



REPUBLIEK VAN SUID-AFRIKA

# STAATSKOERANT

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# GOVERNMENT GAZETTE

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KANTOOR VAN DIE STAATSPRESIDENT

STATE PRESIDENT'S OFFICE

No. 792.

13 Maart 1992

No. 792.

13 March 1992

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

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

No. 23 van 1992: Polisiewysigingswet, 1992.

No. 23 of 1992: Police Amendment Act, 1992.

## 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 further regulate appointments and filling of posts in the South African Police; to make provision for the retention of their commissions by ex-officers; to repeal the provisions regarding the prohibition of the publication of certain untrue statements; and to further regulate the powers of police officials of certain states and territories, for the purposes of actions in the Republic in terms of agreements with such states or territories; and to provide for incidental matters.

*(Afrikaans text signed by the State President.)*  
*(Assented to 3 March 1992.)*

**B**E 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  
5 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, section 1 of Act 110 of 1990, section 1 of Act 55 of 1991 and section 1 of Act 87 of 1991

1. Section 1 of the Police Act, 1958 (hereinafter referred to as the principal  
10 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:

15                    “(b) for the purposes of sections 4(3), 9, 10, 10A, 10B, 10C, 10D, 10E, 10F, 11, 12, 14, 15, 16, 17, 17B, 18, 20, 21, 22, 25, 26, 26A, 27, **[27B]** 28, 31, 32bis, 33 (excluding paragraphs (eA) and (v) of subsection (1), and subsection (2) thereof), 34D, 34E and 35, a member of a municipal police unit;” and

20                    (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, 34E and 35, any municipal police unit;”.

25 **Insertion of section 2A in Act 7 of 1958**

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

**“Appointments and filling of posts****2A. In the making of any appointment or the filling of any post in the South African Police—**

- 5 (a) no person who qualifies for the appointment, transfer or promotion concerned shall be favoured or prejudiced;
- (b) only the qualifications, level of training, relative merit, efficiency and suitability of the persons who qualify for the appointment, promotion or transfer concerned shall be taken into account.”.

**10 Amendment of section 3 of Act 7 of 1958, as amended by section 2 of Act 64 of 1964, section 2 of Act 74 of 1967, section 2 of Act 94 of 1972 and section 29 of Act 97 of 1986****3. Section 3 of the principal Act is hereby amended—**

- 15 (a) by the substitution for subsection (1A) of the following subsection:  
 “(1A) (a) A commission referred to in subsection (1) bearing the signatures of the State President and the Minister or replicas of such signatures, shall be issued by the State President.  
 (b) Subject to the provisions of paragraph (c), any officer shall hold his commission during the pleasure of the State President.  
 20 (c) The commission of any officer shall be deemed to have been cancelled in the cases and under the circumstances prescribed by the Minister by regulation.  
 (d) Any person whose commission has been cancelled under this subsection shall within 14 days after receipt of notice to that effect addressed to him by registered post, deliver or cause to be delivered his Deed of Commission to the officer mentioned in such notice.  
 25 (e) Any person who fails to comply with the provisions of paragraph (d) shall be guilty of an offence.”; and  
 30 (b) by the addition of the following subsection:  
 “(3) Any officer shall, at the termination of his service as referred to in subsection (2), be placed on a retired list, and any officer on that list shall retain his commission and shall be entitled to wear uniform as prescribed by regulation: Provided that the State President may direct that an officer shall not so be placed on a retired list.”.

**35 Repeal of section 27B of Act 7 of 1958****4. Section 27B of the principal Act is hereby repealed.****Amendment of section 34F of Act 7 of 1958, as inserted by section 20 of Act 36 of 1989****40 5. Section 34F of the principal Act is hereby amended by the substitution for paragraph (a) of the following paragraph:**

- 45 “(a) referred to in sections 3(1A)(e), 6(4A)(c), 23, 24, 25(2), 26, 28(2), 34A(13) and 34B(2) shall be liable to a fine not exceeding R2 000, or in default of payment to imprisonment for a period not exceeding six months, or to both such fine and such imprisonment;”.

**Amendment of section 34G of Act 7 of 1958, as inserted by section 20 of Act 36 of 1989 and amended by section 14 of Act 87 of 1991****50 6. Section 34G of the principal Act is hereby amended by the addition of the following subsection:**

- “(4) Any member of a Police Force of any state or territory referred to in subsection (1) who acts in the Republic in accordance with the provisions of an agreement referred to in that subsection, may for the purposes of such an action exercise any power or perform any duty conferred or imposed by or under this Act or any other law on any police official or constable.”.

**Short title and commencement**

7. (1) This Act shall be called the Police Amendment Act, 1992, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.
- 5 (2) Different dates may be fixed in terms of subsection (1) in respect of different provisions of this Act.