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GOVERNMENT NOTICE

MINISTRY OF LAW AND ORDER

No. R. 2331

11 November 1988

BLACK LOCAL AUTHORITIES ACT, 1982 (ACT 102 OF 1982)

LOCAL AUTHORITIES.—REGULATIONS REGULATING TO LAW ENFORCEMENT OFFICERS—AMENDMENT OF REGULATIONS PROMULGATED BY GOVERNMENT NOTICE R. 1900 OF 31 AUGUST 1984, AS AMENDED BY GOVERNMENT NOTICE R. 1956 OF 12 SEPTEMBER 1986

I, Adriaan Johannes Vlok, Minister of Law and Order, by virtue of the powers vested in me by section 56 (1) (j) of the Black Local Authorities Act, 1982 (Act 102 of 1982), read with Proclamation 85 of 1988, do hereby amend the regulations promulgated by Government Notice R. 1900 of 31 August 1984, as amended by Government Notice R. 1956 of 12 September 1986, in accordance with the accompanying Schedule.

A. J. VLOK,
Minister of Law and Order.

SCHEDULE

DEFINITION

1. In these Regulations "the Regulations" means the Regulations for Law Enforcement Officers of Local Authorities, 1984, published under Government Notice R. 1900 of 31 August 1984, and amended under Government Notice R. 1956 of 12 September 1986.

SUBSTITUTION OF REGULATION 1A (3)

2. Regulation 1A (3) of the Regulations is hereby amended by the substitution for subregulation (3) of the following subregulation:

"(3) The commander, subject to the guide-lines and policy determined by the commanding officer after consultation with the chief executive officer, exercises command and control over the performance or execution of the powers, functions and duties of law enforcement officers for a purpose intended in section 34 (1) (a), (b), (c) and (cA) of the Act".

GOEWERMENSKENNISGEWING

MINISTERIE VAN WET EN ORDE

No. R. 2331

11 November 1988

WET OP SWART PLAASLIKE OWERHEDE, 1982 (WET 102 VAN 1982)

PLAASLIKE BESTURE.—REGULASIES BETREFFENDE WETSTOEPASSINGSBEAMPTES—WYSIGING VAN REGULASIES SOOS AFGEKONDIG BY GOEWERMENSKENNISGEWING R. 1900 VAN 31 AUGUSTUS 1984, SOOS GEWYSIG BY GOEWERMENSKENNISGEWING R. 1956 VAN 12 SEPTEMBER 1986

Ek, Adriaan Johannes Vlok, Minister van Wet en Orde, wysig hierby, kragtens die bevoegdheid my verleen by artikel 56 (1) (j) van die Wet op Swart Plaaslike Owerhede, 1982 (Wet 102 van 1982), saamgelees met Proklamasie 85 van 1988, die regulasies afgekondig by Goewermenskennisgewing R. 1900 van 31 Augustus 1984, en gewysig by Goewermenskennisgewing R. 1956 van 12 September 1986, ooreenkomstig die bygaande Bylae.

A. J. VLOK,
Minister van Wet en Orde.

BYLAE

WOORDOMSKRYWING

1. In hierdie Regulasies beteken "die Regulasies" die Regulasies vir Wetstoepassingsbeamptes van Plaaslike Besture, 1984, afgekondig by Goewermenskennisgewing R. 1900 van 31 Augustus 1984, en gewysig by Goewermenskennisgewing R. 1956 van 12 September 1986.

VERVANGING VAN REGULASIE 1A (3)

2. Regulasie 1A van die Regulasies word hierby gewysig deur subregulasie (3) deur die volgende subregulasie te vervang:

"(3) 'n Bevelvoerder oefen, behoudens die riglyne en beleid deur die bevelvoerende offisier na oorlegpleging met die hoof-uitvoerende beampte bepaal, bevel en beheer uit oor die uitoefening of verrigting van die bevoegdhede, werksaamhede en pligte van wetstoepassingsbeamptes vir 'n doel in artikel 34 (1) (a), (b), (c) en (cA) van die Wet bedoel".

AMENDMENT OF REGULATION 1B OF THE REGULATIONS

3. Regulation 1B of the Regulations is hereby amended by the substitution for subregulation (1) of the following subregulation:

“(1) The commander is—

- (a) with regard to the efficient performance or execution by law enforcement officers of the powers, functions and duties intended for a purpose in section 34 (1) (a), (b), (c) and (cA) of the Act, responsible to the commanding officer; and
- (b) with regard to the efficient performance or execution by law enforcement officers of the powers, functions and duties for another purpose intended in section 34 (1) of the Act, and the efficient administration and the proper use and care of equipment, responsible to the chief executive officer”.

