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STATE PRESIDENT'S OFFICE

KANTOOR VAN DIE STAATSPRESIDENT

No. 587.

7 April 1989

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

No. 36 of 1989: Police Amendment Act, 1989.

No. 587.

7 April 1989

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

No. 36 van 1989: Polisiewysigingswet, 1989.

Act No. 36, 1989

POLICE AMENDMENT ACT, 1989

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 define "strike"; to delete the requirement that the Commissioner may delegate his powers only with the approval of the Minister, and to extend the powers of the Commissioner to delegate; to provide that members of the Force may be seconded to other departments of State, certain authorities or the Police Forces of certain states or territories; to extend the provision that a member of the Force may be assisted at a trial or enquiry by a legal adviser, to instances where the member has caused a deficiency, loss or damage or an expense to the State; to provide that a member of the Force may be charged and tried in terms of this Act as well as other laws; to provide that a member of the Force who strikes may be summarily dismissed; to review certain fines and punishments and to provide for a general penalty clause; and to provide that the Minister may enter into agreements with the Ministers or other persons responsible for the Police Forces of other states and certain territories; and to provide for incidental matters.

(Afrikaans text signed by the State President.)
(Assented to 20 March 1989.)

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

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, section 1 of Act 74 of 1967, section 1 of Act 94 of 1972, section 1 of Act 34 of 1973, section 1 of Act 64 of 1979 and section 1 of Act 68 of 1984 5

1. Section 1 of the Police Act, 1958 (hereinafter referred to as the principal Act), is hereby amended by the insertion after the definition of "Republic" of the following definition:

"strike" includes any socio-economic, sympathy, solidarity, protest, work to rule or precision strike, as well as any other form of strike or stay-away;" 10

Amendment of section 4 of Act 7 of 1958, as amended by section 2 of Act 53 of 1961, section 3 of Act 74 of 1967 and section 2 of Act 68 of 1984

2. Section 4 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

"(2) Any power vested in the Commissioner under this Act may [with the 15 approval of the Minister] be delegated in writing by the Commissioner to any [other officer of or above the rank of Lieutenant-Colonel] member of the Force

ALGEMENE VERDUIDELIKENDE NOTA:

[] Woorde in vet druk tussen vierkantige hake dui skappings uit bestaande verordenings aan.

_____ Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

WET

Tot wysiging van die Polisiwet, 1958, ten einde "staak" te omskryf; die vereiste dat die Kommissaris sy bevoegdhede slegs met die goedkeuring van die Minister kan deleger, te skrap, en die Kommissaris se bevoegdheid tot delegering uit te brei; voorsiening te maak dat lede van die Mag afgestaan kan word aan ander Staatsdepartemente, sekere instansies of die Polisiemagte van sekere state of gebiede; die voorsiening dat 'n lid van die Mag by 'n verhoor of ondersoek deur 'n regsverteenvoordiger bygestaan kan word, uit te brei tot gevalle waar die lid 'n tekort, verlies, skade of uitgawe aan die Staat berokken het; te bepaal dat 'n lid van die Mag ingevolge hierdie Wet sowel as ander wette aangekla en verhoor kan word; te bepaal dat 'n lid van die Mag wat staak, summier ontslaan kan word; sekere boetes en strawwe te hersien en 'n algemene strafbepaling in te voer; en voorsiening te maak dat die Minister ooreenkomste met die Ministers of ander persone verantwoordelik vir die Polisiemagte van ander state en sekere gebiede kan aangaan; en om vir bykomstige aangeleenthede voorsiening te maak.

*(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 20 Maart 1989.)*

DAAR WORD BEPAAL deur die Staatspresident en die Parlement 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 1964, artikel 1 van Wet 74 van 1967, artikel 1 van 5 Wet 94 van 1972, artikel 1 van Wet 34 van 1973, artikel 1 van Wet 64 van 1979 en artikel 1 van Wet 68 van 1984

1. Artikel 1 van die Polisiwet, 1958 (hieronder die Hoofwet genoem), word hierby gewysig deur na die omskrywing van "Republiek" die volgende omskrywing in te voeg:

10 "“staak” ook enige sosio-ekonomiese, simpatie-, solidariteits-, protes-, sloer- of stiptheidstaking, asook enige ander vorm van staking of wegbly-aksie;”.

