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VAN SUIDWES-AFRIKA

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PROCLAMATION

by the

ADMINISTRATOR-GENERAL FOR THE
TERRITORY OF SOUTH WEST AFRICA

(Approved by the State President on 31 March 1981)

No. AG. 9

1981

PROCLAMATION TO AMEND THE POLICE ACT, 1958 (ACT 7 OF 1958), SO AS TO ESTABLISH A POLICE FORCE FOR SOUTH WEST AFRICA AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH

Under the powers vested in me by Proclamation 181 of 19 August 1977, I hereby make the laws set out in the Schedule.

D. J. HOUGH

Administrator-General

Windhoek, 26 March 1981.

PROKLAMASIE

van die

ADMINISTRATEUR-GENERAAL VIR DIE
GEBIED SUIDWES-AFRIKA

(Deur die Staatspresident goedgekeur op 31 Maart 1981)

No. AG. 9

1981

PROKLAMASIE TOT WYSIGING VAN DIE POLISIEWET, 1958 (WET 7 VAN 1958), TEN EINDE 'N POLISIEMAG VIR SUIDWES-AFRIKA IN TE STEL EN OM VOORSIENING TE MAAK VIR AANGELEENTHEDE WAT DAARMEE IN VERBAND STAAN

Kragtens die bevoegdheid my verleen by Proklamasie 181 van 19 Augustus 1977, maak ek hierby die wette in die Bylae vervat.

D. J. HOUGH

Administrateur-generaal

Windhoek, 26 Maart 1981

SCHEDULE

Amendment of section 1 of Act 7 of 1958, as amended by section 1 of Act 53 of 1961, section 1 of Act 64 of 1964, section 1 of Act 74 of 1967, section 1 of Act 94 of 1972, section 1 of Act 34 of 1973 and section 1 of Act 64 of 1979

1. Section of the Police Act, 1958 (hereinafter referred to as the Act), is hereby amended —

(a) by the deletion of the definitions of “division” and “divisional commissioner”;

(b) by the substitution for the definition of “member of the Force” of the following definition:

“‘member of the Force’ means an officer, and any other member of the South West African Police appointed as such member under section 4(1), and includes, except for the purposes of any provision of this Act in respect of which the Commissioner may subject to the directions of the Administrator-General otherwise prescribe, any member of the Police Reserve or the Reserve Police Force while serving in the Force, and any temporary member while employed in the Force;”;

(c) by the deletion of the definition of “Minister”;

(d) by the deletion of the definition of “Republic”;

(e) by the insertion after the definition of “regulation” of the following definition:

“‘State’, except for the purposes of section 6(3), includes the Administrator-General”;

(f) by the insertion after the definition of “State” of the following definition:

“‘territory’ means the territory of South West Africa;”;

(g) by the substitution for the definition of “Treasury” of the following definition:

“‘Treasury’ means the Treasury as defined in section 1 of the Exchequer and Audit Act, 1975 (Act 66 of 1975);”;

(h) by the substitution for the definition of “the Force” of the following definition:

“‘the Force’ means the officers, and other members of the South West African Police appointed as such members under section 4(1), and includes, except for the purposes of any provision of this Act in respect of which the Commissioner may subject to the directions of

BYLAE

Wysiging van artikel 1 van Wet 7 van 1958, soos gewysig deur artikel 1 van Wet 53 van 1961, artikel 1 van Wet 64 van 1964, artikel 1 van Wet 74 van 1967, artikel 1 van Wet 94 van 1972, artikel 1 van Wet 34 van 1973 en artikel 1 van Wet 64 van 1979

1. Artikel 1 van die Polisiewet, 1958 (hieronder die Wet genoem), word hierby gewysig —

(a) deur die omskrywings van “afdeling” en “afdelingskommissaris” te skrap;

(b) deur die omskrywing van “die Mag” deur die volgende omskrywing te vervang:

“‘die Mag’ die offisiere, en ander lede van die Suidwes-Afrikaanse Polisie wat kragtens artikel 4(1) as sodanige lede aangestel is, en ook, behalwe by die toepassing van enige bepaling van hierdie Wet ten opsigte waarvan die Kommissaris onderworpe aan die voorskrifte van die Administrateur-generaal anders voorskryf, die Polisie-reserwe, die Reserwepolisiemag en tydelike lede;”;

(c) deur na die omskrywing van “die Mag” die volgende omskrywing in te voeg:

“ ‘gebied’ die gebied Suidwes-Afrika;”;

(d) deur die omskrywing van “lid van die Mag” deur die volgende omskrywing te vervang:

“‘lid van die Mag’ ’n offisier, en ’n ander lid van die Suidwes-Afrikaanse Polisie wat kragtens artikel 4(1) as sodanige lid aangestel is, en ook, behalwe by die toepassing van enige bepaling van hierdie Wet ten opsigte waarvan die Kommissaris onderworpe aan die voorskrifte van die Administrateur-generaal anders voorskryf, ’n lid van die Polisie-reserwe of die Reserwepolisiemag terwyl hy in die Mag diens doen, en ’n tydelike lid terwyl hy in die Mag in diens geneem is;”;

(e) deur die omskrywing van “Minister” te skrap;

(f) deur die omskrywing van “Republiek” te skrap;

(g) deur na die omskrywing van “regulasie” die volgende omskrywing in te voeg:

“‘Staat’, behalwe by die toepassing van artikel 6(3), ook die Administrateur-generaal;”;

(h) deur die omskrywing van “Tesourie” deur die volgende omskrywing te vervang:

the Administrator-General otherwise prescribe, the Police Reserve, the Reserve Police Force and temporary members;”.

