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No. 11930

STATE PRESIDENT'S OFFICE

KANTOOR VAN DIE STAATSPRESIDENT

No. 1191.

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. 76 of 1989: Police Third Amendment Act, 1989.

No. 1191.

9 Junie 1989

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

No. 76 van 1989: Derde Polisiewysigingswet, 1989.

Act No. 76, 1989

POLICE THIRD 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, in order to provide for the establishment of municipal police units in the areas of Black local authorities and in certain development areas; for the appointment of members of those units, and the powers and duties of such members; for the transfer of certain persons in the employment of the said local authorities and of certain persons serving in the said development areas, to municipal police units; and for the transfer to the State of certain movable and immovable property used by the said local authorities or in the said development areas in connection with municipal police functions; and to provide for incidental matters.

(Afrikaans 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 the Second Police Amendment Act, 1989 5

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 "divisional commissioner" in subsection (1) of the following definition: 10
"'local authority' means a local authority as defined in the Black Local Authorities Act, 1982 (Act No. 102 of 1982);";
- (b) by the substitution for the definition of "member of the Force" in the said subsection (1) of the following definition: 15
"'member of the Force' means any commissioned officer, warrant officer, non-commissioned officer or constable serving in the South African Police in accordance with this Act, and includes—
 - (a) 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 20 or the Reserve Police Force while serving in the Force, and any temporary member while employed in the Force;
 - (b) for the purposes of sections 4 (3), 9, 12, 14, 15, 16, 17, 17B, 18, 20, 21, 22, 25, 26, 26A, 27, 27B, 28, 31, 32bis, 33 (excluding 25 paragraphs (b)bis, (eA) and (v) of subsection (1), and subsection (2) thereof), 34D and 34E, a member of a municipal police unit";

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 Polisiewet, 1958, ten einde voorsiening te maak vir die instelling van munisipale polisie-eenhede in die gebiede van Swart plaaslike owerhede en in sekere ontwikkelingsgebiede; vir die aanstelling van lede van daardie eenhede, en die bevoegdhede en pligte van sodanige lede; vir die oorplasing van sekere persone in diens van bedoelde plaaslike owerhede en van sekere persone wat in bedoelde ontwikkelingsgebiede diens doen, na munisipale polisie-eenhede; en vir die oordrag aan die Staat van sekere roerende en onroerende goed wat in verband met munisipale polisiowerksaamhede deur bedoelde plaaslike owerhede of in bedoelde ontwikkelingsgebiede gebruik word; en om vir bykomstige aangeleenthede voorsiening te maak.

*(Afrikaanse 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 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 die Tweede Polisie wysigingswet, 1989

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

(a) deur die omskrywing van “die Mag” in subartikel (1) deur die volgende omskrywing te vervang:

“‘die Mag’ die offisiere, adjudant-offisiere, onderoffisiere en konstabels **[van]** wat ingevolge hierdie Wet in die Suid-Afrikaanse Polisie dien, en ook—

(a) 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 Reserve-polisiemag en tydelike lede;

(b) by die toepassing van die bepalings van artikels 12, 14, 17, 17B, 22, 24, 25, 26, 27B, 33 (uitgesonderd paragrawe (b)bis, (eA) en (v) van subartikel (1), en subartikel (2) daarvan), 34D en 34E, ‘n munisipale polisie-eenheid;”;

(b) deur die omskrywing van “lid van die Mag” in genoemde subartikel (1) deur die volgende omskrywing te vervang:

“‘lid van die Mag’ ‘n offisier, adjudant-offisier, onderoffisier of konstabel wat ingevolge hierdie Wet in die Suid-Afrikaanse Polisie dien, en ook—

(a) behalwe by die toepassing van enige bepaling van hierdie Wet ten opsigte waarvan die Kommissaris onderworpe aan die voorskrifte

