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SUID-AFRIKAANSE POLISIE

No. 2167

2 Oktober 1989

REGULASIES KRAGTENS DIE POLISIEWET, 1958

Die Minister van Wet en Orde het kragtens artikel 33 van die Polisiewet, 1958 (Wet No. 7 van 1958), die regulasies in die Bylae uitgevaardig.

BYLAE

REGULASIES VIR MUNISIPALE POLISIE-EENHEDE

Woordomskrywing

1. (1) In hierdie regulasies, tensy uit die samehang anders blyk, beteken "die Wet" die Polisiewet, 1958 (Wet No. 7 van 1958), en het alle uitdrukkings wat in die Wet en die Regulasies van die Suid-Afrikaanse Polisie omskryf word, daardie omskrywe betekenis, en beteken—

- "bevelvoerder" die lid in bevel van 'n eenheid;
- "bevelvoerende offisier" die Distriks-Kommissaris van die distrik waarin die gebied van 'n eenheid geleë is;
- "eenheid" 'n munisipale polisie-eenheid kragtens artikel 17C van die Wet ingestel;
- "hoof-uitvoerende beampte", met betrekking tot 'n stadsraad, 'n dorpsraad, 'n dorpskomitee of 'n plaaslike owerheidskomitee, iemand kragtens artikel 30 (1) van die Wet op Swart Plaaslike Owerhede, 1982 (Wet No. 102 van 1982), as die stads-klerek van 'n stadsraad of die dorpssekretaris van 'n dorpsraad of die sekretaris van 'n dorpskomitee of 'n plaaslike owerheidskomitee aangestel;
- "lid" 'n lid van 'n eenheid; en
- "die Regulasies" die Regulasies vir die Suid-Afrikaanse Polisie gepubliseer by Goewermenskennisgewing No. R. 203 in *Staatskoerant* No. 719 van 14 Februarie 1964 soos dit bestaan het onmiddellik voor die inwerkingtrede van hierdie regulasies.

GOVERNMENT NOTICE

SOUTH AFRICAN POLICE

No. 2167

2 October 1989

REGULATIONS UNDER THE POLICE ACT, 1958

The Minister of Law and Order has, under section 33 of the Police Act, 1958 (Act No. 7 of 1958), made the regulations in the Schedule.

SCHEDULE

REGULATIONS FOR THE MUNICIPAL POLICE-UNITS

Definition

1. (1) In these regulations, unless the context indicates otherwise, "the Act" means the Police Act, 1958 (Act No. 7 of 1958), and any expression defined in the Act and the Regulations of the South African Police has that defined meaning, and—

- "chief executive officer", in relation to a city council, a town council, a town committee or a local authority committee, means a person appointed under section 30 (1) of the Black Local Authorities Act, 1982 (Act No. 102 of 1982), as the town clerk of a city council or of a town council or the secretary of a town committee or of a local authority committee;
- "commander" means the member in command of a unit;
- "commanding officer" means the District Commissioner for the district in which area a unit is situated;
- "member" means a member of a unit;
- "unit" means a municipal police-unit instituted in terms of section 17C of the Act; and
- "the Regulations" means the Regulations for the South African Police published by Government Notice No. R. 203 in *Government Gazette* No. 719 of 14 February 1964 as they existed immediately prior to the date on which these regulations come into operation.

Toepassing van die Regulasies

2. Behoudens die bepalings van die Wet is regulasies 2, 3, 4A, 7, 10, 11, 12, 13, 14, 16, 17, 18, 20, 21, 22, 23, 28, 29, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 62, 63, 64, 65, 68, 69, 71, 72, 73, 74, 75, 77, 78, 79, 80 en 81 van die Regulasies *mutatis mutandis* op lede van die Munisipale Polisie-eenhede van toepassing vir sover dit aldus toegepas kan word.

Werkzaamhede en pligte

3. (1) Behoudens die bepalings van hierdie regulasies en artikel 17E van die Wet, is 'n lid verantwoordelik vir—

- (a) die toepassing van verordeninge wat 'n bevoegdheid of plig aan 'n lid verleen of ople, deur die betrokke plaaslike bestuur kragtens artikel 27 van die Wet op Swart Plaaslike Owerhede, 1982 (Wet No. 102 van 1982), afgekondig, in die gebied waarin hy aangestel is;
- (b) die verrigting van werkzaamhede van geregsbodes ooreenkomstig gewoontereg by Swart persone ten opsigte van die uitoefening van die regsprekende bevoegdheid van 'n persoon aan wie sodanige bevoegdheid kragtens 'n bepaling van die een of ander wet verleen is;
- (c) beskermingsdienste ten opsigte van raadslede en raadseiendom, en ander persone en eiendom van tyd tot tyd deur die bevelvoerende offisier aangewys.