Substitution of section 2 of Act 7 of 1958

2. The following section is hereby substituted for section 2 of the Act:

“Establishment and composition of the South West Africa Police.

2. (1) There is hereby established a police force to be known as the South West African Police which shall consist of the persons appointed under this Act as members of the South West African Police.

(2) A person who was a member of the South African Police immediately before the commencement of the Police Amendment Proclamation, 1981, and who has signed any undertaking whereby he forfeits any claim to or right to claim any post in the public service of the Republic of South Africa, shall, with due recognition of his previous period of service as a member of the South African Police, be deemed to have been appointed under this Act as a member of the South West African Police.”

Amendment of section 3 of Act 7 of 1958, as amended by section 2 of Act 64 of 1964, section 2 of Act 74 of 1967 and section 2 of Act 94 of 1972

3. Section 3 of the Act is hereby amended —

- (a) by the deletion in subsection (1) of the words “by commission”; and
- (b) by the deletion of subsection (1A).

Amendment of section 4 of Act 7 of 1958, as amended by section 2 of Act 53 of 1961 and section 3 of Act 74 of 1967

4. Section 4 of the Act is hereby amended —

- (a) by the deletion in subsection (1) of the “prescribing the conditions of service and the numerical establishment of the Force;” and
- (b) by the deletion in subsection (2) of the words “of or above the rank of Lieutenant-Colonel”.

Amendment of section 6 of Act 7 of 1958, as amended by section 4 of Act 64 of 1964, section 1 of Act 74 of 1965, section 3 of Act 34 of 1973, section 2 of Act 64 of 1979 and section 1 of Act 50 of 1980

5. Section 6 of the Act is hereby amended by the substitution in paragraph (a) of subsection (4) for the words “Republic and” of the words “the territory and the Republic of South Africa or”.

“ ‘Tesourie’ die Tesourie soos in artikel 1 van die Skatkis- en Ouditwet, 1975 (Wet 66 van 1975), omskryf.”.

Vervanging van artikel 2 van Wet 7 van 1958

2. Artikel 2 van die Wet word hierby deur die volgende artikel vervang:

“Instelling en samestelling van die Suidwes-Afrikaanse Polisie.

2. (1) Daar word hierby ’n polisie-mag ingestel met die naam die Suidwes-Afrikaanse Polisie wat bestaan uit die persone wat kragtens hierdie Wet as lede van die Suidwes-Afrikaanse Polisie aangestel is.

(2) ’n Persoon wat onmiddellik voor die inwerkingtrede van die Polisie-wysigingsproklamasie, 1981, ’n lid van die Suid-Afrikaanse Polisie was en wat ’n onderneming onderteken het waarby hy afstand doen van enige aanspraak of reg tot aanspraak op ’n pos in die staatsdiens van die Republiek van Suid-Afrika, word, met behoorlike erkenning van sy vorige dienstermyn as ’n lid van die Suid-Afrikaanse Polisie, geag kragtens hierdie Wet as ’n lid van die Suidwes-Afrikaanse Polisie aangestel te wees.”.

Wysiging van artikel 3 van Wet 7 van 1958, soos gewysig deur artikel 2 van Wet 64 van 1964, artikel 2 van Wet 74 van 1967 en artikel 2 van Wet 94 van 1972

3. Artikel 3 van die Wet word hierby gewysig —

- (a) deur in subartikel (1) die woorde “by kommissie” te skrap; en
- (b) deur subartikel (1A) te skrap.

Wysiging van artikel 4 van Wet 7 van 1958, soos gewysig deur artikel 2 van Wet 53 van 1961 en artikel 3 van Wet 74 van 1967

4. Artikel 4 van die Wet word hierby gewysig —

- (a) deur in subartikel (1) die woorde “wat die diensvoorwaardes en getalsterkte van die Mag voorskryf” te skrap; en
- (b) deur in subartikel (2) die woorde “met of bo die rang van luitenant-kolonel” te skrap.

Wysiging van artikel 6 van Wet 7 van 1958, soos gewysig deur artikel 4 van Wet 64 van 1964, artikel 1 van Wet 74 van 1965, artikel 3 van Wet 34 van 1973, artikel 2 van Wet 64 van 1979 en artikel 1 van Wet 50 van 1980

5. Artikel 6 van die Wet word hierby gewysig deur in paragraaf (a) van subartikel (4) die woorde “Republiek en” deur die woorde “gebied en die Republiek van Suid-Afrika of” te vervang.

Repeal of section 7 of Act 7 of 1958, as amended by section 5 of Act 64 of 1964 and section 3 of Act 64 of 1979

6. Section 7 of the Act is hereby repealed.

Amendment of section 9 of Act 7 of 1958, as amended by section 1 of Act 43 of 1958, section 4 of Act 53 of 1961, section 7 of Act 64 of 1964, section 3 of Act 94 of 1972, section 4 of Act 34 of 1973, section 1 of Act 90 of 1977 and section 4 of Act 64 of 1979

7. Section 9 of the Act is hereby amended —

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

“ (4) Any officer who sentences any member of the Force under this section, shall forthwith transmit the record of the proceedings in the case to an officer designated by the Commissioner, and such officer may quash the conviction or confirm or reduce the sentence.”; and

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

“ (5) No conviction or sentence by an officer shall have any force or effect unless it has been confirmed and, where a sentence is reduced, the amount of the fine to be paid by the person convicted has been determined by the officer referred to in subsection (4).”.