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- (c) by the insertion after the definition of "Minister" in the said subsection (1) of the following definition:
"'municipal police unit' means a municipal police unit established by or under section 17C;"; and
- (d) by the substitution for the definition of "the Force" in the said subsection (1) of the following definition: 5
"'the Force' means the commissioned officers, warrant officers, non-commissioned officers and constables [of] serving in the South African Police in accordance with this Act, and includes—
(a) except for the purposes of any provision of this Act in respect of 10
which the Commissioner may subject to the directions of the Minister otherwise prescribe, the Police Reserve, the Reserve Police Force and temporary members;
(b) for the purposes of sections 12, 14, 17, 17B, 22, 24, 25, 26, 27B, 15
33 (excluding paragraphs (b)bis, (eA) and (v) of subsection (1), and subsection (2) thereof), 34D and 34E, any municipal police unit;".

Insertion of Chapter IIA in Act 7 of 1958

2. The following Chapter is hereby inserted in the principal Act after section 17B:

"CHAPTER IIAESTABLISHMENT AND POWERS OF MUNICIPAL POLICE UNITS**Establishment of municipal police units for certain areas**

- 17C. (1) (a) There is hereby established a municipal police unit for the area of every local authority to perform, subject to the provisions of section 17D, in the area of such local authority the functions referred to in section 5. 25
- (b) The Minister may at any time establish by notice in the *Gazette* a municipal police unit for any development area as defined in section 1 of the Black Communities Development Act, 1984 (Act No. 4 of 1984), which is situated outside the area of a local authority. 30
- (2) The Commissioner shall, subject to the directions of the Minister, have the command, superintendence and control of any municipal police unit.
- (3) The provisions of this section shall not be construed as derogating from the functions of the South African Police Force or the powers and duties of a member of the Force or a peace officer within the meaning of the Criminal Procedure Act, 1977 (Act No. 51 of 1977). 35

Appointment, training, promotion, transfer, dismissal, discharge and reduction in rank of members of municipal police units

17D. The Commissioner may from time to time and on such conditions as may be prescribed by regulation appoint in the South African Police in respect of every municipal police unit such competent persons as he may deem necessary for the purposes of the performance of the functions of such municipal police unit to serve as members of a municipal police unit, and may so train, promote, transfer, dismiss, discharge or reduce in rank any member of a municipal police unit. 40 45

Powers and duties of members of municipal police units

- 17E. A member of a municipal police unit—
- (a) shall, subject to the provisions of this Act, exercise the powers and so carry out the duties in the area for which the relevant municipal police unit has been established— 50
- (i) which are by or under the provisions of any law conferred on or imposed upon a member of a municipal police unit;

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van die Minister anders voorskryf, 'n lid van die Polisiereserwe of die Reserwepolisie-mag terwyl hy in die Mag dien, en 'n tydelike lid terwyl hy in die Mag in diens geneem is;

- (b) by die toepassing van die bepalings van artikels 4 (3), 9, 12, 14, 15, 16, 17, 17B, 18, 20, 21, 22, 25, 26, 26A, 27, 27B, 28, 31, 32*bis*, 33 (uitgesonderd paragrawe (b)*bis*, (eA) en (v) van subartikel (1), en subartikel (2) daarvan), 34D en 34E, 'n lid van 'n munisipale polisie-eenheid;";
- (c) deur na die omskrywing van "Minister" in genoemde subartikel (1) die volgende omskrywing in te voeg:
 "munisipale polisie-eenheid" 'n munisipale polisie-eenheid by of kragtens artikel 17C ingestel;"; en
- (d) deur na die omskrywing van "offisier" in genoemde subartikel (1) die volgende omskrywing in te voeg:
 "plaaslike owerheid" 'n plaaslike owerheid soos in artikel 1 van die Wet op Swart Plaaslike Owerhede, 1982 (Wet No. 102 van 1982), omskryf;";

Invoeging van Hoofstuk IIA in Wet 7 van 1958

2. Die volgende Hoofstuk word hierby in die Hoofwet na artikel 17B ingevoeg:

"HOOFSTUK IIA

INSTELLING EN BEVOEGDHEDE VAN MUNISIPALE POLISIE-EENHEDE

Instelling van munisipale polisie-eenhede vir sekere gebiede

17C. (1) (a) Daar word hierby 'n munisipale polisie-eenheid vir die gebied van elke plaaslike owerheid ingestel om, behoudens die bepalings van artikel 17D, in die gebied van so 'n plaaslike owerheid die werksaamhede in artikel 5 bedoel, te verrig.