(2) Benewens die werkzaamhede en pligte in paragraaf (1) bedoel, verrig 'n lid die werkzaamhede en pligte soos van tyd tot tyd deur die Kommissaris bepaal, welke werkzaamhede met inagneming van die spesifieke aard van die betrokke gebied bepaal word.

(3) 'n Bevelvoerder van 'n eenheid is aan die bevelvoerende offisier verantwoordelik vir die vervulling van sy voorgeskrewe werkzaamhede, die handhawing van dissipline, doeltreffende administrasie en die behoorlike gebruik en versorging van Staatseiendom in die eenheid, inrigting of werkplek onder sy beheer of waaroor hy bevel voer.

Range

4. Die range van die lede van munisipale polisie-eenhede, in volgorde van voorrang, is soos volg:

- Hoofinspekteur.
- Eerste Inspekteur.
- Senior Inspekteur.
- Inspekteur.
- Adjutant-offisier.
- Sersant.
- Konstabel.

Wetstoepassingskomitee

5. (1) Die Kommissaris moet 'n wetstoepassingskomitee vir die gebied van 'n plaaslike owerheid instel, waarop die hoof-uitvoerende beampte of sy genomineerde, die burgermeester of sy genomineerde, die bevelvoerende offisier of sy genomineerde, die stasie-bevelvoerder van die Suid-Afrikaanse Polisie of sy genomineerde, en die bevelvoerder van 'n eenheid of sy genomineerde sitting het en waarvan die bevelvoerende offisier of sy genomineerde as voorsitter optree.

(2) Die wetstoepassingskomitee adviseer 'n betrokke plaaslike owerheid en die Suid-Afrikaanse Polisie ten opsigte van die aanstelling en werkzaamhede van lede.

(3) Die wetstoepassingskomitee reël self sy vergaderingsprosedure, tyd, datum en plek van sittings, en algemene funksionering: Met dien verstande dat daar ten minste een keer per maand vergader moet word.

Application of the Regulations

2. Subject to the provisions of the Act, regulations 2, 3, 4A, 7, 10, 11, 12, 13, 14, 16, 17, 18, 20, 21, 22, 23, 28, 29, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 62, 63, 64, 65, 68, 69, 71, 72, 73, 74, 75, 77, 78, 79, 80 and 81 of the Regulations apply *mutatis mutandis* to members of the Municipal Police Units in so far as they can be so applied.

Functions and duties

3. (1) Subject to the provisions of these regulations and section 17E of the Act, a member is responsible for—

- (a) the enforcement of municipal by-laws which grants a member a power or imposes an obligation, made by the local authority in terms of section 27 of the Black Local Authorities Act, 1982 (Act No. 102 of 1982), within the area in which he is appointed;
- (b) the execution of duties of messengers of court according to customary law, concerning the exercise of the judicial power of a person to whom such power is given by right of an act;
- (c) protection services with regard to members of the council and property belonging to the council, and persons and property so designated from time to time by the commanding officer.

(2) In addition to the functions and duties mentioned in section (1), a member performs the functions and duties determined from time to time by the Commissioner, which duties are specified with regard to the particular nature of the area.

(3) A commander of a unit is responsible to the commanding officer for compliance with his prescribed functions, maintaining discipline, effective administration and the proper use and maintenance of Government property within the unit, institution, or workplace under his command or control.

Ranks

4. The ranks of members of the municipal police units, in order of seniority, are:

- Chief Inspector.
- First Inspector.
- Senior Inspector.
- Inspector.
- Warrant Officer.
- Sergeant.
- Constable.

Law enforcement committee

5. (1) The Commissioner shall appoint a law enforcement committee for the area of a local authority consisting of the chief executive officer or his nominee, the mayor or his nominee, the commanding officer or his nominee, the station commander of the South African Police or his nominee and the commander of a unit or his nominee of which the commanding officer or his nominee acts as chairman.

(2) The law enforcement committee advises the local authority and the South African Police regarding the appointment and functions of members.

(3) The law enforcement committee determines its own meeting procedures, times, dates and places of assembly and general functioning: Provided that the committee will assemble at least once a month.

Bedanking, afdanking en ontslag

6. (1) Behoudens die bepalings van subregulasie (2) hieronder, is regulasie 15 van die Regulasies *mutatis mutandis* op lede van toepassing.

(2) Ondanks die bepalings van subregulasie 15 (1) (e) van die Regulasies, kan 'n lid wat kragtens artikel 4 (4) van die Derde Polisie wysigingswet, 1989 (Wet No. 76 van 1989), geag word aangestel te wees kragtens artikel 17D van die Wet, met minstens 'n maand kennisgewing bedank indien hy voor 1 Oktober 1992 sodanige kennisgewing indien.

