

No. 53, 1961.]

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.

# ACT

To amend the Police Act, 1958.

(English text signed by the State President.)  
(Assented to 22nd June, 1961.)

**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 1 of Act 7 of 1958.

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

(a) by the substitution for the definition of “commissioned officer” of the following definitions:

“‘commanding officer’, in relation to a Police control area, means any commissioned officer of or above the rank of Lieutenant-Colonel designated by the Commissioner to command such Police control area;

‘commissioned officer’ means a commissioned officer appointed under section *three*;”;

(b) by the deletion of the definition of “deputy commissioner”; and

(c) by the insertion after the definition of “Minister” of the following definition:

“‘Police control area’ any Police control area as determined by the Commissioner with the approval of the Minister;”.

Amendment of section 4 of Act 7 of 1958.

2. Section *four* of the principal Act is hereby amended by the substitution for sub-section (2) of the following sub-section:

“(2) Any power vested in the Commissioner under sub-section (1) may, subject to his directions, be exercised by any other officer of or above the rank of Lieutenant-Colonel designated by him.”.

Amendment of section 8 of Act 7 of 1958.

3. Sub-section (3) of section *eight* of the principal Act is hereby repealed.

Amendment of section 9 of Act 7 of 1958, as amended by section 1 of Act 43 of 1958.

4. Section *nine* of the principal Act is hereby amended—

(a) by the substitution in sub-section (4) for the words “deputy commissioner under whose authority that member is serving or, if such member is not serving under a deputy commissioner, to the assistant commissioner under whose authority he is serving, and such deputy or assistant commissioner” of the words “commanding officer of the Police control area in which that member is serving or any other commissioned officer of or above the rank of Lieutenant-Colonel designated by the Commissioner, and such commanding officer or other officer”; and

(b) by the substitution in sub-section (5) for the words “deputy or assistant commissioner” of the words “commanding officer or other commissioned officer of or above the rank of Lieutenant-Colonel”.

Amendment of section 15 of Act 7 of 1958, as amended by section 2 of Act 43 of 1958.

5. Section *fifteen* of the principal Act is hereby amended—

(a) by the insertion in sub-section (1) after the word “imprisonment” of the words “in pursuance of a sentence which is not set aside on appeal”;

(b) by the insertion in sub-section (2) after the word “imprisonment” of the words “in pursuance of a sentence which has not been set aside on appeal”; and

(c) by the addition of the following sub-section:

“(3) The Minister may delegate to the Commissioner any of the powers vested in him in terms of sub-section (1).”.

Amendment of section 17 of Act 7 of 1958.

6. Section *seventeen* of the principal Act is hereby amended by the substitution in sub-section (1) for the words “or an assistant commissioner or a deputy commissioner referred to in sub-section (2) of section *four*” of the words “or the Commanding Officer of the Police control area in which such member is serving or any other commissioned officer designated by the Commissioner”.

Amendment of section 26 of Act 7 of 1958.

7. Section *twenty-six* of the principal Act is hereby amended by the substitution in sub-paragraph (b) for the words "an assistant commissioner" of the words "any other commissioned officer of or above the rank of Lieutenant-Colonel".

Amendment of section 33 of Act 7 of 1958.

8. Section *thirty-three* of the principal Act is hereby amended by the insertion after the word "Force" in paragraphs (a), (l) and (m) of sub-section (1), and also where it occurs for the second time in paragraph (c), and in both places where it occurs in paragraph (p), of that sub-section of the words "and any Reserve Police Force established under sub-section (2) of section *thirty-four*".

Amendment of section 34 of Act 7 of 1958.

9. Section *thirty-four* of the principal Act is hereby amended—  
(a) by the substitution for sub-section (2) of the following sub-section:

"(2) The Commissioner may, with the approval of the Minister, establish a Reserve Police Force, and may, subject to the regulations, prescribe the conditions of service and the numerical establishment of such Reserve Police Force, and appoint fit and proper persons to be members thereof."; and

(b) by the addition of the following sub-sections:

"(3) A member of the Reserve Police Force may, subject to the directions of the Minister, when called up by the Commissioner or a commissioned officer designated for the purpose by him, perform any duties which may be performed by a member of the Force, except in so far as the Commissioner or such officer otherwise directs.

(4) A member of the Reserve Police Force or a special constable referred to in sub-section (1) shall, while he is on duty, have the same powers, functions and authority, and be subject to the same responsibilities, discipline and penalties as a member of the Force and entitled to such remuneration as the Minister may in consultation with the Minister of Finance determine."

Amendment of section 35 of Act 7 of 1958, as amended by section 4 of Act 43 of 1958.

10. Section *thirty-five* of the principal Act is hereby amended by the insertion after the word "Act" where it occurs for the first time of the words "and any amendment thereof, whenever the same may have been or may be enacted".

Short title.

11. This Act shall be called the Police Amendment Act, 1961.