

Please note that most Acts are published in English and another South African official language. Currently we only have capacity to publish the English versions. This means that this document will only contain even numbered pages as the other language is printed on uneven numbered pages.



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THE PRESIDENCY

No. 1133

22 May 1991

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

No. 55 of 1991: Police Amendment Act, 1991.



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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.

ACT

To amend the Police Act, 1958, so as to place a prohibition on members of the South African Police, excluding members of the Police Reserve, with regard to their membership of or participation or involvement in political parties, other institutions with political objects and their activities and institutions, councils or bodies referred to in section 84(1)(f) of the Provincial Government Act, 1961; and to prohibit members of the Police Reserve while serving in the Force from taking part in the activities of political parties and other institutions with political objects; and to provide for matters connected therewith.

(English text signed by the State President.)
(Assented to 15 May 1991.)

BE IT ENACTED by the State President and the Parliament 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, section 1 of Act 34 of 1973, section 1 of Act 64 of 1979, section 1 of Act 68 of 1984, section 1 of Act 36 of 1989, section 1 of Act 75 of 1989, section 1 of Act 76 of 1989 and section 1 of Act 110 of 1990 5

1. Section 1 of the Police Act, 1958 (hereinafter referred to as the principal Act), is hereby amended—

- (a) by the substitution in subsection (1) for paragraph (b) of the definition of “member of the Force” of the following paragraph: 10
 “(b) for the purpose of sections 4(3), 9, 10, 11, 12, 14, 15, 17, 17B, 18, 20, 21, 22, 25, 26, 26A, 27, 27B, 28, 31, 32bis, 33 (excluding paragraph (eA) and (v) of subsection (1), and subsection (2) thereof), 34D **[and]**, 34E and 35, a member of a municipal police unit;” and 15
- (b) by the substitution in subsection (1) for paragraph (b) of the definition of “the Force” of the following paragraph:
 “(b) for the purposes of sections 12, 14, 17, 17B, 22, 24, 25, 26, 27B, 33 (excluding paragraphs (eA) and (v) of subsection (1), and subsection (2) thereof), 34D **[and]**, 34E and 35, any municipal police unit;” 20

Insertion of section 35 in Act 7 of 1958

2. The following section is hereby inserted in the principal Act after section 34G:

“**Prohibition on political activities of members of the Force** 25

35. (1) (a) No member of the Force, including a member of the

Reserve Police Force whether or not while serving in the Force, but excluding a member referred to in paragraph (b), may be a member of or take part in the activities of a political party (whether or not it is registered) or any other movement, organization, body or association with political objects, or stand for election as a member of, or serve on, an institution, council or body referred to in section 84(1)(f) of the Provincial Government Act, 1961 (Act No. 32 of 1961) (in this section referred to as a local authority). 5

(b) No member of the Police Reserve may, while serving in the Force, take part in the activities of such political party or any other movement, organization, body or association with political objects. 10

(2) The provisions of subsection (1) shall not be construed as to prohibit a member of the Force—

(a) to attend a public meeting of a political party or a movement, organization, body or association with political objects; 15

(b) to cast a vote in respect of the election of a person to a body established under the provisions of any law, by way of any form of election;

(c) to exercise powers or perform duties as police officer under the provisions of any other law.” 20

Short title and commencement

3. This Act shall be called the Police Amendment Act, 1991, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.