



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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KANTOOR VAN DIE STAATSPRESIDENT

STATE PRESIDENT'S OFFICE

No. 1822.

3 September 1986

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

No. 83 van 1986: Wet op die Oorplasing van die Suid-Afrikaanse Spoorwegpolisie na die Suid-Afrikaanse Polisie, 1986.

No. 1822.

3 September 1986

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

No. 83 of 1986: Transfer of the South African Railways Police Force to the South African Police Act, 1986.

Wet No. 83, 1986

WET OP DIE OORPLASING VAN DIE SUID-AFRIKAANSE
SPOORWEGPOLISIEMAG NA DIE SUID-AFRIKAANSE POLISIE,
1986

WET

Om voorsiening te maak vir die ontbinding van die Suid-Afrikaanse Spoorwegpolisiemag; die oorpasing van lede van die Suid-Afrikaanse Spoorwegpolisiemag na die Suid-Afrikaanse Polisie; en vir aangeleenthede wat daarmee in verband staan.

*(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 25 Augustus 1986.)*

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

Ontbinding van die Suid-Afrikaanse Spoorwegpolisiemag en oorpasing van lede daarvan.

1. (1) Die Suid-Afrikaanse Spoorwegpolisiemag bedoel in artikel 43 van die Suid-Afrikaanse Vervoerdienstewet, 1981 (Wet No. 65 van 1981), word hierby ontbind en die funksies van die Suid-Afrikaanse Spoorwegpolisiemag word hierby aan die Suid-Afrikaanse Polisie oorgedra. 5

(2) Alle persone wat onmiddellik voor die inwerkingtreding van hierdie Wet lede van die Suid-Afrikaanse Spoorwegpolisiemag was, word, ondanks enige ander wetsbepaling, oorgeplaas na die Suid-Afrikaanse Polisie. 10

(3) Alle in subartikel (2) bedoelde persone wat na die Suid-Afrikaanse Polisie oorgeplaas word, word geag ingelyf te wees by die Suid-Afrikaanse Polisie vir die doel van artikel 2 (b) van die Polisiewet, 1958 (Wet No. 7 van 1958). 15

(4) 'n Offisier van die Suid-Afrikaanse Spoorwegpolisiemag word by oorpasing geag by kommissie aangestel te gewees het kragtens die bepalings van artikel 3 van die Polisiewet, 1958 (Wet No. 7 van 1958).

Diensvoorwaardes.

2. (1) Die diensvoorwaardes van alle in artikel 1 (3) bedoelde persone word vanaf die inwerkingtreding van hierdie Wet beheer en gereël kragtens die bepalings van die Staatsdienswet, 1984 (Wet No. 111 van 1984), die Polisiewet, 1958 (Wet No. 7 van 1958), en die Regeringsdienspensioenwet, 1973 (Wet No. 57 van 1973): Met dien verstande dat die uitdienststredingsleeftyd wat bedoelde persone voor die in artikel 1 (3) bedoelde oorpasing gehad het, na sodanige oorpasing onveranderd bly. 25

(2) Die rang en salaris wat onmiddellik voor die inwerkingtreding van hierdie Wet op 'n in artikel 1 (3) bedoelde persoon van toepassing was, word nie by sodanige oorpasing verlaag of verminder nie. 30

(3) Diens wat 'n in artikel 1 (3) bedoelde persoon onmiddellik voor die inwerkingtreding van hierdie Wet in die Suid-Afrikaanse Spoorwegpolisiemag tot krediet gereken is, word, behoudens die bepalings van die Staatsdienswet, 1984 (Wet No. 111 van 1984), en die Polisiewet, 1958 (Wet No. 7 van 1958), vir die doel waarvoor bedoelde persoon vir 'n voordeel, toekenning of kwalifikasie op grond van diensjare in aanmerking kom, geag diens te wees wat in die Suid-Afrikaanse Polisie gelewer is. 35

TRANSFER OF THE SOUTH AFRICAN RAILWAYS POLICE FORCE
TO THE SOUTH AFRICAN POLICE ACT, 1986

Act No. 83, 1986

ACT

To provide for the dissolution of the South African Railways Police Force; the transfer of members of the South African Railways Police Force to the South African Police; and for matters incidental thereto.

