

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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DEPARTEMENT VAN DIE EERSTE MINISTER

DEPARTMENT OF THE PRIME MINISTER

No. 1169.

1 Julie 1977.

No. 1169.

1 July 1977.

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. 90 van 1977: Polisiewysigingswet, 1977.

No. 90 of 1977: Police Amendment Act, 1977.

Act No. 90, 1977

POLICE AMENDMENT ACT, 1977.

ACT

To amend the provisions of the Police Act, 1958, so as to increase certain penalties; to create certain additional offences; to prohibit the making of sketches or the taking of photographs of certain persons detained in lawful custody, and the publication thereof; and to further regulate the requirements for qualification as a member of the Police Reserve; and to provide for incidental matters.

*(Afrikaans text signed by the State President.)
(Assented to 20 June 1977.)*

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

Amendment of section 9 of Act 7 of 1958, as amended by section 1 of Act 43 of 1958, section 4 of Act 53 of 1961, section 7 of Act 64 of 1964, section 3 of Act 94 of 1972 and section 4 of Act 34 of 1973.

1. Section 9 of the Police Act, 1958 (hereinafter referred to as the principal Act), is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) Any member of the Force who contravenes any provision of this Act or fails to comply with an order issued in terms of this Act shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand or, in default of payment, imprisonment for a period not exceeding six months or to such imprisonment without the option of a fine or to both such fine and such imprisonment.”

Substitution of section 19 of Act 7 of 1958, as amended by section 11 of Act 64 of 1964.

2. The following section is hereby substituted for section 19 of the principal Act:

“Unlawful receiving or possession of property belonging to the Force.

19. Any person who receives or has in his possession any means of transport, animal, arms, ammunition, accoutrements, clothing or other article of equipment, knowing the same to have been sold, pledged, lent or otherwise disposed of in contravention of this Act, shall be guilty of an offence and liable on conviction to a fine not exceeding five hundred rand or, in default of payment, imprisonment for a period not exceeding twelve months, or to such imprisonment without the option of a fine.”

Substitution of section 23 of Act 7 of 1958, as amended by section 13 of Act 64 of 1964.

3. The following section is hereby substituted for section 23 of the principal Act:

“Offences in respect of decorations and medals.

23. Any person who wears or without the written permission of the Commissioner makes use of any decoration or medal instituted, constituted or created under this Act, or its bar, clasp or ribbon, or anything so closely resembling any such decoration, medal, bar, clasp or ribbon as to be calculated to deceive, shall, unless he is the person to whom such decoration or medal was awarded, be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand.”

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Substitution of section 24 of Act 7 of 1958, as amended by section 14 of Act 64 of 1964.

4. The following section is hereby substituted for section 24 of the principal Act:

“False representations as to association with the Force.

24. Any person who, without the approval of the Minister, in connection with any activity carried on by him takes, assumes, uses or in any manner publishes any name, description, title or symbol indicating or conveying or purporting to indicate or to convey or calculated or likely to lead other persons to believe or infer that such activity is carried on under or by virtue of the provisions of this Act or under the patronage of the Force, or is in any manner associated or connected with the Force, shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand.”

Substitution of section 25 of Act 7 of 1958, as amended by section 15 of Act 64 of 1964.

5. The following section is hereby substituted for section 25 of the principal Act:

“Falsely pretending to be a member of Force.

25: (1) Any person, not being a member of the Force, who—

- (a) by words, conduct or demeanour pretends that he is a member; or
- (b) agrees with or induces or attempts to induce any member to omit to carry out his duty or to do any act in conflict with his duty; or
- (c) supplies intoxicating liquor to any member while such member is on duty; or
- (d) is a party to or aids or abets or incites to the commission of any act whereby any lawful order given to a member or any regulation may be evaded,

shall be guilty of an offence and liable on conviction—

- (i) in the case of a first conviction of such offence, to a fine not exceeding five hundred rand or to imprisonment for a period not exceeding twelve months;
- (ii) in the case of a second or subsequent conviction of such offence, to a fine not exceeding one thousand rand or to imprisonment for a period not exceeding two years.

(2) Any person who by means of a false certificate or any false representation obtains admission to the Force, or, having been dismissed from the Force, receives, by concealing the dismissal, any salary, wages, allowance, gratuity or pension, shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand or, in default of payment, imprisonment for a period not exceeding six months or to such imprisonment without the option of a fine.”

Amendment of section 26 of Act 7 of 1958, as amended by section 7 of Act 53 of 1961 and section 16 of Act 64 of 1964.

6. Section 26 of the principal Act is hereby amended by the substitution for the words following upon paragraph (b) of the following words:

“be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand.”

Substitution of section 27 of Act 7 of 1958, as amended by section 17 of Act 64 of 1964.

7. The following section is hereby substituted for section 27 of the principal Act:

“Interference with members of Force.

27. (1) Any person who assaults any member of the Force in the exercise of his powers or the performance of his duties or functions, shall be guilty of an offence and liable on conviction to imprisonment for a period not exceeding twelve months.

