

REPUBLIEK
VAN
SUID-AFRIKA



REPUBLIC
OF
SOUTH AFRICA

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ALGEMENE KENNISGEWING

KENNISGEWING 950 VAN 1991

SUID-AFRIKAANSE POLISIE

Die Wetsontwerp wat in die Bylae hieronder verskyn, beoog sekere wysigings aan die Wet op Sekuriteitsbeampes, 1987, en dit word hierby vir algemene intligting en kommentaar gepubliseer. Dit word verkies dat belanghebbendes voorstelle doen oor die bewoording van wetswysigings wat aanbeveel word. Enige kommentaar of vertoë daaromtrent deur belanghebbendes moet nie later nie as 25 Oktober 1991 skriftelik by die Kommissaris van die Suid-Afrikaanse Polisie, Privaatsak X94, Pretoria, 0001, ingedien word.

Die volgende verduideliking kan ten aansien van klausule 7 verskaf word:

Klausule 7:

Die aandag word daarop gevvestig dat dit die bedoeeling met die voorgestelde wysiging van artikel 10 (5) (b) van die Wet op Sekuriteitsbeampes, 1987, deur klausule 7 van die Konsepwetsontwerp, is om voorsiening te maak dat tydelike werknemers vir wie dit ondoenlik is om voortdurend te registreer, maar wat op 'n tydelike basis beskikbaar is om vir 'n werkgever sekuriteitsdienste te lewer, binne die bestek van die Wet gebring kan word sonder dat al die bepalings daarvan op hulle van toepassing is.

BYLAE

REPUBLIEK VAN SUID-AFRIKA

WYSIGINGSWETSONTWERP OP
SEKURITEITSBEAMPTES, 1992

(Soos ingedien)

(MINISTER VAN WET EN ORDE)

[W -92 (AS)]

927-A

GENERAL NOTICE

NOTICE 950 OF 1991

SOUTH AFRICAN POLICE

The Bill set out in the Schedule hereto envisages certain amendments to the Security Officers Act, 1987, and it is hereby published for general information and comment. It is preferable that interested parties should make proposals on the wording of amendments to the Act. Any comments or representations by interested parties should be submitted in writing with the Commissioner of the South African Police, Private Bag X94, Pretoria, 0001, not later than 25 October 1991.

The following explanation regarding clause 7 is furnished:

Clause 7:

Attention is drawn to the fact that it is the intention with the proposed amendment of section 10 (5) (b) of the Security Officers Act, 1987, by clause 7 of the Draft Bill, to provide that temporary employees for whom it is impracticable to register, but who are on a temporary basis available to render security services to an employer, can be brought within the ambit of the Act without all the provisions thereof applying to them.

SCHEDULE

REPUBLIC OF SOUTH AFRICA

SECURITY OFFICERS AMENDMENT
BILL, 1992

(As introduced)

(MINISTER OF LAW AND ORDER)

[W -92 (GA)]

13570-1

Algemene verduidelikende nota:

- []** Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordenings aan.
— Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

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.

WETSONTWERP

Tot wysiging van die Wet op Sekuriteitsbeamptes, 1987, ten einde voorsiening te maak dat die Minister van Wet en Orde sekere dienste by kennisgewing in die Staatskoerant as sekuriteitsdienste vir die doeleindes van die Wet kan omskryf; die werksaamhede van die Raad vir Sekuriteitsbeamptes, en sy samestelling, verder te reël; die samestelling van die uitvoerende komitee van genoemde Raad verder te reël; die bevoegdheid van die Minister om te gelas dat bepalings van genoemde Wet op sekere werkneemers van toepassing sal wees, uit te brei; voorsiening daarvoor te maak dat die wyse waarop vingerafdrukke van aansoekers om registrasie as sekuriteitsbeamptes geneem moet word, by regulasie voorgeskryf moet word; die kwalifiserende vereistes vir iemand wat registrasie as sekuriteitsbeampte verlang, opnuut te reël; die betaling van jaargelde deur sekuriteitsbeamptes opnuut te reël; die ondersoek van beweerde onbehoorlike gedrag deur sekuriteitsbeamptes verder te reël; die bepalings betreffende appelle en die waarborgfonds te herroep; die regulasiebevoegdheid van die Minister aan genoemde Raad oor te dra en uit te brei, en voorsiening te maak dat genoemde Raad konsepregulasies vir openbare kennisname en kommentaar moet publiseer voor afkondiging; sekere bepalings wat sekere bevoegdhede aan die Suid-Afrikaanse Polisie verleen, te skrap; die bevoegdheid van die Minister om toestemming tot sekere openbaarmakings te verleen, aan genoemde Raad oor te dra; die delegasiebevoegdheid van die Minister verder te reël; en om die Bylae by genoemde Wet te vervang; en om voorsiening te maak vir bykomstige aangeleenthede.

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

Wysiging van artikel 1 van Wet 92 van 1987

1. Artikel 1 van die Wet op Sekuriteitsbeamptes, 1987 (Wet No. 92 van 1987) (hieronder die Hoofwet genoem), word hierby gewysig—

(a) deur in die omskrywing van "sekuriteitsdiens" die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:

"'Sekuriteitsdiens', behoudens subartikel (2), 'n diens wat 'n persoon aan 'n ander persoon teen vergoeding lewer deur—";

BILL

To amend the Security Officers Act, 1987, in order to provide that the Minister of Law and Order may be notice in the *Gazette* define certain services as security services for the purposes of the Act; to further regulate the functions of the Security Officers' Board, and its constitution; to further regulate the constitution of the executive committee of the said Board; to extent the power of the Minister to direct that provisions of the said Act shall apply to certain employees; to provide that the manner in which fingerprints of applicants for registration as security officers must be taken, shall be prescribed by regulation; to regulate anew the qualifying requirements for a person desiring to be registered as security officer; to regulate anew the payment of annual amounts by security officers; to further regulate the enquiry into alleged improper conduct by security officers; to repeal the provisions regarding appeals and the guarantee fund; to transfer the power of the Minister to make regulations to the said Board, to extend that power and to provide that the said Board shall before promulgation publish draft regulations for public notice and comment; to delete certain provisions granting certain powers to the South African Police; to transfer the power of the Minister to grant consent for certain disclosures, to the said Board; to further regulate the Minister's power of delegation; and to substitute the Schedule to the said Act; and to provide for incidental matters.

