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GOVERNMENT GAZETTE

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DEPARTMENT OF THE PRIME MINISTER.

DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 1129. 28th June, 1972.

No. 1129.

28 Junie 1972.

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 94 of 1972: Police Amendment Act, 1972.

No. 94 van 1972: Wysigingswet op Polisie, 1972.

Wet No. 94, 1972

WYSIGINGSWET OP POLISIE, 1972.

WET

Tot wysiging van die bepalings van die Polisiewet, 1958, met betrekking tot woordomsrywings; die aanstelling van offisiere; oortredings deur lede van die Mag; gesertifiseerde winkels van die Suid-Afrikaanse Polisie; die regulasie-bevoegdhede van die Staatspresident betreffende sekere laboratoria, fondse en die Polisie-reserwe; die instelling van 'n Polisie-reserwe; die pligte van werkgewers betreffende lede van die Polisie-reserwe wat vir hulle werk; die indiensneming in die Mag van sekere lede van die Polisie-reserwe; die besoldiging van lede van die Mag; en die diensvoorwaardes van sekere lede van die Mag; en om vir bykomstige aangeleenthede voorsiening te maak.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 16 Junie 1972.)

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

Wysiging van artikel 1 van Wet 7 van 1958, soos gewysig deur artikel 1 van Wet 53 van 1961, artikel 1 van Wet 64 van 1966 en artikel 1 van Wet 74 van 1967.

1. Artikel 1 van die Polisiewet, 1958 (hieronder die Hoofwet genoem) word hierby gewysig—

(a) deur die woordomskrywing van „die Mag” deur die volgende woordomskrywing te vervang:

„die Mag” die offisiere, adjudant-offisiere, onder-offisiere en konstabels van die Suid-Afrikaanse Polisie, en ook, behalwe by die toepassing van enige bepaling van hierdie Wet ten opsigte waarvan die Kommissaris onderworpe aan die voorskrifte van die Minister anders voorskryf, die Polisie-reserwe, die Reserwepolisiemag en tydelike lede;”;

(b) deur die woordomskrywing van „lid van die Mag” deur die volgende woordomskrywing te vervang:

„lid van die Mag” ’n offisier, adjudant-offisier, onder-offisier of konstabel wat ingevolge hierdie Wet in die Suid-Afrikaanse Polisie dien, en ook, behalwe by die toepassing van enige bepaling van hierdie Wet ten opsigte waarvan die Kommissaris onderworpe aan die voorskrifte van die Minister anders voorskryf, ’n lid van die Polisie-reserwe of die Reserwepolisiemag terwyl hy in die Mag in diens geneem is, en ’n tydelike lid terwyl hy aldus in diens geneem is;”.

Wysiging van artikel 3 van Wet 7 van 1958, soos vervang deur artikel 2 van Wet 74 van 1967.

2. Artikel 3 van die Hoofwet word hierby gewysig deur die volgende subartikel na subartikel (1) in te voeg:

„(1A) ’n In subartikel (1) bedoelde kommissie word deur die Staatspresident uitgereik onder die handtekeninge van die Staatspresident en die Minister, of onder replikas van daardie handtekeninge.”.

Wysiging van artikel 9 van Wet 7 van 1958, soos gewysig deur artikel 1 van Wet 43 van 1958,

3. Artikel 9 van die Hoofwet word hierby gewysig—

(a) deur subartikel (1) deur die volgende subartikel te vervang:

„(1) ’n Lid van die Mag wat ’n bepaling van hierdie Wet oortree of in gebreke bly om te voldoen aan ’n

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ACT

To amend the provisions of the Police Act, 1958, relating to definitions; the appointment of officers; contraventions by members of the Force; certified canteens of the South African Police; the powers of the State President to make regulations concerning certain laboratories, funds and the Police Reserve; the establishment of a Police Reserve; the duties of employers concerning members of the Police Reserve in their employment; the employment in the Force of certain members of the Police Reserve; the remuneration of members of the Force; and the conditions of service of certain members of the Force; and to provide for incidental matters.

(Afrikaans text signed by the State President.)

