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PRESIDENT'S OFFICE

KANTOOR VAN DIE PRESIDENT

No. 1810.

8 November 1996

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

No. 64 of 1996: Security Officers Amendment Act, 1996.

No. 1810.

8 November 1996

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

No. 64 van 1996: Wysigingswet op Sekuriteitsbeamptes, 1996.

GENERAL EXPLANATORY NOTE:

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

ACT

To amend the Security Officers Act, 1987, in order to delete a certain definition, to bring another definition up to date and to insert two definitions; to provide for the extension of the said Act to the whole of the national territory of the Republic; to confer upon the Minister certain powers with regard to the commencement of the application of a certain prohibition in respect of certain persons rendering security services in any part of the Republic to which the said Act is so extended; and to provide for matters connected therewith.

(English text signed by the President.)
(Assented to 30 October 1996.)

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

Amendment of section 1 of Act 92 of 1987, as amended by section 1 of Act 119 of 1992

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

- (a) by the deletion in subsection (1) of the definition of "Commissioner";
- (b) by the substitution in subsection (1) for the definition of "Minister" of the following definition:

" 'Minister' means the Minister for **[Law and Order]** Safety and Security;"
- (c) by the insertion in subsection (1) after the definition of "Minister" of the following definition:

" 'National Commissioner' means the National Commissioner of the Service, mentioned in section 6(1) of the South African Police Service Act, 1995 (Act No. 68 of 1995);"; and
- (d) by the insertion in subsection (1) after the definition of "security service" of the following definition:

" 'Service' means the South African Police Service, established by section 5 of the South African Police Service Act, 1995;".

ALGEMENE VERDUIDELIKENDE NOTA:

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

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

WET

Tot wysiging van die Wet op Sekuriteitsbeamptes, 1987, ten einde 'n sekere woordskrywing te skrap, 'n ander woordskrywing by te werk en twee woordskrywings in te voeg; voorsiening te maak vir die uitbreiding van gemelde Wet tot die hele nasionale grondgebied van die Republiek; aan die Minister sekere bevoegdhede te verleen met betrekking tot die inwerkingtreding van die toepassing van 'n sekere verbod ten opsigte van sekere persone wat sekuriteitsdienste verrig in enige deel van die Republiek waartoe gemelde Wet aldus uitgebrei word; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

*(Engelse teks deur die President geteken.)
(Goedgekeur op 30 Oktober 1996.)*

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

Wysiging van artikel 1 van Wet 92 van 1987, soos gewysig deur artikel 1 van Wet 119 van 1992

- 5 **1.** Artikel 1 van die Wet op Sekuriteitsbeamptes, 1987 (hieronder die Hoofwet genoem), word hierby gewysig—
- (a) deur in subartikel (1) na die omskrywing van “beslote korporasie” die volgende omskrywing in te voeg:
- 10 “ ‘Diens’ die Suid-Afrikaanse Polisie, ingestel by artikel 5 van die Wet op die Suid-Afrikaanse Polisie, 1995 (Wet No. 68 van 1995);”;
- (b) deur in subartikel (1) die omskrywing van “Kommissaris” te skrap;
- (c) deur in subartikel (1) die omskrywing van “Minister” deur die volgende omskrywing te vervang:
- 15 “ ‘Minister’ die Minister vir [Wet en Orde] Veiligheid en Sekuriteit;”;
- en
- (d) deur in subartikel (1) na die omskrywing van “Minister” die volgende omskrywing in te voeg:
- 20 “ ‘Nasionale Kommissaris’ die Nasionale Kommissaris van die Diens, vermeld in artikel 6(1) van die Wet op die Suid-Afrikaanse Polisie, 1995.”.

Amendment of section 21 of Act 92 of 1987

2. Section 21 of the principal Act is hereby amended by the substitution in subsection (2) for the word "Commissioner", wherever it occurs, of the expression "National Commissioner".

Amendment of section 30 of Act 92 of 1987

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3. Section 30 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

"(2) No person shall be appointed under subsection (1) unless he or she is registered in terms of the Public Accountants' and Auditors' Act, [1951 (Act No. 51 of 1951)] 1991 (Act No. 80 of 1991), as an accountant and auditor and is engaged 10 in public practice."

Substitution of section 33 of Act 92 of 1987, as amended by section 17 of Act 119 of 1992

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

"Power of Service to furnish information relating to previous convictions of applicants 15

33.[(4)] A [police officer] member of the Service may at the request of the Board furnish the Board with information regarding any previous conviction of a person applying under section 11 for registration as a security officer or, if such person is a company or a close corporation, of a 20 director of such company or a member of such close corporation."

Amendment of section 36 of Act 92 of 1987, as amended by section 19 of Act 119 of 1992

5. Section 36 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection: 25

"(1) The Minister may upon such conditions as he or she deems fit delegate any of the powers conferred upon him or her by this Act, save a power mentioned in section 1(2), 4, 5, 6, 10(5)(b), 32 [and] or 34(b) to the National Commissioner or [a commissioned officer of the South African Police] any commissioned officer 30 of the Service designated by the National Commissioner."

Insertion of section 36A in Act 92 of 1987

6. The following section is hereby inserted in the principal Act, after section 36:

"Extension of Act to certain parts of national territory of Republic

36A. (1) This Act, including the regulations, shall with effect from the date of commencement of the Security Officers Amendment Act, 1996, 35 apply also in those parts of the Republic which constituted the national territories of the former entities known as Transkei, Bophuthatswana, Venda and Ciskei, and this Act and the regulations shall from such commencement replace any law relating to the occupation of security officer, and any provision of any other law dealing with any matter dealt with by this Act, in so far as such lastmentioned provision is inconsistent 40 with this Act.

