



REPUBLIEK VAN SUID-AFRIKA

STAATSKOERANT

GOVERNMENT GAZETTE

OF THE REPUBLIC OF SOUTH AFRICA

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KANTOOR VAN DIE STAATSPRESIDENT

No. 1907.

10 Julie 1992

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

No. 119 van 1992: Wysigingswet op Sekuriteitsbeampies,
1992.

STATE PRESIDENT'S OFFICE

No. 1907.

10 July 1992

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

No. 119 of 1992: Security Officers Amendment Act, 1992.

ALGEMENE VERDUIDELIKENDE NOTA:

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

Tot wysiging van die Wet op Sekuriteitsbeampes, 1987, ten einde voorsiening te maak vir die omskrywing by kennisgewing in die Staatskoerant van sekere dienste as sekuriteitsdienste by die toepassing van daardie Wet; die werkzaamhede van die Raad vir Sekuriteitsbeampes en sy samestelling en dié van die uitvoerende komitee verder te reël; vir die registrasie van, en die betaling van jaargelde deur, sekuriteitsbeampes verdere voorsiening te maak; nuwe voorsiening te maak vir ondersoeke aangaande onbehoorlike gedrag deur sekuriteitsbeampes; vir die stigting van 'n Appèlraad op Sekuriteitsbeampes voorsiening te maak; genoemde Raad vir Sekuriteitsbeampes te magtig om regulasies uit te vaardig; sekere bevoegdhede van die Suid-Afrikaanse Polisie te reël; die delegeringsbevoegdheid van die Minister van Wet en Orde in te perk; en die getrouheidswaarborgfonds vir sekuriteitsbeampes af te skaf; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 2 Julie 1992.)

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 Sekuriteitsbeampes, 1987 (hieronder die Hoofwet genoem), word hierby gewysig—
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- (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—”;
- (b) deur die omskrywing van "waarborgfonds" te skrap; en
- (c) deur die volgende subartikel by te voeg, terwyl die bestaande artikel subartikel (1) word:
“(2) (a) Die Minister kan, op aanbeveling van die Raad, by kennisgewing in die Staatskoerant—
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- (i) enige ander diens as 'n diens beoog in die omskrywing van "sekuriteitsdiens" in subartikel (1) wat 'n persoon aan 'n ander persoon teen vergoeding lewer, en wat na die oordeel van die Minister in belang van die beroep van sekuriteitsbeampte in die Republiek is, of in verband daarmee staan, vir die doeleindes van hierdie Wet as 'n sekuriteitsdiens omskryf; en
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GENERAL EXPLANATORY NOTE:

- []** Words in bold type in square brackets indicate omissions from existing enactments.
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- _____** Words underlined with a solid line indicate insertions in existing enactments.
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ACT

To amend the Security Officers Act, 1987, so as to provide for defining by notice in the *Gazette* certain services as security services for the purposes of that Act; to further regulate the functions of the Security Officers' Board and its constitution and that of the executive committee; to provide further for the registration of, and the payment of annual amounts by, security officers; to make new provision for enquiries into alleged improper conduct by security officers; to provide for the establishment of a Security Officers' Appeal Board; to empower the said Security Officers' Board to make regulations; to regulate certain powers of the South African Police; to curtail the power of delegation of the Minister of Law and Order; and to abolish the fidelity guarantee fund for security officers; and to provide for matters connected therewith.

(Afrikaans text signed by the State President.)
(Assented to 2 July 1992.)

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—
- 5 (a) by the deletion of the definition of “guarantee fund”;
- (b) by the substitution in the definition of “security service” for the words preceding paragraph (a) of the following words:
- 10 “‘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):
- 15 “(2) (a) The Minister may, on the recommendation of the Board, by notice in the *Gazette*—
- 20 (i) define for the purposes of this Act any service other 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 occupation of security officer in the Republic, or is connected therewith, as a security service; and

- (ii) bepaal dat die in die kennisgewing vermelde bepalings van hierdie Wet nie op iemand wat enige aldus omskreve sekuriteitsdien lewer, van toepassing is nie.
 (b) Die Minister kan insgelyks 'n kennisgewing beoog in paragraaf (a) te eniger tyd wysig of intrek.”.

