

(26 October 2023 - to date)

## **SOUTH AFRICAN POLICE SERVICE ACT 68 OF 1995**

*Government Notice 1527 in Government Gazette 16731 dated 4 October 1995. Commencement date:*  
*15 October 1995 [Proc. No. R.91 in Gazette No. 16758 dated 13 October 1995]*

## **REGULATIONS FOR THE SOUTH AFRICAN POLICE**

*Government Notice R203 in Government Gazette 719 dated 14 February 1964.*  
*Commencement date: 14 February 1964*

**as amended by:**

*Government Notice R389 in Government Gazette 748 dated 20 March 1964.*  
*Commencement date: 20 March 1964*

*Government Notice R823 in Government Gazette 806 dated 29 May 1964.*  
*Commencement date: 29 May 1964*

*Government Notice R1836 in Government Gazette 948 dated 13 November 1964.*  
*Commencement date: 13 November 1964*

*Government Notice R425 in Government Gazette 1068 dated 26 March 1965.*  
*Commencement date: 26 March 1965*

*Government Notice R1557 in Government Gazette 1251 dated 8 October 1965.*  
*Commencement date: 8 October 1965*

*Government Notice R1843 in Government Gazette 1290 dated 26 November 1965.*  
*Commencement date: 26 November 1965*

*Government Notice R266 in Government Gazette 1383 dated 25 February 1966.*  
*Commencement date: 25 February 1966*

*Government Notice R1848 in Government Gazette 1595 dated 18 November 1966.*  
*Commencement date: 18 November 1966*

*Government Notice R1950 in Government Gazette 1605 dated 9 December 1966.*  
*Commencement date: 9 December 1966*

*Government Notice R189 in Government Gazette 1662 dated 17 February 1967.*

Prepared by:

*Commencement date: 17 February 1967*

*Government Notice R683 in Government Gazette 1735 dated 12 May 1967.*

*Commencement date: 12 May 1967*

*Government Notice R1390 in Government Gazette 1837 dated 8 September 1967.*

*Commencement date: 8 September 1967*

*Government Notice R1513 in Government Gazette 1858 dated 29 September 1967.*

*Commencement date: 29 September 1967*

*Government Notice R114 in Government Gazette 1962 dated 26 January 1968.*

*Commencement date: 26 January 1968. (Commencement date of regulations 1-7: 1 April 1968)*

*Government Notice R286 in Government Gazette 1996 dated 1 March 1968.*

*Commencement date: 1 March 1968*

*Government Notice R562 in Government Gazette 2034 dated 5 April 1968.*

*Commencement date: 5 April 1968*

*Government Notice R2031 in Government Gazette 2488 dated 18 July 1969.*

*Commencement date: 18 July 1969*

*Government Notice R3476 in Government Gazette 2538 dated 9 October 1969.*

*Commencement date: 9 October 1969*

*Government Notice R3737 in Government Gazette 2560 dated 14 November 1969.*

*Commencement date: 14 November 1969*

*Government Notice R3876 in Government Gazette 2573 dated 5 December 1969.*

*Commencement date: 5 December 1969*

*Government Notice R941 in Government Gazette 2735 dated 19 June 1970.*

*Commencement date: 19 June 1970*

*Government Notice R1445 in Government Gazette 2803 dated 4 September 1970.*

*Commencement date: 4 September 1970*

*Government Notice R1897 in Government Gazette 2910 dated 30 October 1970.*

*Commencement date: 30 October 1970*

*Government Notice R2330 in Government Gazette 2958 dated 24 December 1970.*

*Commencement date: 24 December 1970*

*Government Notice R191 in Government Gazette 2991 dated 12 February 1971.*

*Commencement date: 12 February 1971*

*Government Notice R212 and R226 in Government Gazette 2996 dated 19 February 1971.*

*Commencement date: 19 February 1971*

*Government Notice R1031 in Government Gazette 3153 dated 18 June 1971.*

*Commencement date: 18 June 1971*

*Government Notice R1508 and R1509 in Government Gazette 3238 dated 27 August 1971.*

*Commencement date: 27 August 1971*

*Government Notice R1700 in Government Gazette 3270 dated 1 October 1971.*

*Commencement date: 1 September 1971*

*Government Notice R630 and R631 in Government Gazette 3474 dated 21 April 1972.*

