

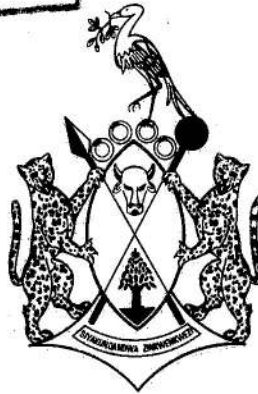
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DEPARTMENT OF THE COUNCIL OF STATE

GOVERNMENT NOTICE No. 45

It is hereby notified that the Chairman of the Council of State has assented to the following decree which is hereby published for general information: -

POLICE ACT AMENDMENT DECREE, 1991
(Decree No. 13 of 1991)

COUNCIL OF STATE — REPUBLIC OF CISKEI

POLICE ACT AMENDMENT DECREE, 1991

DECREE

To amend the Police Act, 1983.

[English text signed by the Chairman of the Council of State. Assented to on 13 August 1991.]

BE IT DECREED by the Council of State of the Republic of Ciskei, as follows: -

1. Amendment of Section 6 of Act 32 of 1983. - Section 6 of the Police Act, 1983 (hereinafter referred to as the principal Act) is hereby amended by the substitution in paragraph (c) of subsection (2) for the words "appropriated by the National Assembly" of the words "lawfully appropriated".

2. Amendment of Section 14 of Act 32 of 1983, as amended by Section 3 of Act 21 of 1985. - Section 14 of the principal Act is hereby amended by the substitution for subsection (3) of the following subsection:

"(3) No member shall, while he remains in the Force, become a councillor, member, or office bearer of any municipal council, township council, residents' association or other like body; Provided that nothing herein contained shall prohibit or prevent any member from serving on the committee of any sports' club or institution referred to in Section 53 or on any church council or other religious body."

3. Amendment of Section 20 of Act 32 of 1983, as amended by section 14 of Act 13 of 1986 and Section 1 of Decree No. 25 of 1990. - Section 20 of the principal Act is hereby amended by the substitution in subsection (4) for the words "National Assembly" of the words "Council of State".

4. Amendment of Section 21 of Act 32 of 1983, as amended by Section 2 of Decree 13 of 1990. - Section 21 of the principal Act is hereby amended -

(a) by the deletion in that part of subsection (2) preceding paragraph (a) of the words "who is not a commissioned officer"; and

(b) by the substitution in paragraph (a) of subsection (2) for the word "Commissioner" of the words "the authority referred to in subsection (3)".

5. Amendment of Section 29 of Act 32 of 1983. - Section 29 of the principal Act is hereby amended by the substitution in subsection (1) for the words "five hundred rand" of the words "one thousand rand".

6. Amendment of Section 20 of Act 32 of 1983. - Section 30 of the principal Act is hereby amended -

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

"(1) Notwithstanding anything in Section 29 contained but subject to the provisions of the Police Discipline Code and any regulations, any member of the Force who is not a commissioned officer may be tried for any offence under the said Code or any regulation by any commissioned officer under whose command he is serving or who has been generally or specially deputed thereto by the Commissioner and may on conviction by such officer be reprimanded or sentenced to a fine not exceeding three hundred rand which fine shall be recovered by stoppages from the salary of the member so convicted in monthly instalments not exceeding twenty-five rand to be determined by the trial officer."; and

(b) by the substitution in the proviso to paragraph (a) of subsection (4) for the words "two hundred rand" of the words "five hundred rand".

POLICE ACT AMENDMENT DECREE, 1991

7. Amendment of Section 31 of Act 31 of 1983. - Section 31 of the principal Act is hereby amended -

(a) by the substitution in paragraph (a) for the words "one hundred rand" of the words "three hundred rand"; and

(b) by the substitution in paragraph (b) for the words "ten rand" of the words "twenty-five rand".

8. Amendment of Section 32 of Act 32 of 1983. - Section 32 of the principal Act is hereby amended by the addition thereto of the following subsection:

"(5) Nothing in the foregoing provisions of this section contained shall be construed as derogating from any of provision of subsection (2) or (3) of Section 21."