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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, doen in verband met die opleiding van sekuriteitsbeamptes, die gee van advies in verband met sodanige opleiding, die bepaling van die standarde van sodanige opleiding, en die bevordering van die handhawing van daardie standarde **[en die standaard van opleiding van sekuriteitsbeamptes bevoerde];**” en

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- (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 beamptes of werknemers in die Staatsdiens is nie;”.

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Wysiging van artikel 4 van Wet 92 van 1987

3. (1) Artikel 4 van die Hoofwet word hierby gewysig—

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

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

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

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

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- (c) deur in genoemde subartikel (1) paragraaf (c) 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 sekuriteitsbeamptes uitnooi om (regstreeks of deur bemiddeling 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.

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(b) By verstryking van die tydperk ingevolge paragraaf (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]** verteenwoordigend is van werkgewers en werknemers wat sekuriteitsbeamptes in die Republiek is: Met dien verstande dat die **[Kommissaris]** Minister na goedgunke so 'n lys kan saamstel indien—

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- (ii) determine that the provisions of this Act mentioned in the notice shall not apply to any person rendering any security service so defined.
- (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:
- 10 "(c) **[give advice]** take such steps as it may deem expedient or necessary in connection with the training of security officers, 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:
- 15 "(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;".
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Amendment of section 4 of Act 92 of 1987

3. (1) Section 4 of the principal Act is hereby amended—
- (a) by the substitution in subsection (1) for paragraph (a) of the following paragraph:
- 25 "(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 in the said subsection (1) for paragraph (b) of the following paragraph:
- 30 "(b) **[a commissioned officer of the South African Police designated by the Commissioner]** two persons who shall be consumers of security services;";
- (c) by the deletion in the said subsection (1) of paragraph (c); and
- (d) by the substitution for subsection (4) of the following subsection:
- 35 "(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 or 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).
- 40 (b) Upon the expiry of the period specified in terms of paragraph (a) the **[Commissioner]** **Minister** shall **[compile]** cause to be compiled a list of **[twelve]** **the** names of persons **[selected from persons]** whose names 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 **employers and employees who are security officers in the Republic:** Provided that the **[Commissioner]** **Minister** may compile such a list at his own discretion if—
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- (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.”.

(2) Iemand wat by die inwerkingtreding van hierdie artikel lid is van die Raad vir Sekuriteitsbeamptes by artikel 2 van die Hoofwet ingestel, behou sy amp totdat dié Raad by die inwerkingtreding van hierdie artikel saamgestel word. 5

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 hiérby gewysig—** 10
- (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 beampete of werknemer in die staatsdiens is nie, kan daar uit die fondse van die Raad die toelaes ter dekking van reis- 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 in subartikel (3) paragraaf (a) deur die volgende paragraaf te vervang:** 25
- “(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;**
 - (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:** 40
- “Met dien verstande dat die lede van die uitvoerende komitee aldus aangestel word op so 'n wyse dat die verskillende belangegroepe wat in die Raad verteenwoordig word, sover moontlik ook in die uitvoerende komitee verteenwoordiging kry.”.

Wysiging van artikel 10 van Wet 92 van 1987

- 7. Artikel 10 van die Hoofwet word hierby gewysig deur in subartikel (5) paragraaf (b) deur die volgende paragraaf te vervang:** 45
- “(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 werkewer vir die beveiliging of beskerming van die werkewer se goed, of van persone of goed op die werkewer se perseel of onder die werkewer se beheer, of op ten opsigte van enige werknemer of enige werknemer wat behoort tot 'n vermelde kategorie van werknemers wat diens 50

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- (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.”.
- 5 (2) Any person who at the commencement of this section is a member of the Security Officers’ Board established by section 2 of the principal Act, shall continue to hold office until that Board is constituted at the commencement of this section.

Amendment of section 5 of Act 92 of 1987, as amended by section 2 of Act 25 of 10 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 in subsection (3) for paragraph (a) 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) 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 40 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.”.