Amendment of section 10 of Act 7 of 1958, as amended by section 8 of Act 64 of 1964, section 4 of Act 74 of 1967 and section 5 of Act 64 of 1979

8. Section 10 of the Act is hereby amended by the substitution for paragraph (g) of subsection (6C) of the following paragraph:

“(g) take the steps referred to in section 3; or”.

Amendment of section 14 of Act 7 of 1958, as amended by section 5 of Act 74 of 1967

9. Section 14 of the Act is hereby amended by the deletion in subsection (4) of the words “of or above the rank of lieutenant-colonel”.

Amendment of section 15 of Act 7 of 1958, as amended by section 2 of Act 43 of 1958, section 5 of Act 53 of 1961 and section 9 of Act 64 of 1964

10. Section 15 of the Act is hereby amended by the deletion in subsection (3) of the words “of or above the rank of lieutenant-colonel”.

Herroeping van artikel 7 van Wet 7 van 1958, soos gewysig deur artikel 5 van Wet 64 van 1964 en artikel 3 van Wet 64 van 1979

6. Artikel 7 van die Wet word hierby herroep.

Wysiging van artikel 9 van Wet 7 van 1958, soos gewysig deur artikel 1 van Wet 43 van 1958, artikel 4 van Wet 53 van 1961, artikel 7 van Wet 64 van 1964, artikel 3 van Wet 94 van 1972, artikel 4 van Wet 34 van 1973, artikel 1 van Wet 90 van 1977 en artikel 4 van Wet 64 van 1979

7. Artikel 9 van die Wet word hierby gewysig —

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

“ (4) ’n Offisier wat ’n lid van die Mag ingevolge hierdie artikel vonnis, stuur onverwyld die relaas van die verrigtinge in die saak aan ’n offisier deur die Kommissaris aangewys, en bedoelde offisier kan die skuldigbevinding nietig verklaar of die vonnis bekrachtig of verminder.”; en

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

“ (5) ’n Skuldigbevinding of vonnis deur ’n offisier is nie van krag nie tensy dit bekrachtig is en, waar ’n vonnis verminder word, die offisier in subartikel (4) bedoel die bedrag van die boete wat die veroordeelde moet betaal, vasgestel het.”.

Wysiging van artikel 10 van Wet 7 van 1958, soos gewysig deur artikel 8 van Wet 64 van 1964, artikel 4 van Wet 74 van 1967 en artikel 5 van Wet 64 van 1979

8. Artikel 10 van die Wet word hierby gewysig deur paragraaf (g) van subartikel (6C) deur die volgende paragraaf te vervang:

“(g) die in artikel 3 bedoelde stappe doen; of”.

Wysiging van artikel 14 van Wet 7 van 1958, soos gewysig deur artikel 5 van Wet 74 van 1967

9. Artikel 14 van die Wet word hierby gewysig deur in subartikel (4) die woorde “met of bó die rang van luitenant-kolonel” te skrap.

Wysiging van artikel 15 van Wet 7 van 1958, soos gewysig deur artikel 2 van Wet 43 van 1958, artikel 5 van Wet 53 van 1961 en artikel 9 van Wet 64 van 1964

10. Artikel 15 van die Wet word hierby gewysig deur in subartikel (3) die woorde “met of bo die rang van luitenant-kolonel” te skrap.

Amendment of section 17 of Act 7 of 1958, as amended by section 6 of Act 53 of 1961, section 10 of Act 64 of 1964 and section 8 of Act 64 of 1979

11. Section 17 of the Act is hereby amended by the deletion in subsection (1) of the words "or the divisional commissioner of the division in which such member is serving".

Amendment of section 22 of Act 7 of 1958, as amended by section 12 of Act 64 of 1964

12. Section 22 of the Act is hereby amended by the deletion in subsection (2) of the words "or by the Minister".

Amendment of section 26 of Act 7 of 1958, as amended by section 7 of Act 53 of 1961, section 16 of Act 64 of 1964 and section 6 of Act 90 of 1977

13. Section 26 of the Act is hereby amended by the deletion in paragraph (b) of the words "of or above the rank of Lieutenant-Colonel".

Amendment of section 29 of Act 7 of 1958, as amended by section 7 of Act 92 of 1970 and section 4 of Act 94 of 1972

14. Section 29 of the Act is hereby amended by the substitution in subsection (3) for the words "Police Department" of the words "Department of Police".

Amendment of section 33 of Act 7 of 1958, as amended by section 8 of Act 53 of 1961, section 19 of Act 64 of 1964, section 1 of Act 80 of 1970 and section 5 of Act 94 of 1972

15. Section 33 of the Act is hereby amended —

(a) by the deletion of paragraph (b)*bis* of subsection (1);

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

"(c) the distribution of the Force, the establishment of police districts and stations, and the various branches, grades, ranks, designations and appointments in the Force or in such districts or at such stations;" and

(c) by the deletion of paragraph (o) of the said subsection (1), and subsections (3) and (4).