9. Amendment of Section 33 of Act 32 of 1983, as amended by Section 2 of Decree No. 13 of 1990. - Section 33 of the principal Act is hereby amended by the substitution in subsection (1)(b)(iv) for the words "five hundred rand" of the words "one thousand rand".

10. Amendment of Section 35 of Act 32 of 1983. - Section 35 of the principal Act is hereby amended -

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

"shall be guilty of an offence and liable on conviction to a fine not exceeding two thousand rand or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment." and;

(b) by the substitution in subsection (2) for the words "two hundred rand" of the words "five hundred rand".

11. Amendment of Section 36 of Act 32 of 1983. - Section 36 of the principal Act is hereby amended by the substitution for that part of subsection (1) following paragraph (c) of the following:

"shall be guilty of an offence and liable on conviction to a fine not exceeding two thousand rand or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment."

12. Substitution of Section 37 of Act 32 of 1983. - The following section is hereby substituted for Section 37 of the principal Act:

"37. Falsely pretending to be a member of the Force. - Any person, not being a member of the Force, who -

(a) by word, conduct or demeanour, pretends that he is a member, or

(b) unless duly authorized thereto by the Commissioner or by reason of his appointment under this Act, wears any uniform or distinctive badge or buttons of the Force or anything so closely resembling any of the same as to be calculated to deceive,

shall be guilty of an offence and liable on conviction to a fine not exceeding two thousand rand or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment."

13. Amendment of Section 38 of Act 32 of 1983. - Section 38 of the principal Act is hereby amended by the substitution for the words "a fine not exceeding one hundred rand" of the words "a fine not exceeding five hundred rand or to imprisonment for a period not exceeding six months".

14. Amendment of Section 39 of Act 32 of 1983. - Section 39 of the principal Act is hereby amended by the substitution in subsection (1) for the words "to a fine not exceeding five hundred rand or to imprisonment for a period not exceeding six months or to such imprisonment without the option of a fine" of the words "to a fine not exceeding two thousand rand or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment".

15. Amendment of Section 40 of Act 32 of 1983. - Section 40 of the principal Act is hereby amended by the substitution in that part of the section following paragraph (c) for the words "a fine not exceeding two hundred rand" of the words "a fine not exceeding five hundred rand".

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16. Amendment of Section 42 of Act 32 of 1983. - Section 42 of the principal Act is hereby amended by the substitution for the words "prescribed by law" of the words "which may be imposed".

17. Amendment of Section 43 of Act 32 of 1983, as amended by Section 2 of Decree No. 13 of 1990. - Section 43 of the principal Act is hereby amended by the substitution for the words "two hundred rand" of the words "five hundred rand".

18. Amendment of Section 45 of Act 32 of 1983. - Section 45 of the principal Act is hereby amended by the substitution in subsection (1) for the words "appropriated by the National Assembly" of the words "lawfully appropriated".

19. Insertion of Section 49A in Act 32 of 1983. - The following section is hereby inserted in the principal Act after Section 49:

"49A. Co-operation with other police forces. - (1) The Minister may enter into an agreement with the Minister of State or other person responsible for the police force of any other country or territory whereby or wherein -

- (a) provision is made for co-operation and mutual aid between the Ciskeian Police and the police force of such other country or territory;
- (b) mention is made of the circumstances in which and the conditions subject to which operations may be undertaken by members of the respective police forces across the international borders; and
- (c) there are dealt with any other matter of mutual concern.

(2) Any such agreement or part thereof and any amendment thereto shall acquire the force of law by publication thereof in the *Gazette*."

20. Amendment of Section 50 of Act 32 of 1983, as amended by Section 2 of Decree No. 13 of 1990. - Section 50 of the principal Act is hereby amended by the substitution of paragraph (c) of subsection (1) of the following paragraph:

"(c) the standards of physical and mental fitness and the medical examination of members of the Force and the medical, dental and hospital treatment of such members and their dependants."

21. Short title. - This decree shall be called the Police Amendment Decree, 1991.

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NOTICE

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