45 Amendment of section 10 of Act 92 of 1987

7. Section 10 of the principal Act is hereby amended by the substitution in subsection (5) for paragraph (b) 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] persons 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 safeguard-

lewer vir die beskerming of beveiliging van enige ander persoon of goed ooreenkomsdig 'n reëling deur sy werkewer met so 'n ander persoon aangegaan, waarop sodanige werknemer, by die toepassing van sodanige bepalings, geag word 'n sekuriteitsbeampte te wees.”.

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Wysiging van artikel 11 van Wet 92 van 1987

8. Artikel 11 van die Hoofwet word hierby gewysig deur in subartikel (1) paragraaf (a) 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”.

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Vervanging van artikel 12 van Wet 92 van 1987

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

“Vereistes vir registrasie

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12. (1) 'n Natuurlike persoon wat aansoek om registrasie ingevolge artikel 11(1) doen, kan as sekuriteitsbeampte geregistreer word indien hy—

- (a) 18 jaar of ouer is;
- (b) nie te eniger tyd, hetsy voor of na die inwerkingtreding van hierdie Wet, skuldig bevind is nie aan 'n misdryf vermeld in die Bylae;
- (c) nie deur 'n bevoegde hof verklaar is in sy geestesvermoë gekrenk te wees nie; en
- (d) nie te eniger tyd kragtens artikel 20 aan onbehoorlike gedrag skuldig bevind is nie.

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(2) 'n Maatskappy of beslote korporasie wat aansoek om genoemde registrasie doen, kan aldus geregistreer word indien elke direkteur van die maatskappy of lid van die beslote korporasie voldoen aan die vereistes van paragrawe (a), (b), (c) en (d) van subartikel (1).

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(3) Ondanks die bepaling van subartikels (1) en (2) kan die Raad, op gronde wat na sy voordeel nie afbreuk doen aan die oogmerke van hierdie Wet nie, in enige bepaalde geval registrasie as sekuriteitsbeampte bewerkstellig.”.

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Wysiging van artikel 16 van Wet 92 van 1987

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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 aanvra indien daar ander gronde bestaan as dié in artikel 15 of 18(2) [of 25(2)] genoem wat die intrekking van die registrasie regverdig.”.

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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

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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.”.

SECURITY OFFICERS AMENDMENT ACT, 1992

Act No. 119, 1992

ing 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.”.

5 Amendment of section 11 of Act 92 of 1987

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

15 “Requirements for registration

12. (1) Any natural person applying for registration in terms of section 11(1), may be registered as a security officer if he—

- (a) is 18 years of age or older;
- (b) was not at any time, whether before or after the commencement of this Act, found guilty of an offence specified in the Schedule;
- (c) has not been declared by a competent court to be of unsound mind; and
- (d) has not at any time been found guilty under section 20 of improper conduct.

25 (2) A company or close corporation applying for the said registration may be so registered if every director of the company or every member of the close corporation complies with the requirements of paragraphs (a), (b) (c) and (d) of subsection (1).

30 (3) Notwithstanding the provisions of subsections (1) and (2), the Board may on grounds not prejudicing in its opinion the objects of this Act, in any particular case effect registration as security officer.”.

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:

35 “(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.”.

40 Substitution of section 17 of Act 92 of 1987

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

45 “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 14.”.

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 1 Januarie 1994 genoemde bedrag voor of op 1 April van die betrokke jaar en van elke daaropvolgende 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 versoek dat geen bedrae van sy besoldiging afgetrek word nie, met ingang van 1 April 1993 maandeliks 'n bedrag gelyk aan een-twaalfde van die voorgeskrewe bedrag vermeld in subartikel (1) van die besoldiging verskuldig aan die sekuriteitsbeampte aftrek, en onverwyld aan die Raad oorbetalbaar, wat die bedrae aldus oorbetalbaar, moet aanvaar as vooruitbetaling ten opsigte van die bedrag vermeld 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 alle bedrae aldus deur hom ontvang onverwyld aan die sekuriteitsbeampte terugbetaal.

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

(i) in stryd met 'n skriftelike versoek deur 'n sekuriteitsbeampte in sy diens, soos beoog in daardie paragraaf, bedrae van die besoldiging van die sekuriteitsbeampte aftrek om aan die Raad oor te betaal; of

(ii) enige bedrag beoog in paragraaf (a) wat van besoldiging afgetrek is, nie binne 21 dae daarna aan die Raad oorbetal nie, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R3 000 of met gevangenisstraf vir 'n tydperk van hoogstens ses maande of met daardie boete sowel as daardie gevangenisstraf.

