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GOVERNMENT GAZETTE

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DEPARTMENT OF THE PRIME MINISTER

No. 982. 23 May 1980.

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

No. 50 of 1980: Police Amendment Act, 1980.

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 982. 23 Mei 1980.

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

No. 50 van 1980: Polisiewysigingswet, 1980.

Wet No. 50, 1980

POLISIEWYSIGINGSWET, 1980

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 sekere bepalings van die Polisiewet, 1958, ten einde die bevoegdhede en pligte van lede van die Suid-Afrikaanse Polisie asook die vereistes vir kwalifikasie as 'n lid van die Polisereserwe verder te reël; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

*(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 2 Mei 1980.)*

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

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 en artikel 2 van Wet 64 van 1979.

1. Artikel 6 van die Polisiewet, 1958 (hieronder die Hoofwet genoem), word hierby gewysig deur die volgende subartikels by te voeg: 5

„(6) Indien die Kommissaris dit vir die doeleindes van die verrigting van die werksaamhede van die Suid-Afrikaanse Polisie nodig ag, kan hy, met die goedkeuring van die Minister, 'n lid van die Mag gelas om diens te verrig op enige plek buite die Republiek. 10

(7) 'n Lid van die Mag ten opsigte van wie 'n lasgewing ingevolge die bepalings van subartikel (6) uitgereik is, moet ooreenkomstig daardie lasgewing diens verrig en bly, terwyl hy aldus diens verrig, tensy die Minister in 'n bepaalde geval anders gelas, onderworpe aan die bepalings van hierdie Wet asof hy diens binne die Republiek verrig.” 15

Wysiging van artikel 34A van Wet 7 van 1958, soos 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 en artikel 11 van Wet 64 van 1979.

2. Artikel 34A van die Hoofwet word hierby gewysig—

(a) deur subartikel (1) deur die volgende subartikel te vervang: 20

„(1) Daar word hierby 'n Polisereserwe ingestel bestaande uit—

(a) elke persoon wat in 'n permanente hoedanigheid vir 'n tydperk van minstens ses maande in die Mag gedien het en, voor of na die inwerkingtreding van die Wysigingswet op Polisie, 1972 (Wet No. 94 van 1972), maar voor die inwerkingtreding van die Polisiewysigingswet, 1975 (Wet No. 15 van 1975), sy diens beëindig het, uit die Mag ontslaan of afgedank is of met pensioen afgedank is; 30

(b) elke persoon, uitgesonderd 'n persoon bedoel in paragraaf (bA) of (bB), wat in 'n permanente hoedanigheid vir 'n tydperk van minstens twaalf maande in die Mag gedien het en na die inwerkingtreding van die Polisiewysigingswet, 1975, sy diens beëindig, uit die Mag ontslaan of afgedank word of met pensioen afgedank word; 35

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Act No. 50, 1980

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 certain provisions of the Police Act, 1958, so as to further regulate the powers and duties of members of the South African Police as well as the requirements for qualification as a member of the Police Reserve; and to provide for matters connected therewith.

*(Afrikaans text signed by the State President.)
(Assented to 2 May 1980.)*

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

1. Section 6 of the Police Act, 1958 (hereinafter referred to as the principal Act), is hereby amended by the addition of the following subsections:

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 and section 2 of Act 64 of 1979.

“(6) If the Commissioner deems it necessary for the purposes of the performance of the functions of the South African Police he may, with the approval of the Minister, direct any member of the Force to perform service at any place outside the Republic.

(7) A member of the Force in respect of whom a direction has been issued in terms of the provisions of subsection (6), shall perform service in accordance with such direction and shall, while so performing service, remain subject, unless the Minister in a particular case otherwise directs, to the provisions of this Act as if performing service within the Republic.”.
2. Section 34A of the principal Act is hereby amended—

Amendment of section 34A of Act 7 of 1958, as 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 and section 11 of Act 64 of 1979.

(a) by the substitution for subsection (1) of the following subsection:

“(1) There is hereby established a Police Reserve consisting of—

(a) every person who has served in the Force in a permanent capacity for a period of not less than six months and who, before or after the commencement of the Police Amendment Act, 1972 (Act No. 94 of 1972), but before the commencement of the Police Amendment Act, 1975 (Act No. 15 of 1975), terminated his service, was discharged or dismissed from the Force or was retired on pension;

(b) every person, excluding a person referred to in paragraph (bA) or (bB), who has served in the Force in a permanent capacity for a period of not less than twelve months and who, after the commencement of the Police Amendment Act, 1975, terminates his service, is discharged or dismissed from the Force or is retired on pension;