*(Afrikaans text signed by the State President.)
(Assented to 25 August 1986.)*

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

1. (1) The South African Railways Police Force referred to in section 43 of the South African Transport Services Act, 1981 (Act No. 65 of 1981), is hereby dissolved and the functions of the South African Railways Police Force are hereby transferred to the South African Police.
- (2) All persons who, immediately prior to the commencement of this Act, were members of the South African Railways Police Force, are, notwithstanding any other enactment, transferred to the South African Police.
- (3) All persons referred to in subsection (2) transferred to the South African Police shall be deemed to have been enrolled in the South African Police for the purpose of section 2 (b) of the Police Act, 1958 (Act No. 7 of 1958).
- (4) An officer of the South African Railways Police Force shall be deemed upon transfer to have been appointed by commission in terms of the provisions of section 3 of the Police Act, 1958 (Act No. 7 of 1958).
2. (1) As from the commencement of this Act the conditions of service of all persons referred to in section 1 (3) above are governed and regulated by the provisions of the Public Service Act, 1984 (Act No. 111 of 1984), the Police Act, 1958 (Act No. 7 of 1958), and the Government Service Pension Act, 1973 (Act No. 57 of 1973): Provided that the retirement age applicable to such persons before the transfer referred to in section 1 (3), remains unchanged after such transfer.
- (2) The rank and salary applicable to a person referred to in section 1 (3) immediately prior to the commencement of this Act shall not be reduced as a result of such transfer.
- (3) Service rendered in the South African Railways Police Force to the credit of a person referred to in section 1 (3) immediately prior to the commencement of this Act, shall, subject to the provisions of the Public Service Act, 1984 (Act No. 111 of 1984), and the Police Act, 1958 (Act No. 7 of 1958), for the purpose of a benefit, award or qualification for which such a person will be considered on the grounds of his years of service, be deemed to be service rendered in the South African Police.

Dissolution of the South African Railways Police Force and transfer of members thereof.

Conditions of service.

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1986

Pensioenreëlings.

3. 'n In artikel 1 (3) bedoelde persoon word 'n lid van en bydraer tot die Regeringsdienspensioenfonds soos ingestel by die Regeringsdienspensioenwet, 1973 (Wet No. 57 van 1973), en sy pensioengewende diens by die Nuwe Spoorweg- en Hawesuperannuasiefonds soos bepaal deur die Spoorweg- en Hawepensioenwet, 1971 (Wet No. 35 van 1971), of die Spoorweg- en Hawepensioenfonds vir Nie-Blanke Werknemers soos bepaal deur die Wet op Spoorweg- en Hawepensioene vir Nie-Blankes, 1974 (Wet No. 43 van 1974), word as pensioengewende diens vir die doel van genoemde Regeringsdienspensioenfonds gereken: Met dien verstande dat daar uit die Nuwe Spoorweg- en Hawesuperannuasiefonds of uit die Spoorweg- en Hawepensioenfonds vir Nie-Blanke Werknemers, na gelang van die geval, aan die Regeringsdienspensioenfonds die bedrag betaal word wat deur die Regeringsdienspensioenfonds vereis word, en sodanige persoon het daarna geen verdere vordering teen die Nuwe Spoorweg- en Hawesuperannuasiefonds of die Spoorweg- en Hawepensioenfonds vir Nie-Blanke Werknemers nie.

Dissiplinêre aangeleenthede.

4. (1) Enige dissiplinêre stap ten opsigte van beweerde wangedrag wat 'n in artikel 1 (3) bedoelde persoon voor die datum van inwerkingtreding van hierdie Wet ten laste gelê word, kan deur 'n bevoegde lid van die Suid-Afrikaanse Polisie voortgesit of ingestel word asof die beweerde wangedrag na bedoelde datum voorgekom het.

(2) Appêlle wat uit dissiplinêre stappe teen 'n in artikel 1 (3) 25 bedoelde persoon voortvloei en wat by die inwerkingtreding van hierdie Wet nog nie afgehandel is nie, word nie deur die bevoegde gesag van die Suid-Afrikaanse Vervoerdienste afgehandel nie, maar word deur 'n bevoegde lid van die Suid-Afrikaanse Polisie afgehandel ingevolge die regsbepalings van toepassing op 30 lede van die Suid-Afrikaanse Polisie.

(3) Waar 'n in artikel 1 (3) bedoelde persoon skuldig bevind is op 'n dissiplinêre aanklag en nog nie sy reg tot appêl uitgeoefen het by die datum van inwerkingtreding van hierdie Wet nie, kan bedoelde persoon binne 30 dae na bedoelde datum appêl teen sy skuldigbevinding en/of vonnis by die bevoegde gesag van die Suid-Afrikaanse Polisie aanhangig maak en word sodanige appêl ingevolge die regsbepalings van toepassing op lede van die Suid-Afrikaanse Polisie behandel.