Wysiging van artikel 4 van Wet 7 van 1958, soos gewysig deur artikel 2 van Wet 53 van 1961, artikel 3 van Wet 74 van 1967 en artikel 2 van Wet 68 van 1984

2. Artikel 4 van die Hoofwet word hierby gewysig deur subartikel (2) deur die 15 volgende subartikel te vervang:

“(2) 'n Bevoegdheid kragtens hierdie Wet aan die Kommissaris verleen, kan **[met die goedkeuring van die Minister]** skriftelik deur die Kommissaris gedele- geer word aan 'n **[ander offisier met of bo die rang van luitenant-kolonel]** lid van

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or other person in the employment of the Force or the board or body established under this Act, who shall exercise that power subject to the directions of the Commissioner.”.

Amendment of section 6 of Act 7 of 1958, as amended by section 4 of Act 64 of 1964, section 1 of Act 74 of 1965, section 3 of Act 34 of 1973, section 2 of Act 64 of 1979, section 1 of Act 50 of 1980 and section 1 of Act 24 of 1983

3. Section 6 of the principal Act is hereby amended by the substitution for paragraph (c) of subsection (4A) of the following paragraph:

“(c) A person who refuses or neglects to stop a vehicle in accordance with an order under paragraph (b), shall be guilty of an offence **[and liable on conviction to a fine not exceeding R500 or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment]**.”.

Insertion of section 6A in Act 7 of 1958

4. The following section is inserted in the principal Act after section 6:

“Secondment of member of the Force

6A. (1) The services of a member of the Force may, in terms of the provisions of the Public Service Act, 1984 (Act No. 111 of 1984), be placed at the disposal of any other department of State, or any authority established by or under any law, or of the Police Force of the territory of South West Africa or any state the territory of which previously formed part of the Republic or any self-governing territory as defined in section 38 of the National States Constitution Act, 1971 (Act No. 21 of 1971).

(2) If the services of any member of the Force are placed at disposal as contemplated in subsection (1), his powers as such a member shall be suspended for the period during which he is so placed at disposal, without detracting from his engagement with the South African Police, but in the execution of his functions such member shall act in terms of the provisions of the laws applicable to such other department, authority or Police Force, and subject to the conditions agreed to between the Commissioner and such other department, authority or Police Force.

(3) Notwithstanding the provisions of the Public Service Act, 1984, the services of a member of the Force may be placed at the disposal of any other department of State or any authority established by or under any law, or of the Police Force of the territory of South West Africa or any state the territory of which previously formed part of the Republic or any self-governing territory as defined in section 38 of the National States Constitution Act, 1971 (Act No. 21 of 1971), or a foreign state.

(4) If the services of any member of the Force are placed at disposal as contemplated in subsection (3), it shall be deemed that such a member, during the period for which his services are so placed at disposal, is serving in the South African Police, and such member shall retain all powers and privileges as a member of the South African Police, subject to the conditions agreed to between the Commissioner and such other department, authority or Police Force.”;

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, section 30 of Act 97 of 1986 and section 3 of Act 8 of 1988

5. Section 10 of the principal Act is hereby amended by the deletion of subsection (8).

die Mag of 'n ander persoon in diens van die Mag of 'n raad of liggaam ingestel kragtens hierdie Wet, wat daardie bevoegdheid uitoefen onderworpe aan die voorskrifte van die Kommissaris."

Wysiging van artikel 6 van Wet 7 van 1958, soos gewysig deur artikel 4 van Wet 64 van 1964, artikel 1 van Wet 74 van 1965, artikel 3 van Wet 34 van 1973, artikel 2 van Wet 64 van 1979, artikel 1 van Wet 50 van 1980 en artikel 1 van Wet 24 van 1983

3. Artikel 6 van die Hoofwet word hierby gewysig deur paragraaf (c) van subartikel (4A) deur die volgende paragraaf te vervang:

10 "(c) Iemand wat weier of versuim om 'n voertuig ooreenkomstig 'n bevel kragtens paragraaf (b) tot stilstand te bring, is aan 'n misdryf skuldig [en by skuldigbevinding strafbaar met 'n boete van hoogstens R500 of met gevangenisstraf vir 'n tydperk van hoogstens ses maande of met sodanige boete sowel as sodanige gevangenisstraf]."

Invoeging van artikel 6A in Wet 7 van 1958

15 4. Die volgende artikel word in die Hoofwet na artikel 6 ingevoeg:

"Afstaan van lid van die Mag

20 6A. (1) Die dienste van 'n lid van die Mag kan ingevolge die bepalings van die Staatsdienswet, 1984 (Wet No. 111 van 1984), tot die beskikking gestel word van 'n ander Staatsdepartement, of 'n instansie wat by of kragtens 'n wet ingestel is, of van die Polisiemag van die gebied Suidwes-Afrika of 'n staat waarvan die grondgebied voorheen deel van die Republiek uitgemaak het of 'n selfregerende gebied soos omskryf in artikel 38 van die Grondwet van die Nasionale State, 1971 (Wet No. 21 van 1971).