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

Amendment of section 1 of Act 92 of 1987

1. Section 1 of the Security Officers Act, 1987 (hereinafter referred to as the principal Act), is hereby amended—

(a) by the deletion of the definition of "guarantee fund";

- (b) deur die omskrywing van "waarborgfonds" te skrap; en
- (c) deur die volgende subartikel by te voeg tewyl die bestaande artikel subartikel (1) word:
- "(2) (a) Die Minister kan, op aanbeveling van die Raad, by kennisgewing in die Staatskoerant—
- (i) enige ander diens as 'n diens beoog in die omskrywing van "sekuriteitsdienst" in subartikel (1), wat 'n persoon teen vergoeding aan 'n ander persoon lewer, en wat na die oordeel van die Minister in belang van die sekuriteitsbedryf in die Republiek is, of in verband daarmee staan, vir die doeleindeste van hierdie Wet as 'n sekuriteitsdienst omskryf; en
 - (ii) bepaal dat die in die kennisgewing vermelde bepalings van hierdie Wet nie op iemand wat enige sodanige omskreve sekuriteitsdienst lewer, van toepassing is nie.
- (b) Die Minister kan insgelyks 'n kennisgewing beoog in paraaf (a) te eniger tyd wysig of intrek.”

**Wysiging van artikel 3 van Wet 92 van 1987,
soos gewysig deur artikel 1 van Wet 25 van
1990**

2. Artikel 3 van die Hoofwet word hierby gewysig—
- (a) deur paragraaf (c) deur die volgende paragraaf te vervang:
- "(c) [advies gee]** stappe wat hy dienstig of nodig ag in verband met die opleiding van sekuriteitsbeampes doen, met inbegrip van die stigting van opleidingsfasilitete of 'n reëling dat opleiding deur 'n ander persoon of liggaam behartig word, adviesgewing in verband met sodanige opleiding, die bepaling van die standaarde van sodanige opleiding, en die bevordering van die handhawing van daardie standaarde **[en die standaard van opleiding van sekuriteitsbeampes bevorder]**"; en
- (b) deur paragraaf (hA) deur die volgende paragraaf te vervang:
- "(hA)** met die goedkeuring van die Minister en die Minister van Finansies die besoldiging bepaal wat uit die fondse van die Raad betaalbaar is aan lede van die Raad bedoel in artikel 4 (1) **[(a) en (d)]** en lede van komitees bedoel in paragraaf (hB), wat nie beampes of werkneiders in die Staatsdiens is nie;".

- (b) by the substitution in the definition of "security service" for the words preceding paragraph (a) of the following words:
- "'security service' means, subject to subsection (2), a service rendered by a person to another person for reward by—"; and**
- (c) by the addition of the following subsection, the existing section becoming subsection (1):
- "(2) (a) The Minister may, on recommendation by the Board, by notice in the Gazette—
- (i) define for the purposes of this Act any other service than a service contemplated in the definition of "security service" in subsection (1), which a person renders to another person for reward, and which in the opinion of the Minister is in the interest of the security industry in the Republic, or is connected therewith, as a security service; and
 - (ii) determine that the provisions of this Act mentioned in the notice shall not apply to any person rendering any so defined security service.
- (b) The Minister may likewise amend or withdraw any notice contemplated in paragraph (a).".

Amendment of section 3 of Act 92 of 1987, as amended by section 1 of Act 25 of 1990

2. Section 3 of the principal Act is hereby amended—
- (a) by the substitution for paragraph (c) of the following paragraph:
- "(c) [give advice]** take such steps as it may deem expedient or necessary in connection with the training of security officers including the creation of training facilities or an arrangement that training be conducted by any other person or body, the giving of advice in connection with such training, the determination of the standards of such training, and the promotion of the maintenance of those standards **[and promote the standard of training of security officers]**"; and
- (b) by the substitution for paragraph (hA) of the following paragraph:
- "(hA)** with the approval of the Minister and the Minister of Finance determine the remuneration payable from the funds of the Board to members of the Board referred to in section 4 (1) **[(a) and (d)]** and members of committees referred to in paragraph (hB), who are not officers or employees in the public service;".

Wysiging van artikel 4 van Wet 92 van 1987

3. Artikel 4 van die Hoofwet word hierby gewysig—

(a) deur paraaf (a) van subartikel (1) deur die volgende paraaf te vervang:

“(a) ses sekuriteitsbeampes wat deur die Minister gekies is uit die persone wie se name verskyn op 'n lys ingevolge subartikel (4) opgestel, waarvan drie verteenwoordigend van werkgewers en drie verteenwoordigend van werknemers moet wees;”;

(b) deur paraaf (b) van genoemde subartikel (1) deur die volgende paraaf te vervang:

“(b) **[Een offisier van die Suid-Afrikaanse Polisie deur die Kommissaris aangewys]** twee persone wat verbruikers van sekuriteitsdienste moet wees;”;

(c) deur paraaf (c) van genoemde subartikel (1) te skrap; en

(d) deur subartikel (4) deur die volgende subartikel te vervang:

“(4) (a) So dikwels as wat dit nodig word, moet die **[Kommissaris]** Minister by kennisgewing in die *Staatskoerant* en, indien hy dit nodig vind, ook op die ander wyse wat hy bepaal, persone wat sekuriteitsdienste lewer en verenigings en organisasies van sekuriteitsbeampes uitnooi om (regstreeks of deur bermiddeling van 'n federasie van sodanige verenigings of organisasies) name van persone wat minstens **[sewe]** vyf jaar lank die beroep van sekuriteitsbeampte beoefen en wat bevoeg en geskik is om as lede van die Raad beoog in subartikel (1) (a) aangestel te word, binne 'n **[bepaalde]** vermelde tydperk aan hom voor te lê.