AMENDMENT OF REGULATION 1C OF THE REGULATIONS

4. Regulation 1C of the Regulations is hereby amended by the substitution for subregulation (1) of the following subregulations:

“(1) Subject to the provisions of regulation 1A (3) a commander can, with the approval of the commanding officer granted after consultation with the chief executive officer, issue such orders and instructions as he may deem necessary or expedient, in order to effect efficient administration and the control and discipline of law enforcement officers”.

AMENDMENT OF REGULATION 6

5. Regulation 6 of the regulations is hereby amended—

- (a) by the substitution for subregulation (1) of the following subregulation:

“(1) Subject to the provisions of section 34 (3) of the Act and these regulations the functions of a law enforcement officer shall be—

- (a) the preservation of the safety of the residents of the area;
- (b) the maintenance of law and order in the area;
- (c) the prevention of crime in the area;
- (d) the investigation of any offence or alleged offence in the area;
- (e) the performance of functions which are performed by messengers according to customary law among Black persons in respect of the exercising of the judicial power of any person on whom such power has been conferred under a provision of any law”; and

- (b) by the substitution for subregulation (2) of the following subregulation:

“(2) (a) Subject to the provisions of paragraph (b) of this subregulation and of subregulation (3) a law enforcement officer shall exercise the powers and perform the duties conferred or imposed by law upon a law enforcement officer.

WYSIGING VAN REGULASIE 1B

3. Regulasie 1B van die Regulasies word hierby gewysig deur subregulasie (1) deur die volgende subregulasie te vervang:

“(1) Die bevelvoerder is—

- (a) met betrekking tot die doeltreffende uitoefening of verrigting deur wetstoepassingsbeambtes van die bevoegdheid, werksaamhede en pligte vir 'n doel in artikel 34 (1) (a), (b), (c) en (cA) van die Wet bedoel, aan die bevelvoerende offisier verantwoordelik; en
- (b) met betrekking tot die doeltreffende uitoefening of verrigting deur wetstoepassingsbeambtes van die bevoegdheid, werksaamhede en pligte vir 'n ander doel in artikel 34 (1) van die Wet bedoel en die doeltreffende administrasie en die behoorlike gebruik en versorging van uitrusting en toebehore, aan die hoof-uitvoerende beampte verantwoordelik”.

WYSIGING VAN REGULASIE 1C

4. Regulasie 1C van die Regulasies word hierby gewysig deur subregulasie (1) deur die volgende subregulasie te vervang:

“(1) Behoudens die bepalings van regulasie 1A (3) kan 'n bevelvoerder met die goedkeuring van die bevelvoerende offisier, na oorlegpleging met die hoof-uitvoerende beampte verleen, die orders en voorskrifte uitvaardig wat hy nodig of dienstig ag ten einde doeltreffende administrasie, beheer en dissipline van wetstoepassingsbeambtes te bewerkstellig”.

WYSIGING VAN REGULASIE 6

5. Regulasie 6 van die regulasies word hierby gewysig—

- (a) deur subregulasie (1) deur die volgende subregulasie te vervang:

“(1) Behoudens die bepalings van artikel 34 (3) van die Wet en hierdie regulasies is die werksaamhede van 'n wetstoepassingsbeampte—

- (a) die bewaring van die veiligheid van die inwoners van die gebied;
- (b) die handhawing van wet en orde in die gebied;
- (c) die voorkoming van misdaad in die gebied;
- (d) die ondersoek van enige misdryf of beweerde misdryf in die gebied;
- (e) die verrigting van werksaamhede wat deur bodes verrig word ooreenkomstig gewoontereg by Swart persone ten opsigte van die uitoefening van die regsprekende bevoegdheid van 'n persoon aan wie sodanige bevoegdheid kragtens 'n bepaling van die een of ander wet verleen is”; en

- (b) deur subregulasie (2) deur die volgende subregulasie te vervang:

“(2) (a) Behoudens die bepalings van paragraaf (b) van hierdie subregulasie en van subregulasie (3) oefen 'n wetstoepassingsbeampte die bevoegdheid uit en verrig hy die pligte wat by wet aan 'n wetstoepassingsbeampte verleen of opgelê word.

(b) For the purposes of the provisions of paragraph (a) any reference in any regulation which applies in the area and which has been made under section 27 (2A) of the Act, to a police officer, a member of the South African Police, an authorized officer or an authorized employee, shall, in so far as it so applies, be construed as a reference to a law enforcement officer of that area".

(b) By die toepassing van die bepalings van paragraaf (a) word 'n verwysing in die een of ander regulasie wat in die gebied van toepassing is en wat kragtens artikel 27 (2A) van die Wet uitgevaardig is, na 'n polisiebeampte, 'n lid van die Suid-Afrikaanse Polisie, 'n gemagtigde beampte of 'n gemagtigde werknemer, uitgelê, vir sover dit aldus van toepassing is, as 'n verwysing na 'n wets-toepassingsbeampte van daardie gebied".

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