*Commencement date: 21 April 1972*

*Government Notice R1311 in Government Gazette 3622 dated 28 July 1972.*

*Commencement date: 28 July 1972*

*Government Notice R1 in Government Gazette 3755 dated 5 January 1973.*

*Commencement date: 14 February 1964*

*Government Notice R1504 in Government Gazette 4004 dated 24 August 1973.*

*Commencement date: 24 August 1973*

*Government Notice R2034 in Government Gazette 4067 dated 2 November 1973.*

*Commencement date: 2 November 1973*

*Government Notice R2146 in Government Gazette 4081 dated 16 November 1973.*

*Commencement date: 16 November 1973*

*Government Notice R169 in Government Gazette 4158 dated 8 February 1974.*

*Commencement date: 8 February 1974*

*Government Notice R1206 in Government Gazette 4334 dated 12 July 1974.*

*Commencement date: 12 July 1974*

*Government Notice R1252 in Government Gazette 4338 dated 19 July 1974.*

*Commencement date: 19 July 1974*

*Government Notice R1350 in Government Gazette 4354 dated 9 August 1974.*

*Commencement date: 9 August 1974*

*Government Notice R1627 in Government Gazette 4383 dated 13 September 1974.*

*Commencement date: 13 September 1974*

*Government Notice R228 in Government Gazette 4582 dated 7 February 1975.*

*Commencement date: 7 February 1975*

*Government Notice R412 in Government Gazette 4601 dated 7 March 1975.*

*Commencement date: 7 March 1975*

*Government Notice R1319 in Government Gazette 4783 dated 11 July 1975.*

*Commencement date: 11 July 1975*

*Government Notice R2300 in Government Gazette 4915 dated 5 December 1975.*

*Commencement date: 5 December 1975*

*Government Notice R841 in Government Gazette 5114 dated 14 May 1976.*

*Commencement date: 14 May 1976*

*Government Notice R310 in Government Gazette 5418 dated 4 March 1977.*

*Commencement date: 4 March 1977*

*Government Notice R412 in Government Gazette 5453 dated 18 March 1977.*

*Commencement date: 18 March 1977*

*Government Notice R603 in Government Gazette 5510 dated 15 April 1977.*

*Commencement date: 15 April 1977*

*Government Notice R2022 in Government Gazette 5762 dated 7 October 1977.*

*Commencement date: 7 October 1977*

*Government Notice R785 in Government Gazette 5996 dated 21 April 1978.*

*Commencement date: 21 April 1978*

*Government Notice R1136 in Government Gazette 6035 dated 2 June 1978.*

*Commencement date: 2 June 1978*

*Government Notice R1416 in Government Gazette 6110 dated 7 July 1978.*

*Commencement date: 7 July 1978*

*Government Notice R1552 in Government Gazette 6120 dated 28 July 1978.*

*Commencement date: 28 July 1978*

*Government Notice R2155 in Government Gazette 6195 dated 27 October 1978.*

*Commencement date: 27 October 1978*

*Government Notice R353 in Government Gazette 6317 dated 2 March 1979.*

*Commencement date: 2 March 1979*

*Government Notice R2666 in Government Gazette 6753 dated 30 November 1979.*

*Commencement date: 30 November 1979*

*Government Notice R1231 in Government Gazette 7068 dated 13 June 1980.*

*Commencement date: 13 June 1980*

*Government Notice R143 in Government Gazette 7387 dated 30 January 1981.*

*Commencement date: 30 January 1981*

*Government Notice R685 in Government Gazette 7522 dated 31 March 1981.*

*Commencement date: 31 March 1981*

*Government Notice R1966 in Government Gazette 7802 dated 18 September 1981.*

*Commencement date: 18 September 1981*

*Government Notice R2000 in Government Gazette 7813 dated 25 September 1981.*

*Commencement date: 25 September 1981*

*Government Notice R253 in Government Gazette 8019 dated 12 February 1982.*

*Commencement date: 12 February 1982*

*Government Notice R1316 in Government Gazette 8285 dated 2 July 1982.*

*Commencement date: 2 July 1982*

*Government Notice R1894 in Government Gazette 8367 dated 3 September 1982.*

*Commencement date: 3 September 1982*

*Government Notice R2030 in Government Gazette 8390 dated 24 September 1982.*

*Commencement date: 24 September 1982*

*Government Notice R211 and R212 in Government Gazette 8536 dated 4 February 1983.*

