) deur subartikel (12) te skrap; en

- (i) deur die volgende subartikel by te voeg:

25 „(14) Die bepalings van die Moratoriumwet, 1963 (Wet No. 25 van 1963), geld *mutatis mutandis* ook met betrekking tot enige lid van die Polisereserwe in subartikel (1) (a), (b) of (bA) genoem wat as sodanig ononderbroke diens in die Mag doen, asof daardie ononderbroke diens die ononderbroke diens is wat ingevolge subartikel (10) gedoen word deur 'n lid van die Polisereserwe in subartikel (1) (c) genoem.'';

12. Artikel 34D van die Hoofwet word hierby gewysig deur die volgende subartikel na subartikel (1) in te voeg:

35 „(1A) Ondanks die bepalings van subartikel (1) of van enige ander wet, kan die Kommissaris na oorlegpleging met en op aanbeveling van die Staatsdienskommissie en met die goedkeuring van die Tesourie, aan 'n lid van die Mag 'n hoër salaris, loon of toelae betaal as die salaris, loon of toelae wat aan hom aldus betaalbaar is.''.
40

Wysiging van artikel 34D van Wet 7 van 1958, soos ingevoeg deur artikel 8 van Wet 94 van 1972.

13. Hierdie Wet heet die Polisie wysigingswet, 1979.

Kort titel.