(b) By verstryking van die tydperk ingevolge paraaf (a) **[bepaal]** vermeld, moet die **[Kommissaris]** Minister 'n lys laat opstel van **[twaalf]** die name van persone wat **[gekies is uit persone wie se name]** na aanleiding van die betrokke uitnodiging aan hom voorgelê is en wat volgens sy oordeel bevoeg en gewillig is, en geskikte persone is, om as lede van die Raad aangestel te word en wat na die oordeel van die **[Kommissaris]** Minister **[sover moontlik]**

Amendment of section 4 of Act 92 of 1987

3. Section 4 of the principal Act is hereby amended—

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

“(a) six security officers selected by the Minister from among the persons whose names appear on a list compiled in terms of subsection (4), of whom three shall be representative of employers and three representative of employees;”;

(b) by the substitution for paragraph (b) of the said subsection (1) of the following paragraph:

“(b) **[a commissioned officer of the South African Police designated by the Commissioner]** two persons whom shall be consumers of security services;”;

(c) by the deletion of paragraph (c) of the said subsection (1); and

(d) by the substitution for subsection (4) of the following subsection:

“(4) (a) As often as it may become necessary the **[Commissioner]** Minister shall by notice in the *Gazette* and, if he finds it necessary, also in such other manner as he may determine, invite persons rendering security services and associations and organizations of security officers to submit to him (directly or through any federation of such associations or organizations) within a specified period names of persons who have pursued the occupation of security officer for at least **[seven]** five years and who are competent and fit and proper to be appointed as members of the Board contemplated in subsection (1) (a).

(b) Upon expiry of the period **[specified]** mentioned in terms of paragraph (a) the **[Commissioner]** Minister shall **[compile]** cause a list of **[twelve]** the names of persons **[selected from persons whose names]** which were submitted to him in pursuance of the relevant invitation and who in his opinion are competent and willing and are fit and proper persons, to be appointed as members of the Board and who in the opinion of the **[Commissioner]** Minister are as far as possible representative of security officers in the Republic, to be compiled: Provided that the

verteenwoordigend is van werkgewers en werknemers wat sekuriteitsbeampies in die Republiek is: Met dien verstande dat die **[Kommissaris]** Minister na goeddunke so 'n lys kan saamstel indien—

- (i) geen name na aanleiding van so 'n uitnodiging aan hom voorgelê word nie; of
- (ii) 'n ontoereikende getal name van bevoegde en gesikte persone aan hom voorgelê word.”.

Wysiging van artikel 5 van Wet 92 van 1987, soos gewysig deur artikel 2 van Wet 25 van 1990

4. Artikel 5 van die Hoofwet word hierby gewysig—

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

“(1) 'n Lid van die Raad [—

- (a) **bedoel in paragraaf (a) of (d) van artikel 4 (1)]** word aangestel vir die tydperk, maar hoogstens drie jaar, wat die Minister ten tyde van die aanstelling bepaal [;
- (b) **bedoel in paragraaf (b) of (c) van daardie artikel word aangestel so lank dit die Minister behaag.]**; en

(b) deur subartikel (3) deur die volgende subartikel te vervang:

“(3) Aan 'n lid van die Raad [**bedoel in artikel 4 (1) (a) of (d)**] of 'n lid van 'n komitee bedoel in artikel 3 (hB), wat nie 'n beampie of werknemer in die Staatsdiens is nie, kan daar uit die fondse van die Raad die toelaes ter dekking van reisen en verblyfkoste betaal word wat die Raad met die goedkeuring van die Minister en die Minister van Finansies bepaal.”.

Wysiging van artikel 6 van Wet 92 van 1987

5. Artikel 6 van die Hoofwet word hierby gewysig deur paragraaf (a) van subartikel (3) deur die volgende paragraaf te vervang:

“(a) Indien 'n lid van die Raad ophou om sy amp te beklee, moet die Minister, met inagneming van [**paragraaf (a), (b), (c) of (d) van**] artikel 4 (1) maar behoudens paragraaf (b) van hierdie subartikel, iemand aanstel om die vakature vir die onverstreke gedeelte van die vorige lid se ampstermyn te vul [: Met dien verstande dat iemand wat aangestel word in die plek van 'n vorige lid—

(i) **bedoel in paragraaf (a) of (d) van genoemde artikel, vir die onverstreke gedeelte van die vorige lid se ampstermyn aangestel moet word;**

[Commissioner] Minister may compile such a list at his own discretion if—

- (i) no names are submitted to him in pursuance of such an invitation; or
- (ii) an insufficient number of names of competent and fit and proper persons are submitted to him.”.

Amendment of section 5 of Act 92 of 1987, as amended by section 2 of Act 25 of 1990

4. Section 5 of the principal Act is hereby amended—

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

“(1) A member of the Board [—

(a) **referred to in paragraph (a) or (d) of section 4 (1)]** shall be appointed for such period, not exceeding three years, as the Minister may determine at the time of the appointment [;

(b) **referred to in paragraph (b) or (c) of that section shall be appointed at the Minister's pleasure.]**; and

(b) by the substitution for subsection (3) of the following subsection:

“(3) A member of the Board [**referred to in section 4 (1) (a) or (d)]** or a member of a committee referred to in section 3 (hB), who is not an officer or employee in the public service, may be paid from the funds of the Board such allowances for the defrayment of transport and subsistence costs as the Board may with the approval of the Minister and the Minister of Finance determine.”.

Amendment of section 6 of Act 92 of 1987

5. Section 6 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (3) of the following paragraph:

“(a) If a member of the Board ceases to hold office the Minister shall, having regard to [**the provisions of paragraph (a), (b), (c) or (d) of**] section 4 (1) but subject to paragraph (b) of this subsection, appoint a person to fill the vacancy for the unexpired portion of such former member's term of office [: Provided that a person appointed in the place of a former member—

(i) **referred to in paragraph (a) or (d) of the said section, shall be appointed for the unexpired portion of such former member's term of office;**

(ii) bedoel in paragraaf (b) of (c) van genoemde artikel, aangestel moet word so lank dit die Minister behaag].”.