Wysiging van artikel 17 van Wet 7 van 1958, soos gewysig deur artikel 6 van Wet 53 van 1961, artikel 10 van Wet 64 van 1964 en artikel 8 van Wet 64 van 1979

11. Artikel 17 van die Wet word hierby gewysig deur in subartikel (1) die woorde "of die afdelingskommisaris van die afdeling waarin so 'n lid dien" te skrap.

Wysiging van artikel 22 van Wet 7 van 1958, soos gewysig deur artikel 12 van Wet 64 van 1964

12. Artikel 22 van die Wet word hierby gewysig deur in subartikel (2) die woorde "of deur die Minister" te skrap.

Wysiging van artikel 26 van Wet 7 van 1958, soos gewysig deur artikel 7 van Wet 53 van 1961, artikel 16 van Wet 64 van 1964 en artikel 6 van Wet 90 van 1977

13. Artikel 26 van die Wet word hierby gewysig deur in paragraaf (b) die woorde "met of bo die rang van luitenant-kolonel" te skrap.

Wysiging van artikel 29 van Wet 7 van 1958, soos gewysig deur artikel 7 van Wet 92 van 1970 en artikel 4 van Wet 94 van 1972

14. Artikel 29 van die Wet word hierby gewysig deur in subartikel (3) die woorde "Polisiedepartement" deur die woorde "Departement van Polisie" te vervang.

Wysiging van artikel 33 van Wet 7 van 1958, soos gewysig deur artikel 8 van Wet 53 van 1961, artikel 19 van Wet 64 van 1964, artikel 1 van Wet 80 van 1970 en artikel 5 van Wet 94 van 1972

15. Artikel 33 van die Wet word hierby gewysig —

(a) deur paragraaf (b)*bis* van subartikel (1) te skrap;

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

"(c) die verspreiding van die Mag, die instelling van polisiedistrikte en -stasies, en die verskillende takke, grade, range, aanwysings en aanstellings in die Mag of sodanige distrikte of by sodanige stasies;" en

(c) deur paragraaf (o) van genoemde subartikel (1), en subartikels (3) en (4) te skrap.

Amendment of section 34 of Act 7 of 1958, as amended by section 9 of Act 53 of 1961, section 20 of Act 64 of 1964, section 6 of Act 74 of 1967 and section 10 of Act 64 of 1979

16. Section 34 of the Act is hereby amended by the substitution in subsection (1) for the words "assistant-magistrate, Commissioner, Additional Commissioner or Assistant Commissioner" of the words "or assistant magistrate".

Amendment of section 34A of Act 7 of 1958, as substituted by section 1 of Act 15 of 1975 and amended by section 1 of Act 34 of 1979, section 10 of Act 90 of 1977, section 1 of Act 64 of 1979 and section 2 of Act 50 of 1980

17. Section 34A of the Act is hereby amended —

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

" (1) There is hereby established a Police Reserve which shall consist of —

(a) every male person who terminates his service in the Force or is discharged or dismissed from the Force or is retired on pension —

(i) after having served in the Force in a permanent capacity for a period of not less than forty eight months; or

(ii) if he so served for a period of less than forty eight months and is designated by the Administrator-General;

(b) every male person who immediately before the date on which he became a member of the Force, had served in the South African Police in a permanent capacity and who terminates his service in the Force or is discharged or dismissed from the Force or is retired on pension after having served in the Force in a permanent capacity for a period which, together with a period for which he had so served in the South African Police —

(i) in the case of a person who had enrolled as member of the South African Police on or before 1 April 1979, exceeds twenty four months;

(ii) in the case of a person who had enrolled as member of the South African Police after 1 April 1979 but before 1 January 1980, is not less than twenty four months;

Wysiging van artikel 34 van Wet 7 van 1958, soos gewysig deur artikel 9 van Wet 53 van 1961, artikel 20 van Wet 64 van 1964, artikel 6 van Wet 74 van 1967 en artikel 10 van Wet 64 van 1979

16. Artikel 34 van die Wet word hierby gewysig deur in subartikel (1) die woorde "assistent-landdros, Kommissaris, Addisionele Kommissaris of Assistent Kommissaris" deur die woorde "of assistent-landdros" te vervang.

Wysiging van artikel 34A van Wet 7 van 1958, soos vervang deur artikel 1 van Wet 15 van 1975 en gewysig deur artikel 1 van Wet 34 van 1979, artikel 10 van Wet 90 van 1977, artikel 1 van Wet 64 van 1979 en artikel 2 van Wet 50 van 1980

17. Artikel 34A van die Wet word hierby gewysig —

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

" (1) Daar word hierby 'n Polisie-reserwe ingestel wat bestaan uit —

(a) elke manspersoon wat sy diens in die Mag beëindig of uit die Mag ontslaan of afgedank word of met pensioen afgedank word —

(i) nadat hy vir 'n tydperk van minstens agt-en-veertig maande in 'n permanente hoedanigheid in die Mag gedien het; of

(ii) indien hy vir 'n korter tydperk as agt-en-veertig maande aldus gedien het en deur die Administrateur-generaal aangewys word;

(b) elke manspersoon wat onmiddellik voor die datum waarop hy 'n lid van die Mag geword het, in 'n permanente hoedanigheid in die Suid-Afrikaanse Polisie gedien het en wat sy diens in die Mag beëindig of uit die Mag ontslaan of afgedank word of met pensioen afgedank word nadat hy in 'n permanente hoedanigheid in die Mag gedien het vir 'n tydperk wat, tesame met die tydperk wat hy aldus in die Suid-Afrikaanse Polisie gedien het —

