

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 uneven numbered pages as the other language is printed on even numbered pages.



STAATSKOERANT

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KANTOOR VAN DIE STAATSPRESIDENT

STATE PRESIDENT'S OFFICE

No. 467.

16 Maart 1988

No. 467.

16 March 1988

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. 8 van 1988: Polisiewysigingswet, 1988.

No. 8 of 1988: Police Amendment Act, 1988.

POLICE AMENDMENT ACT, 1988

Act No. 8, 1988

GENERAL EXPLANATORY NOTE:

- [** **]** Words in bold type in square brackets indicate omissions from existing enactments.
- Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the Police Act, 1958, so as to effect a textual improvement; to increase certain fines; to further regulate the position of commissioned officers found guilty of misconduct; and to provide for the summary discharge of commissioned officers in certain cases; to extend the powers of the Minister to make regulations; and to provide for incidental matters.

(English text signed by the State President.)
(Assented to 4 March 1988.)

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

Amendment of section 3 of Act 7 of 1958, as amended by section 2 of Act 64 of 1964, section 2 of Act 74 of 1967, section 2 of Act 94 of 1972 and section 29 of Act 97 of 1986

- 5 1. Section 3 of the Police Act, 1958, is hereby amended by the insertion in subsection (1B), before the word "officer", of the word "commissioned".

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, section 4 of Act 34 of 1973, section 1 of Act 90 of 1977, section 4 of Act 64 of 1979
 10 and section 3 of Act 68 of 1984

2. Section 9 of the Police Act, 1958, is hereby amended—
 (a) by the substitution in subsection (1) for the expression "two hundred rand" of the expression "R300"; and
 15 (b) by the substitution in subsection (2) for the expression "R50" of the expression "R100".

Amendment of section 10 of Act 7 of 1958, as amended by section 8 of Act 64 of 1964, section 4 of Act 74 of 1967, section 5 of Act 64 of 1979, section 4 of Act 68 of 1984 and section 30 of Act 97 of 1986

3. Section 10 of the Police Act, 1958, is hereby amended—
 20 (a) by the substitution for subsection (6) of the following subsection:
 "(6) After considering the evidence adduced at the enquiry and affording the commissioned 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
 25 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

POLICE AMENDMENT ACT, 1988

Act No: 8, 1988

misconduct in question, he may, if the Commissioner **[approves]** has prior to the commencement of the enquiry by the board granted permission thereto, be found guilty without any evidence having been adduced.”;

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

“(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]** any recommendation made by the board or the Commissioner under subsection (6B).”;

(c) by the substitution for subsection (6B) of the following subsection:

“(6B) **[The board of enquiry shall and the Commissioner may]** After a board of enquiry has found a commissioned officer guilty of misconduct—

(a) the board shall make recommendations to the Minister in regard to any punishment which may be imposed upon **[a]** the commissioned officer **[found guilty]** under subsection (6C); and

(b) the Commissioner may make recommendations to the Minister in regard to any finding or recommendation of the board:

Provided that the commissioned officer concerned shall, for the purposes of his representations referred to in subsection (6A), be notified of **[(a)]** the **[recommendation]** recommendations of the board and **[(b)]** the **[recommendations of]** the Commissioner.”; and

(d) by the substitution for subsection (6C) of the following subsection:

“(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 commissioned officer charged, and the reply of the board and the Commissioner thereto—

(a) if he is of the opinion that for any reason there was a failure of justice, set aside the finding of the board; or

(b) direct that no further action be taken in connection with the matter; or

(c) direct that the matter be re-submitted to him for disposal in terms of this section after the expiry of such period, not exceeding 12 months, as he may specify; or

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

(e) **[impose]** direct that a fine not exceeding **[R200]** R300 be imposed upon the commissioned officer concerned, which may be recovered by way of **[stoppages]** deductions from the salary or allowances of the commissioned officer concerned; or

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

(g) take any of the steps referred to in section 3 (1B) (b) or refer the matter to the State President, who may thereupon order the Minister under that section to take any of the said steps; or

(h) make such other order as to him seems just.”.

Amendment of section 17 of Act 7 of 1958, as amended by section 6 of Act 53 of 1961, section 10 of Act 64 of 1964 and section 8 of Act 64 of 1979

4. Section 17 of the Police Act, 1958, is hereby amended by the substitution for paragraph (b) of subsection (1A) of the following paragraph:

“(b) within a period of 12 months after the member's enrolment as a member of the Force, if it appears to the Commissioner that, on account of unfitness for his duties or incapacity to carry them out efficiently or on account of any conduct which is prejudicial to the good order, efficient administration, control or discipline of the Force, the member is unfit to remain in the Force.”.

Insertion of section 17A in Act 7 of 1958

5. The following section is hereby inserted in the Police Act, 1958, after section 17:

“**Summary discharge of commissioned officers**

17A. Notwithstanding the provisions of section 10, the Minister may

POLICE AMENDMENT ACT, 1988

Act No. 8, 1988

summarily discharge any commissioned officer from the Force if that officer is serving a sentence of imprisonment without the option of a fine in respect of any offence."

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 and section 1 of Act 47 of 1981

6. Section 33 of the Police Act, 1958, is hereby amended by the substitution for paragraph (j) of subsection (1) of the following paragraph:

10 “(j) appeals, and representations in regard to recommendations in terms of this Act;”.

Short title

7. This Act shall be called the Police Amendment Act, 1988.