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## ACT

To amend the Police Act, 1958, relating to definitions, misconduct and temporary members.

*Afrikaans text signed by the Acting State President.  
(Assented to 7th June, 1967.)*

**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, as amended by section 1 of Act 53 of 1961 and section 1 of Act 64 of 1964.

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

(a) by the substitution for the definition of “member of the Force” of the following definition:

“(iv) ‘member of the Force’ means any commissioned officer, warrant-officer, non-commissioned officer, constable or constable-labourer serving in the South African Police in accordance with this Act, 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 temporary member while so employed; (v)”;

(b) by the substitution for the definition of “Minister” of the following definition:

“(v) ‘Minister’ means the Minister of Police; (vi)”;

(c) by the substitution for the definition of “the Force” of the following definition:

“(vii) ‘the Force’ means the commissioned officers, warrant-officers, non-commissioned officers, constables and constable-labourers of the South African Police, 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 temporary members; (ii)”;

Amendment of section 3 of Act 7 of 1958, as amended by section 2 of Act 64 of 1964.

2. Section 3 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) The State President may from time to time appoint by commission an officer to be styled the Commissioner of the South African Police, together with such commissioned officers as he may deem necessary, and may, subject to the provisions of this Act, discharge, dismiss or reduce in rank any such officer.”

Amendment of section 4 of Act 7 of 1958, as amended by section 2 of Act 53 of 1961.

3. Section 4 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) The Commissioner shall, subject to the directions of the Minister, have the command, superintendence and control of the Force, and shall, subject to the provisions of section 3 and the regulations prescribing the conditions of service and the numerical establishment of the Force, appoint fit and proper persons to be members of the Force, and may, subject to the provisions of this Act, discharge, dismiss or reduce in rank any such member.”

Amendment of section 10 of Act 7 of 1958, as amended by section 8 of Act 64 of 1964.

4. Section 10 of the principal Act is hereby amended—

(a) by the substitution for subsections (1) and (2) of the following subsections:

“(1) The Commissioner or any other commissioned officer acting under his authority may, in the manner prescribed by regulation, charge any commissioned officer with misconduct and request him to submit, within such period and in such manner as may be so prescribed, a written admission or denial of the charge and any written explanation he may wish to offer in regard to the alleged misconduct.

(2) After the expiration of the period aforesaid, the Minister or, if authorized thereto by the Minister, either specially in a particular case or generally, the Commissioner may appoint a board of enquiry to investigate the charge in question.

(2A) A board of enquiry shall consist of one or more persons who—

(a) in the case of a board appointed by the Minister, shall be commissioned officers of a rank equal to or higher than that of the officer charged or magistrates;

(b) in the case of a board appointed by the Commissioner, shall be such commissioned officers.”.

(b) by the substitution for subsection (6) of the following subsections:

“(6) After considering the evidence adduced at the enquiry and affording the officer charged or his legal adviser an opportunity of addressing the board of enquiry, the board shall find the said officer guilty or not guilty of the misconduct with which he has been charged and inform him of its finding: Provided that if the officer charged admits, pursuant to a request under subsection (1) or to the board, that he is guilty of the misconduct in question, he may be found guilty without any evidence having been adduced.

(6A) A commissioned officer found guilty of misconduct may, within such period and in such manner as may be prescribed by regulation, appeal to the Minister against the finding of the board of enquiry and make representations in writing to the Minister in regard to the imposition of punishment.

(6B) The board of enquiry shall and the Commissioner may make recommendations to the Minister in regard to any punishment which may be imposed upon a commissioned officer found guilty.

(6C) The Minister may, after considering the record of the proceedings before the board of enquiry, the recommendations of the board and the Commissioner and the grounds of appeal of and any representations made by the officer charged—

(a) direct that no further action be taken in the matter; or

(b) direct that the matter be re-submitted to him for disposal in terms of this section after the expiry of such period, not exceeding twelve months, as he may specify; or

(c) direct that the officer concerned be cautioned or reprimanded; or

(d) impose a fine not exceeding one hundred rand which may be recovered by way of stoppages from the salary or allowances of the officer concerned; or

(e) direct that the salary of the officer concerned be reduced to a lower notch on the scale applicable to his rank; or

(f) direct that the matter be referred to the State President, who may thereupon take any steps referred to in section 3.”.

Amendment of section 14 of Act 7 of 1958.

5. Section 14 of the principal Act is hereby amended by the addition of the following subsection:

“(4) The suspension or the termination of the suspension of a commissioned officer shall take place on the instructions of the Minister or, as a provisional measure pending the decision of the Minister, on the instructions of the Commissioner, and the suspension or the termination of the suspension of any other member of the Force shall take place on the instructions of the Commissioner or any other commissioned officer of or above the rank of lieutenant-colonel designated by the Commissioner.”.

Amendment of section 34 of Act 7 of 1958, as amended by section 9 of Act 53 of 1961 and section 20 of Act 64 of 1964.

6. Section 34 of the principal Act is hereby amended—  
(a) by the substitution for subsection (1) of the following subsection:

“(1) Whenever there are not in any locality sufficient ordinary members of the Force available to perform police duties or any particular police duty therein, or to convey any person in lawful custody from such locality to any other place, the Minister or, if authorized thereto by the Minister either generally or in any particular case, any commissioned officer, magistrate, additional magistrate, assistant magistrate, Bantu affairs commissioner, additional Bantu affairs commissioner or assistant Bantu affairs commissioner in that locality may appoint as temporary members to act as such, so many fit and proper persons as may be necessary for the performance of any such duty as aforesaid.”;

(b) by the substitution for subsection (4) of the following subsection:

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

Amendment of section 34*ter* of Act 7 of 1958, as inserted by section 21 of Act 64 of 1964.

7. Section 34*ter* of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection—

“(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 temporary members.”.

Short title.

8. This Act shall be called the Police Amendment Act, 1967.