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STATE PRESIDENT'S OFFICE

No. 2473. 29 December 1993

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

No. 183 of 1993: Police Third Amendment Act, 1993.

KANTOOR VAN DIE STAATSPRESIDENT

No. 2473. 29 Desember 1993

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

No. 183 van 1993: Derde Polisie wysigingswet, 1993.

GENERAL EXPLANATORY NOTE:

Words underlined with a solid line indicate insertions in existing enactments.

ACT

To amend the Police Act, 1958, so as to further regulate the suspension of members of the Force; and to empower the Minister of Law and Order to make regulations with regard to the transfer of members of municipal police units to other posts in the Force; and to provide for matters connected therewith.

*(English text signed by the Acting State President.)
(Assented to 14 December 1993.)*

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

Amendment of section 14 of Act 7 of 1958, as amended by section 5 of Act 74 of 1967 and section 9 of Act 87 of 1991

1. Section 14 of the Police Act, 1958, is hereby amended— 5
- (a) by the substitution for subsection (1) of the following subsection:
- “(1) A member of the Force may be suspended from his office—
- (a) if it appears to the Commissioner that an enquiry may be held—
- (i) on account of any conduct of the member which is prejudicial to the good order, efficient administration, control or discipline of the Force; or 10
- (ii) on account of his unfitness for his duties or his incapacity to carry them out efficiently;
- (b) pending his trial or after his conviction of misconduct or any offence whether under this Act or otherwise; or 15
- (c) pending any enquiry at which his fitness to remain in the Force or to retain his rank is being investigated, and such member shall be so suspended for any period during which he is under arrest or detention or is serving a term of imprisonment, but shall not by reason of such suspension cease to be a member of the Force.”; and 20
- (b) by the insertion after subsection (1) of the following subsection:
- “(1A) (a) A member referred to in subsection (1) may within seven days after having been informed in writing of his suspension, make written representations— 25
- (i) in the case of a member who is an officer, to the Minister; and
- (ii) in the case of any other member, to the Commissioner, for the termination of his suspension.
- (b) The Minister or the Commissioner, as the case may be, shall within seven days after receipt of the member’s representations, decide on the representations and shall, where the representations 30

ALGEMENE VERDUIDELIKENDE NOTA:

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

WET

Tot wysiging van die Polisiewet, 1958, ten einde die skorsing van lede van die Mag verder te reël; en aan die Minister van Wet en Orde die bevoegdheid te verleen om regulasies uit te vaardig met betrekking tot die oorplasing van lede van munisipale polisie-eenhede na ander poste in die Mag; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

*(Engelse teks deur die Waarnemende Staatspresident geteken.)
(Goedgekeur op 14 Desember 1993.)*

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

Wysiging van artikel 14 van Wet 7 van 1958, soos gewysig deur artikel 5 van Wet 74 van 1967 en artikel 9 van Wet 87 van 1991

- 5 1. Artikel 14 van die Polisiewet, 1958, word hierby gewysig—
 (a) deur subartikel (1) deur die volgende subartikel te vervang:
 “(1) 'n Lid van die Mag kan in sy amp geskors word—
 (a) indien dit aan die Kommissaris blyk dat ondersoek ingestel
 kan word—
 (i) weens enige gedrag van die lid wat tot nadeel van die
 goeie orde, doeltreffende administrasie, beheer of dissi-
 pline van die Mag strek; of
 (ii) weens sy ongeskiktheid vir sy pligte of sy onvermoë om
 hulle op 'n bekwame wyse uit te voer;
 (b) in afwagting van sy verhoor of na sy veroordeling weens
 wangedrag of enige misdryf, hetsy ingevolge hierdie Wet of
 andersins; of
 (c) in afwagting van 'n ondersoek waar sy geskiktheid om in die
 Mag te bly of sy rang te behou, ondersoek word,
 en sodanige lid moet aldus geskors word gedurende enige tydperk
 wat hy in hegtenis is of aangehou word of gevangenisstraf uitdien,
 maar hou nie uit hoofde van die skorsing op om 'n lid van die Mag
 te wees nie.”; en
 (b) deur na subartikel (1) die volgende subartikel in te voeg:
 “(1A) (a) 'n Lid in subartikel (1) bedoel, kan binne sewe dae
 nadat hy skriftelik van sy skorsing in kennis gestel is, skriftelike
 vertoë rig—
 (i) in die geval van 'n lid wat 'n offisier is, aan die Minister; en
 (ii) in die geval van 'n ander lid, aan die Kommissaris,
 dat sy skorsing opgehef word.
 (b) Die Minister of die Kommissaris, na gelang van die geval,
 moet binne sewe dae na ontvangs van die lid se vertoë, oor die
 vertoë beslis en moet, waar die vertoë afgewys word, die lid

are rejected, in writing inform the member of the decision, stating the reasons for the decision.

(c) The suspension of a member shall not be terminated merely by reason of the fact that the member has in terms of paragraph (a) submitted representations regarding the termination thereof.”.

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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, section 3 of Act 75 of 1989, section 3 of Act 76 of 1989, section 13 of Act 87 of 1991, section 1 of Act 16 of 1993 and section 3 of Act 136 of 1993

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2. Section 33 of the Police Act, 1958, is hereby amended 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 or to any other post in the Force, and from one municipal police unit to any other municipal police unit, leave of absence, resignation, discharge, dismissal, suspension or reduction in rank of members of the Force;”.

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Short title and commencement

3. This Act shall be called the Police Third Amendment Act, 1993, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.

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skriftelik van die beslissing verwittig, met vermelding van die redes vir die beslissing.

- 5 (c) Die skorsing van 'n lid word nie opgehef bloot op grond van die feit dat die lid ingevolge paragraaf (a) vertoë oor die opheffing daarvan gerig het nie.”.

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, artikel 3 van Wet 75 van 1989, artikel 10 3 van Wet 76 van 1989, artikel 13 van Wet 87 van 1991, artikel 1 van Wet 16 van 1993 en artikel 3 van Wet 136 van 1993

2. Artikel 33 van die Polisiewet, 1958, word hierby gewysig deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:

- 15 “(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 of na enige ander pos in die Mag, 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 Kort titel en inwerkingtreding

3. Hierdie Wet heet die Derde Polisiewysigingswet, 1993, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