(d) Die bepalings van subartikel (2) is nie van toepassing nie op 'n sekuriteitsbeampte beoog in hierdie subartikel ten opsigte van wie vooruitbetaalde bedrae deur die Raad ontvang is, tensy daar tot die oortuiging van die Raad bewys word dat die vooruitbetaling van die betrokke bedrae op skriftelike versoek van die sekuriteitsbeampte deur die persoon in wie se diens hy is, gestaak is of die Raad die totaal van die verskuldigde bedrae nie voor of op 22 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 sekuriteitsbeampte 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 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 sekuriteitsbeampte aan onbehoorlike gedrag skuldig bevind, kan die [Raad] persoon of persone, behoudens subartikel (5)—”; en

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

“(5) [Die Raad doen geen stapte kragtens subartikel (3) ten opsigte van 'n ondersoek wat gedoen is deur 'n komitee of 'n persoon

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 1 January 1994 the said amount shall be paid before or on 1 April of the year concerned and of every subsequent 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 that no amounts be deducted from his remuneration, with effect from 1 April 1993 deduct monthly an amount equal to one-twelfth of the prescribed amount mentioned in subsection (1) from the remuneration due to the security officer, and shall forthwith pay it over to the Board, which shall accept the amounts so paid over as pre-payment in respect of the amount mentioned 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 mentioned in paragraph (a) who—

(i) contrary to a written request contemplated in that paragraph by the security officer in his service deducts amounts from the remuneration of the security officer to pay over to the Board; or

(ii) does not pay over to the Board any amount contemplated in paragraph (a) which has been deducted from remuneration, within 21 days thereafter,

shall be guilty of an offence and on conviction liable to a fine not exceeding R3 000 or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

(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 satisfaction of 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 22 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 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

(c) 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

of persone deur hom aangewys nie tensy hy hom met die bevinding van die komitee, persoon of persone vereenselwig.] Die persoon of persone wat so '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 bekragtig of tersyde stel;
- (b) waar die skuldigbevinding aldus bekragtig word, die opgelegde straf kan bekragtig 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) die betrokke sekuriteitsbeampte van die eindbeslissing skriftelik in kennis moet stel.”.

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Vervanging van artikel 21 van Wet 92 van 1987

14. Artikel 21 van die Hoofwet word hierby deur die volgende artikel vervang: 15

“Appèlraad

21. (1) Daar word hierby 'n raad ingestel wat die Appèlraad op Sekuriteitsbeamptes heet.

(2) Die Appèlraad bestaan uit 'n voorsitter deur die Minister aangestel, en ten opsigte van elke bepaalde appèl uit twee ander persone wat deur onderskeidelik die Raad en die betrokke appellant op die voorgeskrewe wyse benoem moet word.

(3) Niemand word kragtens subartikel (2) as voorsitter van die Appèlraad aangestel nie tensy hy 'n advokaat of prokureur met 'n beroepstydperk van nie minder as 10 jaar nie is.

(4) Iemand wat hom veronreg voel deur—

(a) die weiering deur die Raad om sy aansoek om registrasie as 'n sekuriteitsbeampte toe te staan;

(b) die opskorting of intrekking deur die Raad van sy registrasie as 'n sekuriteitsbeampte; of

(c) sy skuldigbevinding kragtens artikel 20 op 'n aanklag weens onbehoorlike gedrag of die oplegging van 'n boete of 'n teregwysing na aanleiding van sy skuldigbevinding, kan binne 60 dae nadat hy van 'n besluit bedoel in paragraaf (a), (b) of (c), na gelang van die geval, in kennis gestel is, op die voorgeskrewe wyse by die Appèlraad teen die besluit appèl aanteken.

(5) Wanneer 'n appèl kragtens subartikel (4) by die Appèlraad aangeteken is, moet die Raad binne 14 dae daarna sy redes vir die besluit waarteen geappelleer word skriftelik aan die Appèlraad voorlê, asook, in die geval van 'n besluit na aanleiding van 'n ondersoek kragtens artikel 20, die oorkonde van die ondersoek.