*Commencement date: 4 February 1983*

*Government Notice R978 in Government Gazette 8704 dated 13 May 1983.*

*Commencement date: 13 May 1983*

*Government Notice R2570 in Government Gazette 8975 dated 25 November 1983.*

*Commencement date: 25 November 1983*

*Government Notice R2730 in Government Gazette 9000 dated 15 December 1983.*

*Commencement date: 15 December 1983*

*Government Notice R637 in Government Gazette 9142 dated 30 March 1984.*

*Commencement date: 30 March 1984*

*Government Notice R1451 in Government Gazette 9316 dated 13 July 1984.*

*Commencement date: 13 July 1984*

*Government Notice 2667 in Government Gazette 9520 dated 7 December 1984.*

*Commencement date: 7 December 1984*

*Government Notice R793 in Government Gazette 9685 dated 4 April 1985.*

*Commencement date: 4 April 1985*

*Government Notice R700 in Government Gazette 10191 dated 18 April 1986.*

*Commencement date: 18 April 1986*

*Government Notice R933 in Government Gazette 10234 dated 16 May 1986.*

*Commencement date: 16 May 1986*

*Government Notice R2532 in Government Gazette 10537 dated 5 December 1986.*

*Commencement date: 5 December 1986*

*Government Notice R290 and R291 in Government Gazette 11147 dated 18 February 1988.*

*Commencement date: 18 February 1988*

*Government Notice R520 in Government Gazette 11197 dated 25 March 1988.*

*Commencement date: 25 March 1988*

*Government Notice R1422 in Government Gazette 11422 dated 15 July 1988.*

*Commencement date: 15 July 1988*

*Government Notice R1591 in Government Gazette 11454 dated 12 August 1988.*

*Commencement date: 12 August 1988*

*Government Notice 497 in Government Gazette 11765 dated 16 March 1989.*

*Commencement date: 1 April 1989*

*Government Notice R702 in Government Gazette 11823 dated 14 April 1989.*

*Commencement date: 14 April 1989*

*Government Notice R1530 in Government Gazette 12003 dated 14 July 1989.*

*Commencement date: 14 July 1989*

*Government Notice R45 in Government Gazette 12250 dated 12 January 1990 and Government Notice R126 in Government Gazette 12265 dated 26 January 1990.*

*Commencement date: 12 January 1990*

*Government Notice R1092 in Government Gazette 13227 dated 17 May 1991.*

*Commencement date: 17 May 1991*

*Government Notice R427 and R429 in Government Gazette 13761 dated 1 February 1992.*

*Commencement date: 1 February 1992*

*Government Notice R588 in Government Gazette 13781 dated 19 February 1992.*

*Commencement date: 19 February 1992*

*Government Notice R826 (Correction notice) in Government Gazette 13852 dated 20 March 1992.*

*Commencement date: 20 March 1992*

*Government Notice R2503 in Government Gazette 14261 dated 31 August 1992.*

*Commencement date: 1 September 1992*

*Government Notice R1623 in Government Gazette 15096 dated 3 September 1993.*

*Commencement date: 3 September 1993*

*Government Notice R2294 in Government Gazette 15301 dated 29 November 1993.*

*Commencement date: 29 November 1993*

*Government Notice R2452 in Government Gazette 15362 dated 24 December 1993.*

*Commencement date: 24 December 1993*

*Government Notice R829 in Government Gazette 15672 dated 25 April 1994.*

*Commencement date: 25 April 1994*

*Government Notice R1864 in Government Gazette 16055 dated 4 November 1994.*

*Commencement date: 4 November 1994*

*Government Notice R1864 in Government Gazette 16055 dated 4 November 1994.*

*Commencement date: 4 November 1994*

*Government Notice R1670 in Government Gazette 16782 dated 1 November 1995.*

*Commencement date: 1 November 1995*

*Government Notice R1870 in Government Gazette 16849 dated 1 December 1995.*

*Commencement date: 1 December 1995*

*Government Notice R2087 and R2089 in Government Gazette 17682 dated 27 December 1996.*