Wysiging van artikel 9 van Wet 92 van 1987

6. Artikel 9 van die Hoofwet word hierby gewysig deur die volgende voorbehoudsbepaling by subartikel (1) te voeg:

“Met dien verstande dat die lede van die uitvoerende komitee aldus aangestel word op so 'n wyse dat die verskillende belangsgroep wat op die Raad verteenwoordig word, sover moontlik ook op die uitvoerende komitee verteenwoordiging kry.”.

Wysiging van artikel 10 van Wet 92 van 1987

7. Artikel 10 van die Hoofwet word hierby gewysig deur paragraaf (b) van subartikel (5) deur die volgende paragraaf te vervang:

“(b) gelas dat enige van of al die bepalings van hierdie Wet van toepassing is op of ten opsigte van enige werknemer of enige werknemer wat behoort tot 'n vermelde kategorie van werknemers wat diens lewer aan 'n werkgever vir die beveiliging of beskerming van die werkgever se goed, of van personele of goed op die werkgever se perseel of onder die werkgever se beheer, of op of ten opsigte van enige werknemer of enige werknemer wat behoort tot 'n vermelde kategorie van werknemers wat diens lewer vir die beskerming of beveiliging van enige ander persoon of goed ooreenkomsdig 'n reëling deur sy werkgever met so 'n ander persoon aangaan, waarop sodanige werknemer, by die toepassing van sodanige bepalings, geag word 'n sekuriteitsbeampte te wees.”.

Wysiging van artikel 11 van Wet 92 van 1987

8. Artikel 11 van die Hoofwet word hierby gewysig deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:

“(a) 'n duidelike en volledige stel vingerafdrukke van die aansoeker op die voorgeskrewe wyse geneem, indien die aansoeker 'n natuurlike persoon is, of van elke direkteur indien die aansoeker 'n maatskappy is of van elke lid indien die aansoeker 'n beslote korporasie is; en”.

Vervanging van artikel 12 van Wet 92 van 1987

9. Artikel 12 van die Hoofwet word hierby deur die volgende artikel vervang:

"Kwalifiserende vereistes"

12. (1) 'n Natuurlike persoon wat registrasie kragtens artikel 11 as sekuriteitsbeampte verlang, moet benewens die vereistes in daardie artikel vermeld, ook aan die volgende vereistes voldoen, naamlik—

(a) hy moet 18 jaar of ouer wees;

(ii) referred to in paragraph (b) or (c) of the said section, shall be appointed at the Minister's pleasure].”.

Amendment of section 9 of Act 92 of 1987

6. Section 9 of the principal Act is hereby amended by the addition of the following proviso to subsection (1):

“Provided that the members of the executive committee shall as far as possible be so appointed in order that the different interest groups which are represented on the Board shall also obtain representation on the executive committee.”.

Amendment of section 10 of Act 92 of 1987

7. Section 10 of the principal Act is hereby amended by the substitution for paragraph (b) of subsection (5) of the following paragraph:

“(b) direct that any or all of the provisions of this Act shall apply to or with respect to any employee or any employee belonging to a specified category of employees who renders service to an employer for the safeguarding or protection of the employer's property, or of people or property on the employer's premises or under the employer's control, or to or with respect to any employee or any employee belonging to a specified category of employees who renders service for the protection or safeguarding of any other person or property in accordance with an arrangement concluded by his employer with such other person, whereupon such employee shall, for the purposes of such provisions, be deemed to be a security officer.”.

Amendment of section 11 of Act 92 of 1987

8. Section 11 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (1) of the following paragraph:

“(a) a clear and complete set of fingerprints taken in the prescribed manner of the applicant, if the applicant is a natural person, or of each director if the applicant is a company or of each member if the applicant is a close corporation; and”.

Substitution of section 12 of Act 92 of 1987

9. The following section is hereby substituted for section 12 of the principal Act:

"Qualifying requirements"

12. (1) A natural person who desires registration under section 11 as a security officer, shall in addition to the requirements mentioned in that section, also comply with the following requirements, namely—

(a) he shall be 18 years of age or older;

- | | |
|--|---|
| <p>(b) hy moet iemand wees wat—</p> <ul style="list-style-type: none"> (i) nie te eniger tyd na die inwerkingtreding van hierdie Wet, skuldig bevind is aan 'n misdryf vermeld in die Bylae by hierdie Wet nie; (ii) nie deur 'n bevoegde hof verklaar is in sy geestesvermoë gekrenk te wees nie; en (iii) nie te eniger tyd kragtens artikel 20 van hierdie Wet aan onbehoorlike gedrag skuldig bevind is nie. <p>(2) Waar aansoek om sodanige registrasie gedoen word deur 'n maatskappy of beslote korporasie, is dit 'n vereiste dat elke direkteur van so 'n maatskappy of lid van so 'n korporasie iemand moet wees wat voldoen aan die bepalings van paragrawe (a) en (b) van subartikel (1).</p> <p>(3) Ondanks die bepalings van subartikels (1) en (2) kan die Raad, in enige geval waar dit na sy oordeel, sonder afbreuk aan die oogmerke van hierdie Wet, toegelaat mag word, instemming verleen dat 'n registrasie geskied ondanks dat die aansoeker of, waar die aansoeker 'n maatskappy of beslote korporasie is, enige van die betrokke direkteure of lede, nie aan een of meer van die vereistes bedoel in subartikel (1) voldoen nie.”.</p> | <p>(b) he shall be a person who—</p> <ul style="list-style-type: none"> (i) was not at any time after the commencement of this Act, found guilty of an offence specified in the Schedule to this Act; (ii) has not been declared by a competent court to be of unsound mind; and (iii) has not at any time been found guilty under section 20 of this Act of improper conduct. <p>(2) Where application is made for such registration by a company or close corporation, it shall be a requirement that every director of such company or member of such close corporation shall be a person who complies with the provisions of paragraphs (a) and (b) of subsection (1).</p> <p>(3) Notwithstanding the provisions of subsections (1) and (2) the Board may, in any case where it may in its opinion be allowed without prejudice to the objects of this Act, give consent that a registration may be effected notwithstanding that the applicant or, where the applicant is a company or a close corporation, any one of its directors or members do not comply with one or more of the requirements referred to in subsection (1).”.</p> |
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Wysiging van artikel 16 van Wet 92 van 1987

10. Artikel 16 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Die Raad kan by wyse van aansoek na kennisgewing van mosie by 'n hof 'n bevel tot intrekking van die registrasie van 'n sekuriteitsbeampte aanvraai daar ander gronde bestaan as die in artikel 15 of 18 (2) [of 25 (2)] genoem wat die intrekking van die registrasie regverdig.”.