(6) Die Appèlraad kan na oorweging van die gronde van die appèl, die betrokke besluit bevestig, tersyde stel of wysig of die besluit deur die ander besluit vervang wat na die oordeel van die Appèlraad geneem moes gewees het.

(7) 'n Beslissing van die Appèlraad word geag 'n beslissing van die Raad te wees.

(8) Die ampstermy en -voorraades van die voorsitter van die Appèlraad en die ampsvoorraades van die ander lede van die Appèlraad is soos voorgeskryf.

(9) Die prosedure wat gevolg moet word by die voortsetting van 'n appèl en by 'n sitting van die Appèlraad is soos voorgeskryf.

(10) Die koste verbonde aan die werksaamhede van die Appèlraad word deur die Raad uit sy fondse bestry.”.

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Herroeping van artikels 22 tot en met 28 van Wet 92 van 1987

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15. Artikels 22 tot en met 28 van die Hoofwet word hierby herroep.

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persons designated by it unless it associates itself with the finding of the committee, person or persons.] The person or persons conducting any such enquiry shall forthwith after its conclusion submit the record of the proceedings to the Board, whereupon the Board—

(a) may, where the security officer concerned has been found guilty, confirm the conviction, or set it aside;

(b) may, where the conviction is so confirmed, confirm the punishment imposed or 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, reduce the punishment; and

(c) shall inform the security officer concerned in writing of the final decision.”

Substitution of section 21 of Act 92 of 1987

15 14. The following section is hereby substituted for section 21 of the principal Act:

“Appeal Board

20 21. (1) There is hereby established a board to be known as the Security Officers' Appeal Board.

(2) The Appeal Board shall consist of a chairman appointed by the Minister, and two other persons who shall in the case of every specific appeal be nominated in the prescribed manner by the Board and the appellant concerned, respectively.

25 (3) No person shall be appointed as chairman of the Appeal Board under subsection (2), unless he is an advocate or attorney of not less than 10 years' standing.

(4) Any person aggrieved by—

30 (a) the refusal of the Board to grant his application for registration as a security officer;

(b) the suspension or withdrawal by the Board of his registration as a security officer; or

(c) his conviction under section 20 on a charge of improper conduct or the imposition of a fine or a reprimand in consequence of his conviction,

35 may within 60 days after he has been notified of the decision referred to in paragraph (a), (b) or (c), as the case may be, lodge an appeal against the decision in the prescribed manner with the Appeal Board.

40 (5) Whenever an appeal has under subsection (4) been lodged with the Appeal Board, the Board shall within 14 days thereafter submit to the Appeal Board in writing its reasons for the decision against which the appeal is lodged as well as, in the case of a decision in pursuance of an enquiry under section 20, the record of the enquiry.

45 (6) The Appeal Board may after it has considered the grounds of the appeal, confirm, set aside or amend the relevant decision or substitute for such decision any other decision which in the opinion of the Appeal Board ought to have been taken.

(7) A decision of the Appeal Board shall be deemed to be a decision of the Board.

50 (8) The period and conditions of office of the chairman of the Appeal Board and the conditions of office of the other members of the Appeal Board, shall be as prescribed.

(9) The procedure to be followed in the prosecution of an appeal and at any sitting of the Appeal Board shall be as prescribed.

55 (10) The costs connected with the functions of the Appeal Board shall be defrayed by the Board from its funds.”.