(Assented to 16th June, 1972.)

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

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:

"member of the Force" means any commissioned officer, warrant-officer or constable 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 or the Reserve Police Force while employed in the Force and any temporary member while so employed;";
 - (b) by the substitution for the definition of "the Force" of the following definition:

"the Force" means the commissioned officers, warrant-officers, non-commissioned officers and constables 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, the Reserve Police Force and temporary members;".
2. Section 3 of the principal Act is hereby amended by the insertion after subsection (1) of the following subsection:

"(1A) A commission referred to in subsection (1) bearing the signatures of the State President and the Minister or replicas of such signatures, shall be issued by the State President."
3. Section 9 of the principal Act is hereby amended—
 - (a) by the substitution for subsection (1) of the following subsection:

"(1) Any member of the Force who contravenes any provision of this Act or fails to comply with an order

Amendment of section 1 of Act 7 of 1958, as amended by section 1 of Act 53 of 1961, section 1 of Act 64 of 1964 and section 1 of Act 74 of 1967.

Amendment of section 3 of Act 7 of 1955, as substituted by section 2 of Act 74 of 1967.

Amendment of section 9 of Act 7 of 1958, as amended by section 1 of Act 43 of 1958,

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artikel 4 van
Wet 53 van 1961
en artikel 7 van
Wet 64 van 1964.

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bevel wat ingevolge hierdie Wet uitgereik is, is aan 'n misdryf skuldig en by veroordeling strafbaar met 'n boete van hoogstens honderd rand of, by wanbetaling, gevangenisstraf vir 'n tydperk van hoogstens ses maande of met sodanige gevangenisstraf sonder die keuse van 'n boete of met beide sodanige boete en sodanige gevangenisstraf.”;

- (b) deur subartikel (6) deur die volgende subartikel te vervang:

„(6) 'n Lid van die Mag wat ingevolge hierdie artikel deur 'n offisier skuldig bevind en gevonnissen is, kan, onderworpe aan die bepalinge van die regulasies, teen die skuldigbevinding en vonnis by die Kommissaris appèl aanteken, en daarop kan die Kommissaris die vonnis bekragtig of die bevinding maak of die vonnis oplê wat, na sy oordeel, by die verhoor van daardie lid gemaak of opgelê moes gewees het.”;

- (c) deur subartikel (9) deur die volgende subartikel te vervang:

„(9) Wanneer 'n lid van die Mag ingevolge hierdie artikel deur 'n offisier skuldig bevind en gevonnissen is, kan die Kommissaris na goeddunke gelas dat die relaas van die verrigtinge in die saak vir hersiening aan hom voorgelê word, en daarop die vonnis bekragtig of die bevinding maak of die vonnis oplê wat, na sy oordeel, by die verhoor van daardie lid gemaak of opgelê moes gewees het.”.

Wysiging van
artikel 29 van
Wet 7 van 1958,
soos gewysig deur
artikel 7 van
Wet 92 van 1970.

4. Artikel 29 van die Hoofwet word hierby gewysig deur subartikels (1) en (2) deur die volgende subartikels te vervang:

„(1) Geen lisensiegelde, belasting, reg of gelde (behalwe doeane-, aksyns- of verkoopregte wat volgens wet hefbaar is) is ingevolge enige wet of verordening deur enigiemand ten opsigte van 'n gesertifiseerde winkel van die Suid-Afrikaanse Polisie of ten opsigte van enige artikel wat in so 'n winkel te koop is, betaalbaar nie.

(2) Die oorlegging van 'n amptelike dokument onder die handtekening van die Minister of iemand wat deur die Minister gemagtig is om so 'n dokument te onderteken, waarin aangedui word dat hy die winkel gesertifiseer het, is afdoende bewys dat dit 'n winkel is wat onder hierdie artikel val.”.

Wysiging van
artikel 33 van
Wet 7 van 1958,
soos gewysig deur
artikel 8 van
Wet 53 van 1961,
artikel 19 van
Wet 64 van 1964
en artikel 1 van
Wet 80 van 1970.