Oorgang van bates en laste.

5. (1) Die roerende bates wat onmiddellik voor die inwerkingtreding van hierdie Wet uitsluitlik deur die Suid-Afrikaanse Spoorwegpolisiemag gebruik is, gaan, sonder 'n verpligting om daarvoor vergoeding te betaal, op die Suid-Afrikaanse Polisie oor.

(2) Tensy in hierdie Wet uitdruklik anders bepaal, word alle laste, regte en verpligtinge gesetel in of bindend vir die Suid-Afrikaanse Spoorwegpolisiemag of die Suid-Afrikaanse Vervoerdienste namens of ten behoewe van sodanige Mag aan die Suid-Afrikaanse Polisie oorgedra.

(3) Ondanks die bepalings van subartikel (2) word 'n hofgeding wat voortspruit uit 'n handeling of versuim van 'n lid van die Suid-Afrikaanse Spoorwegpolisiemag en wat by die inwerkingtreding van hierdie Wet reeds teen die Suid-Afrikaanse Vervoerdienste ingestel is, teen die Suid-Afrikaanse Vervoerdienste voortgesit. Sodanige hofgeding wat by die inwerkingtreding van hierdie Wet nog nie ingestel is nie, kan na inwerkingtreding van hierdie Wet slegs teen die Minister van Wet en Orde ingestel word: Met dien verstande dat die bepalings van artikel 64 van die Suid-Afrikaanse Vervoerdienstewet, 1981 (Wet No. 65 van 1981), *mutatis mutandis* geld ten opsigte van alle eisoursake wat 60 voor die datum van die inwerkingtreding van hierdie Wet ontstaan het.

Besikbaarstelling van onroerende bates.

6. Onroerende bates waarvan die Suid-Afrikaanse Vervoerdienste eienaar of gebruiker is en wat onmiddellik voor die inwerkingtreding van hierdie Wet deur die Suid-Afrikaanse Spoorwegpolisiemag vir funksionele doeleindes gebruik is en wat na

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3. A person referred to in section 1 (3) becomes a member of and a contributor to the Government Service Pension Fund as instituted by the Government Service Pension Act, 1973 (Act No. 57 of 1973), and his pensionable service with the New Railways and Harbours Superannuation Fund as provided by the Railways and Harbours Pensions Act, 1971 (Act No. 35 of 1971), or the Railways and Harbours Pension Fund for Non-White Employees as provided by the Railways and Harbours Pensions for Non-Whites Act, 1974 (Act No. 43 of 1974), shall be regarded as pensionable service for the purpose of such Government Service Pension Fund: Provided that the amount required by the Government Service Pension Fund is paid over to the Government Service Pension Fund, either from the New Railways and Harbours Superannuation Fund or from the Railways and Harbours Pension Fund for Non-White Employees, whichever is applicable, and thereafter such person shall have no further claim against the New Railways and Harbours Superannuation Fund or the Railways and Harbours Pension Fund for Non-White Employees.

Pension arrangements.

4. (1) Any disciplinary action in connection with alleged misconduct attributed to a person referred to in section 1 (3) prior to the date of the commencement of this Act, may be proceeded with or instituted by a competent member of the South African Police, as if such alleged misconduct had been committed after the date referred to.

Disciplinary matters.

(2) Appeals resulting from disciplinary action instituted against a person referred to in section 1 (3) and not finally disposed of at the commencement of this Act, shall not be finally disposed of by the relevant competent authority of the South African Transport Services, but shall be disposed of by a competent member of the South African Police in terms of the legal provisions applicable to members of the South African Police.

(3) Where a person referred to in section 1 (3) had been convicted on a disciplinary charge and had not as yet exercised his right of appeal at the date of the commencement of this Act, such person may, within 30 days from such date, appeal against his conviction and/or sentence to the competent authority in the South African Police, and such an appeal shall be dealt with in accordance with the legal provisions applicable to members of the South African Police.

5. (1) The movable assets exclusively used by the South African Railways Police Force immediately prior to the commencement of this Act, shall be transferred to the South African Police without any obligation to pay compensation therefor.

Transfer of assets and liabilities.

(2) Unless the contrary is specifically provided for in this Act, all liabilities, rights and obligations binding upon or vested in the South African Railways Police Force or the South African Transport Services for or on behalf of that Force shall be transferred to the South African Police.