(b) Die Minister kan te eniger tyd 'n munisipale polisie-eenheid by kennisgewing in die *Staatskoerant* instel vir enige ontwikkelingsgebied soos in artikel 1 van die Wet op die Ontwikkeling van Swart Gemeenskappe, 1984 (Wet No. 4 van 1984), omskryf, wat buite die gebied van 'n plaaslike owerheid geleë is.

(2) Die Kommissaris oefen, behoudens die voorskrifte van die Minister, bevel, toesig en beheer oor 'n munisipale polisie-eenheid uit.

(3) Die bepalings van hierdie artikel word nie so uitgelê dat dit afbreuk doen aan die werksaamhede van die Suid-Afrikaanse Polisiemag of die bevoegdhede en pligte van 'n lid van die Mag of 'n vredesbeampte ooreenkomstig die bedoeling van die Strafproseswet, 1977 (Wet No. 51 van 1977), nie.

Aanstelling, opleiding, bevordering, oorplasing, afdanking, ontslag en verlaging in rang van lede van munisipale polisie-eenhede

17D. Die Kommissaris kan van tyd tot tyd en op die voorwaardes by regulasie voorgeskryf ten opsigte van elke munisipale polisie-eenheid die bevoegde persone wat hy vir die doeleindes van die verrigting van die werksaamhede van so 'n munisipale polisie-eenheid nodig ag, in die Suid-Afrikaanse Polisie aanstel om as lede van 'n munisipale polisie-eenheid te dien, en kan enige lid van 'n munisipale polisie-eenheid aldus oplei, bevorder, oorplaas, afdank, ontslaan of in rang verlaag.

Bevoegdhede en pligte van lede van munisipale polisie-eenhede

17E. 'n Lid van 'n munisipale polisie-eenheid—

(a) oefen, behoudens die bepalings van hierdie Wet, die bevoegdhede uit en verrig aldus die pligte in die gebied waarvoor die betrokke munisipale polisie-eenheid ingestel is—

(i) wat by of kragtens die bepalings van die een of ander wet aan 'n lid van 'n munisipale polisie-eenheid verleen of hom opgelê word;

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- (ii) which are by or under the provisions of this Act or any other law conferred on or imposed upon a police officer or a constable, as if such member were a peace officer as defined in section 1 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977); and
- (b) shall in the performance of his official duties obey all lawful directions which he may from time to time receive from his superiors in the municipal police unit or a member of the Force or the incumbent of a post in the South African Police designated by the Commissioner for such purpose.”

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, section 6 of Act 8 of 1988 and section 3 of the Police Second Amendment Act, 1989

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

- (a) by the substitution for paragraph (a) of subsection (1) of the following paragraph:
- “(a) the enrolment, training, promotion, posting, transfer, including the transfer from one post in a municipal police unit to another post in any such unit and from one municipal police unit to any other municipal police unit, leave of absence, resignation, discharge, dismissal, suspension or reduction of members of the Force;”;
- (b) by the substitution for paragraph (c) of the said 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, including ranks of members of municipal police units, designations and appointments in the Force or in such districts or at such stations;”;
- (c) by the substitution for paragraph (a) of subsection (2) of the following paragraph:
- “(a) Different regulations may be made with reference to—
- (i) different classes or categories of members of the Force;
- (ii) different classes or categories of members of municipal police units; and
- (iii) members of the Force and members of municipal police units.”

