



Republic of Namibia
Annotated Statutes

REGULATIONS

REGULATIONS SURVIVING IN TERMS OF

Police Act 19 of 1990

section 45(2)

Regulations for the Reserve Police Force

RSA Government Notice R.1016 of 1962

[\(RSA GG 275\)](#)

These regulations were originally made in terms of section 33 of the Police Act 7 of 1958, which was repealed by the Police Act 19 of 1990. Pursuant to section 45(2) of the Police Act 19 of 1990, the regulations are deemed to have been made under that Act.

as amended by

Government Notice R.1285 of 1962 [\(RSA GG 309\)](#)
came into force on date of publication: 23 November 1962

Government Notice R.1543 of 1964 [\(RSA GG 918\)](#)
came into force on date of publication: 16 November 1964

Government Notice R.1880 of 1967 [\(RSA GG 1899\)](#)
came into force on date of publication: 24 November 1967

Government Notice R.2353 of 1968 [\(RSA GG 2244\)](#)
came into force on date of publication: 15 January 1969

Government Notice R.1507 of 1971 [\(RSA GG 3238\)](#)
came into force on date of publication: 27 August 1971

Government Notice R.1682 of 1973 [\(RSA GG 4023\)](#)
came into force on date of publication: 14 September 1973

Government Notice R.993 of 1975 [\(RSA GG 4714\)](#)
came into force on date of publication: 22 May 1975

Government Notice R.2728 of 1979 [\(RSA GG 6765\)](#)
came into force on date of publication: 7 December 1979

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Definitions

1. In these regulations, unless the context otherwise indicates, any expression defined in the Act has the same meaning as in the Act and -

“calendar month” means a period extending from a day in one month to the day preceding the day corresponding numerically to that day in the following month, both days inclusive; provided that if the date in the following month is an impossible date, the period shall be calculated up to and including the last day of such month;

“full-time service” means a period or periods which the Commissioner may approve as full-time service and during which a reservist who has been called up in terms of sub-section (3) of section *thirty-four* of the Act, performs full-time police duties in general or all or any of the functions of the South African Police as defined in section *five* of the Act, and shall include such period or periods of training as the Commissioner may determine.

“prescribed” means prescribed by the Commissioner.

“Reserve” means a Reserve Police Force established in terms of sub-section (2) of section *thirty-four* of the Act;

“reservist” means a member of the Reserve Police Force;

“service” means full-time and part-time service in the Reserve.

Delegation of Authority

2. The Commissioner is the head of the Reserve, and if he deems it expedient, he may delegate any power conferred upon him in terms of these regulations to an officer appointed in terms of subsection (1) of section *three* of the Act.

Classification

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3. The boundaries of areas and districts in respect of the Reserve and the various divisions, branches, groups and units of which the Reserve shall be composed, may be prescribed.

Calling Up of Reserve Police Force

4. A reservist who is called up in terms of subsection (3) of section *thirty-four* of the Act, may be ordered By the Commissioner to report at a place, date and time determined by the Commissioner. Such order may, in the discretion of the Commissioner, be conveyed either in writing or verbally, and a reservist who fails to comply with such order shall, for the purposes of this regulation, be deemed to have disobeyed a lawful command given by his superior.

5. (1) No person shall be appointed as a reservist unless -
- (a) he is of good character;
 - (b) he is at least 16 and under 70 years of age;
 - (c) he is, in the opinion of the Commissioner, mentally and physically fit to perform police duties in general, or all or any of the functions of the South African Police as described in section 5 of the Act;

[Section 5 of the Police Act 7 of 1958 states:

“The functions of the South African Police shall be, *inter alia* -

- (a) the preservation of internal security of the Republic;
- (b) the maintenance of law and order;
- (c) the investigation of any offence or alleged offence; and
- (d) the prevention of crime.”]

- (d) the head of his department, if he is an officer or employee in the Public Service as described in section 3 of the Public Service Act, 1957 (Act No. 54 of 1957), grants permission thereto; and

[The “Administration of South West Africa” and the “Secretary for South West Africa” were removed from the coverage of the Public Service Act 54 of 1957 by RSA Proc. R 112/1980 (RSA GG 7097). The public service in South West Africa was then governed by the Government Service Act 2 of 1980 (OG 4116), which was re-named the Public Service Act 2 of 1980 and replaced by the Public Service Act 13 of 1995.]

- (e) the Commissioner approves his appointment:

Provided that if such person is a minor, his lawful guardian must give written permission for his appointment.

[subregulation (1) substituted by RSA GN R.2728/1979]

(2) Notwithstanding the provisions of paragraph (b) of sub-regulation (1), the commissioner may, in his discretion and in exceptional circumstances, waive the requirements mentioned therein.

[subregulation (2) inserted by RSA GN R.1543/1964]

(3) A reservist shall, on appointment, take the oath of office as prescribed in Annexure A.

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(4) A reservist shall be issued with a certificate of appointment on the prescribed form.