(2) The Minister may by notice in the *Gazette* determine that the provisions of paragraphs (a) and (b) of subsection (1) of section 10 shall with effect from a date specified in that notice apply in respect of a person 45 who renders any security service in any part of the Republic to which this Act is extended in terms of subsection (1), and in respect of any

Wysiging van artikel 21 van Wet 92 van 1987

2. Artikel 21 van die Hoofwet word hierby gewysig deur in subartikel (2) die woord "Kommissaris", waar dit ook al voorkom, deur die uitdrukking "Nasionale Kommissaris" te vervang.

5 Wysiging van artikel 30 van Wet 92 van 1987

3. Artikel 30 van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

"(2) Niemand word kragtens subartikel (1) aangestel nie tensy hy of sy ingevolge die Wet op Openbare Rekenmeesters en Ouditeurs, [1951 (Wet No. 51 van 1951)] 1991 (Wet No. 80 van 1991), as 'n rekenmeester en ouditeur geregistreer is en openbare praktyk beoefen."

Vervanging van artikel 33 van Wet 92 van 1987, soos gewysig deur artikel 17 van Wet 119 van 1992

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

15 **"Bevoegdheid van Diens om inligting betreffende vorige veroordelings van aanzoekers te verstrek**

33.[(4)] 'n [Polisiebeampte] Lid van die Diens kan op versoek van die Raad inligting aan die Raad verstrek betreffende enige vorige veroordeling van 'n persoon wat ingevolge artikel 11 om registrasie as 'n sekuriteitsbeampte aansoek doen of, indien só '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 36 van Wet 92 van 1987, soos gewysig deur artikel 19 van Wet 119 van 1992

25 5. 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 of sy goetvind enige van die bevoegdhede by hierdie Wet aan hom of haar verleen, behalwe 'n bevoegdheid vermeld in artikel 1(2), 4, 5, 6, 10(5)(b), 32, [en] of 34(b) aan die Nasionale Kommissaris of [n offisier van die Suid-Afrikaanse Polisie] enige kommissie-offisier van die Diens deur die Nasionale Kommissaris aangewys, deleger."

Invoeging van artikel 36A in Wet 92 van 1987

6. Die volgende artikel word hierby na artikel 36 van die Hoofwet ingevoeg:

35 **"Uitbreiding van Wet tot sekere dele van nasionale grondgebied van Republiek**

36A. (1) Hierdie Wet, met inbegrip van die regulasies, is met ingang van die datum van inwerkingtreding van die Wysigingswet op Sekuriteitsbeamptes, 1996, ook van toepassing in daardie dele van die Republiek wat die nasionale gebiede van die voormalige entiteite bekend as Transkei, Bophuthatswana, Venda en Ciskei uitgemaak het, en hierdie Wet en regulasies vervang vanaf sodanige inwerkingtreding enige wet betreffende die beroep van sekuriteitsbeampte, en enige bepaling van enige ander wet wat handel oor enige aangeleentheid waaroor hierdie Wet handel, in die mate wat sodanige laasgenoemde bepaling onbestaanbaar is met hierdie Wet.

(2) Die Minister kan by kennisgewing in die Staatskoerant bepaal dat die bepalings van paragrafe (a) en (b) van subartikel (1) van artikel 10 met ingang van 'n datum in daardie kennisgewing vermeld van toepassing is ten opsigte van 'n persoon wat 'n sekuriteitsdiens verrig in enige deel van die Republiek waartoe hierdie Wet ingevolge subartikel (1) uitgebrei

Act No. 64, 1996**SECURITY OFFICERS AMENDMENT ACT, 1996**

employee of such a person in so far as the rendering of such a service in any such part is concerned.

(3) The provisions of subsections (2), (3) and (4) of section 10 shall apply in respect of any notice issued by the Minister in terms of subsection (2), and in respect of any contract inconsistent with any provision as applied in terms of subsection (2).” 5

Repeal of Act 25 of 1992 (Bophuthatswana)

7. The Security Guards Act, 1992 (Act No. 25 of 1992), of the former entity known as Bophuthatswana, is hereby repealed.

Short title and commencement

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8. This Act shall be called the Security Officers Amendment Act, 1996, and shall come into operation on a date fixed by the President by proclamation in the *Gazette*.

word, en ten opsigte van enige werknemer van so 'n persoon in soverre die verrigting van so 'n diens in enige sodanige deel betrokke is.

- 5 (3) Die bepalings van subartikels (2), (3) en (4) van artikel 10 is van toepassing ten opsigte van enige kennisgewing deur die Minister ingevolge subartikel (2) uitgereik, en ten opsigte van enige kontrak wat onbestaanbaar is met enige bepaling soos ingevolge subartikel (2) van toepassing gemaak.”.

Herroeping van Wet 25 van 1992 (Bophuthatswana)

- 10 7. Die “Security Guards Act, 1992” (Wet No. 25 van 1992), van die voormalige entiteit bekend as Bophuthatswana, word hierby herroep.

Kort titel en inwerkingtreding

8. Hierdie Wet heet die Wysigingswet op Sekuriteitsbeamptes, 1996, en tree in werking op 'n datum wat die President by proklamasie in die *Staatskoerant* bepaal.