25 (2) Indien die dienste van 'n lid van die Mag tot beskikking gestel word soos in subartikel (1) beoog, word sy bevoegdhede as so 'n lid opgeskort gedurende die tydperk waartydens hy aldus tot beskikking gestel is, sonder om afbreuk te doen aan sy verbintenis met die Suid-Afrikaanse Polisie, maar by die verrigting van sy werksaamhede tree daardie lid op ingevolge die bepalings van die wette wat op sodanige ander departement, instansie of Polisiemag van toepassing is, en onderworpe aan die voorwaardes waarop die Kommissaris met daardie ander departement, instansie of Polisiemag ooreenkom.

35 (3) Ondanks die bepalings van die Staatsdienswet, 1984, kan die dienste van 'n lid van die Mag tot die beskikking gestel word van 'n ander Staatsdepartement, of 'n instansie wat by of kragtens 'n wet ingestel is, of van die Polisiemag van die gebied Suidwes-Afrika of 'n staat waarvan die grondgebied voorheen deel van die Republiek uitgemaak het of 'n selfregerende gebied soos omskryf in artikel 38 van die Grondwet van die Nasionale State, 1971 (Wet No. 21 van 1971), of 'n vreemde staat.

40 (4) Indien die dienste van 'n lid van die Mag tot beskikking gestel word soos in subartikel (3) beoog, word daar geag dat sodanige lid gedurende die tydperk waartydens sy dienste aldus tot beskikking gestel is, in diens is van die Suid-Afrikaanse Polisie en behou daardie lid onderworpe aan die voorwaardes waarop die Kommissaris met daardie ander departement, instansie of Polisiemag ooreenkom, alle bevoegdhede en voorregte as 'n lid van die Suid-Afrikaanse Polisie."

Wysiging van artikel 10 van Wet 7 van 1958, soos gewysig deur artikel 8 van Wet 64 van 1964, artikel 4 van Wet 74 van 1967, artikel 5 van Wet 64 van 1979, artikel 4 van 50 Wet 68 van 1984, artikel 30 van Wet 97 van 1986 en artikel 3 van Wet 8 van 1988

5. Artikel 10 van die Hoofwet word hierby gewysig deur subartikel (8) te skrap.

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Substitution of section 12 of Act 7 of 1958

6. The following section is hereby substituted for section 12 of the principal Act:

“Representation of accused person at trial or enquiry

12. At any trial or enquiry held **[under]** in terms of this Act, and at any enquiry held under the regulations at which the fitness of a member of the Force to remain in the Force or to retain his rank is investigated, or at any enquiry with regard to any deficiency, loss, damage or expense caused to the State as a result of the alleged wrongful and unlawful wilful or negligent conduct of a member of the Force or any other employee of the South African Police, the accused or the person in respect of whom the enquiry is held (as the case may be) may be represented and assisted by his legal adviser.”

Substitution of section 16 of Act 7 of 1958

7. The following section is hereby substituted for section 16 of the principal Act:

“Member of the Force may be charged and tried in terms of this Act as well as other laws

16. (1) The provisions of sections 9 (2) and 10 shall not indemnify any member of the Force from liability to prosecution in and conviction by a court of law in respect of an offence.

(2) No member of the Force who has been acquitted or convicted by a court of law on a charge relating to the commission of an offence shall be indemnified from being tried or charged in terms of section 9 (2) or 10.”

Insertion of section 17B in Act 7 of 1958

8. The following section is hereby inserted in the principal Act after section 17A:

“Summary dismissal of member of the Force who strikes

17B. If he has reasonable grounds to believe that a member of the Force strikes or conspires with another person to strike, the Commissioner may, without hearing any person, summarily dismiss such member from the Force: Provided that—

- (a) such member shall as soon as practicable after the date of such dismissal be notified in writing of the dismissal, the reasons for the dismissal being stated;
- (b) such member may, within 30 days after the date of receipt of the notice, make written representations to the Minister regarding the revocation of the dismissal;
- (c) the Minister may, after having considered the representations, reinstate such member in his employment as from the date of his dismissal.”

Substitution of section 19 of Act 7 of 1958, as substituted by section 2 of Act 90 of 1977

9. The following section is hereby substituted for section 19 of the principal Act:

“Unlawful receiving or possession of property belonging to the Force

19. Any person who receives or has in his possession any means of transport, animal, arms, ammunition, accoutrements, clothing, or other article of equipment, knowing the same to have been sold, pledged, lent or otherwise disposed of in contravention of this Act, shall be guilty of an offence **[and liable on conviction to a fine not exceeding R500 or, in default of payment, imprisonment for a period not exceeding 12 months, or to such imprisonment without the option of a fine]**.”