Amendment or repeal of laws, transitional provisions and savings

4. (1) The laws mentioned in the Schedule are hereby amended or repealed to the extent indicated in the third column thereof.

(2) Notwithstanding the provisions of subsection (1), the provisions of sections 34 and 56 (1) (j) of the Black Local Authorities Act, 1982 (Act No. 102 of 1982), shall remain in force in a development area as defined in section 1 of the Black Communities Development Act, 1984 (Act No. 4 of 1984), which is situated outside the area of a local authority as defined in section 1 of the said Black Local Authorities Act, 1982, until a municipal police unit is established under subsection (1) (b) of section 17C of the principal Act, as inserted by section 2 of this Act, for that development area.

(3) A reference in any law to a person appointed under section 34 of the said Black Local Authorities Act, 1982, shall, in respect of the area of such local authority or such development area, be construed as a reference to a member of a municipal police unit established by or under the said section 17C of the principal Act in respect of such area.

(4) Subject to the provisions of this section a person who immediately prior to the date of commencement of this Act is by virtue of an appointment under section 34

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- (ii) wat by of kragtens die bepalings van hierdie Wet of 'n ander wet aan 'n polisiebeampte of konstabel verleen of hom opgelê word, asof so 'n lid 'n vredesbeampte is soos in artikel 1 van die Strafproseswet, 1977 (Wet No. 51 van 1977), omskryf; en
- 5 (b) moet by die verrigting van sy ampspligte die wettige opdragte gehoorsaam wat hy van tyd tot tyd van sy meederes in die munisipale polisie-eenheid of 'n lid van die Mag of die bekleder van die een of ander pos in die Suid-Afrikaanse Polisie deur die Kommissaris vir dié doel aangewys, ontvang.”
- 10 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, artikel 6 van Wet 8 van 1988 en artikel 3 van die Tweede Polisie wysigingswet, 1989
3. Artikel 33 van die Hoofwet word hierby gewysig—
- 15 (a) deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:
- “(a) die inlywing, opleiding, bevordering, standplaas, oorplasing, met inbegrip van die oorplasing van een pos in 'n munisipale polisie-eenheid na 'n ander pos in so 'n eenheid en van een munisipale polisie-eenheid na 'n ander munisipale polisie-eenheid, verlof, bedanking, afdanking, ontslag, skorsing of verlaging in rang van lede van die Mag;”;
- 20 (b) deur paragraaf (c) van genoemde subartikel (1) deur die volgende paragraaf te vervang:
- 25 “(c) die getalsterkte en verspreiding van die Mag, die instelling van polisiedistrikte en -stasies, en die diensvoorwaardes en die verskillende streke, afdelings, takke, grade, range, met inbegrip van range van lede van munisipale polisie-eenhede, aanwysings en aanstellings in die Mag of in sodanige distrikte of by sodanige stasies;”;
- 30 (c) deur paragraaf (a) van subartikel (2) deur die volgende paragraaf te vervang:
- “(a) Verskillende regulasies kan uitgevaardig word met betrekking tot—
- (i) verskillende klasse of kategorieë van lede van die Mag;
- (ii) verskillende klasse of kategorieë van lede van munisipale polisie-eenhede; en
- 35 (iii) lede van die Mag en lede van munisipale polisie-eenhede.”

