
REPUBLIC OF SOUTH AFRICA

**SOUTH AFRICAN POLICE
SERVICE AMENDMENT ACT**

REPUBLIEK VAN SUID-AFRIKA

**WYSIGINGSWET OP DIE
SUID-AFRIKAANSE
POLISIEDIENS**

No , 1997

GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing enactments.

_____ Words underlined with a solid line indicate insertions in existing enactments.

ACT

To amend the South African Police Service Act, 1995, so as to substitute the definition of “strike”; to make certain textual alterations; to extend to airports the powers of members of the Service in respect of search and seizure for the purposes of control over the illegal movement of people or goods across the borders of the Republic; to provide that a regulation may prescribe penalties; and to regulate the prohibition of publication of photographs and sketches of certain persons who are in custody, anew; and to provide for matters connected therewith.

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

Amendment of section 1 of Act 68 of 1995

1. Section 1 of the South African Police Service Act, 1995 (hereinafter referred to as the principal Act), is hereby amended by the substitution for the definition of “strike” of the following definition: 5

“ ‘strike’ means a strike within the meaning of the Labour Relations Act, [1956 (Act No. 28 of 1956)] 1995 (Act No. 66 of 1995);”.

Amendment of section 12 of Act 68 of 1995

2. Section 12 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (2) of the following paragraph: 10

“(a) subject to a determination under section 11(2)[(a)](b), delimit any area in the province and determine the boundaries thereof until the province has been divided into as many areas as may be necessary for the purposes of the organisation of the Service under his or her jurisdiction; and”. 15

Amendment of section 13 of Act 68 of 1995

3. Section 13 of the principal Act is hereby amended—

(a) by the substitution for subsection (6) of the following subsection:

“(6) Any member may, where it is reasonably necessary for the purposes of control over the illegal movement of people or goods across 20

- the borders of the Republic, without a warrant search any person, premises, other place, vehicle, vessel or aircraft, or any receptacle of whatever nature, at any place in the Republic within 10 kilometres or any reasonable distance from any border between the Republic and any foreign state, or in the territorial waters of the Republic, or inside the Republic within 10 kilometres or any reasonable distance from such territorial waters, or at any airport as defined in section 1 of the Aviation Act, 1962 (Act No. 74 of 1962), or within any reasonable distance from such airport and seize anything found in the possession of such person or upon or at or in such premises, other place, vehicle, vessel, aircraft or receptacle and which may lawfully be seized.”; and
- (b) by the substitution in paragraph (d) of subsection (8) for the words preceding subparagraph (i) of the following words:
 “Notwithstanding the provisions of paragraph (a), any member who has reasonable **[suspicion to believe]** grounds to suspect that—”.

Amendment of section 24 of Act 68 of 1995

4. Section 24 of the principal Act is hereby amended by the addition of the following subsection:

- “(5) Any regulation made under subsection (1) may prescribe penalties for any contravention thereof or failure to comply therewith, of a fine, or imprisonment for a period not exceeding 12 months or both such fine and such imprisonment.”.

Amendment of section 34 of Act 68 of 1995

5. Section 34 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

- “(2) The National Commissioner may designate a member, a category of members or any other person or category of persons who may, in general or in a specific case, **[investigate or]** obtain and lead evidence **[in]** for the purposes of an inquiry contemplated in subsection (1).”.

Substitution of section 69 of Act 68 of 1995

6. The following section is hereby substituted for section 69 of the principal Act:

“Prohibition on publication of photographs or sketches of certain persons in custody

69. (1) For the purposes of this section—

‘photograph’ includes any picture, visually perceptible image, depiction or any other similar representation of the person concerned; and
 ‘publish’, in relation to a photograph or sketch, includes to exhibit, show, televise, represent or reproduce.

(2) No person may, without the written permission of the National or Provincial Commissioner, publish a photograph or sketch of a person—

- (a) who is suspected of having committed an offence and who is in custody pending a decision to institute criminal proceedings against him or her;
- (b) who is in custody pending the commencement of criminal proceedings in which he or she is an accused; or
- (c) who is or may reasonably be expected to be a witness in criminal proceedings and who is in custody pending the commencement of his or her testimony in such proceedings.

(3) Any person who publishes a photograph or sketch in contravention of subsection (2), shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding 12 months.”.

Short title

7. This Act shall be called the South African Police Service Amendment Act, 1997.