5. Artikel 33 van die Hoofwet word hierby gewysig—

- (a) deur na paragraaf (d) van subartikel (1) die volgende paragraaf in te voeg:

„(dA) die beheer en funksies van laboratoriums wat vir die doeleindes van die Suid-Afrikaanse Polisie ingestel is;”;

- (b) deur na paragraaf (e) van subartikel (1) die volgende paragraaf in te voeg:

„(eA) die hou van registers bevattende al die nodige inligting met betrekking tot lede van die Polisiereserwe, die pligte van beamptes in bevel van polisiestasies met betrekking tot lede van die Polisiereserwe, en die aard van diens van lede van die Polisiereserwe wat ingevolge hierdie Wet beveel word om in die Mag diens te doen;”;

- (c) deur na paragraaf (f) van subartikel (1) die volgende paragraaf in te voeg:

„(fA) die beheer van fondse wat deur 'n komitee of ander soortgelyke liggaam onder voorsitterskap

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issued in terms of this Act shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred rand or in default of payment, imprisonment for a period not exceeding six months or to such imprisonment without the option of a fine or to both such fine and such imprisonment.”;

section 4 of
Act 53 of 1961
and section 7 of
Act 64 of 1964.

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

“(6) Any member of the Force who has been convicted and sentenced by a commissioned officer under this section, may, subject to the provisions of the regulations, appeal to the Commissioner against the conviction and sentence, and thereupon the Commissioner may confirm the sentence, or make such finding or impose such sentence which, in his opinion, should have been made or imposed at the trial of such member.”;

- (c) by the substitution for subsection (9) of the following subsection:

“(9) Whenever any member of the Force has been convicted and sentenced by a commissioned officer under this section, the Commissioner may, if he thinks fit, direct that the record of the proceedings in the case be submitted to him for review, and may thereupon confirm the sentence or make such finding or impose such sentence which, in his opinion, should have been made or imposed at the trial of such member.”.

4. Section 29 of the principal Act is hereby amended by the substitution for subsections (1) and (2) of the following subsections:

Amendment of
section 29 of
Act 7 of 1958,
as amended by
section 7 of
Act 92 of 1970.

“(1) No licence moneys, tax, duty or fee (other than customs, excise or sales duties leviable by law) shall be payable by any person under any law or bye-law in respect of a certified canteen of the South African Police or in respect of any article on sale at such a canteen.

(2) The production of an official document bearing the signature of the Minister or any person authorized by the Minister to sign any such document, and indicating that he has certified the canteen, shall be conclusive proof that it is a canteen falling within this section.”.

5. Section 33 of the principal Act is hereby amended—

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
and section 1 of
Act 80 of 1970.

- (a) by the insertion after paragraph (d) of subsection (1) of the following paragraph:

“(dA) the control and functions of laboratories established for the purposes of the South African Police;”;

- (b) by the insertion after paragraph (e) of subsection (1) of the following paragraph:

“(eA) the keeping of registers containing all the necessary information regarding members of the Police Reserve, the duties of officers in charge of police stations regarding members of the Police Reserve, and the nature of service of members of the Police Reserve who, in terms of this Act, are ordered to serve in the Force;”;

- (c) by the insertion after paragraph (t) of subsection (1) of the following paragraph:

“(tA) the control of funds which are administered by a committee or other like body under the chair-

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van 'n lid van die Mag geadministreer word, en wat ingesamel of ontvang is deur of van lede van die Mag vir die voordeel van lede en oud-lede van die Mag, of hulle afhanklikes;”.

Vervanging van artikel 34*bis* van Wet 7 van 1958, soos ingevoeg deur artikel 21 van Wet 64 van 1964.

6. Artikel 34*bis* van die Hoofwet word hierby deur die volgende artikel vervang:

„Polisie-reserwe.

34A. (1) Daar word hierby 'n Polisie-reserwe ingestel bestaande uit elke persoon wat in 'n permanente hoedanigheid vir 'n tydperk van minstens ses maande in die Mag gedien het en, voor of na die inwerkingtreding van die Wysigingswet op Polisie, 1972, sy diens beëindig het of met pensioen afgedank is.