Vervanging van artikel 17 van Wet 92 van 1987

11. Artikel 17 van die Hoofwet word hierby deur die volgende artikel vervang:

“Terugbesorging van registrasiesertifikate by intrekking van registrasie”

17. Wanneer die registrasie van 'n sekuriteitsbeampte kragtens artikel 15, 16 of 18 (2) [of 25 (2)] ingetrek is, moet die sekuriteitsbeampte onverwyld sy registrasiesertifikaat wat kragtens artikel 14 aan hom uitgereik is, aan die Raad terugbesorg.”.

Amendment of section 16 of Act 92 of 1987

10. Section 16 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) The Board may by way of application on notice of motion apply to a court for an order withdrawing the registration of a security officer if there are grounds, other than those mentioned in section 15 or 18 (2) [or 25 (2)] justifying the withdrawal of the registration concerned.”.

Substitution of section 17 of Act 92 of 1987

11. The following section is hereby substituted for section 17 of the principal Act:

“Certificates of registration to be returned on withdrawal of registration”

17. Whenever the registration of a security officer is withdrawn under section 15, 16 or 18 (2) [25 (2)] the security officer shall forthwith return to the Board the certificate of registration issued to him under section 4.”.

Wysiging van artikel 18 van Wet 92 van 1987

12. Artikel 18 van die Hoofwet word hierby gewysig—

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

“(1) Elke persoon wat as 'n sekuriteitsbeampte geregistreer is, moet jaarliks 'n voorgeskrewe bedrag voor of op 'n voorgeskrewe datum aan die Raad betaal: Met dien verstande dat met ingang van 1994 bedoelde bedrag voor of op die eerste dag van April van 'n betrokke jaar aldus betaal moet word.”; en

(b) deur die volgende subartikel by te voeg:

“(4) (a) 'n Persoon by wie 'n sekuriteitsbeampte in diens is, moet, tensy die sekuriteitsbeampte skriftelik anders versoek, met ingang van 1 April 1993 maandeliks 'n bedrag gelyk aan een-twalfde van die voorgeskrewe bedrag bedoel in subartikel (1) van die besoldiging verskuldig aan die sekuriteitsbeampte aftrek, en onverwyd aan die Raad oorbetaal wat die bedrae aldus oorbetaal moet aanvaar as vooruitbetaling ten opsigte van die bedrag bedoel in subartikel (1) wat deur die sekuriteitsbeampte verskuldig sal wees.

(b) Die Raad moet, indien en wanneer die registrasie van 'n sekuriteitsbeampte namens wie bedrae ooreenkomsdig paragraaf (a) aan die Raad betaal is, ingevolge 'n bepaling van hierdie Wet ingetrek word, of andersins verval, die totaal van bedrae aldus deur hom ontvang onverwyd aan die sekuriteitsbeampte terugbetaal.

(c) 'n Persoon bedoel in paragraaf (a) wat—

(i) in stryd met 'n ander skriftelike versoek deur 'n sekuriteitsbeampte in sy diens, soos beoog in daardie paragraaf, bedrae van die besoldiging van die sekuriteitsbeampte aftrek vir die doeleindest van daardie paragraaf; of

(ii) enige bedrag beoog in paragraaf (a) wat van besoldiging afgetrek is, nie binne twee weke daarna aan die Raad oorbetaal nie,

is skuldig aan 'n misdryf en by skuldigbevinding strafbaar met 'n boete van hoogstens R1 000.

Amendment of section 18 of Act 92 of 1987

12. Section 18 of the principal Act is hereby amended—

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

“(1) Every person registered as a security officer shall annually on or before a prescribed date pay to the Board the prescribed amount: Provided that with effect from the year 1994 the said amount shall be paid before or on the first day of April of any relevant year.”; and

(b) by the addition of the following subsection:

“(4) (a) A person in whose service a security officer is, shall, unless the security officer in writing requests otherwise, with effect from 1 April 1993 deduct monthly an amount equal to one-twelfth of the prescribed amount referred to in subsection (1) from the remuneration due to the security officer, and shall without delay pay it over to the Board who shall accept the amounts so paid over as pre-payment in respect of the amount referred to in subsection (1) which will be due by the security officer.

(b) The Board shall, if and when the registration of a security officer on behalf of whom amounts have been paid in accordance with paragraph (a) to the Board, is withdrawn in terms of this Act, or otherwise lapses, without delay refund to the security officer the total of all amounts so received by it.

(c) A person referred to in paragraph (a) who—

(i) deducts amounts for the purposes of that paragraph from the remuneration of a security officer in his service, contrary to an other written request contemplated in that paragraph by the security officer; or

(ii) does not repay to the Board any amount contemplated in paragraph (a) which has been deducted from remuneration, within two weeks thereafter;

shall be guilty of an offence and liable on conviction to a fine not exceeding R1 000.

(d) Die bepalings van subartikel (2) is nie van toepassing nie op 'n sekuriteitsbeamppte beoog in hierdie subartikel ten opsigte van wie vooruitbetaalde bedrae deur die Raad ontvang is, tensy aan die Raad bewys word dat die vooruitbetaling van betrokke bedrae op skriftelike versoek van die sekuriteitsbeamppte deur die persoon in wie se diens hy is, gestaak is, of die Raad die totaal van die verskuldigde bedrae nie voor of op 15 April van 'n bepaalde jaar ontvang het nie.”.