Verhoor deur 'n offisier ingevolge artikel 9 (2) van die Wet

7. Regulasie 61 van die Regulasies is *mutatis mutandis* op lede van toepassing; met dien verstande dat subregulasie (7) (a) by die toepassing van hierdie regulasies geag word deur die volgende subregulasie vervang te wees:

- (“7.) (a) (i) Ondanks die bepalings van hierdie regulasie kan die beskuldigde se bevelvoerende offisier, indien hy op redelike gronde vermoed dat die verhooroffisier by skuldigbevinding nie 'n boete sal opleë wat R50 te bowe gaan nie, die klagstaat endosseer tot die effek dat die beskuldigde sy skuld ten opsigte van die oortreding skriftelik kan erken en die daarinvermelde bedrag, as skulderkenning kan betaal sonder om voor die verhooroffisier te verskyn en daarna kan die beskuldigde sonder om voor die verhooroffisier te verskyn sy skuld erken deur 'n endossement op die klagstaat aan te bring en te onderteken.
- (ii) Die bevelvoerende offisier se endossement op die klagstaat kan bepaal dat die beskuldigde se endossering voor 'n datum in die klagstaat vermeld, moet geskied.
- (iii) 'n Bedrag van skulderkenning beoog in paragraaf (i) word ingevorder by wyse van 'n aftrekking van die beskuldigde se salaris of loon.”.

Orders en voorskrifte

8. (1) Die Kommissaris kan orders en voorskrifte wat nie met die Wet of hierdie regulasies onbestaanbaar is nie uitvaardig oor enige aangeleentheid wat—

- (a) kragtens die Wet of hierdie regulasies deur hom voorgeskryf moet of kan word;
- (b) hy nodig ag vir die doeltreffende funksionering van die munisipale polisie-eenhede, of vir die verwesenliking van die oogmerke van die Wet of hierdie regulasies.

(2) Bevelvoerende offisiere kan orders en voorskrifte uitvaardig wat nie met die Wet, die Regulasies of hierdie regulasies of die orders en voorskrifte van die Kommissaris onbestaanbaar is nie.

Dros

9. Regulasie 70 van die Regulasies is *mutatis mutandis* op lede van toepassing; met dien verstande dat die uitdrukking “een kalendermaand” in daardie regulasie by die toepassing van hierdie regulasie geag word deur die uitdrukking “7 dae” vervang te wees.

A. J. VLOK,
Minister van Wet en Orde.

Resignation, dismissal and discharge

6. (1) Subject to the provisions of subregulation (2) regulation 15 of the Regulations applies *mutatis mutandis* to members.

(2) Notwithstanding the provisions of subregulation 15 (1) (e) of the Regulations a member who is deemed in terms of section 4 (4) of the Police Third Amendment Act, 1989 (Act No. 76 of 1989), to be appointed in terms of section 17D of the Act, may resign after at least a month's notice provided that he hands in such notice before 1 October 1992.

Trial by a commissioned officer under section 9 (2) of the Act

7. Regulation 61 of the Regulations applies *mutatis mutandis* to members provided that subregulation (7) (a) is in the application of this regulation deemed to be substituted by the following subregulation:

- (“7.) (a) (i) Notwithstanding the provisions of this regulation the commanding officer of the accused, if he believes on reasonable grounds that the trial officer will not impose on conviction a fine exceeding R50, may endorse the charge sheet to the effect that the accused may admit his guilt with regard to the contravention in writing, and pay the therein mentioned amount without appearing in front of the trial officer and thereafter the accused may, without appearing before the trial officer, admit his guilt by endorsing and signing the charge sheet.
- (ii) The endorsement of the commanding officer may stipulate that the accused must endorse the charge sheet before a specified date.
- (iii) An amount of admission of guilt in paragraph (i) is collected by means of a deduction from the accused's salary or wage.”.

Orders and instructions

8. (1) The Commissioner may issue orders and instructions which are not inconsistent with the Act or these regulations concerning any matter which—

- (a) in terms of the Act or these regulations shall or can be prescribed by him;
- (b) he deems necessary for the efficient functioning of the municipal police units or the achievement of the objects of the Act or these regulations.

(2) Commanding officers may issue orders and instructions which are not inconsistent with the Act, the Regulations or these regulations or orders and instructions issued by the Commissioner.

Desertion

9. Regulation 70 of the Regulations applies *mutatis mutandis* to members provided that the expression “one calendar month” in that regulation is deemed to be replaced with the expression “7 days” in this regulation.

A. J. VLOK,
Minister of Law and Order.

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