Wysiging of herroeping van wette, oorgangsbepalings en voorbehoude

4. (1) Die wette vermeld in die Bylae word hierby gewysig of herroep in die mate in die derde kolom daarvan aangedui.
- 40 (2) Ondanks die bepalings van subartikel (1) bly die bepalings van artikels 34 en 56 (1) (j) van die Wet op Swart Plaaslike Owerhede, 1982 (Wet No. 102 van 1982), van krag in 'n ontwikkelingsgebied soos in artikel 1 van die Wet op die Ontwikkeling van Swart Gemeenskappe, 1984 (Wet No. 4 van 1984), omskryf, wat buite die gebied van 'n plaaslike owerheid soos in artikel 1 van genoemde Wet op Swart Plaaslike Owerhede, 1982, omskryf, geleë is, totdat 'n munisipale polisie-eenheid vir daardie ontwikkelingsgebied kragtens subartikel (1) (b) van artikel 17C van die Hoofwet, soos by artikel 2 van hierdie Wet ingevoeg, ingestel word.
- 45 (3) 'n Verwysing in die een of ander wet na 'n persoon wat kragtens artikel 34 van genoemde Wet op Swart Plaaslike Owerhede, 1982, aangestel is, word, ten opsigte van die gebied van 'n bedoelde plaaslike owerheid of 'n bedoelde ontwikkelingsgebied, uitgelê as 'n verwysing na 'n lid van 'n munisipale polisie-eenheid by of kragtens genoemde artikel 17C van die Hoofwet ten opsigte van so 'n gebied ingestel.
- 50 (4) Behoudens die bepalings van hierdie artikel word 'n persoon wat onmiddellik voor die datum van inwerkingtreding van hierdie Wet uit hoofde van 'n aanstelling

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of the said Black Local Authorities Act, 1982, in the employment of a local authority as defined in that Act, shall, with recognition of his period of service by virtue of such appointment, be deemed to be appointed under section 17D of the principal Act, as inserted by section 2 of this Act, in the South African Police to serve as a member of the municipal police unit established for the area of that local authority, on such conditions of service as may under the principal Act be prescribed for members of municipal police units, and at such salary, wage or allowances as may be so determined for those members: Provided that—

- (a) the salary, wage or allowances of such a person shall not be less favourable than the salary, wage or allowances which were applicable to him in the employment of the local authority concerned;
- (b) any sick or vacation leave which stood to the credit of such person immediately prior to the commencement of this Act, shall be deemed to be leave earned by him as a member of the municipal police unit concerned;
- (c) any disciplinary steps instituted, or which could have been instituted, against any such member before the commencement of this Act by a competent member of the South African Police Force, may after the commencement of this Act be proceeded with or instituted as if the conduct upon which those steps in any such case are based had occurred on or after such commencement.

(5) A person referred to in subsection (4) who immediately prior to the commencement of this Act was a contributor to the Associated Institutions Pension Fund established under section 2 of the Associated Institutions Pension Fund Act, 1963 (Act No. 41 of 1963)—

- (a) shall be deemed to remain without a break in his service a member of such pension fund; and
- (b) shall, notwithstanding anything to the contrary contained in any other law, not be entitled to the payment of any benefit from such pension fund by virtue of the provisions of this Act, in so far as his transfer involves the termination of his service with the local authority concerned.

(6) In the application of the said Associated Institutions Pension Fund Act, 1963, in respect of a person referred to in subsection (5), the South African Police shall be deemed to be an associated institution and for that purpose deemed to have been declared as such an institution in terms of section 4 of that Act as from the date of commencement of this Act.

(7) The provisions of subsection (5) shall apply *mutatis mutandis* in relation to a person who immediately prior to the commencement of this Act was a member of a superannuation, pension or provident fund or scheme (other than an assurance scheme) established or approved by the local authority concerned for the benefit of its employees: Provided that the Minister of Law and Order may, with the concurrence of the controlling body of such superannuation, pension or provident fund or scheme, make regulations in relation to the basis and conditions on which such person shall remain a member of the fund or scheme concerned.

(8) The ownership and control of all movable property of which the ownership and control vested in a local authority as defined in section 1 of the Black Local Authorities Act, 1982 (Act No. 102 of 1982), immediately prior to the commencement of this Act and which has been used for the purposes of or in connection with the exercise or performance of the powers and duties of persons appointed under section 34 of the said Black Local Authorities Act, 1982, may on such conditions and terms as may be determined by mutual agreement between the Commissioner of the South African Police and the local authority concerned, with the concurrence of the Minister of Finance, be transferred to the State.