Repeal of sections 22 to 28, inclusive, of Act 92 of 1987

15. Sections 22 to 28, inclusive, of the principal Act are hereby repealed.

Wysiging van artikel 32 van Wet 92 van 1987

- 16.** (1) 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 oorlegpleging]** met **die instemming** 5
 van die [Raad] Minister regulasies uitvaardig—”;
 (b) deur in genoemde subartikel (1) paragraaf (b) deur die volgende paragraaf te vervang:
 “(b) wat die persone voorskryf deur wie die bedrae **[en bydraes]** 10
 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 in genoemde subartikel (1) paragraaf (c) deur die volgende paragraaf te vervang: 15
 “(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 in genoemde subartikel (1) paragraaf (d) deur die volgende 20 paragraaf te vervang:
 “(d) betreffende die **[opleiding van]** verpligte ondergaan deur sekuriteitsbeamptes **van die opleiding in artikel 3(c)** vermeld;”;
 (e) deur in genoemde subartikel (1) die volgende paragraaf na paragraaf (e) 25 in te voeg:
 “(eA) betreffende die aanwysing van persone vermeld in artikel 3(d) as inspekteurs, en hul pligte en bevoegdhede;” en
 (f) deur die volgende subartikel by te voeg:
 “(4) Voordat regulasies kragtens subartikel (1) uitgevaardig 30 word, moet 'n konsep van die voorgestelde regulasies deur die Raad in die Staatskoerant gepubliseer word, tesame met 'n kennisgewing ten effekte dat die Raad van voorneme is om sodanige regulasies as regulasies kragtens subartikel (1) uit te vaardig en dat belanghebbendes uitgenooi word om binne 'n bepaalde tydperk, maar minstens vier weke vanaf die datum van publikasie van die kennisgewing, besware teen of vertoe aangaande die voorgestelde regulasies by die Raad in te dien: Met dien verstande dat indien die Raad na verstryking van genoemde tydperk besluit tot enige veranderings van die aldus gepubliseerde voorgestelde regulasies as gevolg van besware of vertoe in verband daarmee ingedien, dit nie nodig is om sodanige veranderings te publiseer nie.”.
 (2) Enige regulasie deur die Minister van Wet en Orde voor die inwerkingtreding van hierdie artikel kragtens artikel 32 van die Hoofwet uitgevaardig, word geag deur die Raad vir Sekuriteitsbeamptes by artikel 2 van die Hoofwet ingestel, 45 kragtens artikel 32 van die Hoofwet soos deur hierdie artikel gewysig, uitgevaardig te gewees het.

Wysiging van artikel 33 van Wet 92 van 1987

- 17.** Artikel 33 van die Hoofwet word hierby gewysig deur subartikels (1), (2) en (3) te skrap. 50

Wysiging van artikel 35 van Wet 92 van 1987

- 18.** Artikel 35 van die Hoofwet word hierby gewysig—
 (a) deur paragrawe (d) en (e) te skrap; en
 (b) deur die woorde wat volg op paragraaf (c) deur die volgende woorde te vervang:
 “is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens **[R1 000]** R3 000 of met gevangenisstraf vir 'n tydperk van hoogstens ses maande of met sowel daardie boete as daardie gevangenisstraf.”. 55

Amendment of section 32 of Act 92 of 1987

- 16.** (1) 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:
 5 “The [Minister] Board may [after consultation] with the concurrence of the [Board] Minister make regulations—”;
 (b) by the substitution in the said subsection (1) for paragraph (b) of the
 following paragraph:
 10 “(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 shall be so collected and paid over to the Board;”;
 (c) by the substitution in the said subsection (1) for paragraph (c) of the
 15 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 in the said subsection (1) for paragraph (d) of the
 20 following paragraph:
 “(d) as to the [training of] obligatory undergoing by security officers of the training mentioned in section 3(c);”;
 (e) by the insertion after paragraph (e) of the said subsection (1) of the
 25 following paragraph:
 “(eA) regarding the designation of persons mentioned in section 3(d) as inspectors, and their duties and powers;” and
 (f) by the addition of the following subsection:
 30 “(4) Before any regulations are made under subsection (1), a draft of the proposed regulations shall be published by the Board in the *Gazette* together with a notice intimating that the Board intends to issue such regulations as regulations under subsection (1) and inviting interested persons to submit to the Board within a stated period, but not less than four weeks as from the date of publication of the notice, any objections to or representations concerning the proposed regulations: Provided that if the Board after the expiry of the said period decides on any alterations of the proposed regulations so published, as a result of any objections or representations submitted thereon, it shall not be necessary to publish such alterations.”.
 35 (2) Any regulation made by the Minister of Law and Order under section 32 of the principal Act prior to the commencement of this section, shall be deemed to have been made by the Security Officers' Board established by section 2 of the principal Act, under section 32 of that Act as amended by this section.

45 Amendment of section 33 of Act 92 of 1987

- 17.** Section 33 of the principal Act is hereby amended by the deletion of subsections (1), (2) and (3).

