

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

NO. R. 2849

9 December 2022

DECLARATION OF PEACE OFFICERS IN TERMS OF SECTION 334 OF THE CRIMINAL PROCEDURE ACT, 1977 (ACT NO. 51 OF 1977): INVESTIGATORS FOR THE INVESTIGATING DIRECTORATE

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 amend Government Notice No. R. 209 of 19 February 2002, as amended by Government Notices Nos. R. 1201 of 26 September 2002 and R. 1114 of 19 October 2018, by the substitution for Part 16 of that Notice of the part set out in the Schedule hereto;
- (b) section 334(1)(a) of the Criminal Procedure Act, 1977, hereby declare that every person who, by virtue of his or her office, falls within a category as 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;
- (c) 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 only be issued to a person referred to in Column 1 of the Schedule, if the employer of that person has been furnished with a certificate issued by the National Commissioner of the South African Police Service;
 - (ii) it must be stated in the certificate contemplated in paragraph (i) that, in the opinion of the National Commissioner, such person is competent to exercise the relevant powers as defined in Column 4 of the relevant Part of the Schedule; and
 - (iii) for the purposes of the issuing of a certificate by the National Commissioner, the following criteria shall be considered:
 - (aa) The previous criminal convictions of a person referred to in Column 1 of the Schedule, must be verified by the employer, and a SAP 69 report;

- (bb) a report on whether a person referred to in Column 1 of the Schedule 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, together with a valid certificate of competency; and
 - (cc) a certificate or certificates of training undergone by the person referred to in Column 1 of the Schedule in respect of the offences specified in Column 3 and the powers defined in Column 4 of the Schedule, attesting to the competency of the person referred to in Column 1 of the Schedule that the person is competent to exercise the relevant powers as defined in Column 4 of the relevant Part of the Schedule; and
- (d) section 334(3)(b) of the Criminal Procedure Act, 1977, hereby prescribe that the following information must appear in or on the certificate of appointment referred to in section 334(2) of the Criminal Procedure Act, 1977:
 - (i) The full names 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
 - (vii) the signature and official stamp of the employer or responsible person.

MR R O LAMOLA, MP
MINISTER OF JUSTICE AND CORRECTIONAL SERVICES
DATE: 17 November 2022

SCHEDULE			
Column 1	Column 2	Column 3	Column 4
PART 16			
Persons assigned in terms of section 7(4)(a)(iii), (iv) and (v) of the National Prosecuting Authority Act, 1998 (Act No. 32 of 1998), as investigators for the Investigating Directorate, established by Proclamation No. 20 of 2019.	The Republic of South Africa.	<p>(a) The common law offences of—</p> <ul style="list-style-type: none"> (i) fraud; (ii) forgery; (iii) uttering; (iv) theft; and (v) any offence involving dishonesty; and <p>(b) statutory offences, relating to the contravention of the—</p> <ul style="list-style-type: none"> (i) Prevention and Combating of Corrupt Activities Act, 2004 (Act No. 12 of 2004); (ii) Prevention of Organised Crime Act, 1998 (Act No. 121 of 1998); (iii) Protection of Constitutional Democracy against Terrorist and Related Activities, 2004 (Act No. 33 of 2004); (iv) Public Finance Management Act, 1999 (Act No. 1 of 1999); (v) Local Government: Municipal Finance Management Act, 2003 (Act 	<p>(a) The powers conferred upon a police official or a peace officer in terms of Chapters 2, 3, 4, 5 and 7 of the Criminal Procedure Act, 1977; and</p> <p>(b) the powers conferred upon a police official in terms of section 329 of the Criminal Procedure Act, 1977.</p>

		<p>No. 56 of 2003);</p> <p>(vi) Financial Intelligence Centre Act 2001 (Act No. 38 of 2001); and</p> <p>(vii) any other statutory offence involving an element of dishonesty; and</p> <p>(c) any unlawful activity relating to serious, high profile or complex corruption cases relating to offences or criminal or unlawful activities arising from the following Commissions of Inquiry:</p> <p>(i) Commission of Inquiry into Allegations of State Capture, Corruption and Fraud in the Public Sector including Organs of State, promulgated under Proclamation No. 3 of 2018;</p> <p>(ii) Commission of Inquiry into Tax Administration and Governance by the South African Revenue Service, established by</p>	
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