Wysiging van artikel 20 van Wet 92 van 1987

13. Artikel 20 van die Hoofwet word hierby gewysig—

(a) deur in subartikel (2) die woorde wat die voorbehoudsbepaling voorafgaan deur die volgende woorde te vervang:

“Die Raad kan 'n bewering van onbehoorlike gedrag deur 'n sekuriteitsbeamppte wat op die voorgeskrewe wyse aan hom voorgelê is, op die voorgeskrewe wyse **[ondersoek of deur 'n komitee van lede van die Raad of]** deur 'n persoon of persone deur hom aangewys **[op die voorgeskrewe wyse]** laat ondersoek;”;

(b) deur in genoemde subartikel (2) die woorde in die voorbehoudsbepaling wat paragraaf (a) van daardie bepaling voorafgaan, deur die volgende woorde te vervang:

“Met dien verstande dat die sekuriteitsbeamppte die reg het, maar nie verplig is nie, om by so 'n ondersoek teenwoordig te wees, deur 'n **[ander persoon]** regverteenwoordiger bygestaan of verteenwoordig te word, getuenis af te lê en, hetsy persoonlik of deur **['n verteenwoordiger]** so 'n regverteenwoordiger—”;

(c) deur in subartikel (3) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:

“Indien die **[Raad, of die komitee of]** persoon of persone wat die ondersoek doen, die sekuriteitsbeamppte aan onbehoorlike gedrag skuldig bevind, kan die **[Raad]** persoon of persone, behoudens subartikel (5)—”; en

(d) deur subartikel (5) deur die volgende subartikel te vervang:

“(5) **[Die Raad doen geen stappe kragtens subartikel (3) ten opsigte van 'n ondersoek wat gedoen is deur 'n komitee of 'n persoon of persone deur hom aangewys nie tensy hy hom met**

(d) The provisions of subsection (2) shall not apply to a security officer contemplated in that subsection in respect of whom pre-paid amounts have been received by the Board, unless it is proved to the Board that the pre-payment of the relevant amounts has on the written request by the security officer been terminated by the person in whose service he is, or the Board has not received the total of due amounts before or on 15 April of any specific year.”.

Amendment of section 20 of Act 92 of 1987

13. Section 20 of the principal Act is hereby amended—

(a) by the substitution in subsection (2) for the words preceding the proviso of the following words:

“The Board may in the prescribed manner **[enquire into]** **cause** an allegation of improper conduct by a security officer which has been submitted to it in the prescribed manner **[or cause such allegation]** to be enquired into in the prescribed manner **[by a committee of members of the Board or]** by a person or persons designated by it;”;

(b) by the substitution in the said subsection (2) for the words in the proviso preceding paragraph (a) of that proviso, of the following words:

“Provided that the security officer shall have the right, but it shall not be compulsory for the security officer, to be present at such an enquiry, to be assisted or represented by any **[other person]** legal representative, to give evidence and, whether personally or through such a legal representative—”;

(c) by the substitution in subsection (3) for the words preceding paragraph (a) of the following words:

“If the **[Board, or the committee or]** person or persons conducting the enquiry, find the security officer guilty of improper conduct, the **[Board]** person or persons may, subject to subsection (5)—”; and

(d) by the substitution for subsection (5) of the following subsection:

“(5) **[The Board shall not take any action under subsection (3) in respect of an enquiry conducted by a committee or a person or persons designated by it unless it associates itself with the**

die bevinding van die komitee, persoon of persone vereenselwig] Die persoon of persone wat 'n ondersoek hou moet onverwyd na afhandeling daarvan die oorkonde van die verrigtinge aan die Raad voorlê, waarop die Raad—

- (a) waar die betrokke sekuriteitsbeampte skuldig bevind is, die skuldigbevinding kan bekratig of ter syde stel;
- (b) waar die skuldigbevinding aldus bekratig word, die opgelegde straf kan bekratig of kan vervang met 'n ander straf beoog in subartikel (3) of, waar 'n straf beoog in paragraaf (b) van genoemde subartikel (3) opgelê is, die straf kan verminder; en
- (c) in 'n geval waar paragraaf (b) toegepas is, die betrokke sekuriteitsbeampte van die finale beslissing in kennis moet stel.”.

Herroeping van artikel 21 tot en met 28 van Wet 92 van 1987

14. Artikels 21 tot en met 28 van die Hoofwet word hierby herroep.

Wysiging van artikel 32 van Wet 92 van 1987

15. Artikel 32 van die Hoofwet word hierby gewysig—

- (a) deur in subartikel (1) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:

“Die **[Minister]** Raad kan na oorlegging met die **[Raad]** Minister regulasies uitvaardig—”;

- (b) deur paragraaf (b) van genoemde subartikel (1) deur die volgende paragraaf te vervang:

“(b) wat die persone voorskryf deur wie die bedrae **[en bydraes]** bedoel in **[onderskeidelik artikels]** artikel 18 (1) **[en 25 (1)]** namens die Raad ingesamel moet word, asook die wyse waarop en die tyd waarbinne sodanige bedrae **[en bydraes]** aldus ingesamel en aan die Raad oorbetaal moet word;”;

- (c) deur paragraaf (c) van genoemde subartikel (1) deur die volgende paragraaf te vervang:

“(c) wat die omstandighede voorskryf waaronder 'n sekuriteitsbeampte nie gebind is om 'n bedrag **[of bydrae]** bedoel in **[onderskeidelik artikels]** artikel 18 (1) **[en 25 (1)]** te betaal nie;”;

- (d) deur paragraaf (d) van genoemde subartikel (1) deur die volgende paragraaf te vervang:

“(d) betreffende die **[opleiding van]** opleê van verpligtinge aan sekuriteitsbeamptes om opleiding bedoel in artikel 3 (c) te onderraan en die reëling van die wyse van uitvoering van sodanige verpligtinge;”;

finding of the committee, person or persons] The person or persons conducting an enquiry shall forthwith after conclusion of the proceedings submit the record of the proceedings to the Board, whereupon the Board—

- (a) where the security officer concerned has been found guilty, may confirm the conviction, or set it aside;
- (b) where the conviction is so confirmed, may confirm the punishment imposed or may replace it with any other punishment contemplated in subsection (3) or, where a punishment contemplated in paragraph (b) of the said subsection (3) has been imposed, may reduce the punishment; and
- (c) in a case where paragraph (b) has been applied, shall inform the security officer concerned of the final decision.”.

