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OF THE REPUBLIC OF SOUTH AFRICA

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No. 11929

KAAPSTAD, 9 JUNIE 1989

STATE PRESIDENT'S OFFICE

No. 1190.

9 June 1989

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

No. 75 of 1989: Police Second Amendment Act, 1989.

KANTOOR VAN DIE STAATSPRESIDENT

No. 1190.

9 Junie 1989

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

No. 75 van 1989: Tweede Polisiewysigingswet, 1989.

Act No. 75, 1989

POLICE SECOND AMENDMENT ACT, 1989

GENERAL EXPLANATORY NOTE:

Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the Police Act, 1958, so as to provide that the Republic shall, for the purposes of the reorganization of the South African Police Force, be divided into regions, each under the command of a regional commissioner, and to provide for the powers and duties of a regional commissioner; and to repeal the application of the Act in respect of the territory of South West Africa; and to provide for incidental matters.

*(English text signed by the State President.)
(Assented to 1 June 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, section 1 of Act 68 of 1984 and section 1 of Act 36 of 1989

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1. Section 1 of the Police Act, 1958 (hereinafter referred to as the principal Act),

is hereby amended—

(a) by the insertion after the definition of "Minister" of the following definitions:

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"region" means an area delimited as a region by the Commissioner under subsection (2);

'regional commissioner' means any commissioned officer of or above the rank of colonel designated by the Commissioner to command a region;"

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(b) by the deletion of the definition of "Republic"; and

(c) by the addition of the following subsection, the existing section becoming subsection (1):

"(2) (a) The Commissioner—

(i) may, with the concurrence of the Minister, by notice in the *Gazette* from time to time delimitate any area in the Republic as a region and determine the boundaries thereof until the Republic has been divided into as many regions as he may deem necessary for the purposes of the organization of the Force, and may at any time by like notice alter such boundaries; and

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(ii) shall, when he has delimited an area as a region as contemplated in subparagraph (i), by like notice abolish a division falling within a region or, when a portion of a division falls within such a region, alter the area of such a division in such a manner that such portion does not form part of that region.

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(b) When the Commissioner abolishes a region or alters the area of a division under paragraph (a)—

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(i) all the powers and duties which vested by or under this Act or any other law in relation to such a division or portion of a division in the

ALGEMENE VERDUIDELIKENDE NOTA:

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

WET

Tot wysiging van die Polisiewet, 1958, ten einde te bepaal dat die Republiek vir die doeleindes van die reorganisasie van die Suid-Afrikaanse Polisiemag verdeel word in streke, elk onder die bevel van 'n streekkommissaris, en voorseeing te maak vir die bevoegdhede en pligte van 'n streekkommissaris; en die toepassing van die Wet ten opsigte van die gebied Suidwes-Afrika te herroep; en om vir bykomstige aangeleenthede voorseeing te maak.

*(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 1 Junie 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, artikel 1 van Wet 68 van 1984 en artikel 1 van Wet 36 van 1989

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

- (a) deur die omskrywing van "Republiek" te skrap;
- 10 (b) deur na die omskrywing van "staak" die volgende omskrywings in te voeg:
"streek" 'n gebied deur die Kommissaris kragtens subartikel (2) as 'n streek afgebaken;
"streekkommissaris" 'n offisier met of bo die rang van kolonel deur die Kommissaris aangewys om oor 'n streek bevel te voer;" en
- 15 (c) deur die volgende subartikel by te voeg, terwyl die bestaande artikel subartikel (1) word:
"(2) (a) Die Kommissaris—
(i) kan, met die instemming van die Minister, by kennisgewing in die Staatskoerant van tyd tot tyd die een of ander gebied in die Republiek as 'n streek afbaken en die grense daarvan bepaal totdat die Republiek in soveel streke verdeel is as wat hy vir die doeleindes van die organisasie van die Mag nodig ag, en kan te eniger tyd bedoelde grense by dergelike kennisgewing wysig; en
20 (ii) moet, wanneer hy 'n gebied as 'n streek afgebaken het soos in subparagraph (i) beoog, 'n afdeling wat in 'n streek val by dergelike kennisgewing afskaf of, wanneer 'n gedeelte van 'n afdeling in so 'n streek val, die gebied van so 'n afdeling op so 'n manier wysig dat so 'n gedeelte nie deel van daardie streek uitmaak nie.
25 (b) Wanneer die Kommissaris kragtens paragraaf (a) 'n afdeling afskaf of die gebied van 'n afdeling wysig—
(i) berus al die bevoegdhede en pligte wat by of kragtens hierdie Wet of 'n ander wet met betrekking tot so 'n afdeling of gedeelte van 'n

Act No. 75, 1989**POLICE SECOND AMENDMENT ACT, 1989**

divisional commissioner concerned, shall as from the date on which the division concerned is abolished or the area thereof is so altered, vest in the regional commissioner in whose area that division or portion thereof was situated;

- (ii) any reference in this Act or any such other law in relation to a power or duty referred to in subparagraph (i) to a division or divisional commissioner, shall be construed as a reference to the region or regional commissioner concerned.”.

