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REPUBLIEK VAN SUID-AFRIKA

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STATE PRESIDENT'S OFFICE

KANTOOR VAN DIE STAATSPRESIDENT

No. 1190.

9 June 1989

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

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

No. 75 of 1989: Police Second Amendment Act, 1989.

No. 75 van 1989: Tweede Polisiewysigingswet, 1989.

Act No. 75, 1989

POLICE SECOND AMENDMENT ACT, 1989

GENERAL EXPLANATORY NOTE:

Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the Police Act, 1958, so as to provide that the Republic shall, for the purposes of the reorganization of the South African Police Force, be divided into regions, each under the command of a regional commissioner, and to provide for the powers and duties of a regional commissioner; and to repeal the application of the Act in respect of the territory of South West Africa; and to provide for incidental matters.

*(English text signed by the State President.)
(Assented to 1 June 1989.)*

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 and section 1 of Act 36 of 1989 5

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

- (a) by the insertion after the definition of "Minister" of the following definitions: 10
- "region" means an area delimited as a region by the Commissioner under subsection (2);
- "regional commissioner" means any commissioned officer of or above the rank of colonel designated by the Commissioner to command a region;"; 15
- (b) by the deletion of the definition of "Republic"; and
- (c) by the addition of the following subsection, the existing section becoming subsection (1):
- "(2) (a) The Commissioner—
- (i) may, with the concurrence of the Minister, by notice in the *Gazette* 20
 from time to time delimitate any area in the Republic as a region and determine the boundaries thereof until the Republic has been divided into as many regions as he may deem necessary for the purposes of the organization of the Force, and may at any time by like notice alter such boundaries; and 25
- (ii) shall, when he has delimited an area as a region as contemplated in subparagraph (i), by like notice abolish a division falling within a region or, when a portion of a division falls within such a region, alter the area of such a division in such a manner that such portion does not form part of that region. 30
- (b) When the Commissioner abolishes a region or alters the area of a division under paragraph (a)—
- (i) all the powers and duties which vested by or under this Act or any other law in relation to such a division or portion of a division in the

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divisional commissioner concerned, shall as from the date on which the division concerned is abolished or the area thereof is so altered, vest in the regional commissioner in whose area that division or portion thereof was situated;

- (ii) any reference in this Act or any such other law in relation to a power or duty referred to in subparagraph (i) to a division or divisional commissioner, shall be construed as a reference to the region or regional commissioner concerned." 5

Amendment of section 4 of Act 7 of 1958, as amended by section 2 of Act 53 of 1961, section 3 of Act 74 of 1967, section 2 of Act 68 of 1984 and section 2 of Act 36 of 1989 10

2. Section 4 of the principal Act is hereby amended by the addition to subsection (2) of the following paragraphs, the existing subsection becoming paragraph (a):

- "(b) Any power conferred upon the Commissioner and any duty imposed upon him by or under any provision of this Act or any other law (excluding section 15 of the Exchequer and Audit Act, 1975 (Act No. 66 of 1975)) may, unless the Commissioner determines otherwise generally or in respect of any particular case, in so far as it may be necessary to exercise such power or to perform such duty in a region, be exercised or performed by the regional commissioner of that region under the control, direction or supervision of the Commissioner. 15 20
- (c) A decision taken by a regional commissioner in the exercise or performance of any power or duty referred to in paragraph (b) may be withdrawn or amended by the Commissioner, and shall, until it is so withdrawn or amended, for the purposes of the provision concerned be deemed to have been taken by the Commissioner." 25

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 and section 6 of Act 8 of 1988

3. Section 33 of the principal Act is hereby amended by the substitution for paragraph (c) of subsection (1) of the following paragraph: 30

- "(c) the numerical establishment and distribution of the Force, the establishment of police districts and stations, and the conditions of service and the various regions, divisions, branches, grades, ranks, designations and appointments in the Force or in such districts or at such stations;"

Repeal of section 35 of Act 7 of 1958, as amended by section 4 of Act 43 of 1958 and section 10 of Act 53 of 1961 35

4. Section 35 of the principal Act is hereby repealed.

Short title

5. This Act shall be called the Police Second Amendment Act, 1989.