Repeal of section 21 to 28, inclusive, of Act 92 of 1987

14. Sections 21 to 28, inclusive, of the principal Act are hereby repealed.

Amendment of section 32 of Act 92 of 1987

15. Section 32 of the principal Act is hereby amended—

- (a) by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:

“The **[Minister]** Board may after consultation with the **[Board]** Minister make regulations—”;

- (b) by the substitution for paragraph (b) of the said subsection (1) of the following paragraph:

“(b) prescribing the persons by whom the amounts **[and contributions]** referred to in **[sections]** section 18 (1) **[and 25 (1), respectively,]** shall be collected on behalf of the Board, as well as the manner in and time within which **[they]** it shall be so collected and paid over to the Board;”;

- (c) by the substitution for paragraph (c) of the said subsection (1) of the following paragraph:

“(c) prescribing the conditions under which a security officer shall not be bound to pay an amount **[or a contribution]** referred to in **[sections]** section 18 (1) **[and 25 (1), respectively]**;”;

- (d) by the substitution for paragraph (d) of the said subsection (1) of the following paragraph:

“(d) as to the imposition of obligations on **[training of]** security officers to undergo training referred to in section 3 (c) and the regulation of the manner in which such obligations shall be discharged;”;

(e) deur na paragraaf (e) van genoemde subartikel (1) die volgende paragraaf in te voeg:

"(eA) betreffende die aanwysing van persone bedoel in artikel 3 (d) as inspekteurs en die werksaamhede, regte, verantwoordelikhede, pligte en bevoegdhede (met inbegrip van bevoegdhede wat by of kragtens 'n wet aan 'n vredesbeampte verleen word) van sodanige inspekteurs;" en

(f) deur die volgende subartikel by te voeg:

"(4) (a) Die Raad moet, alvorens 'n regulasie kragtens hierdie artikel uitgevaardig word, 'n konsep daarvan by kennisgewing in die *Staatskoerant* vir algemene kennisname publiseer en persone uitnooi om enige vertoe in verband daarmee of kommentaar daarop of besware daarteen voor die verstryking van 'n tydperk in die kennisgewing genoem, wat 'n tydperk van minstens vier weke na die datum van publikasie van die kennisgewing moet wees, skriftelik by die Raad in te dien.

(b) Die bepalings van paragraaf (a) is nie van toepassing nie op 'n regulasie in daardie paragraaf beoog wat na die verstryking van die tydperk aldus bekend gemaak, in enige gewysigde vorm uitgevaardig staan te word nie."

Vervanging van artikel 33 van Wet 92 van 1987

16. Artikel 33 van die Hoofwet word hierby deur die volgende artikel vervang:

"Verstreking van sekere besonderhede van sekuriteitsbeamptes

33. 'n Polisiebeampte kan inligting aan die Raad verstrek betreffende enige vorige veroordelings van 'n persoon wat ingevolge artikel 11 om registrasie as 'n sekuriteitsbeampte aansoek doen of, indien so 'n persoon 'n maatskappy of beslote korporasie is, van 'n direkteur van so 'n maatskappy of 'n lid van so 'n beslote korporasie.'

Wysiging van artikel 34 van Wet 92 van 1987

17. Artikel 34 van die Hoofwet word hierby gewysig deur paragraaf (b) deur die volgende paragraaf te vervang:

"(b) met die toestemming van die **[Minister]** Raad; of;"

(e) by the insertion after paragraph (e) of the said subsection (1) of the following paragraph:

"(eA) regarding the designation of persons referred to in section 3 (d) as inspectors, and the functions, rights, responsibilities, duties and powers (including powers granted by or under a law to a peace officer) of such inspectors;" and

(f) by the addition of the following subsection:

"(4) (a) The Board shall before a regulation is promulgated under this section, publish by notice in the *Gazette* a draft thereof for general notice and invite persons to submit in writing to the Board any submissions in connection therewith or comment thereon or objections against it before the expiration of a period mentioned in the notice, which shall be a period of at least four weeks after the date of publication of the notice.

(b) The provisions of paragraph (a) shall not apply to a regulation contemplated in that paragraph which is after the expiration of the period so made known to be promulgated in any amended form."

Substitution of section 33 of Act 92 of 1987

16. The following section is hereby substituted for section 33 of the principal Act:

"Furnishing of certain particulars of security officers

33. A police officer may furnish the Board with information regarding any previous convictions of a person applying under section 11 for registration as a security officer or, if such a person is a company or a close corporation, of a director of such company or a member of such close corporation."

Amendment of section 34 of Act 92 of 1987

17. Section 34 of the principal Act is hereby amended by the substitution for paragraph (b) of the following paragraph:

"(b) with the consent of the **[Minister]** Board; or;"

Wysiging van artikel 36 van Wet 92 van 1987

18. Artikel 36 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

"(1) Die Minister kan op die voorwaardes wat hy goedvind enige van **[of al]** die bevoegdhede ingevolge hierdie Wet aan hom verleen, behalwe 'n bevoegdheid **[om regulasies uit te vaardig]** bedoel in artikel 1 (2), 4, 5, 6, 10 (5) (b) en 32, aan die Kommissaris of 'n offisier van die Suid-Afrikaanse Polisie deur die Kommissaris aangewys, deleer."

Vervanging van die Bylae by Wet 92 van 1987

19. Die Bylae by die Hoofwet word hierby deur die volgende Bylae vervang:

"Bylae**[Hoogverraad.****Sedisie.]**

Moord.

