

POLICE

Police Act 19 of 1990.

Summary: This Act provides for the establishment, organisation, administration, and powers and duties of the Namibian Police Force. It prescribes procedures to protect the internal security of Namibia and to maintain law and order. It also regulates the appointment, promotion, discipline and discharge of members of the Namibian Police Force. It replaces the *Police Act 7 of 1958*.

Amendments: The Act is substantially amended by Act 3/1999. Particularly notable is the amendment of section 14, which substantially broadens police powers of search and seizure.

Section 4 of the Act is amended by Act 5/2001 (regarding standards for physical and mental fitness).

The General Law Amendment Act 14 of 2005 amends section 1 of the Act.

Regulations: Regulations are contained in GN 16/1991 (GG 159) and GN 167/1994 (GG 919), as amended by GN 143/1996 (GG 1332), GN 246/1998 (GG 1965), GN 166/2001 (GG 2593) and GN 55/2002 (GG 2718).

Regulations for Municipal Police Services are contained in GN 184/2002 (GG 2833), as amended by GN 253/2003 (GG 3108) and GN 197/2004 (GG 3270). Regulations for the Windhoek Municipal Police Service are contained in General Notice 296/2004 (GG 3335).

Regulations relating to the award of decorations and medals to members of the Namibian Police Force are contained in GN 201/2002 (GG 2862), which is replaced by GN 124/2003 (GG 2997).

Cases: Regulation 58(32) was declared unconstitutional in the Supreme Court case of *Kauesa v Minister of Home Affairs* 1995 NR 175 (SC), which overturned the High Court judgement *Kauesa v Minister of Home Affairs* 1994 NR 102 (HC).

The following cases also concern the Act-

S v Shivute & Several Other Cases 1991 NR 433 (HC) at 439

S v Boois; S v Thomas 1991 NR 455 (HC)

S v Eigowab 1994 NR 192 (HC) (section 35(2)(a))

Eimbeck v Inspector-General of the Namibian Police & Another 1995 NR 13 (HC)(section 24(1))

S v Kandume 1997 NR 79 (HC) (sections 35(1) and 35(2)(a))

S v Diergaardt 2000 NR 78 (HC) (section 35(1))

Dresselhaus Transport CC v Government of the Republic of Namibia 2003 NR 54 (HC)(section 13); 2005 NR 214 (SC)

Viljoen & Another v Inspector-General of the Namibian Police 2004 NR 225 (HC) (section 1(1) and regulations on transfers)

Sheehama v Inspector-General, Namibian Police 2006 (1) NR 106 (HC) (section 23(3); also discusses sections 18 and 24).

Immanuel v Minister of Home Affairs & Another 2006 (2) NR 687 (HC) (section 8 enquiry)

S v Malumo & Others 2007 (2) NR 198 (HC) (effect of "Judges' Rules",

which are administrative directives to be observed by police)
Minister of Home Affairs v Majiedt & Others 2007 (2) NR 475 (SC)
(prescription period in section 39(1) not unconstitutional)
S v Afrikaner 2007 (2) NR 584 (HC) (definition of assault in section 35, as
amended by Act 3/1999).

The following are post-independence cases concerning the previous *Police Act 7 of 1958*-

Minister of Police v Haunawa 1991 NR 28 (SC)
Simon v Administrator-General, South West Africa 1991 NR 151 (HC).

Articles: See the entry for the Prisons Act 17 of 1998 (**PRISONS**) for articles on conditions in police cells.

APPOINTMENTS

Appointment of First Inspector-General of Police, Proc. 8/1990 (GG 46).
Appointment of Inspector-General of Police, Proc. 35/1997 (GG 1765).
Appointment of Inspector-General of Police, Proc. 7/2005 (GG 3450).

See also Security Commission Act 18 of 2001 (**CONSTITUTION**).