(9) All immovable property of which the ownership does not vest in the State and which has been used for the purposes of or in connection with the exercise or performance of the powers and duties of persons referred to in subsection (8) immediately prior to the commencement of this Act, may be made available for the purposes of or in connection with the exercise or performance of the powers and duties of municipal police units on such conditions and terms as may be determined

kragtens artikel 34 van genoemde Wet op Swart Plaaslike Owerhede, 1982, in diens van 'n plaaslike owerheid soos omskryf in daardie Wet is, geag, met erkenning van sy dienstermyn uit hoofde van so 'n aanstelling, kragtens artikel 17D van die Hoofwet, soos by artikel 2 van hierdie Wet ingevoeg, in die Suid-Afrikaanse Polisie
5 aangestel te wees om as lid van die munisipale polisie-eenheid te dien wat vir die gebied van daardie plaaslike owerheid ingestel is, op die diensvoorwaardes wat kragtens die Hoofwet vir lede van munisipale polisie-eenhede voorgeskryf is, en teen die salaris, loon of toelaes wat aldus vir daardie lede bepaal is: Met dien verstande dat—

- 10 (a) die salaris, loon of toelaes van so 'n persoon nie minder gunstig is nie as die salaris, loon of toelaes wat op hom in diens van die betrokke plaaslike owerheid van toepassing was;
- (b) siekte- en vakansieverlof waarmee so 'n lid gekrediteer was onmiddellik voor die inwerkingtreding van hierdie Wet, geag word verlof te wees wat hy
15 verdien het as lid van die betrokke munisipale polisie-eenheid; en
- (c) enige dissiplinêre stappe wat teen so 'n lid voor die inwerkingtreding van hierdie Wet deur 'n bevoegde lid van die Suid-Afrikaanse Polisiemag ingestel is, of ingestel kon word, na die inwerkingtreding van hierdie Wet voortgesit of ingestel kan word asof die gedrag waarop daardie stappe in
20 enige sodanige geval gegrond is, op of na bedoelde inwerkingtreding voorgekom het.

(5) 'n Persoon in subartikel (4) bedoel wat onmiddellik voor die inwerkingtreding van hierdie Wet 'n bydraer was tot die Pensioenfonds vir Geassosieerde Inrigtings ingestel kragtens artikel 2 van die Wet op die Pensioenfonds vir Geassosieerde
25 Inrigtings, 1963 (Wet No. 41 van 1963)—

- (a) word geag sonder onderbreking in sy diens 'n lid van daardie pensioenfonds te bly; en
- (b) is, ondanks andersluidende bepalings van die een of ander wet, nie geregtig op die betaling van enige voordeel uit bedoelde pensioenfonds uit hoofde van die bepalings van hierdie Wet nie, vir sover sy oorplasing met die
30 beëindiging van sy diens by die betrokke plaaslike owerheid gepaard gaan.
- (6) By die toepassing van genoemde Wet op die Pensioenfonds vir Geassosieerde Inrigtings, 1963, ten opsigte van 'n persoon in subartikel (5) bedoel, word die Suid-Afrikaanse Polisie geag 'n geassosieerde inrigting te wees en vir dié doel geag
35 ingevolge artikel 4 van daardie Wet vanaf die datum van inwerkingtreding van hierdie Wet tot so 'n inrigting verklaar te wees.

(7) Die bepalings van subartikel (5) is *mutatis mutandis* van toepassing met betrekking tot 'n persoon wat onmiddellik voor die inwerkingtreding van hierdie Wet 'n lid was van 'n superannuasie-, pensioen- of voorsieningsfonds of -skema
40 (behalwe 'n assuranceskema) wat deur die betrokke plaaslike owerheid ten bate van sy werknemers ingestel of goedgekeur is: Met dien verstande dat die Minister van Wet en Orde, met die instemming van die beheerliggaam van so 'n superannuasie-, pensioen- of voorsieningsfonds of -skema, regulasies kan uitvaardig met betrekking tot die grondslag en voorwaardes waarop so 'n persoon lid van die betrokke fonds of
45 skema moet bly.

