

No. 64, 1964.]

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ACT

To amend the Police Act, 1958, and to provide for other incidental matters.

(Afrikaans text signed by the State President.)
(Assented to 17th June, 1964.)

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

1. Section *one* of the Police Act, 1958 (hereinafter referred to as the principal Act), is hereby amended—
 - (a) by the deletion of the definition of “commanding officer”;
 - (b) by the insertion after the definition of “Commissioner” of the following definitions:
 - “‘division’ means any area which the Commissioner, acting with the approval of the Minister, determines to be a division for the purposes of this Act;
 - ‘divisional commissioner’ means any commissioned officer of or above the rank of lieutenant-colonel designated by the Commissioner to command a division;”;
 - (c) by the addition to the definition of “member of the Force” of the words “and includes, except for the purposes of any provision of this Act in respect of which the Commissioner may subject to the directions of the Minister otherwise prescribe, any member of the Police Reserve of Officers or the Reserve Police Force while employed in the Force and any special constable while so employed”;
 - (d) by the deletion of the definition of “Police control area”;
 - (e) by the insertion after the definition of “regulation” of the following definitions:
 - “‘Republic’ includes the territory of South-West Africa;
 - ‘Treasury’ means the Minister of Finance or any officer in the Department of Finance authorized by the said Minister to perform any of the functions assigned to the Treasury in this Act;”;
 - (f) by the addition to the definition of “the Force” of the words “and includes, except for the purposes of any provision of this Act in respect of which the Commissioner may subject to the directions of the Minister otherwise prescribe, the Police Reserve of Officers, the Reserve Police Force and special constables”;
 - (g) by the deletion of the definition of “Union”.
2. Section *three* of the principal Act is hereby amended by the substitution in sub-section (1) for the word “Governor-General” of the words “State President”. Amendment of section 3 of Act 7 of 1958.
3. Section *five* of the principal Act is hereby amended by the substitution in paragraph (a) for the word “Union” of the word “Republic”. Amendment of section 5 of Act 7 of 1958.
4. Section *six* of the principal Act is hereby amended by the substitution in sub-section (3) for the word “Crown” of the word “State” and for the word “Union” of the word “Republic”. Amendment of section 6 of Act 7 of 1958.
5. Section *seven* of the principal Act is hereby amended by the substitution for the word “Governor-General” wherever it occurs of the words “State President” and for the word “Union” wherever it occurs of the word “Republic”. Amendment of section 7 of Act 7 of 1958.
6. Section *eight* of the principal Act is hereby amended by the substitution in sub-section (2) for the word “Governor-General” of the words “State President”. Amendment of section 8 of Act 7 of 1958, as amended by section 3 of Act 53 of 1961.

7. Section *nine* of the principal Act is hereby amended—
- (a) by the substitution in sub-section (1) for the words “fifty pounds” of the words “one hundred rand”;
 - (b) by the substitution in sub-section (2) for the words “five pounds” of the words “ten rand” and for the word “pay” of the words “salary or wages”;
 - (c) by the substitution for sub-sections (4) and (5) of the following sub-sections:

Amendment of section 9 of Act 7 of 1958, as amended by section 1 of Act 43 of 1958 and section 4 of Act 53 of 1961.

“(4) Any commissioned officer who sentences any member of the Force under this section, shall forthwith transmit the record of the proceedings in the case to the divisional commissioner of the division 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 divisional commissioner or other officer may quash the conviction or confirm or reduce the sentence.

(5) No conviction or sentence by a commissioned officer shall have any force or effect unless it has been confirmed and, where a sentence is reduced, the amount of the fine to be paid by the person convicted has been determined by the divisional commissioner or other commissioned officer of or above the rank of lieutenant-colonel concerned.”

8. Section *ten* of the principal Act is hereby amended by the substitution for the word “Governor-General” wherever it occurs of the words “State President”.

Amendment of section 10 of Act 7 of 1958.

9. Section *fifteen* of the principal Act is hereby amended—
- (a) by the substitution for sub-sections (1) and (2) of the following sub-sections:

Amendment of section 15 of Act 7 of 1958, as amended by section 2 of Act 43 of 1958 and section 5 of Act 53 of 1961.

“(1) A member of the Force who has been suspended from office, shall not in respect of the period of his suspension be entitled to any salary, wages, allowance, privilege or benefit to which he would otherwise have been entitled as such a member, but the Minister may in his discretion direct that during the period of suspension of such a member, not being a period during which he is serving a term of imprisonment in pursuance of a sentence which is not set aside on appeal, there be paid to him the whole or a portion of his salary or wages and allowances or be granted to him such privileges and benefits as the Minister may direct.