(2) Elke lid van die Polisie-reserwe moet 'n beampte, wat deur die Kommissaris aangewys word, binne drie maande na die inwerkingtreding van die Wysigingswet op Polisie, 1972, of binne drie maande nadat hy so 'n lid geword het, van sy naam en adres in kennis stel, en van enige verandering van sy adres binne veertien dae na so 'n verandering.

(3) Die Minister of 'n offisier wat op sy gesag handel, kan van tyd tot tyd, by skriftelike kennisgewing, deur die pos bestel of oorhandig, 'n lid van die Polisie-reserwe, behalwe 'n lid wat die ouderdom van vyf-en-sestig jaar bereik het, beveel om hom vir diens aan te meld by die beampte in bevel van 'n polisiestasie wat in die kennisgewing vermeld word en op die tyd en vir die tydperk wat aldus vermeld word: Met dien verstande dat die Minister of bedoelde offisier so 'n lid kan vrystel van 'n verpligting wat hom ingevolge hierdie artikel opgelê is.

(4) Geen lid van die Polisie-reserwe word verplig om in 'n laer rang in die Mag diens te doen nie as die rang waarin hy by die beëindiging van sy permanente diens in die Mag diens gedoen het.

(5) Die in subartikel (3) bedoelde tydperk oorskry nie dertig dae per jaar nie.

(6) Die bepalinge van subartikel (3) is nie van toepassing nie op 'n lid van die Polisie-reserwe na verloop van 'n tydperk van vyf jaar vanaf die datum waarop hy sy permanente diens in die Mag beëindig het of die datum waarop hy met pensioen uit bedoelde diens afgedank is.

(7) Indien die Minister van oordeel is dat 'n optrede of dreigement van optrede deur 'n persoon of liggaam van persone van so 'n aard en omvang is dat die openbare veiligheid, die handhawing van die openbare orde, of lewens of eiendom, ernstig bedreig word, kan hy ondanks die bepalinge van subartikels (5) en (6) maar behoudens die bepalinge van subartikel (3), 'n lid van die Polisie-reserwe beveel om vir 'n tydperk wat hy dienstig ag, in die Mag diens te doen.

(8) Die bepalinge van subartikel (7) is aanvullend tot en nie ter vervanging van die bepalinge van artikel 7 van hierdie Wet nie.

(9) Geen bepaling van hierdie Wet word so uitgelê nie dat dit 'n persoon wat by die beëindiging van sy permanente diens in die Mag minder as ses maande aldus diens gedoen het of 'n lid van die Polisie-reserwe wat ingevolge hierdie artikel van diens in die Mag vrygestel is, vrystel van die bepalinge van die Verdedigingswet, 1957 (Wet No. 44 van 1957).”.

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manship of a member of the Force and have been collected or accepted by or from members of the Force, for the benefit of members and ex-members of the Force, or their dependants;”.

6. The following section is hereby substituted for section 34bis of the principal Act:

“Police Reserve.

34A. (1) There is hereby established a Police Reserve consisting of every person who has served in the Force in a permanent capacity for a period of not less than six months and who, before or after the commencement of the Police Amendment Act, 1972, terminated his service or was retired on pension.

Substitution of section 34bis of Act 7 of 1958, as inserted by section 21 of Act 64 of 1964 and amended by section 7 of Act 74 of 1967.

(2) Every member of the Police Reserve shall advise an officer, appointed by the Commissioner, of his name and address within three months after the commencement of the Police Amendment Act, 1972, or within three months after he has become such a member, and of any change of his address within fourteen days of such change.

(3) The Minister or any commissioned officer acting under his authority may, from time to time, by notice in writing, sent by post or delivered, order any member of the Police Reserve, other than a member who has attained the age of sixty-five years, to report for service to the officer in charge of such police station as may be specified in such notice, and at such time and for such period as may be so specified: Provided that the Minister or any commissioned officer acting under his authority may exempt any such member from any obligation imposed upon him in terms of this section.