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, section 2 of Act 68 of 1984 and section 2 of Act 36 of 1989 10

2. Section 4 of the principal Act is hereby amended by the addition to subsection (2) of the following paragraphs, the existing subsection becoming paragraph (a):

“(b) Any power conferred upon the Commissioner and any duty imposed upon him by or under any provision of this Act or any other law (excluding section 15 of the Exchequer and Audit Act, 1975 (Act No. 66 of 1975)) may, unless the Commissioner determines otherwise generally or in respect of any particular case, in so far as it may be necessary to exercise such power or to perform such duty in a region, be exercised or performed by the regional commissioner of that region under the control, direction or supervision of the Commissioner.”.

(c) A decision taken by a regional commissioner in the exercise or performance of any power or duty referred to in paragraph (b) may be withdrawn or amended by the Commissioner, and shall, until it is so withdrawn or amended, for the purposes of the provision concerned be deemed to have been taken by the Commissioner.”.

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, section 1 of Act 80 of 1970, section 5 of Act 94 of 1972, section 1 of Act 47 of 1981, section 46 of Act 97 of 1986 and section 6 of Act 8 of 1988

3. Section 33 of the principal Act is hereby amended by the substitution for paragraph (c) of subsection (1) of the following paragraph:

“(c) the numerical establishment and distribution of the Force, the establishment of police districts and stations, and the conditions of service and the various regions, divisions, branches, grades, ranks, designations and appointments in the Force or in such districts or at such stations;”.

Repeal of section 35 of Act 7 of 1958, as amended by section 4 of Act 43 of 1958 and section 10 of Act 53 of 1961 35

4. Section 35 of the principal Act is hereby repealed.

Short title

5. This Act shall be called the Police Second Amendment Act, 1989.

TWEEDE POLISIEWYSIGINGSWET, 1989

Wet No. 75, 1989

afdeling by die betrokke afdelingskommissaris berus het, vanaf die datum waarop die betrokke afdeling afgeskaf of die gebied daarvan aldus gewysig word, by die streekommissaris in wie se gebied daardie afdeling of gedeelte daarvan geleë was;

- 5 (ii) word 'n verwysing in hierdie Wet of so 'n ander wet met betrekking tot 'n bevoegdheid of plig in subparagraph (i) bedoel na 'n afdeling of afdelingskommissaris, uitgelê as 'n verwysing na die betrokke streek of streekommissaris.”.

Wysiging van artikel 4 van Wet 7 van 1958, soos gewysig deur artikel 2 van Wet 53
10 van 1961, artikel 3 van Wet 74 van 1967, artikel 2 van Wet 68 van 1984 en artikel 2
van Wet 36 van 1989

2. Artikel 4 van die Hoofwet word hierby gewysig deur die volgende paragrawe by subartikel (2) te voeg, terwyl die bestaande subartikel paragraaf (a) word:

- 15 “(b) 'n Bevoegdheid aan die Kommissaris verleen en 'n plig hom opgelê by of kragtens 'n bepaling van hierdie Wet of 'n ander wet (uitgesonderd artikel 15 van die Skatkis- en Ouditwet, 1975 (Wet No. 66 van 1975)), kan, tensy die Kommissaris in die algemeen of in 'n bepaalde geval anders bepaal, vir sover dit nodig is om so 'n bevoegdheid of plig in 'n streek uit te oefen of te verrig, deur die streekommissaris van daardie streek onder die beheer, leiding of toesig van die Kommissaris uitgeoefen of verrig word.
- 20 (c) 'n Besluit deur 'n streekommissaris geneem by die uitoefening of verrigting van 'n bevoegdheid of plig in paragraaf (b) bedoel, kan deur die Kommissaris ingetrek of gewysig word, en word, totdat dit aldus ingetrek of gewysig word, by die toepassing van die betrokke bepaling geag deur die Kommissaris geneem te gewees het.”.
- 25

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, artikel 1 van Wet 80 van 1970, artikel 5 van Wet 94 van 1972, artikel 1 van Wet 47 van 1981, artikel 46 van Wet 97 van 1986 en artikel 6 van Wet 8 van 1988

30 3. Artikel 33 van die Hoofwet word hierby gewysig deur paragraaf (c) van subartikel (1) deur die volgende paragraaf te vervang:

- “(c) die getalsterkte en verspreiding van die Mag, die instelling van polisie-distrikte en -stasies, en die diensvooraardes en die verskillende streke, afdelings, takke, grade, range, aanwysings en aanstellings in die Mag of in sodanige distrikte of by sodanige stasies;”.
- 35

Herroeping van artikel 35 van Wet 7 van 1958, soos gewysig deur artikel 4 van Wet 43 van 1958 en artikel 10 van Wet 53 van 1961

4. Artikel 35 van die Hoofwet word herroep.

Kort titel

40 5. Hierdie Wet heet die Tweede Polisiewysigingswet, 1989.

