

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.



**REPUBLIC OF SOUTH AFRICA**

# **GOVERNMENT GAZETTE**

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## **STAATSKOERANT**

**VAN DIE REPUBLIEK VAN SUID-AFRIKA**

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STATE PRESIDENT'S OFFICE

KANTOOR VAN DIE STAATSPRESIDENT

No. 2473.

29 December 1993

No. 2473.

29 Desember 1993

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

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

No. 183 of 1993: Police Third Amendment Act, 1993.

No. 183 van 1993: Derde Polisiewysigingswet, 1993.

**GENERAL EXPLANATORY NOTE:**

Words underlined with a solid line indicate insertions in existing enactments.

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# ACT

To amend the Police Act, 1958, so as to further regulate the suspension of members of the Force; and to empower the Minister of Law and Order to make regulations with regard to the transfer of members of municipal police units to other posts in the Force; and to provide for matters connected therewith.

*(English text signed by the Acting State President.)  
(Assented to 14 December 1993.)*

**B**E IT ENACTED by the State President and the Parliament of the Republic of South Africa, as follows:—

**Amendment of section 14 of Act 7 of 1958, as amended by section 5 of Act 74 of 1967 and section 9 of Act 87 of 1991**

1. Section 14 of the Police Act, 1958, is hereby amended— 5
- (a) by the substitution for subsection (1) of the following subsection:
- “(1) A member of the Force may be suspended from his office—
- (a) if it appears to the Commissioner that an enquiry may be held—
- (i) on account of any conduct of the member which is prejudicial to the good order, efficient administration, control or discipline of the Force; or 10
- (ii) on account of his unfitness for his duties or his incapacity to carry them out efficiently;
- (b) pending his trial or after his conviction of misconduct or any offence whether under this Act or otherwise; or 15
- (c) pending any enquiry at which his fitness to remain in the Force or to retain his rank is being investigated, and such member shall be so suspended for any period during which he is under arrest or detention or is serving a term of imprisonment, but shall not by reason of such suspension cease to be a member of the Force.”; and 20
- (b) by the insertion after subsection (1) of the following subsection:
- “(1A) (a) A member referred to in subsection (1) may within seven days after having been informed in writing of his suspension, make written representations— 25
- (i) in the case of a member who is an officer, to the Minister; and
- (ii) in the case of any other member, to the Commissioner, for the termination of his suspension.
- (b) The Minister or the Commissioner, as the case may be, shall within seven days after receipt of the member’s representations, decide on the representations and shall, where the representations 30

are rejected, in writing inform the member of the decision, stating the reasons for the decision.

(c) The suspension of a member shall not be terminated merely by reason of the fact that the member has in terms of paragraph (a) submitted representations regarding the termination thereof."

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**Amendment of section 33 of Act 7 of 1958, as amended by section 8 of Act 53 of 1961, section 19 of Act 64 of 1964, section 1 of Act 80 of 1970, section 5 of Act 94 of 1972, section 1 of Act 47 of 1981, section 46 of Act 97 of 1986, section 6 of Act 8 of 1988, section 3 of Act 75 of 1989, section 3 of Act 76 of 1989, section 13 of Act 87 of 1991, section 1 of Act 16 of 1993 and section 3 of Act 136 of 1993**

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2. Section 33 of the Police Act, 1958, is hereby amended by the substitution for paragraph (a) of subsection (1) of the following paragraph:

"(a) the enrolment, training, promotion, posting, transfer, including the transfer from one post in a municipal police unit to another post in any such unit or to any other post in the Force, and from one municipal police unit to any other municipal police unit, leave of absence, resignation, discharge, dismissal, suspension or reduction in rank of members of the Force;"

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#### **Short title and commencement**

3. This Act shall be called the Police Third Amendment Act, 1993, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.

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