- (bA) elke persoon wat na 1 Oktober 1976 maar voor 1 Januarie 1980 as 'n lid van die Mag ingelyf is en, nadat hy in 'n permanente hoedanigheid vir 'n tydperk van minstens vier-en-twintig maande in die Mag gedien het, sy diens beëindig, uit die Mag ontslaan of afgedank word of met pensioen afgedank word; **[en]** 5
- (bB) elke persoon wat op of na 1 Januarie 1980 as 'n lid van die Mag ingelyf is en, nadat hy in 'n permanente hoedanigheid vir 'n tydperk van minstens agt-en-veertig maande in die Mag gedien het, sy diens beëindig, uit die Mag ontslaan of afgedank word of met pensioen afgedank word en, mits hy deur die Minister aangewys word, ook 'n persoon wat aldus ingelyf is en in 'n permanente hoedanigheid gedien het maar voor verstryking van bedoelde tydperk van agt-en-veertig maande aldus sy diens beëindig, uit die Mag ontslaan of afgedank word of met pensioen afgedank word; en 10
- (c) elke persoon wat ingevolge die bepalings van die Verdedigingswet, 1957 (Wet No. 44 van 1957), vir opleiding en diens aan die Mag toegewys word en ook so 'n persoon wat die in subartikels (10) en (11) of (10) en (12) bedoelde diens voltooi het.''; 15
- (b) deur paragraaf (a) van subartikel (2) deur die volgende paragraaf te vervang: 25
- „(a) Elke in subartikel (1) (b) **[of]**, (bA) of (bB) bedoelde lid van die Polisiereserwe moet binne drie maande nadat hy so 'n lid geword het, 'n beampte wat deur die Kommissaris aangewys word, skriftelik van sy naam en woonadres in kennis stel.''; 30
- (c) deur subartikel (4) deur die volgende subartikel te vervang: 35
- „(4) Geen in subartikel (1) (a), (b) **[of]**, (bA) of (bB) bedoelde lid van die Polisiereserwe word verplig om in 'n laer rang in die Mag diens te doen nie as die rang waarin hy by die beëindiging van sy permanente diens in die Mag diens gedoen het.'';
- (d) deur subartikel (5) deur die volgende subartikel te vervang: 40
- „(5) Die in subartikel (3) bedoelde tydperk oorskry, behoudens die bepalings van subartikel (11), nie 90 dae per jaar nie, en as geheel nie 150 dae in die geval van 'n persoon wat voor 1 Julie 1979, of 180 dae in die geval van 'n persoon wat op of na 1 Julie 1979, maar voor 1 Januarie 1980, of 240 dae in die geval van 'n persoon wat op of na 1 Januarie 1980, lid van die Polisiereserwe word nie: Met dien verstande dat waar 'n lid van die Polisiereserwe op of na 1 Julie 1979 meer as twee jaar ononderbroke diens in 'n permanente hoedanigheid in die Mag gedoen het, sy verpligting om aldus diens te doen met 30 dae verminder word ten opsigte van elke voltooide jaar van sodanige ononderbroke diens.''; 45
- (e) deur paragraaf (a) van subartikel (6) deur die volgende paragraaf te vervang: 55
- „(a) op 'n in subartikel (1) (a), (b) of (bA) bedoelde lid van die Polisiereserwe na verloop van 'n tydperk van vyf jaar, of op 'n in subartikel (1) (bB) bedoelde lid van die Polisiereserwe na verloop van 'n tydperk van agt jaar, vanaf die datum waarop hy sy permanente diens in die Mag beëindig het of die datum waarop hy uit die Mag ontslaan of afgedank is of met pensioen uit bedoelde diens afgedank is; of''; 60

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- (bA) every person who **[has been]** was enrolled as a member of the Force after 1 October 1976 but before 1 January 1980 and who, after having served in the Force in a permanent capacity for a period of not less than twenty-four months, terminates his service, is discharged or dismissed from the Force or is retired on pension; **[and]**
- (bB) every person who was enrolled as a member of the Force on or after 1 January 1980 and who, after having served in the Force in a permanent capacity for a period of not less than forty-eight months, terminates his service, is discharged or dismissed from the Force or is retired on pension and, provided he is designated by the Minister, also a person who was so enrolled and has so served in a permanent capacity but who, before the expiration of the said period of forty-eight months, so terminates his service, is discharged or dismissed from the Force or is retired on pension; and
- (c) every person who is in terms of the Defence Act, 1957 (Act No. 44 of 1957), allotted to the Force for training and service, as well as any such person who has completed the service referred to in subsections (10) and (11) or (10) and (12).";
- (b) by the substitution for paragraph (a) of subsection (2) of the following paragraph:
- "(a) Every member of the Police Reserve referred to in subsection (1) (b) **[or]**, (bA) or (bB) shall in writing notify an officer designated by the Commissioner of his name and residential address within three months after he has become such a member.";
- (c) by the substitution for subsection (4) of the following subsection:
- "(4) No member of the Police Reserve referred to in subsection (1) (a), (b) **[or]**, (bA) or (bB) shall be compelled to serve in the Force in a rank inferior to the rank in which he served in the Force at the termination of his permanent service.";
- (d) by the substitution for subsection (5) of the following subsection:
- "(5) The period referred to in subsection (3) shall, subject to the provisions of subsection (11), not exceed 90 days per year, and in the aggregate not 150 days in the case of any person who becomes a member of the Police Reserve before 1 July 1979, or 180 days in the case of any person who becomes a member of the Police Reserve on or after 1 July 1979 but before 1 January 1980, or 240 days in the case of any person who becomes a member of the Police Reserve on or after 1 January 1980: Provided that where any member of the Police Reserve has on or after 1 July 1979 rendered more than two years continuous service in a permanent capacity in the Force, his obligation so to serve shall be reduced by 30 days in respect of every completed year of such continuous service.";
- (e) by the substitution for paragraph (a) of subsection (6) of the following paragraph:
- "(a) to a member of the Police Reserve referred to in subsection (1) (a), (b) or (bA) after the expiration of a period of five years, or to a member of the Police Reserve referred to in subsection (1) (bB) after the expiration of a period of eight years, as from the date on which he terminated his service in a permanent capacity in the Force or the date on which he was discharged or dismissed from the Force or was retired on pension from such service; or";