(8) Die eiendomsreg en beheer oor alle roerende goed waarvan die eiendomsreg en beheer onmiddellik voor die inwerkingtreding van hierdie Wet by 'n plaaslike owerheid soos omskryf in artikel 1 van die Wet op Swart Plaaslike Owerhede, 1982 (Wet No. 102 van 1982), berus het en wat vir die doeleindes van of in verband met
50 die uitoefening of verrigting van die bevoegdhede en pligte van persone aangestel kragtens artikel 34 van genoemde Wet op Swart Plaaslike Owerhede, 1982, gebruik is, kan op die voorwaardes en bedinge by onderlinge ooreenkoms tussen die Kommissaris van die Suid-Afrikaanse Polisie en die betrokke plaaslike owerheid, met die instemming van die Minister van Finansies, bepaal, aan die Staat oorgedra
55 word.

(9) Alle onroerende goed waarvan die eiendomsreg nie by die Staat berus nie en wat onmiddellik voor die inwerkingtreding van hierdie Wet vir die doeleindes van of in verband met die uitoefening of verrigting van die bevoegdhede en pligte van persone bedoel in subartikel (8) gebruik is, kan op die voorwaardes en bedinge wat
60 by onderlinge ooreenkoms tussen die Minister van Openbare Werke en Grondsake, of 'n beampite in sy Departement deur hom aangewys, en die eienaar daarvan, met die instemming van die Minister van Finansies, bepaal word, vir die doeleindes van

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by mutual agreement between the Minister of Public Works and Land Affairs, or an officer in his Department designated by him, and its owner, with the concurrence of the Minister of Finance, or may otherwise be so transferred to the State.

(10) The relevant registrar of deeds defined in section 102 of the Deeds Registry Act, 1937 (Act No. 47 of 1937), shall upon production to him of the title deed of immovable property transferred by virtue of the provisions of subsection (9) of this section to the State, endorse the relevant title deed to the effect that the immovable property described therein vests in the State, and shall make the necessary entries in his registers, and thereupon that deed shall serve and avail for all purposes as proof of the title of the State to the immovable property concerned.

(11) The provisions of subsections (4) to (7), inclusive, of this section relating to a person referred to therein, and of subsections (8) to (10), inclusive, of this section relating to movable and immovable property referred to therein, shall *mutatis mutandis* apply to a person who immediately prior to the establishment of a municipal police unit for a development area contemplated in subsection (2) was employed in such development area by virtue of an appointment under section 34 of the said Black Local Authorities Act, 1982, and to movable and immovable property in such development area which immediately prior to any such establishment of a municipal police unit was used as contemplated in the said subsections (8) and (9), respectively.

Short title and commencement

5. (1) This Act shall be called the Police Third Amendment Act, 1989, and shall come into operation on a date to be determined by the State President by notice in the *Gazette*.

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

(3) A reference in this Act to the commencement of this Act shall be construed as a reference to the applicable date so determined.

Schedule

LAWS AMENDED OR REPEALED

(Section 4 (1))

No. and year of law	Title	Extent of amendment or repeal
Act No. 102 of 1982	Black Local Authorities Act, 1982	(a) The amendment of section 27 by the insertion after subsection (3) of the following subsection: “(3A) Notwithstanding the provisions of subsection (1), a local authority shall not without the prior approval of the Minister of Law and Order make any by-law conferring or imposing any power or duty on or upon a member of a municipal police unit established by section 17C of the Police Act, 1958 (Act No. 7 of 1958), for the area of that local authority.”; (b) the repeal of section 34; and (c) the amendment of section 56 by the deletion of paragraph (j) of subsection (1).
Act No. 58 of 1986	Black Local Authorities Amendment Act, 1986	The repeal of section 11.
Act No. 32 of 1987	Constitutional Laws Amendment Act, 1987	The repeal of section 23.
Act No. 95 of 1988	Black Local Authorities Amendment Act, 1988	The repeal of section 16

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of in verband met die uitoefening of verrigting van die bevoegdhede en pligte van munisipale polisie-eenhede beskikbaar gestel word, of kan andersins aldus aan die Staat oorgedra word.