*Commencement date: 27 December 1996*

*Government Notice R721 in Government Gazette 21375 dated 21 July 2000.*

*Commencement date: 21 July 2000*

*Government Notice R721 in Government Gazette 23443 dated 24 May 2002.*

*Commencement date: 24 May 2002*

*Government Notice R1599 in Government Gazette 24194 dated 27 December 2002.*

*Commencement date: 27 December 2002*

*Government Notice R254 in Government Gazette 33068 dated 1 April 2010.*

*Commencement date: 1 April 2010*

*Government Notice R563 in Government Gazette 40008 dated 24 May 2016.*

*Commencement date: 1 June 2016*

*Government Notice R1266 in Government Gazette 42053 dated 23 November 2018.*

*Commencement date: 23 November 2018.*

*Government Notice 4010 in Government Gazette 49559 dated 26 October 2023.*

*Commencement date: 26 October 2023.*

The State President has been pleased, under the powers vested in him by section thirty-three of the Police Act, 1958 (Act No. 7 of 1958), to repeal the Regulations for the South African Police, promulgated under Government Notice No. 3250 of the 21st December, 1951, as amended from time to time, and to make the new Regulations for the South African Police as contained herein.



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## 1. DEFINITIONS

- (1) In these regulations, unless the context otherwise indicates, any expression defined in the Act shall have the same meaning as in the Act, and -
  - (i) “**abroad**” means any country or region beyond the borders of the Republic and the Territory;
  - (ii) “**accommodation**” means lodging, bedding, meals, liquid refreshments, laundering, Hotel Board levy, service charge, and sales tax which may be levied on any of the aforementioned items, or any combination of these items, but excluding alcoholic beverages and dry-cleaning;

*(Definition of “accommodation” substituted by the regulation of GN R2146 of 1973)*

*(Definition of “accommodation” substituted by the regulation of GN R1231 of 1980)*

*(Definition of “accommodation” substituted by the regulation of GN R1966 of 1981)*

- (iii) **“branch”** means a branch of the Force in respect of which the number and grading of posts have been determined in terms of sub-regulation (2) of regulation 3;
- (iv) **“calendar month”** means a period extending from a date in one month to the date immediately preceding the date corresponding numerically to that date in the following month, both dates included; provided that if the date in the following month is an impossible date, the period shall be reckoned up to and including the last day of such month;
- (v) **“commander”** means the head of an office, branch, unit, institution of whatever nature, division, police district, station area or place of work and shall include the Commissioner, a divisional commissioner and a commanding officer;
- (vi) **“commanding officer”** means a commissioned officer designated by the Commissioner to exercise, subject to the control and authority of a divisional commissioner, command over a police district and all members on the authorised establishment thereof or attached thereto for duty or discipline, and in relation to a member not on the authorised establishment of a police district or attached thereto for duty or discipline, the Commissioned officer under whose command, supervision or control such member is serving, whether permanently or temporarily, and also any other commissioned officer designated as such by the Commissioner;
- (vii) **“convening authority”** means the Commissioner or any other person who, in terms of the Act or these regulations, is empowered to convene a board of inquiry for any purpose whatsoever, and shall include any member to whom the Commissioner has delegated his powers to convene such board;
- (viii) **“cycle”** means a period of three years reckoned from the 1st January, 1959, and every succeeding period of three years;
- (ix) **“day off”** means -
  - (a) a Sunday or a public holiday in the case of a member who normally does not work on such day; or
  - (b) in the case of a member who normally works on a Sunday or a public holiday, any other day on which he is, in lieu of such Sunday or public holiday, relieved from duty;
  - (c) A Saturday in the case of a member who observes a full-scale five-day working week

*(Subparagraph (ix)(c) added by the regulation of GN R169 of 1974)*

(x)

(a) **“Department”** means the South African Police Department;

(b) **“dependants”** means the members of a member's or employee's household, but excluding servants;

*(Definition of “dependants” inserted by the regulation of GN R1966 of 1981)*

(xi) **“division”** means any area as defined in section one of the Act;

*(Definition of “division” substituted by regulation (1) of GN R1836 of 1964)*

(xii) **“divisional commissioner”** means, in addition to a divisional commissioner as defined in section one of the Act, any other commissioned officer designated by the Commissioner in terms of sub-section (2) of section four of the Act;

*(Definition of “divisional commissioner” substituted by regulation (2) of GN R1836 of 1964)*

**“Divisional head” –**

(a) divisional head: Visible policing;

(b) divisional head: Crime Combating and Investigation;

(c) divisional head: Human Resources Management;