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- (f) deur subartikel (9) deur die volgende subartikel te vervang:
 „(9) Geen bepaling van hierdie Wet word so uitgelê nie dat dit 'n persoon (uitgesonderd 'n persoon wat ingevolge subartikel (1) (bB) deur die Minister aangewys is) wat by beëindiging van sy permanente diens in die Mag minder as ses maande, twaalf maande **[of]**, vier-en-twintig maande of agt-en-veertig maande, na gelang van die geval, aldus diens gedoen het of 'n lid van die Polisie-reserwe wat ingevolge hierdie artikel van diens in die Mag vrygestel is of uit die Mag ontslaan of afgedank is, vrystel van die bepalings van die Verdedigingswet, 1957.”;
- (g) deur paragraaf (b) van subartikel (11) deur die volgende paragraaf te vervang: 15
 „(b) in die geval van 'n persoon wat op of na 1 Julie 1977 maar voor 1 Januarie 1980 vir opleiding en diens aan die Mag toegewys is, voltooi in hoogstens vyf tydperke en duur dit hoogstens 24 maande gedurende die eerste dienstydperk en 90 dae gedurende elke latere dienstydperk en 180 dae as geheel gedurende sodanige latere dienstydperke; en”;
- (h) deur die volgende paragraaf by subartikel (11) te voeg:
 „(c) in die geval van 'n persoon wat op of na 1 Januarie 1980 vir opleiding en diens aan die Mag toegewys is, voltooi in hoogstens agt tydperke en duur dit hoogstens 24 maande gedurende die eerste dienstydperk en 90 dae gedurende elke latere dienstydperk en 240 dae as geheel gedurende sodanige latere dienstydperke.”; en 25 30
- (i) deur subartikel (14) deur die volgende subartikel te vervang:
 „(14) Die bepalings van die Moratoriumwet, 1963 (Wet No. 25 van 1963), geld *mutatis mutandis* ook met betrekking tot enige lid van die Polisie-reserwe in subartikel (1) (a), (b) **[of]**, (bA) of (bB) genoem wat as sodanig ononderbroke diens in die Mag doen, asof daardie ononderbroke diens die ononderbroke diens is wat ingevolge subartikel (10) gedoen word deur 'n lid van die Polisie-reserwe in subartikel (1) (c) genoem.”. 40

Kort titel.

3. Hierdie Wet heet die Polisie-wysigingswet, 1980.

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- (f) by the substitution for subsection (9) of the following subsection:
“(9) No provision of this Act shall be so construed as to exempt any person (excluding a person designated by the Minister in terms of subsection (1) (bB)) who at the termination of his permanent service in the Force has served as such for a period of less than six months, twelve months **[or]**, twenty-four months or forty-eight months, as the case may be, or any member of the Police Reserve who in terms of this section is exempted from service in the Force or discharged or dismissed from the Force, from the provisions of the Defence Act, 1957.”;
- (g) by the substitution for paragraph (b) of subsection (11) of the following paragraph:
“(b) in the case of any person allotted to the Force for training and service on or after 1 July 1977 but before 1 January 1980, be completed in not more than five periods and shall not exceed 24 months during the first period of service and 90 days during every later period of service and in the aggregate 180 days during such later periods of service; and”;
- (h) by the addition of the following paragraph to subsection (11):
“(c) in the case of any person allotted to the Force for training and service on or after 1 January 1980, be completed in not more than eight periods and shall not exceed 24 months during the first period of service and 90 days during every later period of service and in the aggregate 240 days during such later periods of service.”; and
- (i) by the substitution for subsection (14) of the following subsection:
“(14) The provisions of the Moratorium Act, 1963 (Act No. 25 of 1963), shall *mutatis mutandis* apply also with reference to any member of the Police Reserve mentioned in subsection (1) (a), (b) **[or]**, (bA) or (bB) who renders continuous service in the Force as such, as if such continuous service is the continuous service which is rendered in terms of subsection (10) by a member of the Police Reserve mentioned in subsection (1) (c).”.

3. This Act shall be called the Police Amendment Act, 1980. Short title.