Amendment of section 35 of Act 92 of 1987

- 18.** Section 35 of the principal Act is hereby amended—
 50 (a) by the deletion of paragraphs (d) and (e); and
 (b) by the substitution for the words following upon paragraph (c) of the
 following words:
 55 “shall be guilty of an offence and on conviction liable to a fine not exceeding [R1 000] R3 000 or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.”.

Wysiging van artikel 36 van Wet 92 van 1987**19.** Artikel 36 van die Hoofwet word hierby gewysig—

(a) 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]** by hierdie Wet aan hom verleen, behalwe 'n bevoegdheid **[om regulasies uit te vaardig]** vermeld in artikels 1(2), 4, 5, 6, 10(5)(b), 32 en 34(b), aan die Kommissaris of 'n offisier van die Suid-Afrikaanse Polisie deur die Kommissaris aangewys, deleger.”; en

(b) deur na subartikel (1) die volgende subartikel in te voeg:

“(1A) Die Minister kan op die voorwaardes wat hy goedvind die bevoegdheid by artikel 34(b) aan hom verleen, aan die Raad deleger.”.

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Vervanging van Bylae by Wet 92 van 1987**20.** Die Bylae by die Hoofwet word hierby deur die volgende Bylae vervang: 15**“Bylae****[Hoogverraad.****Sedisie.]**

Moord.

Strafbare manslag waarby aanranding betrokke is. 20

Menseroof.

Kinderdiefstal.

Verkragting.

Onsedelike aanranding.

Sodomie.

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Bestialiteit.

Roof.

Aanranding met die opset om ernstige liggaamlike leed te berokken.

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Brandstigting.

Huisbraak, met die opset om 'n misdryf te pleeg.

Diefstal.

Ontvangs van gesteelde goed wetende dat dit gesteel is.

Bedrog.

Vervalsing of uitgifte van 'n vervalste stuk wetende dat dit vervals is. 35

Misdrywe betreffende die munt van geld.

[n Misdryf ingevolge die Wet op Binnelandse Veiligheid, 1982.]**[n Misdryf ingevolge die Wet op die Beveiliging van Inligting, 1982 (Wet No. 84 van 1982).]** 40**[n Misdryf ingevolge 'n wet betreffende onwettige handel met of besit van edele metale of edelgesteentes.****'n Sameswering, uitlokking of poging om 'n in hierdie Bylae vermelde misdryf te pleeg.”.**

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Kort titel en inwerkingtreding

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

(2) Verskillende datums kan ingevolge subartikel (1) ten opsigte van verskilende bepalings van hierdie Wet bepaal word. 50

Amendment of section 36 of Act 92 of 1987

19. Section 36 of the principal Act is hereby amended—
 (a) 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] mentioned in sections
 1(2), 4, 5, 6, 10(5)(b), 32 and 34(b), to the Commissioner or a
 commissioned officer of the South African Police designated by
 the Commissioner.”; and
 (b) by the insertion of the following subsection after subsection (1):
 “(1A) The Minister may, upon such conditions as he deems fit,
 delegate the power conferred upon him by section 34(b) to the
 Board.”.

Substitution of Schedule to Act 92 of 1987

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

“Schedule

	[Treason. Sedition.]
20	Murder.
	Culpable homicide involving an assault.
	Kidnapping.
	Childstealing.
	Rape.
25	Indecent assault.
	Sodomy.
	Bestiality.
	Robbery.
	Assault with the intent to do grievous bodily harm.
30	Arson.
	Housebreaking, <u>with intent to commit an offence.</u>
	Theft.
	Receiving stolen property knowing it to have been stolen.
	Fraud.
35	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.]
	An offence in terms of the Protection of Information Act, 1982 (Act No. 84 of 1982).
40	<u>Any offence under any law relating to illicit dealing in or possession of precious metals or precious stones.</u>
	Any conspiracy, incitement or attempt to commit any offence mentioned in this Schedule.”.

45 Short title and commencement

21. (1) This Act shall be called the Security Officers Amendment Act, 1992, and the provisions thereof shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.
 (2) Different dates may be fixed in terms of subsection (1) in respect of 50 different provisions of this Act.