(i) in die geval van 'n persoon wat op of voor 1 April 1979 as lid van die Suid-Afrikaanse Polisie ingelyf was, vier-en-twintig maande oorskry;

(ii) in die geval van 'n persoon wat na 1 April 1979 maar voor 1 Januarie 1980 as lid van die Suid-Afrikaanse Polisie ingelyf was, minstens vier-en-twintig maande is;

- (iii) in the case of a person who had enrolled as member of the South African Police on or after 1 January 1980, is not less than forty eight months;
- (c) every person who is in terms of the provisions of the Defence Act, 1957 (Act 44 of 1957), allotted to the South West African Police for training and service and also any such person who has completed the service referred to in subsections (10) and (11).”;
- (b) by the deletion in paragraph (a) of subsection (2) of the expression “(bA) or (bB)”;
- (c) by the substitution in subsection (4) for the expression “(a), (b), (bA) or (bB)” of the expression “(a) or (b)”;
- (d) by the substitution for subsection (5) of the following subsection:
- “ (5) The period referred to in subsection (3) shall, subject to the provisions of subsection (11), not exceed ninety days per year, and in the aggregate not two hundred and forty days: Provided that if a member of the Police Reserve, excluding a member referred to in subsection (1)(c), has on or after 1 July 1979 served for a continuous period of more than twenty-four months in a permanent capacity, as referred to in subsection (1)(b), the period of two hundred and forty days aforesaid shall be reduced by thirty days in respect of every completed year of such continuous period.”;
- (e) by the substitution for subsection (6) of the following subsection:
- “ (6) The provisions of subsection (3) shall not apply —
- (a) to a member of the Police Reserve referred to in subsection (1)(b)(i) or (ii) after the expiration of a period of five years, or to a member of the Police Reserve referred to in subsection (1)(a) or (b)(iii) after the expiration of a period of eight years, as from the date of his retirement;
- (b) to a member of the Police Reserve referred to in subsection (1)(c) after the expiration of a period of five years as from the date on which he has rendered the continuous service referred to in subsection (11).”;
- (f) by the substitution in subsection (7) for the expression “(6), (11) and (12)” of the expression “(6) and (11)”;
- (iii) in die geval van ’n persoon wat op of na 1 Januarie 1980 as lid van die Suid-Afrikaanse Polisie ingelyf was, minstens agt-en-veertig maande is;
- (c) elke persoon wat ingevolge die bepalings van die Verdedigingswet, 1957 (Wet 44 van 1957), vir opleiding en diens aan die Suidwes-Afrikaanse Polisie toegewys word en ook so ’n persoon wat die in subartikels (10) en (11) bedoelde diens voltooi het.”;
- (b) deur in paragraaf (a) van subartikel (2) die uitdrukking “(bA) of (bB)” te skrap;
- (c) deur in subartikel (4) die uitdrukking “(a), (b), (bA) of (bB)” deur die uitdrukking “(a) of (b)” te vervang;
- (d) deur subartikel (5) deur die volgende subartikel te vervang:
- “ (5) Die in subartikel (3) bedoelde tydperk oorskry, behoudens die bepalings van subartikel (11), nie negentig dae per jaar nie, en as geheel nie tweehonderd-en-veertig dae nie: Met dien verstande dat indien ’n lid van die Polisie-reserwe, uitgesonderd ’n lid in subartikel (1)(c) bedoel, op of na 1 Julie 1979 vir ’n ononderbroke tydperk van meer as vier-en-twintig maande in ’n permanente hoedanigheid, soos in subartikel (1)(b) bedoel, gedien het, voormelde tydperk van tweehonderd-en-veertig dae met dertig dae verminder word ten opsigte van elke voltooide tydperk van twaalf maande van sodanige ononderbroke tydperk.”;
- (e) deur subartikel (6) deur die volgende subartikel te vervang:
- “ (6) Die bepalings van subartikel (3) is nie van toepassing nie —
- (a) op ’n in subartikel (1)(b)(i) of (ii) bedoelde lid van die Polisie-reserwe na verloop van ’n tydperk van vyf jaar, of op ’n in subartikel (1)(a) of (b)(iii) bedoelde lid van die Polisie-reserwe na verloop van ’n tydperk van agt jaar, vanaf die datum van sy diensbeeëindiging;
- (b) op ’n in subartikel (1)(c) bedoelde lid van die Polisie-reserwe na verloop van ’n tydperk van vyf jaar vanaf die datum waarop hy die ononderbroke diens in subartikel (11) bedoel, gedoen het.”;
- (f) deur in subartikel (7) die uitdrukking “(6), (11) en (12)” deur die uitdrukking “(6) en (11)” te vervang;

- (g) by the substitution for subsection (9) of the following subsection:

“ (9) No provision of this Act shall be construed so as to exempt any person who at the termination of his permanent service in the Force has so rendered service for a period of less than twenty-four months or forty-eight months, as the case may be, or any member of the Police Reserve who in terms of this section is exempted from service in the Force or discharged or dismissed from the provisions of the Defence Act, 1957.”;

- (h) by the substitution for subsection (11) of the following subsection:

“ (11) Subject to the provisions of subsection (7), the continuous service referred to in subsection (10) shall not exceed a period of twenty-four months.”; and

- (i) by the substitution in subsection (14) for the expression “(b), (bA) or (bB)” of the expression “(a) or (b)”.