- (10) Die betrokke registrateur van aktes omskryf in artikel 102 van die Registrasie van Aktes Wet, 1937 (Wet No. 47 van 1937), moet by voorlegging aan hom van die titelbewys van onroerende goed wat uit hoofde van die bepalings van subartikel (9) van hierdie artikel aan die Staat oorgedra word, die betrokke titelbewys endosseer ten effekte dat die onroerende goed wat daarin beskryf word by die Staat berus, en moet die nodige inskrywings in sy registers maak, en daarop dien en geld daardie titelbewys vir alle doeleindes as bewys van die titel van die Staat op die betrokke onroerende goed.

- (11) Die bepalings van subartikels (4) tot en met (7) van hierdie artikel met betrekking tot 'n persoon daarin bedoel, en van subartikels (8) tot en met (10) van hierdie artikel met betrekking tot roerende en onroerende goed daarin bedoel, is *mutatis mutandis* van toepassing op, onderskeidelik, 'n persoon wat onmiddellik voor die instelling van 'n munisipale polisie-eenheid vir 'n ontwikkelingsgebied in subartikel (2) beoog uit hoofde van 'n aanstelling kragtens artikel 34 van genoemde Wet op Swart Plaaslike Owerhede, 1982, in so 'n ontwikkelingsgebied diens gedoen het, en op roerende en onroerende goed in so 'n ontwikkelingsgebied wat onmiddellik voor so 'n instelling van 'n munisipale polisie-eenheid gebruik is soos in genoemde subartikels (8) en (9) beoog.

Kort titel en inwerkingtreding

5. (1) Hierdie Wet heet die Derde Polisie wysigingswet, 1989, en tree in werking op 'n datum deur die Staatspresident by proklamasie in die *Staatskoerant* bepaal.
- (2) Verskillende datums kan kragtens subartikel (1) ten opsigte van verskillende bepalings van hierdie Wet bepaal word.
- (3) 'n Verwysing in hierdie Wet na die inwerkingtreding van hierdie Wet word uitgelê as 'n verwysing na die toepaslike datum aldus bepaal.

Bylae**WETTE GEWYSIG OF HERROEP****(Artikel 4 (1))**

No. en jaar van wet	Titel	Omvang van wysiging of herroeping
Wet No. 102 van 1982	Wet op Swart Plaaslike Owerhede, 1982	(a) Die wysiging van artikel 27 deur die volgende subartikel na subartikel (3) in te voeg: “(3A) Ondanks die bepalings van subartikel (1) maak 'n plaaslike owerheid nie sonder die voorafverkreë goedkeuring van die Minister van Wet en Orde 'n verordening wat die een of ander bevoegdheid of plig aan 'n lid van 'n munisipale polisie-eenheid by artikel 17C van die Polisie wet, 1958 (Wet No. 7 van 1958), vir die gebied van daardie plaaslike owerheid ingestel, verleen of hom opleë nie.”; (b) die herroeping van artikel 34; en (c) die wysiging van artikel 56 deur paragraaf (j) van subartikel (1) te skrap.
Wet No. 58 van 1986	Wysigingswet op Swart Plaaslike Owerhede, 1986	Die herroeping van artikel 11.
Wet No. 32 van 1987	Wysigingswet op Staatkundige Wetgewing, 1987	Die herroeping van artikel 23.
Wet No. 95 van 1988	Wysigingswet op Swart Plaaslike Owerhede, 1988	Die herroeping van artikel 16.

