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STATE PRESIDENT'S OFFICE

No. 1133.

22 May 1991

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

No. 55 of 1991: Police Amendment Act, 1991

KANTOOR VAN DIE STAATSPRESIDENT

No. 1133.

22 Mei 1991

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

No. 55 van 1991: Polisiewysigingswet, 1991

Words in bold type in square brackets indicate omissions from existing enactments.

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

To amend the Police Act, 1958, so as to place a prohibition on members of the South African Police, excluding members of the Police Reserve, with regard to their membership of or participation or involvement in political parties, other institutions with political objects and their activities and institutions, councils or bodies referred to in section 84(1)(f) of the Provincial Government Act, 1961; and to prohibit members of the Police Reserve while serving in the Force from taking part in the activities of political parties and other institutions with political objects; and to provide for matters connected therewith.

(English text signed by the State President.)
(Assented to 15 May 1991.)

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, section 1 of Act 36 of 1989, section 1 of Act 75 of 1989, section 1 of Act 76 of 1989 and section 1 of Act 110 of 1990

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

- (a) by the substitution in subsection (1) for paragraph (b) of the definition of “member of the Force” of the following paragraph:
“(b) for the purpose of sections 4(3), 9, 10, 11, 12, 14, 15, 17, 17B, 18, 20, 21, 22, 25, 26, 26A, 27, 27B, 28, 31, 32bis, 33 (excluding paragraph (eA) and (v) of subsection (1), and subsection (2) thereof), 34D **[and]**, 34E and 35, a member of a municipal police unit;”;
- (b) by the substitution in subsection (1) for paragraph (b) of the definition of “the Force” of the following paragraph:
“(b) for the purposes of sections 12, 14, 17, 17B, 22, 24, 25, 26, 27B, 33 (excluding paragraphs (eA) and (v) of subsection (1), and subsection (2) thereof), 34D **[and]**, 34E and 35, any municipal police unit.”

Insertion of section 35 in Act 7 of 1958

2. The following section is hereby inserted in the principal Act after section 34G:

“Prohibition on political activities of members of the Force

35. (1) (a) No member of the Force, including a member of the

ALGEMENE VERDUIDELIKENDE NOTA:

[] Woorde in vet druk tussen vierkantige hake dui skrapings uit bestaande verordenings aan.

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

WET

Tot wysiging van die Polisiwet, 1958, ten einde 'n verbod te plaas op lede van die Suid-Afrikaanse Polisie, maar nie ook lede van die Polisereserwe nie, met betrekking tot hul lidmaatskap van, deelname aan of betrokkenheid by politieke partye, ander instellings met politieke oogmerke en hul bedrywighede en instellings, rade of liggame bedoel in artikel 84(1)(f) van die Wet op Provinsiale Bestuur, 1961; en die deelname van lede van die Polisereserwe aan die bedrywighede van politieke partye en ander instellings met politieke oogmerke te verbied terwyl hulle in die Mag dien; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

*(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 15 Mei 1991.)*

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, artikel 1 van Wet 36 van 1989, artikel 1 van Wet 75 van 1989, artikel 1 van Wet 76 van 1989 en artikel 1 van Wet 110 van 1990

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

- 10 (a) deur in subartikel (1) paragraaf (b) van die omskrywing van “die Mag” deur die volgende paragraaf te vervang:
- “(b) by die toepassing van die bepalings van artikels 12, 14, 17, 17B, 22, 24, 25, 26, 27B, 33 (uitgesonderd paragrafe (eA) en (v) van subartikel (1), en subartikel (2) daarvan), 34D **[en]**, 34E en 35, 'n munisipale polisie-eenheid;” en
- 15 (b) deur in subartikel (1) paragraaf (b) van die omskrywing van “lid van die Mag” deur die volgende paragraaf te vervang:
- “(b) by die toepassing van die bepalings van artikels 4(3), 9, 10, 11, 12, 14, 15, 16, 17, 17B, 18, 20, 21, 22, 25, 26, 26A, 27, 27B, 28, 31, 32bis, 33 (uitgesonderd paragrafe (eA) en (v) van subartikel (1), en subartikel (2) daarvan), 34D **[en]**, 34E en 35, 'n lid van 'n munisipale polisie-eenheid;”
- 20

Invoeging van artikel 35 in Wet 7 van 1958

2. Die volgende artikel word hierby in die Hoofwet na artikel 34G ingevoeg:

25 “Verbod op politieke bedrywighede van lede van die Mag

35. (1) (a) Geen lid van die Mag, insluitende 'n lid van die

Reserve Police Force whether or not while serving in the Force, but excluding a member referred to in paragraph (b), may be a member of or take part in the activities of a political party (whether or not it is registered) or any other movement, organization, body or association with political objects, or stand for election as a member of, or serve on, an institution, council or body referred to in section 84(1)(f) of the Provincial Government Act, 1961 (Act No. 32 of 1961) (in this section referred to as a local authority).

(b) No member of the Police Reserve may, while serving in the Force, take part in the activities of such political party or any other movement, organization, body or association with political objects.

(2) The provisions of subsection (1) shall not be construed as to prohibit a member of the Force—

(a) to attend a public meeting of a political party or a movement, organization, body or association with political objects;

(b) to cast a vote in respect of the election of a person to a body established under the provisions of any law, by way of any form of election;

(c) to exercise powers or perform duties as police officer under the provisions of any other law.”.

Short title and commencement

3. This Act shall be called the Police Amendment Act, 1991, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.

5 Reserwepolisiemag hetsy terwyl hy in die Mag dien of nie, maar nie ook 'n lid bedoel in paragraaf (b) nie, mag 'n lid wees van of deelneem aan die bedrywighede van 'n politieke party (hetsy geregistreer of nie) of enige ander beweging, organisasie, liggaam of vereniging met politieke oogmerke, of hom verkiesbaar stel as lid van, of dien op, 'n instelling, raad of liggaam bedoel in artikel 84(1)(f) van die Wet op Provinsiale Bestuur, 1961 (Wet No. 32 van 1961) (in hierdie artikel 'n plaaslike bestuur genoem), nie.

10 (b) Geen lid van die Polisie-reserwe mag, terwyl hy in die Mag dien, deelneem aan die bedrywighede van so 'n politieke party of enige ander beweging, organisasie, liggaam of vereniging met politieke oogmerke nie.

(2) Die bepalings van subartikel (1) word nie uitgelê as sou dit 'n lid van die Mag verbied—

15 (a) om 'n openbare vergadering van 'n politieke party of van 'n beweging, organisasie, liggaam of vereniging met politieke oogmerke, by te woon nie;

20 (b) om 'n stem uit te bring ten opsigte van die verkiesing van 'n persoon tot 'n liggaam wat kragtens die bepalings van 'n wet by wyse van enige vorm van verkiesing tot stand gebring word nie;

(c) om bevoegdhede uit te oefen of pligte uit te voer as polisie-beampte kragtens die bepalings van enige ander wet nie.”

Kort titel en inwerkingtreding

25 3. Hierdie Wet heet die Polisie-wysigingswet, 1991, en tree in werking op 'n datum deur die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