(4) No member of the Police Reserve shall be compelled to serve in the Force in a rank inferior to the rank in which he served in the Force at the termination of his permanent service.

(5) The period referred to in subsection (3) shall not exceed thirty days per year;

(6) The provisions of subsection (3) shall not apply to a member of the Police Reserve after the expiration of a period of five years as from the date on which he terminated his service in a permanent capacity in the Force or the date on which he was retired on pension from such service.

(7) If the Minister is of the opinion that any action or threat of action by any person or body of persons is of such a nature and extent that the public safety, the maintenance of public order, or life or property, is seriously endangered, he may, notwithstanding the provisions of subsections (5) and (6) but subject to the provisions of subsection (3), order any member of the Police Reserve to serve in the Force for a period which he thinks fit.

(8) The provisions of subsection (7) shall be in addition to and not in substitution for the provisions of section 7 of this Act.

(9) No provision of this Act shall be so construed as to exempt any person who at the termination of his permanent service in the Force has served as such for a period of less than six months, or any member of the Police Reserve who in terms of this section is exempted from service in the Force, from the provisions of the Defence Act, 1957 (Act No. 44 of 1957).”.

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Vervanging van artikel 34^{ter} van Wet 7 van 1958 soos ingevoeg deur artikel 21 van Wet 64 van 1964 en gewysig deur artikel 7 van Wet 74 van 1967.

7. Artikel 34^{ter} van die Hoofwet word hierby deur die volgende artikel vervang:

„Pligte van werkgewers.

34B. (1) 'n Werkgewer moet aan iemand in sy diens wat ingevolge artikel 34A beveel word om hom vir diens aan te meld, alle redelike fasiliteite verleen om hom in staat te stel om vir daardie diens aan te meld.

(2) 'n Werkgewer wat—

- (a) versuim om fasiliteite soos voormeld te verleen;
- (b) 'n werknemer ontslaan of sy salaris of loon verminder of sy posisie tot sy nadeel verander of op enige ander wyse so 'n werknemer benadeel omdat hy hom vir die in subartikel (1) bedoelde diens aangemeld het of dit verrig het; of
- (c) deur woorde, gedrag of op enige ander wyse iemand wat in sy diens is of wil tree, regstreeks of onregstreeks verplig, beweeg of oorhaal om die in subartikel (1) bedoelde diens te vermy, of hom nie daarvoor aan te meld nie of dit nie te verrig nie,

is, behoudens die bepalings van subartikels (3) en (4), aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens tweehonderd rand of, by wanbetaling, met gevangenisstraf vir 'n tydperk van hoogstens ses maande of met sodanige gevangenisstraf sonder die keuse van 'n boete of met beide sodanige boete en gevangenisstraf.

(3) (a) Die bepalings van hierdie artikel word nie so uitgelê dat dit 'n werkgewer verplig om aan iemand wat vir hom werk, 'n salaris of loon te betaal ten opsigte van 'n tydperk waartydens hy afwesig is van sy werk ten einde die in subartikel (1) bedoelde diens te verrig nie.

(b) Ondanks die bepalings van subartikels (1) en (2) en van enige ander wet, is geen werknemer wat die in subartikel (1) bedoelde diens verrig en wat by wet of ingevolge 'n voorwaarde van sy werk geregtig is op verhoogde besoldiging, betaalde verlof, of, behoudens die bepalings van subparagraaf (ii), enige soortgelyke voordeel na voltooiing van 'n bepaalde tydperk of agtereenvolgende tydperke van werk—

(i) geregtig om ten opsigte van enige een ononderbroke tydperk van die in subartikel (1) bedoelde diens meer as vier maande van afwesigheid van sy werk wat deur daardie diens veroorsaak is, as werk te reken by die vasstelling van daardie verhoogde besoldiging, betaalde siekteverlof of ander betaalde verlof, of soortgelyke voordeel wat hom toekom ten opsigte van daardie werk nie: Met dien verstande dat hierdie subparagraaf nie so uitgelê word dat dit enige langer tydperk vasgestel of bepaal by of kragtens 'n wet wat op sy werk betrekking het, beperk nie;

(ii) geregtig op die verlening aan hom deur sy werkgewer van betaalde siekteverlof ten opsigte van 'n tydperk wat binne die perke van 'n tydperk van die in subartikel (1) bedoelde diens val en waartydens hy buite aksie gestel is as gevolg van 'n besering of siekte nie;

(iii) geregtig om enige sodanige betaalde siekteverlof of ander betaalde verlof of enige

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7. The following section is hereby substituted for section 34*ter* of the principal Act:

"Duties of employers.