(3) Notwithstanding the provisions of subsection (2), litigation resulting from an act or omission of a member of the South African Railways Police Force and which, at the commencement of this Act, had already been instituted against the South African Transport Services, shall be continued against the South African Transport Services. Such litigation which at the commencement of this Act had not been instituted, shall after such commencement be instituted only against the Minister of Law and Order: Provided that the provisions of section 64 of the South African Transport Services Act, 1981 (Act No. 65 of 1981), shall *mutatis mutandis* be applicable to all claims arising prior to the date of the commencement of this Act.

6. Immovable assets of which the South African Transport Services is the owner or user and which were used for functional purposes by the South African Railways Police Force immediately prior to the commencement of this Act and which the South

Disposition of immovable assets.

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die inwerkingtreding van hierdie Wet vir sodanige doeleindes deur die Suid-Afrikaanse Polisie benodig word, kan by wyse van onderlinge reëling tussen die Suid-Afrikaanse Vervoerdienste en die Departement van Openbare Werke en Grondsake tot beskikking van die Suid-Afrikaanse Polisie gestel word. 5

Huur van wooneenhede.

7. 'n Woning, woonstel of enkelkwartier wat onmiddellik voor die datum van inwerkingtreding van hierdie Wet deur die Suid-Afrikaanse Vervoerdienste aan 'n lid van die Suid-Afrikaanse Spoorwegpolisiemag verhuur is, word vanaf bedoelde datum vir 'n tydperk van twaalf maande of sodanige addisionele tydperk as 10 wat die behoeftes van die diens mag noodsaak en soos met die Suid-Afrikaanse Vervoerdienste ooreengekom mag word, deur die Suid-Afrikaanse Vervoerdienste aan bedoelde huurder verhuur asof bedoelde huurder gedurende daardie tydperk 'n werknemer van die Suid-Afrikaanse Vervoerdienste was: Met dien 15 verstande dat bedoelde huurder oor die bevoegdheid beskik om gedurende daardie tydperk die huurooreenkoms, ooreenkomstig die bepalinge van sodanige ooreenkoms, te beëindig.

Leningsooreenkoms te ingevolge behuisingkemas.

8. (1) 'n Leningsooreenkoms wat ingevolge 'n behuisingkema van die Suid-Afrikaanse Vervoerdienste met 'n lid van die Suid-Afrikaanse Spoorwegpolisiemag aangegaan is en van krag is onmiddellik voor die datum van inwerkingtreding van hierdie Wet, bly vir 'n maksimum tydperk van twaalf maande vanaf bedoelde datum van krag asof bedoelde persoon gedurende daardie tydperk 'n werknemer van die Suid-Afrikaanse Vervoerdienste was. 25

(2) Indien die leningsooreenkoms bedoel in subartikel (1) vir 'n leningsbedrag van meer as vyftigduisend rand voorsiening maak, word die maksimum tydperk waartydens sodanige ooreenkoms na die datum van inwerkingtreding van hierdie Wet van krag bly, benewens die tydperk bedoel in subartikel 30 (1), met 'n verdere tydperk van vier jaar verleng en geld die bepalinge van subartikel (1) *mutatis mutandis* vir sodanige verdere tydperk van vier jaar: Met dien verstande dat die tersaaklike rentekoers of rentekoerse soos in die betrokke leningsooreenkoms bepaal vanaf die begin van sodanige verdere tydperk van 35 vier jaar jaarliks met twee persent verhoog word.

Oorbetalings van onbestede saldo.

9. Die onbestede saldo van die bedrag wat in die Vervoerdienstebegrotingswet, 1986 (Wet No. 26 van 1986), bewillig is vir die doel van die Suid-Afrikaanse Spoorwegpolisiemag, soos deur die Ouditeur-generaal gesertifiseer, word ten opsigte van 40 die oordrag van dienste aan die Suid-Afrikaanse Polisie in ses gelyke maandelikse paaie aan die Staatsinkomsterekening oorbetal.

Oorgang van Polisiereserwe en beëindiging van reservistedienste.

10. (1) Die Polisiereserwe bedoel in artikel 46 van die Suid-Afrikaanse Vervoerdienstewet, 1981 (Wet No. 65 van 1981), 45 word opgeneem in en ingedeel by die Polisiereserwe bedoel in artikel 34A (1) van die Polisiewet, 1958 (Wet No. 7 van 1958).

(2) Die aanstelling en lewering van dienste deur reserviste bedoel in artikel 51 van die Suid-Afrikaanse Vervoerdienstewet, 1981 (Wet No. 65 van 1981), word hierby beëindig. 50

Betekenis van lid van Suid-Afrikaanse Spoorwegpolisiemag.