Vervanging van artikel 12 van Wet 7 van 1958

6. Artikel 12 van die Hoofwet word hierby deur die volgende artikel vervang:

“Verteenwoordiging van beskuldigde by verhoor of ondersoek

5 12. By 'n verhoor of ondersoek ingevolge hierdie Wet gehou, en by 'n
 ondersoek ingevolge die regulasies gehou waar die geskiktheid van 'n lid
 van die Mag om in die Mag te bly of om sy rang te behou, ondersoek
 word, of by 'n ondersoek na 'n tekort, verlies, skade of uitgawe wat die
 Staat berokken is as gevolg van die beweerde wederregtelike opsetlike of
 10 nalatige optrede van 'n lid van die Mag of 'n ander werknemer van die
Suid-Afrikaanse Polisie, kan die beskuldigde of, na gelang van die geval,
die persoon met betrekking tot wie die ondersoek gehou word, deur sy
regsverteenwoordiger verteenwoordig en bygestaan word.”

Vervanging van artikel 16 van Wet 7 van 1958

7. Artikel 16 van die Hoofwet word hierby deur die volgende artikel vervang:

15 **“Lid van die Mag kan ingevolge hierdie Wet sowel as ander wette
 aangekla en verhoor word**

16. (1) Die bepalings van artikels 9 (2) en 10 vrywaar nie 'n lid van die
Mag teen vervolging in en veroordeling deur 'n geregshof ten opsigte van
'n misdryf nie.

20 (2) Geen lid van die Mag wat deur 'n geregshof op 'n aanklag weens die
pleging van 'n misdryf vrygespreek of veroordeel is, is gevrywaar teen 'n
verhoor of aanklag ingevolge artikel 9 (2) of 10 nie.”

Invoeging van artikel 17B in Wet 7 van 1958

8. Die volgende artikel word hierby in die Hoofwet na artikel 17A ingevoeg:

25 **“Summiere ontslag van lid van die Mag wat staak**

17B. Indien hy redelike gronde het om te glo dat 'n lid van die Mag
 staak of met iemand anders saamspan om te staak, kan die Kommissaris,
 sonder om iemand aan te hoor, sodanige lid summier uit die Mag
 ontslaan: Met dien verstande dat—

30 (a) sodanige lid so gou moontlik na die datum van daardie ontslag,
 skriftelik van die ontslag in kennis gestel moet word met vermelding
 van die redes vir die ontslag;

(b) sodanige lid binne 30 dae na die datum van ontvangs van die
 kennisgewing, skriftelik vertoë tot die Minister kan rig aangaande
 35 die opheffing van die ontslag;

(c) die Minister, na oorweging van die vertoë, die lid in sy diens kan
herstel vanaf die datum waarop hy ontslaan is.”

Vervanging van artikel 19 van Wet 7 van 1958, soos vervang deur artikel 2 van Wet 90 van 1977

40 9. Artikel 19 van die Hoofwet word hierby deur die volgende artikel vervang:

“Onwettige ontvangs of besit van eiendom wat aan die Mag behoort

19. Iemand wat enige vervoermiddel, dier, wapen, ammunisie, uitrus-
 ting, klere of ander uitrustingsstuk ontvang of in sy besit het, met die wete
 dat dit in stryd met hierdie Wet verkoop, verpand, uitgeleen of andersins
 45 oor beskik is, is aan 'n misdryf skuldig [en by skuldigbevinding strafbaar
 met 'n boete van hoogstens R500 of, by wanbetaling, gevangenisstraf vir
 'n tydperk van hoogstens 12 maande, of met sodanige gevangenisstraf
 sonder die keuse van 'n boete].”

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Substitution of section 23 of Act 7 of 1958, as substituted by section 3 of Act 90 of 1977

10. The following section is hereby substituted for section 23 of the principal Act:

“Offences in respect of decorations and medals

23. Any person who wears or without the written permission of the Commissioner makes use of any decoration or medal instituted, constituted or created under this Act, or its bar, clasp or ribbon, or anything so closely resembling any such decoration, medal, bar, clasp or ribbon as to be calculated to deceive, shall, unless he is the person to whom such decoration or medal was awarded, be guilty of an offence **[and liable on conviction to a fine not exceeding R200]**.”.