Amendment of section 34B of Act 7 of 1958, as substituted by section 7 of Act 94 of 1972 and amended by section 11 of Act 90 of 1977

18. Section 34B of the Act is hereby amended by the substitution in subsection (4) for the expression “Apprenticeship Act, 1944 (Act No. 37 of 1944), the provisions of section 26(1) of that Act” of the expression “Apprenticeship Ordinance, 1938 (Ordinance 12 of 1938), the directions issued thereunder in relation to the extension of the period or periods of apprenticeship”.

Substitution of certain expressions in Act 7 of 1958

19. Subject to the provisions of this Proclamation, the Act is hereby amended —

- (a) by the substitution for the words “State President” and “Minister”, wherever they occur, of the word “Administrator-General”;
- (b) by the substitution for the word “Republic”, wherever it occurs, of the word “territory”;
- (c) by the substitution for the words “South African Police”, wherever they occur, of the words “South West African Police”;
- (d) by the substitution for the words “a commissioned officer” and the words “any commissioned officer”, wherever they occur, of the words “an officer”;

- (g) deur subartikel (9) deur die volgende subartikel te vervang:

“ (9) Geen bepaling van hierdie Wet word so uitgelê nie dat dit ’n persoon wat by beëindiging van sy permanente diens in die Mag vir ’n tydperk van minder as vier-en-twintig maande of agt-en-veertig maande, na gelang van die geval, aldus diens gedoen het of ’n lid van die Polisie-reserwe wat ingevolge hierdie artikel van diens in die Mag vrygestel is of uit die Mag ontslaan of afgedank is, vrystel van die bepalings van Verdedigingswet, 1957.”;

- (h) deur subartikel (11) deur die volgende subartikel te vervang:

“ (11) Behoudens die bepalings van subartikel (7), oorskry die in subartikel (10) bedoelde ononderbroke diens nie ’n tydperk van vier-en-twintig maande nie.”; en

- (i) deur in subartikel (14) die uitdrukking “(b), (bA) of (bB)” deur die uitdrukking “(a) of (b)” te vervang.

Wysiging van artikel 34B van Wet 7 van 1958, soos vervang deur artikel 7 van Wet 94 van 1972 en gewysig deur artikel 11 van Wet 90 van 1977

18. Artikel 34B van die Wet word hierby gewysig deur in subartikel (4) die uitdrukking “Wet op Vakleerlinge, 1944 (Wet No. 37 van 1944), omskryf, is die bepalings van artikel 26(1) van daardie Wet” deur die uitdrukking “Vakleerlinge Ordonnansie, 1938 (Ordonnansie 12 van 1938), omskryf, is die voorskrifte daarkragtens met betrekking tot die verlenging van die leertyd of leertye van ’n vakleerling uitgevaardig” te vervang.

Vervanging van sekere uitdrukings in Wet 7 van 1958

19. Behoudens die bepalings van hierdie Proklamasie, word die Wet hierby gewysig —

- (a) deur die woorde “Staatspresident” en “Minister”, oral waar hulle voorkom, deur die woord “Administrateur-generaal” te vervang;
- (b) deur die woord “Republiek”, oral waar dit voorkom, deur die woord “gebied” te vervang;
- (c) deur die woorde “Suid-Afrikaanse Polisie”, oral waar hulle voorkom, deur die woorde “Suidwes-Afrikaanse Polisie” te vervang;
- (d) deur in die Engelse teks die woorde “a commissioned officer” en die woorde “any commissioned officer”, oral waar hulle voorkom, deur die woorde “an officer” te vervang;

- (e) by the substitution for the expression "Public Service Act, 1957 (Act No. 54 of 1957)", wherever it occurs, of the expression "Government Service Act, 1980 (Act 2 of 1980)";
- (f) by the substitution for the words "Public Service Commission", wherever they occur, of the words "Government Service Commission"; and
- (g) by the substitution for the word "Gazette", wherever it occurs, of the words "Official Gazette".

- (e) deur die uitdrukking "Staatsdienswet, 1957, (Wet No. 54 van 1957)", oral waar dit voorkom, deur die uitdrukking "Regeringsdienswet, 1980 (Wet 2 van 1980)" te vervang;
- (f) deur die woord "Staatsdienskommissie", oral waar dit voorkom, deur die woord "Regeringsdienskommissie" te vervang; en
- (g) deur die woord "Staatskoerant" oral waar dit voorkom, deur die woorde "Offisiële Koerant" te vervang.