34B. (1) An employer shall afford any person in his employ who is ordered in terms of section 34A to report for service all reasonable facilities to enable him to report for such service.

Substitution of section 34*ter* of Act 7 of 1958, as inserted by section 21 of Act 64 of 1964 and amended by section 7 of Act 74 of 1967.

(2) Any employer who—

- (a) fails to afford facilities as aforesaid;
- (b) dismisses an employee or reduces his salary or wages or alters his position to his disadvantage or in any other manner penalizes such employee for the reason that he has reported for or has rendered service referred to in subsection (1); or
- (c) by words, conduct or in any other manner directly or indirectly compels, induces or prevails upon, or attempts to compel, induce or prevail upon, any person in or seeking to enter his employment to evade service referred to in subsection (1) or to refrain from reporting or rendering such service,

shall subject to the provisions of subsections (3) and (4) be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand or, in default of payment, imprisonment for a period not exceeding six months or to such imprisonment without the option of a fine or to both such fine and such imprisonment.

(3) (a) Nothing in this section shall be construed as requiring any employer to pay any person in his employ any salary or wages in respect of any period during which he is absent from his work for the purpose of rendering service referred to in subsection (1).

(b) Notwithstanding the provisions of subsections (1) and (2) and of any other law, no employee who is rendering service referred to in subsection (1) and who is by law or in terms of any condition of his employment entitled to increased remuneration, paid sick leave or other paid leave of absence, or, subject to the provisions of subparagraph (ii), any similar benefit upon completion of a fixed period or successive fixed periods of employment shall—

- (i) have the right to reckon in respect of any one unbroken period of service referred to in subsection (1) more than four months of the absence from his employment occasioned by such service as employment in the determination of such increased remuneration, paid sick leave, or other paid leave of absence or similar benefit as may accrue to him in respect of such employment: Provided that this paragraph shall not be construed as limiting any longer period which may be determined or fixed by or under any law relating to his employment;
- (ii) be entitled to the grant to him by his employer of paid sick leave in respect of a period falling within the limits of any period of service referred to in subsection (1), during which he is incapacitated as a result of any injury or illness;
- (iii) claim any such paid sick leave or other paid leave of absence or any other benefit

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ander voordeel te eis voordat hy ooreenkomstig die bepalings van hierdie Wet toegelaat is om sy werk te hervat, en hy aldus sy werk hervat het nie.

(4) Indien 'n in subartikel (3) bedoelde werknemer 'n vakleerling is soos in die Wet op Vakleerlinge, 1944 (Wet No. 37 van 1944), omskryf, is die bepalings van artikel 26 (1) van daardie Wet nie van toepassing nie ten opsigte van 'n tydperk van hoogstens vier maande van die eerste tydperk en hoogstens drie weke van enige daaropvolgende tydperk van sy afwesigheid van sy werk veroorsaak deur die in subartikel (1) bedoelde diens gedurende die voorgeskrewe tydperk van sy vakleerlingskap.

(5) Wanneer by verrigtings ingevolge subartikel (2) (b) bewys word dat 'n werkgewer die betrokke werknemer ontslaan het of sy salaris of loon verminder het of sy posisie tot sy nadeel verander het, of daardie werknemer op enige ander wyse benadeel het, word daardie werkgewer, totdat die teendeel bewys is, geag daardie werknemer te ontslaan het of sy salaris of loon te verminder het of sy posisie aldus te verander het of hom aldus te benadeel het, na gelang van die geval, omdat daardie werknemer ingevolge artikel 34A beveel is om hom vir diens aan te meld of sodanige diens gedoen het.