Substitution of section 24 of Act 7 of 1958, as substituted by section 4 of Act 90 of 1977

11. The following section is hereby substituted for section 24 of the principal Act:

“False representations as to association with the Force

24. Any person who, without the approval of the Minister, in connection with any activity carried on by him takes, assumes, uses or in any manner publishes any name, description, title or symbol indicating or conveying or purporting to indicate or to convey or calculated or likely to lead other persons to believe or infer that such activity is carried on under or by virtue of the provisions of this Act or under the patronage of the Force, or is in any manner associated or connected with the Force, shall be guilty of an offence **[and liable on conviction to a fine not exceeding R200]**.”.

Amendment of section 25 of Act 7 of 1958, as substituted by section 5 of Act 90 of 1977

12. Section 25 of the principal Act is hereby amended—

(a) by the substitution in subsection (1) for paragraph (d) and the words following thereafter, of the following paragraph and words:

“(d) is a party to or aids or abets or incites to the commission of any act whereby any lawful order given to a member or any regulation may be evaded,

shall be guilty of an offence and liable on conviction—

(i) in the case of a first conviction of such offence, to a fine not exceeding **[R500]** R4 000 or to imprisonment for a period not exceeding twelve months or to both such fine and such imprisonment;

(ii) in the case of a second or subsequent conviction of such offence, to a fine not exceeding **[R1 000]** R8 000 or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment.”;

and

(b) by the substitution for subsection (2) of the following subsection:

“(2) Any person who by means of a false certificate or any false representation obtains admission to the Force, or, having been dismissed from the Force, receives, by concealing the dismissal, any salary, wages, allowance, gratuity or pension, shall be guilty of an offence **[and liable on conviction to a fine not exceeding R200 or, in default of payment, imprisonment for a period not exceeding six months or to such imprisonment without the option of a fine]**.”.

Amendment of section 26 of Act 7 of 1958, as amended by section 7 of Act 53 of 1961, section 16 of Act 64 of 1964 and section 6 of Act 90 of 1977

13. Section 26 of the principal Act is hereby amended by the substitution for the words following paragraph (b) of the following words:

“be guilty of an offence **[and liable on conviction to a fine not exceeding R200]**.”.

Vervanging van artikel 23 van Wet 7 van 1958, soos vervang deur artikel 3 van Wet 90 van 1977

10. Artikel 23 van die Hoofwet word hierby deur die volgende artikel vervang:

“Oortredings in verband met dekorasies en medaljes

5 23. Iemand wat 'n kragtens hierdie Wet ingestelde, daargestelde of ingevoerde dekorasie of medalje of die balk, gespe of lint daarvan of iets wat soveel na so 'n dekorasie, medalje, balk, gespe of lint lyk dat dit bereken is om te mislei, dra of sonder skriftelike vergunning van die Kommissaris gebruik, is, tensy hy die persoon is aan wie daardie
10 dekorasie of medalje toegeken is, aan 'n misdryf skuldig **[en by skuldigbevinding strafbaar met 'n boete van hoogstens R200].”**

Vervanging van artikel 24 van Wet 7 van 1958, soos vervang deur artikel 4 van Wet 90 van 1977

11. Artikel 24 van die Hoofwet word hierby deur die volgende artikel vervang:

15 **“Valse voorwendsels aangaande verband met die Mag**

 24. Iemand wat sonder goedkeuring van die Minister, in verband met enige bedrywigheid waarop hy hom toelê 'n naam, beskrywing, titel of kenteken aanneem, gebruik of op enige wyse publiseer wat aandui of te kenne gee of heet aan te dui of te kenne te gee of wat bereken is om
20 ander persone te laat vermoed of aflei of hulle waarskynlik sal laat vermoed of aflei dat bedoelde bedrywigheid kragtens of uit hoofde van die bepalings van hierdie Wet of onder die beskerming van die Mag voortgesit word of op enige wyse met die Mag geassosieer is of in verband staan, is aan 'n misdryf skuldig **[en by skuldigbevinding strafbaar met 'n boete van hoogstens R200].”**
25

Wysiging van artikel 25 van Wet 7 van 1958, soos vervang deur artikel 5 van Wet 90 van 1977

12. Artikel 25 van die Hoofwet word hierby gewysig—

30 (a) deur in subartikel (1) paragraaf (d) en die woorde wat daarop volg deur die volgende paragraaf en woorde te vervang:

 “(d) deelneem aan of behulpsaam is by of medepligtig is aan of uitlok tot die pleeg van 'n handeling waardeur 'n wettige bevel aan 'n lid gegee of 'n regulasie ontduik mag word,
 is aan 'n misdryf skuldig en by skuldigbevinding strafbaar—

35 (i) in die geval van 'n eerste skuldigbevinding aan so 'n misdryf, met 'n boete van hoogstens **[R500]** R4 000 of met gevangenisstraf vir 'n tydperk van hoogstens twaalf maande, of met daardie boete sowel as daardie gevangenisstraf;