Amendment of regulations made under Act 7 of 1958

Wysiging van regulasies uitgevaardig kragtens Wet 7 van 1958

20. (1) The regulations made under section 33 of the Act and published in the *Government Gazette* of the Republic of South Africa by Government Notice R.204 of 14 February 1964, as amended, are hereby amended —

20. (1) Die regulasies uitgevaardig kragtens artikel 33 van die Wet en in die *Staatskoerant* van die Republiek van Suid-Afrika afgekondig by Goewermentskennisgewing R.204 van 14 Februarie 1964, soos gewysig, word hierby gewysig —

- (a) by —
 - (i) the deletion in subregulation (1) of regulation 1 of the definition of "accommodation";
 - (ii) the deletion in the said subregulation (1) in the definition of "commander" of the words "division" and "a divisional commissioner";
 - (iii) the substitution in the said subregulation (1) in the definition of "commanding officer" for the words "a divisional commissioner" of the words "the Commissioner";
 - (iv) the deletion in the said subregulation (1) of the definition of "cycle";
 - (v) the substitution in the said subregulation (1) for the definition of "Department" of the following definition:

"'Department' means the Department of Police;";
 - (vi) the deletion in subregulation (1) of the definitions of "division" and "divisional commissioner";
 - (vii) the deletion in the said subregulation (1) of the definitions of "headquarters" and "household";
 - (viii) the deletion in the said subregulation (1) of the definitions of "non-White" and "personal effects";

- (a) deur —
 - (i) in subregulasie (1) van regulasie 1 die omskrywings van "afdeling", "Afdelingskommissaris" en "betaling" te skrap;
 - (ii) in genoemde subregulasie (1) in die omskrywing van "bevelvoerder" die woorde "afdeling" en "'n afdelingskommissaris" te skrap;
 - (iii) in genoemde subregulasie (1) in die omskrywing van "bevelvoerende offisier" die woorde "'n afdelingskommissaris" deur die woorde "die Kommissaris" te vervang;
 - (iv) in genoemde subregulasie (1) die omskrywing van "Departement" deur die volgende omskrywing te vervang:

"'Departement' die Departement van Polisie;";
 - (v) in genoemde subregulasie (1) die omskrywing van "die Gebied" te skrap;
 - (vi) in genoemde subregulasie (1) die omskrywings van "herberg", "hoofkwartier" en "huishouding" te skrap;
 - (vii) in genoemde subregulasie (1) die omskrywing van "nie-Blanke" te skrap;
 - (viii) in genoemde subregulasie (1) die omskrywing van "persoonlike besittings" te skrap;

- (ix) the deletion in the said subregulation (1) of the definition of "pay";
- (x) the deletion in the said subregulation (1) in the definition of "police district" of the words "in the same division";
- (xi) the substitution in the said subregulation (1) for the definition of "Public Service Commission" of the following definition:
- "'Public Service Commission' means the Government Service Commission established by section 4 of the Government Service Act, 1980 (Act 2 of 1980);";
- (xii) the deletion in the said subregulation (1) of the definition of "sessional official";
- (xiii) the substitution in the said subregulation (1) for the definition of "student" of the following definition:
- "'student' means a member who has not yet completed his prescribed basic training and, for the purposes of these regulations, includes a recruit;"; and
- (xiv) the deletion in the said subregulation (1) of the definitions of "subsistence allowance", "the Territory" and "Treasury".
- (b) by the deletion in paragraph (a) of subregulation (1) of regulation 2 of the words "geographical divisions and";
- (c) by the substitution in subregulation (1) of regulation 3 for the expression "(2)" of the expression "(3)" and by the deletion of subregulation (2) of the said regulation 3;
- (d) by —
- (i) the deletion in subregulation (2) of regulation 4 of the word "division";
- (ii) the deletion in subregulation (3) of the said regulation 4 of the word "divisions"; and
- (iii) the deletion in paragraph (b) of subregulation (4) of the said regulation 4 of the word "division";
- (e) by the repeal of regulation 7;
- (ix) in genoemde subregulasie (1) in die omskrywing van "polisiedistrik" die woorde "in dieselfde afdeling" te skrap;
- (x) in genoemde subregulasie (1) die omskrywing van "sessie-amptenaar" te skrap;
- (xi) in genoemde subregulasie (1) die omskrywing van "Staatsdienskommissie" deur die volgende omskrywing te vervang:
- "'Staatsdienskommissie' die Regeringsdienskommissie by artikel 4 van die Regeringsdienswet, 1980 (Wet 2 van 1980), ingestel;";
- (xii) in genoemde subregulasie (1) die omskrywing van "student" deur die volgende omskrywings te vervang:
- "'student' 'n lid wat nog nie sy voorgeskrewe basiese opleiding voltooi het nie en, vir die toepassing van hierdie regulasies, ook 'n rekrut;"; en
- (xiii) in genoemde subregulasie (1) die omskrywings van "Tesourie", "tydkring" en "verblyftoelae" te skrap;
- (b) deur in paragraaf (a) van subregulasie (1) van regulasie 2 die woorde "geografiese afdelings en" te skrap;
- (c) deur in subregulasie (1) van regulasie 3 die uitdrukking "(2)" deur die uitdrukking "(3)" te vervang en subregulasie (2) van genoemde regulasie 3 te skrap;
- (d) deur —
- (i) in subregulasie (2) van regulasie 4 die woord "afdeling" te skrap;
- (ii) in subregulasie (3) van genoemde regulasie 4 die woord "afdelings" te skrap; en
- (iii) in paragraaf (b) van subregulasie (4) van genoemde regulasie 4 die woord "afdeling" te skrap;
- (e) deur regulasie 7 te herroep;

(f) by —

- (i) the substitution for subregulation (1) of regulation 8 of the following subregulation:

“ (1) The ranks in the Force, in order of precedence shall be as follows —

(a) *Officers*

- (i) Major-general;
- (ii) brigadier;
- (iii) colonel;
- (iv) chief superintendent; and
- (v) superintendent.