Period of Service and Retirement

6. (1) A person who is appointed as a reservist shall serve a probationary period of six calendar months or such longer period as the Commissioner may determine, and after the expiry of such probationary period his appointment shall, subject to the provisions of sub-regulation (2), be regarded as permanent.

[The word “probationary” is misspelt in the *Government Gazette* in both its uses in subsection (1), as reproduced above.]

(2) A reservist shall be discharged on attaining the age of seventy years and he may, at any time before attaining the afore-mentioned age, be discharged or dismissed -

- (a) on account of ill-health if, in the opinion of the Commissioner, he is mentally or physically unfit to perform police duty in general or all or any of the functions of the South African Police as described in section *five* of the Act;
- (b) because of the abolition of his post or any reduction in or reorganisation or readjustment of the Reserve;
- (c) if, for reasons other than his own unfitness or incapacity, his discharge will promote efficiency or economy in the Reserve;
- (d) on account of his unfitness to carry out his duties or his incapacity to do so efficiently;
- (e) if he is, without the permission of the Commissioner, absent from the Republic or the territory of South West Africa for a period exceeding six calendar months;
- (f) on account of misconduct;
- (g) after *twenty-four* hours’ notice, on either side, during the probationary period referred to in subregulation (1); and after thirty days at any time after the expiry of such probationary period: Provided that -

[The word “probationary” is misspelt in the *Government Gazette* in both its uses in paragraph (g), as reproduced above.]

- (i) in exceptional circumstances, the Commissioner may, in his discretion, reduce such periods of notice; and
- (ii) in time of war, during a disturbance of the public peace, riot or other state of emergency or in the case of an expected state of emergency, the Commissioner may refuse to accept the resignation of a reservist unless he produces evidence that he has enlisted for military service in a recognised unit of the Defence Force or the Reserve, as defined in sections *five* and *six* of the Defence Act, 1957 (Act No. 44 of 1957).

[The Defence Act 44 of 1957 has been replaced by the Defence Act 1 of 2002.]

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(3) Upon his discharge from the Reserve a certificate of discharge on the prescribed form shall be issued to a reservist.

Training

7. The Commissioner may, in his discretion, order a reservist to undergo such training as he may deem necessary or the performance of police duties in general or for the execution of any of the functions of the South African Police as described in section *five* of the Act.

Ranks and Promotion

8. (1) The ranks as set forth in paragraphs (b) and (c) of regulation 8(1) of the regulations for the South African Police, published under Government Notice R.203 of 14 February 1964, shall apply *mutatis mutandis* in respect of the Reserve; provided that the State President, having regard to the provisions of section 34(4) of the Act, may confer upon a reservist as an honorary rank any rank referred to in paragraph (a) of the aforementioned regulation 8(1) which is not higher than the rank of lieutenant-colonel, and if such honorary rank has been conferred the directions in respect of badges of rank as set forth in Annexure C III of the aforementioned Government Notice shall *mutatis mutandis* apply.

[subregulation (1) substituted by R.2353/1968 and by RSA GN R.1507/1971]

- (2) (a) An honorary rank awarded in terms of this regulation shall apply only for as long as the holder thereof is a member of the Reserve and shall immediately lapse upon his resignation, dismissal or discharge for whatever reason.
- (b) Subject to paragraph (a) of this subregulation and the provisions of and directions issued under the Act a reservist upon whom an honorary rank has been conferred shall exercise such powers and perform such duties as may in terms of the Act be exercised or performed by a commissioned officer and shall, regard being had to the proviso to subregulation (4), be deemed to be the superior of all reservists over whom he exercises authority, command, control or Supervision.

[subregulation (2) substituted by RSA GN R.2353/1968 and by RSA GN R.1507/1971]

(3) Promotion shall be subject to the approval of the Commissioner and he may, in his discretion, stipulate the requirements to which a reservist must comply before he may be promoted.

(4) The precedence of members of the same rank shall depend on the respective dates of their appointment in that rank: Provided that a reservist appointed by the Commissioner as commander of an area, region, district, division, branch, group or unit shall have command over all other reservists in that particular area, region, district, division, branch, group or unit, irrespective of his date of appointment.

(5) If two or more reservists of the same rank are appointed on the same date in such rank their precedence shall, with due regard to the proviso to the preceding subregulation, be determined according to the date of their appointment in the lower rank or ranks they held before their promotion to their present rank.

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(6) The functions of the various ranks shall be prescribed, and if the Commissioner deems it expedient, he may designate members of the Force to perform the functions connected with any particular rank.

[subregulation (6) inserted by RSA GN R.2353/1968]

Uniform, Equipment, Clothing, Etc.

9. (1) The distinctive badges, badges of rank and badges of the Reserve shall be as prescribed in Annexure B and may be worn only according to the directions of the Commissioner.