40 (ii) in die geval van 'n tweede of daaropvolgende skuldigbevinding aan so 'n misdryf, met 'n boete van hoogstens **[R1 000]** R8 000 of met gevangenisstraf vir 'n tydperk van hoogstens twee jaar, of met daardie boete sowel as daardie gevangenisstraf.”; en

(b) deur subartikel (2) deur die volgende subartikel te vervang:

45 “(2) Iemand wat deur middel van 'n valse sertifikaat of 'n valse voorwendsel toegang tot die Mag verkry, of wat, nadat hy uit die Mag ontslaan is, deur die ontslag te verswyg enige salaris, loon, toelae, gratifikasie of pensioen verkry, is aan 'n misdryf skuldig **[en by skuldigbevinding strafbaar met 'n boete van hoogstens R200 of, by wanbetaling, gevangenisstraf vir 'n tydperk van hoogstens ses maande of met sodanige gevangenisstraf sonder die keuse van 'n boete].”**
50

Wysiging van artikel 26 van Wet 7 van 1958, soos gewysig deur artikel 7 van Wet 53 van 1961, artikel 16 van Wet 64 van 1964 en artikel 6 van Wet 90 van 1977

13. Artikel 26 van die Hoofwet word hierby gewysig deur die woorde wat op paragraaf (b) volg deur die volgende woorde te vervang:

55 “aan 'n misdryf skuldig **[en by skuldigbevinding strafbaar met 'n boete van hoogstens R200].”**

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Amendment of section 26A of Act 7 of 1958, as inserted by section 1 of Act 14 of 1978

14. Section 26A of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) Any person who contravenes any provision of subsection (1) shall be guilty of an offence **[and liable on conviction to a fine not exceeding R500 or to imprisonment for a period not exceeding twelve months, or to such imprisonment without the option of a fine, or to both such fine and such imprisonment]**.”.

Amendment of section 27 of Act 7 of 1958, as substituted by section 7 of Act 90 of 1977

15. Section 27 of the principal Act is hereby amended by the substitution for the words following paragraph (b) of subsection (2) of the following words:

“shall be guilty of an offence **[and liable on conviction to a fine not exceeding R500 or imprisonment for a period not exceeding 12 months or both such fine and such imprisonment]**.”.

Amendment of section 27A of Act 7 of 1958, as inserted by section 8 of Act 90 of 1977 and amended by section 1 of Act 5 of 1985

16. Section 27A of the principal Act is hereby amended by the substitution for the words following subparagraph (ii) of subsection (1) of the following words:

“shall, notwithstanding anything to the contrary contained in any law, be guilty of an offence **[and liable on conviction to a fine not exceeding R500 or to imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment]**.”.

Amendment of section 28 of Act 7 of 1958, as amended by section 18 of Act 64 of 1964 and section 9 of Act 90 of 1977

17. Section 28 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) Any person who may demand any such toll, fee or due, or who **[wilfully]** subjects any such member, person, animal, means of transport or article of equipment to unreasonable delay or detention in respect of the entry to, passage through or going over any such wharf, landing place, ferry, bridge, toll-bar, gate or door, shall be guilty of an offence **[and liable on conviction to a fine not exceeding R200]**.”.

Amendment of section 34A of Act 7 of 1958, as inserted by section 21 of Act 64 of 1964, substituted by section 1 of Act 15 of 1975 and amended by section 1 of Act 34 of 1976, section 10 of Act 90 of 1977, section 11 of Act 64 of 1979, section 2 of Act 50 of 1980 and section 7 of Act 68 of 1984

18. Section 34A of the principal Act is hereby amended by the substitution for subsection (13) of the following subsection:

“(13) (a) Any member of the Police Reserve who contravenes any provision of this section or fails to comply with an order issued in terms thereof, shall, except where such contravention or failure has by section 9 (1) been declared an offence, be guilty of an offence **[and liable on conviction to a fine not exceeding R300 or to 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]**.”.

(b) Any member of the Police Reserve liable in terms of subsection (10) of this section to render service in the Force and who—

- (i) when called up, does not report for such service; or
- (ii) having reported for service, does not render such service,

Wysiging van artikel 26A van Wet 7 van 1958, soos ingevoeg deur artikel 1 van Wet 14 van 1978

14. Artikel 26A van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

- 5 “(2) Iemand wat ’n bepaling van subartikel (1) oortree, is aan ’n misdryf skuldig [en by skuldigbevinding strafbaar met ’n boete van hoogstens R500 of met gevangenisstraf vir ’n tydperk van hoogstens twaalf maande, of met daardie gevangenisstraf sonder die keuse van ’n boete, of met daardie boete sowel as daardie gevangenisstraf].”.