11. 'n Verwysing in enige Wet na 'n lid van die Suid-Afrikaanse Spoorwegpolisiemag word geag 'n verwysing te wees na 'n lid van "die Mag" soos omskryf in artikel 1 van die Polisiewet, 1958 (Wet No. 7 van 1958).

Herroeping van Wette.

12. Die Wette in die Bylae by hierdie Wet vermeld, word 55 hierby herroep vir sover dit in die derde kolom van die Bylae aangedui word.

Kort titel en inwerkingtreding.

13. Hierdie Wet heet die Wet op die Oorplasing van die Suid-Afrikaanse Spoorwegpolisiemag na die Suid-Afrikaanse Polisie, 1986, en tree in werking op 1 Oktober 1986. 60

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African Police needs for such purposes after the commencement of this Act, may by way of mutual agreement between the South African Transport Services and the Department of Public Works and Land Affairs be placed at the disposal of the South African Police.

7. A residence, apartment or single quarters which the South African Transport Services leased to a member of the South African Railways Police Force immediately prior to the date of commencement of this Act, shall, from the said date, be let to such member by the South African Transport Services for a period of twelve months or such additional period as the exigencies of the service may necessitate and as may be agreed upon with the South African Transport Services as if the said lessee were an employee of the South African Transport Services during that period: Provided that the said lessee may terminate the tenancy during such period in accordance with the provisions of the agreement of lease.

Lease of housing units.

8. (1) A loan agreement entered into with a member of the South African Railways Police Force in terms of a housing scheme of the South African Transport Services and which is operative immediately prior to the commencement of this Act, shall remain in force for a maximum period of twelve months as from such date as if the said person had been a member of the South African Transport Services during that period.

Loan agreements in terms of housing schemes.

(2) If the loan agreement referred to in subsection (1) above provides for a loan amount of more than fifty thousand rand, the maximum period for which such an agreement remains in force after the date of commencement of this Act, shall, in addition to the period referred to in subsection (1), be extended by a further period of four years and the provisions of subsection (1) shall *mutatis mutandis* be applicable to such further period of four years: Provided that the relevant rate or rates of interest provided for in the relevant loan agreement shall be increased annually by two per cent as from the commencement of such further period of four years.

9. The unspent balance of the amount provided for in the Transport Services Appropriation Act, 1986 (Act No. 26 of 1986), for the purpose of the South African Railways Police Force, as certified by the Auditor-General, shall, in regard to the transfer of duties to the South African Police, be paid over in six equally divided monthly payments to the State Revenue Account.

Transfer of unspent balance.

10. (1) The Police Reserve referred to in section 46 of the South African Transport Services Act, 1981 (Act No. 65 of 1981), shall be included in and classified under the Police Reserve referred to in section 34A (1) of the Police Act, 1958 (Act No. 7 of 1958).

Transfer of Police Reserve and termination of reservist services.

(2) The appointment of and rendering of services by the reservists referred to in section 51 of the South African Transport Services Act, 1981 (Act No. 65 of 1981), are hereby terminated.

11. Reference in any Act to a member of the South African Railways Police Force shall be deemed to be a reference to a member of "the Force" as defined in section 1 of the Police Act, 1958 (Act No. 7 of 1958).

Meaning of member of South African Railways Police Force.

12. The Acts referred to in the Schedule to this Act are hereby repealed to the extent set out in the third column of the Schedule.

Repeal of Acts.

13. This Act is called the Transfer of the South African Railways Police Force to the South African Police Act, 1986, and shall come into operation on 1 October 1986.

Short title and commencement.

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WET OP DIE OORPLASING VAN DIE SUID-AFRIKAANSE
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Bylae

WETTE HERROEP

No. en jaar van wet	Kort titel	In hoeverre herroep
Wet No. 65 van 1981	Suid-Afrikaanse Vervoer- dienstewet, 1981	Artikels 43 tot en met 51.
Wet No. 16 van 1983	Wet op Diensvoorwaardes (Suid-Afrikaanse Vervoer- dienste), 1983	Subartikels (4) tot en met (6) van artikel 9, artikel 15 (1) (b), die voorbehoudsbepaling by artikel 19 (2) (a), en artikel 30.

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Schedule

ACTS REPEALED

No. and year of Act	Short title	Extent of repeal
Act No. 65 of 1981	South African Transport Services Act, 1981	Sections 43 up to and including 51.
Act No. 16 of 1983	Conditions of Employment (South African Transport Services) Act, 1983	Subsections (4) up to and including (6) of section 9, section 15 (1) (b), the proviso to section 19 (2) (a), and section 30.