(2) If it is decided not to discharge a member of the Force who has been suspended from office, such member shall in respect of the period of his suspension, not being a period of suspension during which he was serving a term of imprisonment in pursuance of a sentence which has not been set aside on appeal, be paid his full salary or wages and allowances and be granted all the privileges and benefits to which he would but for his suspension have been entitled as a member of the Force: Provided that if such a member is reduced in rank, he shall in respect of such period be paid the salary or wages and allowances applicable to the rank to which he is reduced, but if in respect of such period he was in terms of sub-section (1) paid any salary, wages or allowances in excess of the salary or wages and allowances applicable to the rank to which he is reduced, he shall not be obliged to refund the excess.”;

- (b) by the insertion in sub-section (3) after the word “Commissioner” of the words “or any other commissioned officer of or above the rank of lieutenant-colonel”.

10. Section *seventeen* of the principal Act is hereby amended by the substitution for sub-section (1) of the following sub-section:

Amendment of section 17 of Act 7 of 1958, as amended by section 6 of Act 53 of 1961.

“(1) A member of the Force who is not a commissioned officer, may be discharged or dismissed from the Force or be reduced in rank if after enquiry in manner prescribed by the regulations, as to his fitness to remain in the Force or to retain his rank, the Commissioner or the divisional commissioner of the division in which such member is

serving or any other commissioned officer designated by the Commissioner is of opinion that he is unfit to remain in the Force or to retain his rank, as the case may be.”.

11. Section *nineteen* of the principal Act is hereby amended by the substitution for the words “fifty pounds” of the words “one hundred rand”. Amendment of section 19 of Act 7 of 1958.

12. Section *twenty-two* of the principal Act is hereby amended by the substitution in sub-section (2) for the word “Governor-General” of the words “State President” and the addition to the said sub-section of the words “or who has rendered exceptional services to the Force”. Amendment of section 22 of Act 7 of 1958.

13. Section *twenty-three* of the principal Act is hereby amended by the substitution for the words “twenty-five pounds” of the words “fifty rand”. Amendment of section 23 of Act 7 of 1958.

14. Section *twenty-four* of the principal Act is hereby amended by the substitution for the words “fifty pounds” of the words “one hundred rand”. Amendment of section 24 of Act 7 of 1958.

15. Section *twenty-five* of the principal Act is hereby amended— Amendment of section 25 of Act 7 of 1958.

- (a) by the substitution in sub-section (1) for the words “fifty pounds” of the words “one hundred rand”;
- (b) by the substitution in sub-section (2) for the word “pay” of the words “salary, wages” and for the words “twenty-five pounds” of the words “fifty rand”.

16. Section *twenty-six* of the principal Act is hereby amended by the substitution for the words “fifty pounds” of the words “one hundred rand”. Amendment of section 26 of Act 7 of 1958, as amended by section 7 of Act 53 of 1961.

17. Section *twenty-seven* of the principal Act is hereby amended by the substitution for the words “one hundred pounds” of the words “two hundred rand”. Amendment of section 27 of Act 7 of 1958.

18. Section *twenty-eight* of the principal Act is hereby amended by the substitution in sub-section (2) for the words “fifty pounds” of the words “one hundred rand”. Amendment of section 28 of Act 7 of 1958.

19. Section *thirty-three* of the principal Act is hereby amended— Amendment of section 33 of Act 7 of 1958, as amended by section 8 of Act 53 of 1961.

- (a) by the substitution in sub-section (1) for the word “Governor-General” of the words “State President”;
- (b) by the substitution for paragraph (a) of sub-section (1) of the following paragraph:
 - “(a) the enrolment, training, promotion, posting, transfer, leave of absence, resignation, discharge, dismissal, suspension or reduction of members of the Force;”;

- (c) by the insertion after paragraph (b) of sub-section (1) of the following paragraph:

“(b)bis the establishment, management and control of a fund to provide for medical, dental and hospital treatment of members of the Force who retired or retire on pension on or after the first day of January, 1964, and their families and of the families of members of the Force who died on or after the said date, the class of members of the Force or other persons who shall be or may become members of the fund, the scale or aggregate amount of contributions (if any) to be made to the fund by any particular class of members thereof, the termination of membership of the fund, the rights, privileges and obligations of members of the fund, and generally all matters reasonably necessary for the regulation and operation of such fund;”;

