

REPUBLIC OF SOUTH AFRICA

**SOUTH AFRICAN POLICE
SERVICE SECOND AMENDMENT
BILL**

(As introduced in the National Assembly)

(MR D H M GIBSON)

1998-07-15

[B 61—98]

PROCESSED
15 JULY 1998

REPUBLIEK VAN SUID-AFRIKA

**TWEEDE
WYSIGINGSWETSONTWERP OP
DIE SUID-AFRIKAANSE
POLISIEDIENS**

(Soos ingedien in die Nasionale Vergadering)

(MNR D H M GIBSON)

[W 61—98]

ISBN O 621283924

GENERAL EXPLANATORY NOTE:

- [] Words in bold type in square brackets indicate omissions from existing enactments.
- Words underlined with a solid line indicate insertions in existing enactments.
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BILL

To amend the South African Police Service Act, 1995, in order to make provision for a system of voluntary national service in the South African Police Service; and to provide for matters connected therewith.

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

Amendment of section 1 of Act 68 of 1995

1. Section 1 of the South African Police Service Act, 1995 (hereinafter referred to as the principal Act), is hereby amended by the addition of the following definition: 5
 “voluntary national service” means an undertaking by choice, without compulsion, to serve full-time in a special capacity in the South African Police Service for a specified period of time subject to all the duties and obligations such service implies;”.

Amendment of section 5 of Act 68 of 1995 10

2. Section 5 of the principal Act is hereby amended—
 (a) by the deletion of the word “and” in subsection (2)(b);
 (b) by the addition of the word “and” to subsection (2)(c); and
 (c) by the addition of the following paragraph to subsection (2):
 “(d) persons who successfully applied to the National Commissioner to perform voluntary national service in terms of section 48A and have been admitted to such service following selection procedures determined by the National Commissioner and have reported for duty on a date determined by the National Commissioner and published in the *Gazette*.”. 15
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Amendment of section 28 of Act 68 of 1995

3. Section 28 of the principal Act is hereby amended—
 (a) by the substitution for subsection (3) of the following subsection:

“(3) Any commissioned officer, magistrate, additional magistrate or assistant magistrate may, if sufficient permanent members are not available at a particular locality to perform a specific police duty, appoint such fit and proper persons as may be necessary as temporary members, inclusive of persons undergoing or who have completed voluntary national service and enter into further service under section 49(5), to perform such duty on such terms and conditions as may be prescribed.”; and

(b) by the addition of the following subsection:

“(4) The National Commissioner must appoint a number of applicants for voluntary national service, every two years, who will function as members of the South African Police Service.”

Insertion of section 48A into Act 68 of 1995

4. The following section is hereby inserted in the principal Act after section 48:

“**Voluntary national service** 15

48A. (1) Any person who is, in the year concerned, below the age of 26 years at any time before a date determined by the National Commissioner by notice in the *Gazette*, may apply to be enlisted for voluntary national service, provided for in this Act, by submitting a written application in the proper form to the registering officer in the office of the National Commissioner. 20

(2) The National Commissioner must publish, in the *Gazette*, requirements for applicants as well as guidelines for the voluntary national service programme. 25

(3) The National Commissioner must designate the locality or localities where such national service is to be rendered.

(4) A person applying under subsection(1) and accepted by the National Commissioner must render full-time service for a period of 24 months.

(5) Any applicant may voluntarily render service in addition to the 24 months' service for which such applicant is liable as may be determined by the board. 30

(6) The Minister shall in each year, not later than 31 July of that year, determine the number of persons to be admitted to voluntary national service in the following year, and this number must be published in the *Gazette*.”. 35

Short title and commencement

5. This Act is called the South African Police Service Second Amendment Act, 1998, and takes effect on a date determined by the President by proclamation in the *Gazette*.

**MEMORANDUM ON THE OBJECTS OF THE SOUTH AFRICAN
POLICE SERVICE AMENDMENT BILL, 1998**

1. South Africa is experiencing a spiraling crime wave which is unlikely to be solved in the short or medium term.

2. The South African Police Service is hampered by personnel shortages and is being forced to reduce the number of police officers it employs because of financial constraints.

3. Thousands of young matriculants are unemployed and live in poor socio-economic circumstances which can be conducive to crime.

4. By introducing voluntary national service in the South African Police Service the crime wave could be addressed, the shortage of personnel could be ameliorated, the plight of unemployed young people could be relieved, significant skills training would become possible, and service to the community could become the ideal of many young South Africans.

5. Voluntary national service could have the effect of improving the image of the SAPS, gaining increased support for the efforts of the SAPS and provide a pool of skilled and motivated individuals, available for recruitment into the SAPS, the rest of the public sector and the private sector.

6. The cost of training voluntary servicemen and women would amount to far less than a full-scale increase in the numbers in the full-time SAPS would entail and many of those who undergo training may well be persuaded to continue rendering voluntary service after passing out. Such cost might be absorbed by RDP funds as part of the job-creation and skills-training initiatives.

7. It is envisaged that the top 10% of each group passing out after the two-year training period will be offered recruitment into the SAPS as a full-time career. The effect on the SAPS could be dramatic in that the calibre of recruits would improve substantially and assist in ensuring that over a period of years the quality and skills of serving members of the SAPS would show an improvement, to the benefit of the criminal justice system.

8. The period which volunteers spend in training will equip them with valuable skills, discipline and a sense of commitment to a crime-free society. Whether or not they are recruited into the SAPS on a permanent basis, those skills will stand them in good stead in their future careers and will become an asset and a recommendation for future employment.

9. The objects of the clauses of the Bill are as follows:

9.1 Clause 1 This clause contains the definitions;

9.2 Clause 2 This clause amends existing sections and introduces a new section;

9.3 Clause 3 This clause provides for the short title of the Act and its commencement.