(b) *Non-officers*

- (i) Inspector;
- (ii) sub-inspector;
- (iii) first sergeant;
- (iv) second sergeant; and
- (v) constable.

- (ii) the substitution for paragraph (a) of subregulation (2) of the said regulation 8 of the following paragraph:

“ (a) section 3(1) of the Act, the rank of major-general may be conferred on the Commissioner, the rank of brigadier on a deputy commissioner and the rank of colonel on an assistant-commissioner;” and

- (iii) the substitution for subregulation (4) of the said regulation 8 of the following subregulation:

“ (4) If he deems it expedient the Commissioner may —

- (a) appoint any constable as a lance-sergeant, and as long as such appointment is in force such constable shall have the powers and authority of a sergeant;
- (b) confer on a temporary member the temporary rank of inspector, sub-inspector, first sergeant, second sergeant or lance-

(f) deur —

- (i) subregulasie (1) van regulasie 8 deur die volgende subregulasie te vervang:

“ (1) Die range in die Mag, in volgorde van voorrang, is soos volg —

(a) *Offisiere*

- (i) Generaal-majoor;
- (ii) brigadier;
- (iii) kolonel
- (iv) hoofsuperintendent; en
- (v) superintendent.

(b) *Nie-Offisiere*

- (i) Inspekteur;
- (ii) onderinspekteur;
- (iii) eerste sersant;
- (iv) tweede sersant; en
- (v) konstabel.

- (ii) paragraaf (a) van subregulasie (2) van genoemde regulasie 8 deur die volgende paragraaf te vervang:

“ (a) artikel 3(1) van die Wet kan die rang generaal-majoor aan die Kommissaris, die rang brigadier aan 'n adjunk-kommissaris en die rang kolonel aan 'n assistent-kommissaris toegeken word;” en

- (iii) subregulasie (4) van genoemde regulasie 8 deur die volgende subregulasie te vervang:

“ (4) Indien hy dit dienstig ag, kan die Kommissaris —

- (a) 'n konstabel as ondersersant aanstel, en solank sodanige aanstelling van krag is, besit so 'n konstabel die bevoegdheid en gesag van 'n sersant;
- (b) die tydelike rang van inspekteur, onderinspekteur, eerste sersant, tweede sersant of ondersersant aan 'n tydelike lid toe-

sergeant, and while any such member holds such rank he shall have the powers and authority applicable to that rank.”;

(g) by —

(i) the substitution for paragraphs (a), (b), (c), (d) and (e) of subregulation (2) of regulation 9 fo the following paragraphs:

“ (a) in the case of a superintendent, the honorary rank of chief superintendent provided he has served at least five years as officer;

(b) in the case of a chief superintendent, the honorary rank of colonel provided he has served as officer for at least ten years or has held the rank of chief superintendent for at least five years;

(c) in the case of a colonel, the honorary rank of brigadier provided he has served as officer for at least twenty years or has held the rank of colonel for at least five years.”; and

(ii) the substitution in the second proviso to the said subregulation (2) for the words “warrant officer” and the word “lieutenant” of the word “inspector” and the word “superintendent”, respectively;

(h) by —

(i) the substitution in paragraph (a) of subregulation (1) of regulation 11 for the words “White male” of the words “male person”;

(ii) the deletion of subparagraph (i) of the said paragraph (a);

(iii) the substitution in paragraph (b) of the said subregulation (1) for the words “White female” of the words “female person”;

(iv) the deletion in subparagraph (i) of the said paragraph (b) of the expression “(i)”;

(v) the deletion of paragraphs (c) and (d) of the said subregulation (1); and

(vi) the substitution for subregulation (2) of the said regulation 11 of the following subregulation:

ken, en terwyl so ’n lid sodanige rang beklee, besit hy die bevoegdheid en gesag wat op daardie rang van toepassing is.”;

(g) deur —

(i) paragrawe (a), (b), (c), (d) en (e) van subregulasie (2) van regulasie 9 deur die volgende paragrawe te vervang;

“ (a) In die geval van ’n superintendent, die ererang van hoofsuperintendent mits hy minstens vyf jaar as offisier gedien het;

(b) in die geval van ’n hoofsuperintendent, die ererang van kolonel mits hy minstens tien jaar as offisier gedien het of minstens vyf jaar die rang van hoofsuperintendent beklee het;

(c) in die geval van ’n kolonel, die ererang van brigadier mits hy minstens twintig jaar as offisier gedien het of minstens vyf jaar die rang van kolonel beklee het.”; en

(ii) in die tweede voorbehoudsbepaling by genoemde subregulasie (2) die woord “adjutant-offisier” en die woord “luitenant” deur, onderskeidelik, die woord “inspekteur” en die woord “superintendent” te vervang;

(h) deur —

(i) in paragraaf (a) van subregulasie (1) van regulasie 11 die woorde “Blanke man” deur die woord “manspersoon” te vervang;

(ii) subparagraaf (i) van genoemde paragraaf (a) te skrap;

(iii) in paragraaf (b) van genoemde subregulasie (1) die woorde “Blanke vrou” deur die woord “vrouepersoon” te vervang;

(iv) in subparagraaf (i) van genoemde paragraaf (b) die uitdrukking “(i)” te skrap;

(v) paragrawe (c) en (d) van genoemde subregulasie (1) te skrap; en

(vi) subregulasie (2) van genoemde regulasie 11 deur die volgende subregulasie te vervang: