

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

NO. 2346

5 August 2022

DECLARATION OF PEACE OFFICERS IN TERMS OF SECTION 334 OF THE CRIMINAL
PROCEDURE ACT, 1977: TRANSNET

I, Ronald Ozzy Lamola, Minister of Justice and Correctional Services, in terms of—

- (a) section 334(1)(a) of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), hereby declare that every person who, by virtue of his or her office, falls within a category defined in Column 1 of the Schedule to this notice, shall, within the area specified in Column 2 of the Schedule, be a peace officer for the purpose of exercising, with reference to the offences specified in Column 3 of the Schedule, the powers defined in Column 4 of the Schedule;
- (b) section 334(3)(a) of the Criminal Procedure Act, 1977, hereby prescribe that—
- (i) a certificate of appointment referred to in section 334(2)(a) of the Criminal Procedure Act, 1977, shall be issued to a person referred to in Column 1 of the Schedule, only if the employer of that person has been furnished with a certificate of competency issued by the National Commissioner of the South African Police Service;
 - (ii) it must be stated in the certificate of competency referred to in subparagraph (i) that, in the opinion of the National Commissioner of the South African Police Service, such person is competent to exercise the powers defined in Column 4 of the Schedule; and
 - (iii) for the purposes of the issuing of a certificate of competency by the National Commissioner of the South African Police Service, the following criteria shall be considered:
 - (aa) The previous criminal convictions of the applicant;
 - (bb) whether the applicant has been declared unfit to possess a firearm as contemplated in the Firearms Control Act, 2000 (Act No. 60 of 2000), or other relevant legislation; and

- (cc) the training undergone by the applicant with regard to the powers to be exercised; and
- (c) section 334(3)(a) of the Criminal Procedure Act, 1977, hereby prescribe that the following information shall, in addition to that which the employer may include, appear in or on the certificate of appointment referred to in section 334(2) of the Criminal Procedure Act, 1977:
- (i) The full name of the person so appointed;
 - (ii) his or her identity number;
 - (iii) his or her signature;
 - (iv) his or her photograph;
 - (v) a description of the capacity in which he or she was appointed;
 - (vi) the name of the employer who made the appointment; and
 - (viii) the signature and official stamp of the employer or responsible person.

MR RO LAMOLA, MP

MINISTER OF JUSTICE AND CORRECTIONAL SERVICES

SCHEDULE

Column 1	Column 2	Column 3	Column 4
<p>Security officers on the permanent establishment of Transnet SOC Limited, established in terms of section 2 of the Legal Succession to South African Transport Services Act, 1989 (Act No. 9 of 1989).</p>	<p>Any land, building, structure, train or vehicle that belongs to, or which is under the control of, Transnet SOC Limited.</p>	<p>(i) Any offence referred to in paragraph 12 of Schedule I to the Legal Succession to South African Transport Services Act, 1989.</p> <p>(ii) A contravention of sections 4 and 5 of the Drugs and Drugs Trafficking Act, 1992 (Act No. 140 of 1992).</p> <p>(iii) A contravention of sections 36 or 37 of the General Law Amendment Act, 1955 (Act No. 62 of 1955).</p> <p>(iv) Any offence relating to the supply, possession or conveyance of intoxicating liquor.</p> <p>(v) A contravention of section 120(1) (in so far as it relates to sections 3, 84, 90 and 94(2)), (3), (4), (5), (6), (7) and (10)) of the Firearms Control Act, 2000 (Act No. 60 of 2000).</p> <p>(vi) Any offence, with the exclusion of the offences of "treason" and "sedition", listed in Schedule 1 to the Criminal Procedure Act, 1977 (Act No. 51 of 1977).</p> <p>(vii) Any offence contemplated in section 3 of Criminal Matters Amendment Act, 2015 (Act No. 18 of 2015).</p> <p>(viii) A contravention of section 1(1) of the Trespass Act, 1959 (Act No.6 of 1959).</p> <p>(ix) Any offence contemplated in section 7 of the Tobacco Products Control Act, 1993 (Act No. 83 of 1993).</p>	<p>(i) The power to issue a written notice in terms of section 56 of the Criminal Procedure Act, 1977.</p> <p>(ii) The powers conferred upon a peace officer in terms of Chapter 2 of the Criminal Procedure Act, 1977.</p> <p>(iii) The powers conferred upon a peace officer in terms of section 40(1)(a), (b), (c), (d), (e), (f), (h), (j) and (l) of the Criminal Procedure Act, 1977.</p> <p>(iv) The powers conferred upon a peace officer under section 41(1) of the Criminal Procedure Act, 1977.</p>