(2) Distinctive badges, badges of rank, badges, arms, ammunition, saddlery and other articles of equipment, which are the property of the State, may, with the approval of the Commissioner and subject to the instructions issued by him in connection with the care, safe custody and maintenance thereof, be issued to reservists for use in connection with their official duties.

(3) The Commissioner may, subject to the conditions which he may stipulate and with the approval of the Treasury, authorise the free issue, from standard stock, of any article of uniform or equipment to a reservist who performs duty or is undergoing training, and he may also order that such reservist shall pay for any such article which, in his opinion, had become unserviceable as a result of misuse or negligence or which, in consequence thereof, has been lost.

(4) The Commissioner may, with the approval of the Treasury, authorise the payment of full or partial compensation, from Public Funds, for the repair or replacement of the private property of a reservist which was unavoidably damaged, destroyed or lost in the execution of his duties as a reservist or which was exposed to extraordinary wear and tear during the performance of special duties.

(5) The Commissioner may order a reservist to produce for inspection all articles of uniform and equipment issued to him.

- (6) (a) If a reservist voluntarily performs a duty without remuneration or undergoes training and sustains an injury which renders him unfit to perform his ordinary duties in his normal employment with the result that he suffers a loss of income, the Commissioner may, on the production of satisfactory documentary proof, authorise that the loss of income referred to be made good to the reservist from Government funds up to a maximum amount approved by the Treasury on the recommendation of the Public Service Commission.
- (b) If, in the execution of his duties, a reservist is compelled to attend court and consequently suffers a loss of income, the Commissioner may, on the production of satisfactory documentary proof of such loss, authorise that such loss of income be made good to the reservist from Government funds up to a maximum amount which the Treasury may from time to time approve on the recommendation of the Public Service Commission.
- (c) If a reservist who voluntarily performs a duty without remuneration or undergoes training and in the execution of such duty or during such training or as a result of such duty or training sustains an injury causing permanent disablement or death, the Commissioner -

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- (i) may determine the percentage of permanent disablement in accordance with the provisions of the Workmen's Compensation Act, 1941 (Act 30 of 1941); and
- (ii) may grant, out of Government funds, compensation and other benefits to which the reservist or his next-of-kin, as the case may be, would have been entitled had the reservist been a 'workman' as referred to in section 3 of the Workmen's Compensation Act, 1941 (Act 30 of 1941).

[Subregulation (6) is inserted by RSA GN R.1682/1973. The Workmen's Compensation Act 30 of 1941 has been renamed the Employees' Compensation Act 30 of 1941.]

(7) Compensation for the purposes of the foregoing subparagraphs is limited to the maximum wage *per diem* and the maximum compensation per month in respect of loss of income, which is approved /may be approved from time to time for reservists performing full-time duties as such: Provided that no *ex gratia* payment for loss of income shall be made.

[subregulation (7) inserted by RSA GN R.1682/1973]

Conditions of Service

10. Conditions of service for which no provision is made in these regulations shall, subject to the provisions of subsection (2) of section *thirty-four* of the Act, be prescribed by the Commissioner on the recommendation of the Public Service Commission and with the approval of the Treasury.

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ANNEXURE A

[Annexure A amended by RSA GN R.993/1975]

**OATH OF OFFICE (OR SOLEMN AFFIRMATION)
ON APPOINTMENT AND ENROLMENT**

[Referred to in regulation 5(2)]

I,

* swear/solemnly affirm and declare -

- (a) that I shall be faithful to the Republic of South Africa
- (b) that whilst I am a member of the Reserve Police Force, I shall perform my duties as much a member to the best of my ability; and

[The word "much" should read "such" if compared to the Afrikaans version of the amendment.]

- (c) that, unless I am called up for service in pursuance of the provisions of the Defence Act, 1957 (Act 44 of 1957), I shall abide by the provisions of the Police Act, 1958, and the regulations made thereunder and obey any orders or instructions issued in terms of the said Act and regulations.

[The Defence Act 44 of 1957 has been replaced by the Defence Act 1 of 2002.]

So HELP ME GOD.

* I solemnly affirm and declare that I have conscientious objections to taking an oath.

.....
Signature of witness.

.....
Signature of Attestor.

* The attestor has acknowledged that he knows and understands the contents of this affidavit.

* Sworn to/Affirmed before me on this.....day of.....19..... and signed in my presence.

Service to date from.....

.....
Signature of Commissioner of Oaths/
Justice of the Peace for

.....(Area)

Place.....

Date.....

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ANNEXURE B

[Annexure B amended by RSA GN R.1285/1962,
RSA GN R.1880/1967 and RSA GN R.2353/1968]

DISTINCTIVE BADGES, BADGES OR RANK AND BADGES.

[Referred to in regulation 9(1)]

Badge

1. The official badge of the South African Police.

Distinctive Badge

2. As prescribed from time to time.

Badges of Rank

3. (a) *Chief reservist*: - A castle.
(b) *Sergeant*. - A three-bar chevron surmounted by a star.