10 **Wysiging van artikel 27 van Wet 7 van 1958, soos vervang deur artikel 7 van Wet 90 van 1977**

15. Artikel 27 van die Hoofwet word hierby gewysig deur die woorde wat op paragraaf (b) van subartikel (2) volg deur die volgende woorde te vervang:

- 15 “is aan ’n misdryf skuldig [en by skuldigbevinding strafbaar met ’n boete van hoogstens R500 of gevangenisstraf vir ’n tydperk van hoogstens 12 maande of met bedoelde boete sowel as bedoelde gevangenisstraf].”;

Wysiging van artikel 27A van Wet 7 van 1958, soos ingevoeg deur artikel 8 van Wet 90 van 1977 en gewysig deur artikel 1 van Wet 5 van 1985

20 16. Artikel 27A van die Hoofwet word hierby gewysig deur die woorde wat op subparagraaf (ii) van subartikel (1) volg deur die volgende woorde te vervang:

“is, ondanks andersluidende wetsbepalings, aan ’n misdryf skuldig [en by skuldigbevinding strafbaar met ’n boete van hoogstens R500 of met gevangenisstraf vir ’n tydperk van hoogstens 12 maande of met daardie boete sowel as daardie gevangenisstraf].”.

25 **Wysiging van artikel 28 van Wet 7 van 1958, soos gewysig deur artikel 18 van Wet 64 van 1964 en artikel 9 van Wet 90 van 1977**

17. Artikel 28 van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

- 30 “(2) Iemand wat sodanige tolgeld, gelde of leges mag eis, en wat so ’n lid, persoon, dier, vervoermiddel of uitrusting by die betreding, deurgang of oorgang van so ’n kaai, landingsplek, pont, brug, tolhek, hek of deur op onredelike wyse vertraag of aanhou, is aan ’n misdryf skuldig [en by skuldigbevinding strafbaar met ’n boete van hoogstens R200].”.

35 **Wysiging van artikel 34A van Wet 7 van 1958, soos ingevoeg deur artikel 21 van Wet 64 van 1964, vervang deur artikel 1 van Wet 15 van 1975 en gewysig deur artikel 1 van Wet 34 van 1976, artikel 10 van Wet 90 van 1977, artikel 11 van Wet 64 van 1979, artikel 2 van Wet 50 van 1980 en artikel 7 van Wet 68 van 1984**

18. Artikel 34A van die Hoofwet word hierby gewysig deur subartikel (13) deur die volgende subartikel te vervang:

- 40 “(13) (a) ’n Lid van die Polisiereserwe wat ’n bepaling van hierdie artikel oortree of versuim om te voldoen aan ’n bevel wat daarkragtens uitgereik is, is, behalwe waar sodanige oortreding of versuim by artikel 9 (1) ’n misdryf verklaar is, aan ’n misdryf skuldig [en by skuldigbevinding strafbaar met ’n boete van hoogstens R300 of met gevangenisstraf vir ’n tydperk van hoogstens ses maande of met daardie gevangenisstraf sonder die keuse van ’n boete of met daardie boete sowel as daardie gevangenisstraf].
- 45 (b) ’n Lid van die Polisiereserwe wat ingevolge subartikel (10) van hierdie artikel verplig is om diens in die Mag te doen en wat—
- 50 (i) wanneer hy daartoe aangesê is, hom nie vir sodanige diens aanmeld nie; of
- (ii) nadat hy hom aangemeld het, nie sodanige diens doen nie,

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shall be guilty of an offence **[and liable on conviction to the penalties prescribed by paragraph (a)].**”

Amendment of section 34B of Act 7 of 1958, as inserted by section 21 of Act 64 of 1964, substituted by section 7 of Act 94 of 1972 and amended by section 11 of Act 90 of 1977, section 58 of Act 56 of 1981 and section 8 of Act 68 of 1984

19. Section 34B of the principal Act is hereby amended by the substitution for the words following paragraph (c) of subsection (2) of the following words:

“shall subject to the provisions of subsections (3) and (4) be guilty of an offence **[and liable on conviction to a fine not exceeding R300 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].**”

Insertion of sections 34F and 34G in Act 7 of 1958

20. The following sections are hereby inserted in the principal Act after section 34E:

“Punishments

34F. Any person convicted of an offence—

- (a) referred to in sections 6 (4A) (c), 23, 24, 25 (2), 26, 28 (2), 34A (13) and 34B (2) shall be liable to a fine not exceeding R2 000, or in default of payment to imprisonment for a period not exceeding six months, or to both such fine and such imprisonment.
- (b) referred to in sections 19, 26A (2), 27 (2) and 27A shall be liable to a fine not exceeding R4 000, or in default of payment to imprisonment for a period not exceeding 12 months, or to both such fine and such imprisonment.

