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OFFICE OF THE PRESIDENT

KANTOOR VAN DIE PRESIDENT

No. 298.

3 October 1997

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

No. 41 of 1997: South African Police Service Amendment Act, 1997.

No. 1298.

3 Oktober 1997

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

No. 41 van 1997: Wysingswet op die Polisie diens, 1997. Suid-Afrikaanse

the borders of the Republic, without a warrant search any person, premises, other place, vehicle, vessel or aircraft, or any receptacle of whatever nature, at any place in the Republic within 10 kilometres or any reasonable distance from any border between the Republic and any foreign state, or in the territorial waters of the Republic, or inside the Republic within 10 kilometres or any reasonable distance from such territorial waters, or at any airport as defined in section 1 of the Aviation Act, 1962 (Act No. 74 of 1962), or within any reasonable distance from such airport and seize anything found in the possession of such person or upon or at or in such premises, other place, vehicle, vessel, aircraft or receptacle and which may lawfully be seized.”; and

- (b) by the substitution in paragraph (d) of subsection (8) for the words preceding subparagraph (i) of the following words:

“Notwithstanding the provisions of paragraph (a), any member who has reasonable [suspicion to believe] grounds to suspect that—”.

Amendment of section 24 of Act 68 of 1995

4. Section 24 of the principal Act is hereby amended by the addition of the following subsection:

“(5) Any regulation made under subsection (1) may prescribe penalties for any contravention thereof or failure to comply therewith, of a fine, or imprisonment for a period not exceeding 12 months or both such fine and such imprisonment.”.

Amendment of section 34 of Act 68 of 1995

5. Section 34 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) The National Commissioner may designate a member, a category of members or any other person or category of persons who may, in general or in a specific case, [investigate or] obtain and lead evidence [in] for the purposes of an inquiry contemplated in subsection (1).”.

Substitution of section 69 of Act 68 of 1995

6. The following section is hereby substituted for section 69 of the principal Act: 30

“Prohibition on publication of photographs or sketches of certain persons in custody

69. (1) For the purposes of this section—

“photograph” includes any picture, visually perceptible image, depiction or any other-similar representation of the person concerned; and
“publish”, in relation to a photograph or sketch, includes to exhibit, show, televise, represent or reproduce.

(2) No person may, without the written permission of the National or provincial Commissioner, publish a photograph or sketch of a person—

(a) who is suspected of having committed an offence and who is in custody pending a decision to institute criminal proceedings against him or her;

(b) who is in custody pending the commencement of criminal proceedings in which he or she is an accused; or

(c) who is or may reasonably be expected to be a witness in criminal proceedings and who is in custody Pending the commencement of his or her testimony in such proceedings.

(3) Any person who publishes a photograph or sketch in contravention of subsection (2), shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding 12 months.”.

Short title

7. This Act shall be called the South African Police Service Amendment Act. 1997.