Strafbare manslag waarby aanranding betrokke is.

Menseroof.

Kinderdiefstal.

Verkragting.

Onsedelike aanranding.

Sodomie.

Bestialiteit.

Roof.

Aanranding met die opset om ernstige liggaaamlike leed te berokken.

Brandstigting.

Huisbraak.

Diefstal.

Ontvangs van gesteelde goed wetende dat dit gesteel is.

Bedrog.

Vervalsing of uitgifte van 'n vervalste stuk wetende dat dit vervals is.

Misdrywe betreffende die munt van geld.

[En Misdryf ingevolge die Wet op Binnelandse Veiligheid, 1982.]

Misdrywe betreffende die onwettige handeldryf met edel metale of edelgesteentes.

'n Sameswering, uitlokking of poging om 'n in hierdie Bylae vermelde misdryf te pleeg."

Kort titel en inwerkingtreding

20. (1) Hierdie Wet heet die Wysigingswet op Sekuriteitsbeamptes, 1992, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die Staatskoerant bepaal.

(2) Verskillende datums kan kragtens subartikel (1) aldus ten opsigte van verskillende bepalings van hierdie Wet bepaal word.

Amendment of section 36 of Act 92 of 1987

18. Section 36 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) The Minister may upon such conditions as he deems fit delegate any **[or all]** of the powers conferred upon him by this Act, save **[the]** a power **[to make regulations]** referred to in section 1 (2), 4, 5, 6, 10 (5) (b) and 32, to the Commissioner or a commissioned officer of the South African Police designated by the Commissioner."

Substitution of the Schedule to Act 92 of 1987

19. The following Schedule is hereby substituted for the Schedule to the principal Act:

"Schedule**[Treason.****Sedition.]**

Murder.

Culpable homicide involving an assault.

Kidnapping.

Childstealing.

Rape.

Indecent assault.

Sodomy.

Bestiality.

Robbery.

Assault with the intent to do grievous bodily harm.

Arson.

Housebreaking.

Theft.

Receiving stolen property knowing it to have been stolen.

Fraud.

Forgery or uttering a forged document knowing it to have been forged.

Offences relating to the coinage.

[An offence in terms of the Internal Security Act, 1982.]

Offences relating to illegal trade in precious metals and stones.

Any conspiracy, incitement or attempt to commit any offence mentioned in this Schedule."

Short title

20. (1) This Act shall be called the Security Officers Amendment Act, 1992, and shall come into operation on a date fixed by the State President by proclamation in the Gazette.

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

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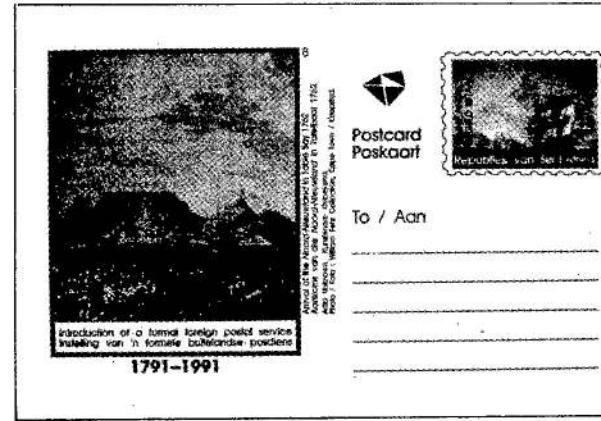
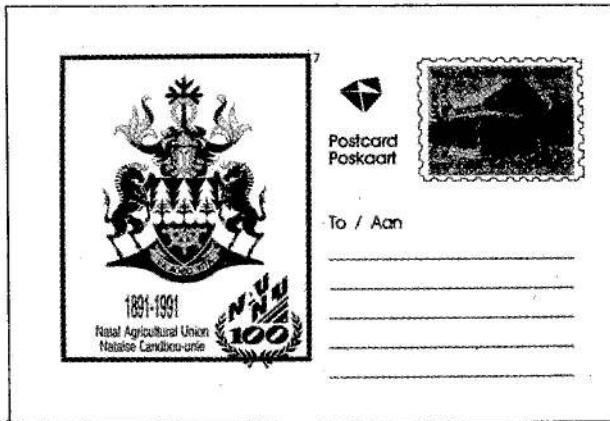
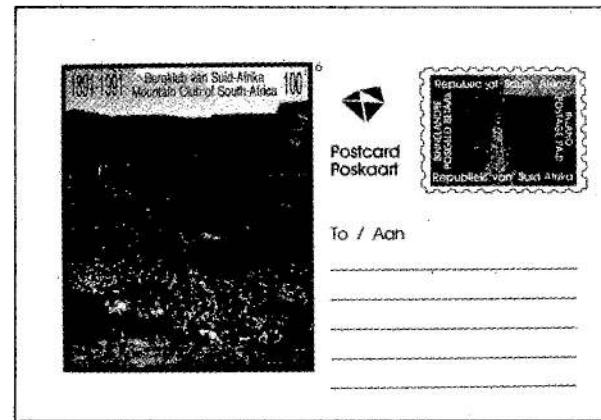
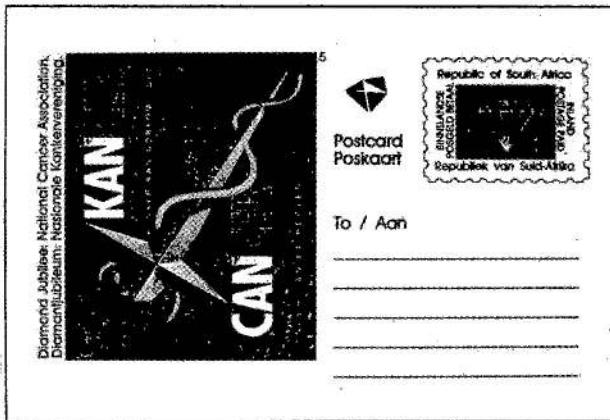
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