Minister may enter into agreements with other states or territories

34G. (1) The Minister may enter into agreements with the Minister or other person responsible for the Police Force of a foreign state, the territory of South West Africa, any state the territory of which previously formed part of the Republic or a self-governing territory as defined in section 38 of the National States Constitution Act, 1971 (Act No. 21 of 1971), in regard to co-operation and mutual aid between the Police Force of the Republic and that of such state or territory, the circumstances and conditions in terms of which members of the respective Police Forces may undertake cross-border operations or any other matter of mutual concern.

(2) Any such agreement or part thereof, and any amendment thereof or addition thereto which may be made from time to time, shall acquire the force of law within the Republic by publication thereof in the *Gazette*.

(3) The Minister shall lay a copy of every notice issued under subsection (2) upon the Table in Parliament within 14 days after the date of publication thereof in the *Gazette*, if Parliament is then in ordinary session, or, if Parliament is not then in ordinary session, within 14 days after the commencement of its next ensuing ordinary session.”

Short title

21. This Act shall be called the Police Amendment Act, 1989.

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is aan 'n misdryf skuldig [en by skuldigbevinding strafbaar met die strawwe by paragraaf (a) voorgeskryf].”.

Wysiging van artikel 34B van Wet 7 van 1958, soos ingevoeg deur artikel 21 van Wet 64 van 1964, vervang deur artikel 7 van Wet 94 van 1972 en gewysig deur artikel 11 5 van Wet 90 van 1977, artikel 58 van Wet 56 van 1981 en artikel 8 van Wet 68 van 1984

19. Artikel 34B van die Hoofwet word hierby gewysig deur die woorde wat op paragraaf (c) van subartikel (2) volg deur die volgende woorde te vervang:
 “is, behoudens die bepalings van subartikels (3) en (4), aan 'n misdryf skuldig
 10 [en by skuldigbevinding strafbaar met 'n boete van hoogstens R300 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].”.

Invoeging van artikels 34F en 34G in Wet 7 van 1958

20. Die volgende artikels word hierby in die Hoofwet na artikel 34E ingevoeg:

15 “Strawwe

34F. Iemand wat skuldig bevind word aan 'n misdryf—

- (a) genoem in artikels 6 (4A) (c), 23, 24, 25 (2), 26, 28 (2), 34A (13) en 34B (2) is strafbaar met 'n boete van hoogstens R2 000, of by wanbetaling met gevangenisstraf vir 'n tydperk van hoogstens ses maande, of met daardie boete sowel as daardie gevangenisstraf;
 20 (b) genoem in artikels 19, 26A (2), 27 (2) en 27A is strafbaar met 'n boete van hoogstens R4 000, of by wanbetaling met gevangenisstraf vir 'n tydperk van hoogstens 12 maande, of met daardie boete sowel as daardie gevangenisstraf.

25 **Minister kan ooreenkomste aangaan met ander state of gebiede**

34G. (1) Die Minister kan ooreenkomste aangaan met die Minister of ander persoon verantwoordelik vir die Polisiemag van 'n vreemde Staat, die gebied Suidwes-Afrika, 'n staat waarvan die grondgebied voorheen deel van die Republiek uitgemaak het of 'n selfregerende gebied soos omskryf in artikel 38 van die Grondwet van die Nasionale State, 1971 (Wet No. 21 van 1971), met betrekking tot samewerking tussen en wedersydse hulpverlening deur die Polisiemag van die Republiek en dié van daardie staat of gebied, die omstandighede waaronder en voorwaardes waarop lede van die onderskeie Polisiemagte oor grense mag optree of enige ander aangeleentheid van wedersydse belang.

35 (2) Enige sodanige ooreenkoms of deel daarvan, en enige wysiging daarvan of byvoeging daarby wat van tyd tot tyd aangebring mag word, verkry regsrag in die Republiek deur publikasie daarvan in die *Staatskoerant*.

40 (3) Die Minister moet 'n afskrif van elke kennisgewing wat kragtens subartikel (2) uitgevaardig word in die Parlement ter Tafel lê binne 14 dae na die datum van publikasie daarvan in die *Staatskoerant*, as die Parlement dan in gewone sessie is, of, as die Parlement nie dan in gewone sessie is nie, binne 14 dae na die aanvang van sy eersvolgende gewone sessie.”.

Kort titel

21. Hierdie Wet heet die Polisiewysigingswet, 1989.