- (d) by the substitution for paragraph (c) of sub-section (1) of the following paragraph:

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

- (e) by the insertion in paragraph (d) of sub-section (1) after the word "recruits" wherever it occurs, of the word "students";
- (f) by the substitution for paragraph (g) of sub-section (1) of the following paragraph:
 "(g) the stoppages to be made from the salaries, wages or allowances of members of the Force;"
- (g) by the substitution for paragraphs (l) and (m) of sub-section (1) of the following paragraphs:
 "(l) the provision of stores, arms, ammunition, saddlery, forage and other articles of equipment and of means of transport and draught or other animals required for the Force, and the care, safe custody and maintenance thereof;
 (m) the exercise of their powers and the performance of their duties and functions by members of the Force;"
- (h) by the substitution for paragraph (p) of sub-section (1) of the following paragraph:
 "(p) the dress and clothing of the Force, and the control or disposal of any article of uniform or equipment by any member of the Force;"
- (i) by the addition to sub-section (1) of the following paragraphs:
 "(v) the retention of rank on retirement or resignation from the Force and the award of honorary ranks;
 (w) generally all matters which he considers it necessary or expedient to prescribe in order that the purposes of this Act may be achieved;"
- (j) by the substitution for sub-section (2) of the following sub-sections:
 "(2) Different regulations may be made with reference to different classes or categories of members of the Force.
 (3) Any regulation prescribing improved conditions of service for members of the Force may be made with retrospective effect.
 (4) Regulations under paragraph (b)*bis* of sub-section (1) may provide for benefits in respect of medical, dental and hospital treatment on the basis applicable in respect of members of the Force and their families under this Act, subject to payment for such benefits from a fund established by or under such regulations, on such basis as may be specified in or determined in accordance with such regulations."

20. Section *thirty-four* of the principal Act is hereby amended—

- (a) by the deletion in sub-section (2) of all the words after the word "Force" where it occurs for the first time;
- (b) by the substitution for sub-sections (3) and (4) of the following sub-sections:

"(3) The Commissioner or any commissioned officer acting under his authority may order any member of the Reserve Police Force to report for service in the Force at a specified time and place and any such member who fails to comply with any such order shall be guilty of an offence and liable on conviction to the penalties prescribed in sub-section (1) of section *nine*.

(4) The Commissioner or any commissioned officer acting under his authority may at any time discharge from the Force any special constable or member of the Reserve Police Force."

21. (1) The following sections are hereby inserted in the principal Act after section *thirty-four*:

"Police Reserve of Officers.

34*bis*. (1) There is hereby established a Police Reserve of Officers, consisting of all persons who on retirement on pension or resignation from the Force before or after the commencement of the Police Amendment Act, 1964, retained or retain commissioned rank or were or are awarded honorary commissioned rank.

(2) The Commissioner or any commissioned officer acting under his authority may employ any member of the Police Reserve of Officers in the Force and may at any time terminate the services of any such member so employed.

Amendment of section 34 of Act 7 of 1958, as amended by section 9 of Act 53 of 1961.

Insertion of sections 34*bis* and 34*ter* in Act 7 of 1958.

Remuneration of members of the Force and conditions of service of certain members.

34ter. (1) All members of the Force other than members of the Reserve Police Force who by agreement receive no remuneration for their services, shall be paid salaries, wages or allowances in accordance with the provisions of the Public Service Act, 1957 (Act No. 54 of 1957).

(2) The Commissioner may, subject to the regulations, on the recommendation of the Public Service Commission and with the approval of the Treasury, prescribe conditions of service in respect of the Police Reserve of Officers, the Reserve Police Force and special constables.

(3) Members of the Reserve Police Force who receive no remuneration for their services in the Force, shall not by reason of the fact that they receive no such remuneration be regarded as not being in the service of the State."

(2) The salaries, wages or allowances which would at the commencement of this Act have been payable to persons employed under the principal Act if this Act had not been passed, shall be deemed to be payable to such persons in accordance with the provisions of the Public Service Act, 1957 (Act No. 54 of 1957).

(3) Members of the Reserve Police Force established under sub-section (2) of section *thirty-four* of the principal Act, who, prior to the commencement of this Act, when called up for the purpose by a commissioned officer of the South African Police performed any duties which a member of the South African Police could have performed, shall, notwithstanding the fact that they received no remuneration for performing such duties, be deemed to have been members of the South African Police while performing such duties.

22. This Act shall be called the Police Amendment Act, 1964, and shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.

Short title and date of commencement.