Invoeging van
artikels 34C
en 34D in
Wet 7 van 1958.

8. Die volgende artikels word hierby in die Hoofwet na artikel 34B ingevoeg:

„Indiens-
neming van
sekere lede
van die
Polisie-
reserwe.

34C. (1) Ondanks die bepalings van artikel 34A kan die Kommissaris of 'n offisier wat op sy gesag handel 'n lid van die Polisie-reserwe in die Mag in diens neem en kan te eniger tyd die dienste van so 'n lid wat aldus in diens geneem is, beëindig.

(2) Subartikel (1) word geag op die eerste dag van Februarie 1965 in werking te getree het.

Besoldiging
van lede
van die Mag
en diens-
voorwaardes
van sekere
lede.

34D. (1) Aan alle lede van die Mag behalwe lede van die Reserwepolisiemag wat by ooreenkoms geen besoldiging vir hul dienste ontvang nie, word salarisse, lone of toelaes betaal ooreenkomstig die bepalings van die Staatsdienswet, 1957 (Wet No. 54 van 1957).

(2) Die Kommissaris kan behoudens die regulasies, op aanbeveling van die Staatsdienskommissie en met goedkeuring van die Tesourie, diensvoorwaardes ten opsigte van die Polisie-reserwe, die Reserwepolisiemag en tydelike lede voorskryf.

(3) Lede van die Reserwepolisiemag wat geen besoldiging vir hul dienste in die Mag ontvang nie, word nie omrede van die feit dat hulle geen sodanige vergoeding ontvang, geag nie in diens van die Staat te wees nie.”.

Kort titel en inwer-
kingtreeding.

9. (1) Hierdie Wet heet die Wysigingswet op Polisie, 1972, en die bepalings daarvan tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

(2) Verskillende datums kan ingevolge subartikel (1) ten opsigte van verskillende bepalings van hierdie Wet bepaal word.

POLICE AMENDMENT ACT, 1972.

Act No. 94, 1972

before he has, pursuant to the provisions of this Act, been permitted to resume his employment and has so resumed his employment.

(4) If an employee referred to in subsection (3) is an apprentice as defined in the Apprenticeship Act, 1944 (Act No. 37 of 1944), the provisions of section 26 (1) of that Act shall not apply in respect of a period of not more than four months of the first period and not more than three weeks of any subsequent period of his absence from his employment occasioned by service referred to in subsection (1) during the prescribed period of his apprenticeship.

(5) Whenever in any proceedings under subsection (2) (b), it is proved that an employer has dismissed the employee concerned or has reduced his salary or wages or altered his position to his disadvantage, or has in any other manner penalized such employee, that employer shall be deemed, unless the contrary is proved, to have dismissed such employee or to have so reduced his salary or wages or to have so altered his position or to have so penalized him, as the case may be, for the reason that such employee has been ordered in terms of section 34A to report for service or has rendered such service.”.

8. The following sections are hereby inserted in the principal Act after section 34B:

Insertion of sections 34C and 34D in Act 7 of 1958.

“Employment of certain members of the Police Reserve.

34C. (1) Notwithstanding the provisions of section 34A, the Commissioner or any commissioned officer acting under his authority may employ any member of the Police Reserve in the Force and may at any time terminate the services of any such member so employed.

(2) Subsection (1) shall be deemed to have come into operation on the first day of February, 1965.

Remuneration of members of the Force and conditions of service of certain members.

34D. (1) All members of the Force other than members of the Reserve Police Force who by agreement receive no remuneration for their services, shall be paid salaries, wages or allowances in accordance with the provisions of the Public Service Act, 1957 (Act No. 54 of 1957).

(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, the Reserve Police Force and temporary members.

(3) Members of the Reserve Police Force who receive no remuneration for their services in the Force, shall not by reason of the fact that they receive no such remuneration be regarded as not being in the service of the State.”.

9. (1) This Act shall be called the Police Amendment Act, 1972, and the provisions thereof shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.

Short title and commencement.

(2) Different dates may in terms of subsection (1) be fixed in respect of different provisions of this Act.