(d) divisional head: Supporting Services; and

(e) divisional head: Internal Stability

*(Definition of “divisional head” inserted by regulation 2 of GN R429 of 1992)*

(xiii) **“functions”** unless otherwise stated, means police duties in general, the duties referred to in sections six and seven of the Act, or all or any of the functions of the South African Police as described in section five of the Act, including recruiting, training and any administrative or other duty of whatever nature connected with the Force or which, in the opinion of the Commissioner, is necessary for the general management, control and maintenance of the Force or for the effective performance of such duties or functions or for the instruction and training of and rendering members fit for the performance of the functions or duties of the Force;

(xiv) **“Head Office”** means the Administrative Head Office of the Department;

(xv) **“headquarters”** means the city, town or place where the principal duties of a member are or have to be performed or which the Commissioner has indicated as the headquarters of such member;

(xvi) “**household**” means—

- (a) the wife of a member or employee; and/or
- (b) the husband of a married female member or employee who is *necessarily* the only breadwinner of her family, on account of her spouse's -
  - (i) *permanent* medical disablement preventing his remunerative employment; and
  - (ii) income, from any source, not exceeding the amount contemplated in paragraph (d); and/or
- (c) a child (including a legally adopted child) who is permanently resident with and *necessarily* dependent on a member or employee: Provided that if such a child studies at an institution for post-school education, whether intramurally or extra-murally, he may be deemed[sic] to be a member of the household, but only –
  - (i) if he did not take up any permanent *full-time* employment (including any type of vocational training to which remuneration is attached) after leaving school, i.e. excluding compulsory military service which he had to undergo after leaving school and/or work during vacations or temporary full-time employment which he had taken up between -
    - (aa) leaving school and the inception of the academic year; or
    - (bb) leaving school and the inception of such military service; and/or
    - (cc) the completion of such military service and the inception of the academic year;and had commenced his studies at such an institution at the inception of the academic year following the completion of his schooling or military service; and
  - (ii) until –
    - (aa) he attains the minimum post-school qualification (or *minimum* combination of post-school qualifications) which will enable him to take up employment in the field of study for which he originally intended to qualify himself; or
    - (bb) the normal duration of the course, as prescribed for such course of study by the institution concerned, plus one academic year, expires, if it takes him longer than such prescribed period to attain the qualification concerned as a result of poor academic performance; or

(cc) he discontinues the course of study concerned; or

(dd) he changes his course of study;

whichever of the said four events occurs first; and/or

(d) a relative of a member or employee who is permanently resident with and necessarily dependent on him and whose income, *from any source*, does not exceed the sum of -

(i) the appropriate maximum *basic social* pension as prescribed by regulations promulgated in terms of –

(aa) the *Social Pensions Act*, 1973 (Act 37 of 1973), by –  
the Minister of Health, Welfare and Pensions in respect of Whites; or  
the Minister of Internal Affairs in respect of Indians; or  
the Minister of Co-operation and Development in respect of Blacks; or

(bb) the various acts relating to social pensions by the Minister of Health, Welfare and Pensions in respect of Coloureds; *plus*

(ii) maximum allowance for a war veteran to whom a social pension has been awarded; *plus*

(iii) the maximum allowance paid to a person as a result of a late application for a social pension,

and if the relative concerned is a social pensioner, then any allowances other than those mentioned in subparagraphs (ii) and (iii) above, which he may receive in terms of the relevant regulations referred to above, e.g. an attendant's allowance, should be ignored for the purposes of this paragraph:

Provided that where two relatives so reside with him and are dependent on him and where the one relative would normally have been a dependant of the other relative, e.g. a father and a mother, both such relatives may be regarded as members of his household only if half of their joint income, from any source, does not exceed the sum of the maximum *basic social* pension in question and the allowances contemplated in paragraphs (i) to (iii) above; and

(e) not more than two servants (including nursemaids) employed in a full-time capacity by the member or employee;