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(2) Any person who—

- (a) resists or wilfully hinders or obstructs any member of the Force in the exercise of his powers or the performance of his duties or functions or, in the exercise of his powers or the performance of his duties or functions by a member of the Force, wilfully interferes with such member or his uniform or equipment or any part thereof; or
- (b) in order to compel any such member to do or to abstain from doing any act in respect of the exercise of his powers or the performance of his duties or functions, or on account of such member having done or abstained from doing such an act, threatens or suggests the use of violence to, or restraint upon such member or any of his relatives or dependants, or threatens or suggests any injury to the property of such member or of any of his relatives or dependants, shall be guilty of an offence and liable on conviction to a fine not exceeding five hundred rand or imprisonment for a period not exceeding twelve months or both such fine and such imprisonment.”

Insertion of section 27A in Act 7 of 1958.

8. The following section is hereby inserted in the principal Act after section 27:

“Prohibition of making of sketches or taking of photographs of certain persons and of publication thereof.

27A. (1) Any person who, without the written authority of the Commissioner—

- (a) makes a sketch or takes a photograph of any person who is, with a view to criminal proceedings, detained in lawful custody or who is a fugitive after he has escaped from such custody; or
- (b) in any manner publishes or causes to be published any sketch or photograph of any person referred to in paragraph (a),

before—

- (i) the trial of the last-mentioned person, if he is the accused, or, if he is a witness, the trial of the accused concerned, in respect of the offence to which such person's detention relates, has been commenced with; or
- (ii) such person has been released from such custody in the case where he is neither the accused nor a witness,

shall, notwithstanding anything to the contrary contained in any law, be guilty of an offence and liable on conviction to a fine not exceeding five hundred rand or to imprisonment for a period not exceeding twelve months or to both such fine and such imprisonment.

(2) For the purposes of this section “photograph” includes any cinematograph film, any picture intended for exhibition through the medium of a mechanical device, and any film cassette, magnetic tape or video-plate.”

Amendment of section 28 of Act 7 of 1958, as amended by section 18 of Act 64 of 1964.

9. Section 28 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) Any person who may demand any such toll, fee or due, and who wilfully subjects any such member, person, animal, means of transport or article of equipment to unreasonable delay or detention in respect of the entry to, passage through or going over any such wharf, landing place, ferry, bridge, toll-bar, gate or door, shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand.”

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Amendment of section 34A of Act 7 of 1958, as substituted by section 1 of Act 15 of 1975 and amended by section 1 of Act 34 of 1976.

10. Section 34A of the principal Act is hereby amended—

(a) by the substitution for paragraph (b) of subsection (1) of the following paragraph:

“(b) every person, excluding a person referred to in paragraph (bA), who has served in the Force in a permanent capacity for a period of not less than twelve months and who, after the commencement of the Police Amendment Act, 1975, terminates his service, is discharged or dismissed from the Force or is retired on pension;”;

(b) by the insertion after paragraph (b) of subsection (1) of the following paragraph:

“(bA) every person who has been enrolled as a member of the Force after 1 October 1976 and who, after having served in the Force in a permanent capacity for a period of not less than twenty-four months, terminates his service, is discharged or dismissed from the Force or is retired on pension; and”;

(c) by the substitution for subsection (9) of the following subsection:

“(9) No provision of this Act shall be so construed as to exempt any person who at the termination of his permanent service in the Force has served as such for a period of less than six months, twelve months or twenty-four months, as the case may be, or any member of the Police Reserve who in terms of this section is exempted from service in the Force or discharged or dismissed from the Force, from the provisions of the Defence Act, 1957.”; and

(d) by the substitution for subsection (13) of the following subsection:

“(13) (a) Any member of the Police Reserve who contravenes any provision of this section or fails to comply with an order issued in terms thereof, shall, except where such contravention or failure has by section 9 (1) been declared an offence, be guilty of an offence and liable on conviction to a fine not exceeding three hundred rand or to imprisonment for a period not exceeding six months or to such imprisonment without the option of a fine or to both such fine and such imprisonment.

(b) Any member of the Police Reserve liable in terms of subsection (10) of this section to render service in the Force and who—

(i) when called up, does not report for such service; or

(ii) having reported for service, does not render such service,

shall be guilty of an offence and liable on conviction to the penalties prescribed by paragraph (a).”

Amendment of section 34B of Act 7 of 1958, as substituted by section 7 of Act 94 of 1972.

11. Section 34B of the principal Act is hereby amended by the substitution for the words following upon paragraph (c) of subsection (2) of the following words:

“shall subject to the provisions of subsections (3) and (4) be guilty of an offence and liable on conviction to a fine not exceeding three hundred rand or, in default of payment, imprisonment for a period not exceeding six months or to such imprisonment without the option of a fine or to both such fine and such imprisonment.”

Short title.

12. This Act shall be called the Police Amendment Act, 1977.