*(Definition of "household" amended by the regulation of GN R1031 of 1971)*

*(Definition of "household" substituted by the regulation of GN R1966 of 1981)*

- (xvii) **“increment”** means the approved amount by which a pay may be increased according to the appropriate scale;
- (xviii) **“incremental month”** means the month during which the pay of a member may be increased in accordance with the scale applicable to him;
- (xix) **“incremental period”** means a period of twelve calendar months or any other approved period which must elapse in regard to any member before his pay may be increased in accordance with the scale applicable to him;
- (xx) **“member”** means a member of the Force;
- (xxi) **“misconduct”** means misconduct as defined in section 10 of the Act;  
*(Definition of “misconduct” substituted by the regulation 2 of GN R427 of 1992)*  
*(Definition of “misconduct” substituted by the regulation 2 of GN R588 of 1992)*
- (xxii) **“month”** means a period extending from the first to the last day, both days included, of any one of the twelve months of the year;
- (xxiii) **“night”** means the hours between 20h00 and 06h00;  
*(Definition of “night” substituted by the regulation of GN R1231 of 1980)*
- (xxiv) .....  
*(Definition of “non-White” deleted by regulation 2 of GN R2089 of 1996)*
- (xxv) **“pay”** means the salary or wage usually payable to a member when on duty and includes allowances which do not form part of his salary or wage but in respect of which the regulations pertaining to such allowances and the directions issued by the Commissioner or the Treasury or by the Treasury on the recommendation of the Public Service Commission in connection therewith have been duly observed;
- (xxvi) **“personal effects”** means the movable property of a member and of his household, including vehicles, but excluding livestock, domestic animals and pets;
- (xxvii) **“police district”** means one or more station areas, in the same division, established as a police district in terms of paragraph (a) of sub-regulation (1) of regulation 2;
- (xxviii) **“prescribe or prescribed”**, unless otherwise laid down, means prescribed by the Commissioner;
- (xxix) .....  
*(Definition of “protectorates” deleted by the regulation of GN R1231 of 1980)*



(xxx) “**Public Service Commission**” means the Public Service Commission referred to in sections four and five of the Public Service Act, 1957 (Act No. 54 of 1957), as amended;

(xxxi) “**scale**”, in relation to pay, includes pay at a fixed rate;

(xxxii) “**service**” means any continuous full-time Government service in any capacity, and for the purpose of this definition a member shall be deemed to be on duty while

(a) suspended from office;

(b) participating in any kind of amateur sport, exercise for recreational purposes, performance, contest or competition referred to in regulation 4A; or

(c) performing a function, service or duty referred to in regulation 77;

*(Definition of “service” substituted by regulation (1) of GN R1 of 1973.*

*Commencement date 14 February 1964)*

(xxxiii) “**sessional official**” means a member who is required to be in attendance in Cape Town during a parliamentary session and who is designated by the Commissioner as a sessional official;

*(Definition of “sessional official” substituted by regulation (1) of GN R2031 of 1969)*

(xxxiv) “**station area**” means an area the boundaries of which have been determined in terms of paragraph (b) of sub-regulation (1) of regulation 2 and in which a police station is situated;

(xxxv) “**student**” means a White member who has not yet completed his prescribed basic training, and for the purposes of these regulations it includes all recruits whether White or non-White;

(xxxvi) “**subsistence allowance**” means payment intended as compensation for reasonable expenses which any person necessarily has to incur on accommodation when, as a result of official duty, he is unable to avail himself of his normal living arrangements;

(xxxvii) “**superior**” means, in addition to a superior in rank; any member, who, irrespective of seniority in service or rank, has command or exercises authority over another member.

*(Definition of “superior” substituted by the regulation of GN R143 of 1981)*

(xxxviii) “**the Act**” means the Police Act, 1958 (Act No. 7 of 1958), as amended;

(xxxix) “**the Territory**” means the territories referred to in section thirty-five of the Act as amended;

- (xl) “**Treasury**” means the Minister of Finance or an official of the Department of Finance who has been authorised by the said Minister to perform the duties assigned to the Treasury under the Act;
  - (xli) “**uniform**” means any buttons, badges, of rank, distinctive badges and badges, articles of uniform and equipment, clothing and accoutrement of any nature whatsoever referred to in sub-regulation (1) of regulation 18 or prescribed in terms thereof;
  - (xlii) “**unit**” means one or more or a group of members charged with specific functions irrespective of the branch to which they have been permanently appointed in terms of paragraph (c) of sub-regulation (4) of regulation 4;
- (2) Should any doubt arise in connection with the interpretation of the provisions of these regulations, the matter shall be referred to the Commissioner for decision.

## 2. ORGANISATION

- (1) In the exercise of his command, supervision and control over the Force and in connection with the proper discharge of the functions thereof, the Commissioner may, subject to the provisions of sub-regulation (2) and regulation 3 -
- (a) divide, in consultation with the Minister, the Republic and the territory into geographical divisions and police districts and determine or alter the boundaries thereof;
  - (b) establish police stations and determine or alter the boundaries of station areas;
  - (c) group or regroup the Force into various branches, units or groups;
  - (d) establish and maintain training institutions or centres for the training of students or recruits and other members of the Force;
  - (e) establish and maintain bureaux, depots, quarters, workshops or any other institution of any nature whatsoever, which he may deem expedient for the general management, control and maintenance of the Force;
  - (f) purchase stores, arms, ammunition, saddlery, forage and other articles of equipment, vehicles and draught or other animals required for the Force;
  - (g) prescribe returns, registers, records, documents, books and forms for use in the Force, as well as the procedure for correspondence in the Force.

- (2) Any power conferred by sub-regulation (1) and involving expenditure, shall not be exercised unless funds therefor have been voted or the expenditure has been approved by the Treasury.

### **3. ESTABLISHMENT**

- (1) Subject to the provisions of sub-section (2) of section seven of the Public Service Act, 1957 (Act No. 54 of 1957), the fixed establishment of the Department shall be determined by the Minister.
- (2) The number and grading of posts in the various branches shall, with due regard to the provisions of sub-regulation (1), be determined by the Commissioner in consultation with the Minister.
- (3) The distribution of the strength of the Force among the different divisions, police districts, station areas, offices, units or other institutions of any nature whatsoever, shall, subject to the provisions of this regulation, be determined by he[sic] Commissioner.

### **4. FUNCTIONS AND DUTIES OF THE COMMISSIONER AND MEMBERS**

- (1) In addition to any functions or duties lawfully assigned to or imposed upon him, the Commissioner shall be responsible to the Minister for the effective performance of the functions of the Force as described in section five of the Act, the maintenance of discipline, efficient administration and the proper use and care of government property in the Force.
- (2) A commander shall be responsible to the member who exercises authority over him or to any other member designated for such purpose by the Commissioner, for the performance of his prescribed functions, the maintenance of discipline, efficient administration and the proper use and care of government property in the division, police district, station area, branch, office, unit, institution or place of work under his control or over which he exercises command.
- (3) The Commissioner may from time to time prescribe the functions of the various branches, divisions, police districts, station areas, offices, units or other institutions and designate the commanders thereof.
- (4) A member -
  - (a) shall carry out his functions at any place within the Republic or the Territory;
  - (b) may be transferred from one division, police district, station area, office, unit or institution to another;
  - (c) may be appointed or employed permanently or temporarily in any branch and may, regard being had to the provisions of regulation 17, be transferred from one branch to another.

- (5) Should the functions of the Force so require, the Commissioner may, in his discretion and notwithstanding any provision to the contrary, employ a member abroad, and a member thus employed, shall remain subject to the provisions of the Act.

#### **4A PARTICIPATION IN SPORT AND RECREATION**

- (1) The Commissioner may authorise, for the Force as a whole or at such place as he may deem fit, the establishment of a sport or recreational club (hereinafter called a club) for members of the Force and their families and shall appoint a member of the Force to control the spending of moneys voted by Parliament for this purpose, or received as membership fees, which may, subject to the Commissioner's approval, be deducted from salaries of members of the club, or which may accrue to the club in any other way.
- (2) Every member of the Force may become a member of a club so established, and may, through its instrumentality participate in any amateur sport which has been approved by the Commissioner for that purpose, and for which such member, in the opinion of his commander, in consultation, where the said commander may deem this necessary, with a district surgeon or other medical practitioner, is physically fit: Provided that wherever a club cannot be economically established or facilities cannot be provided for members to participate in an approved amateur sport, the Commissioner may permit such members to become members of any other club, and to that end, and for the application of this regulation, such other club shall be deemed to be a club.
- (3) Subject to subregulations (1) and (2), a member of the Force shall be deemed to be on official duty during any period in which he -
- (a) travels as a participant, by Government or any other transport approved by the Commissioner, to or from an exercise, performance, display, contest or competition in an authorised sport; or
  - (b) takes part in any exercise, performance, display, contest or competition as a representative of the club in an authorised sport;
  - (c) as a member or official of another club referred to in subregulation (2), officiate at or participate in any authorised exercise or sport or travels by Government transport approved by the Commissioner, or any other transport to or from such exercise or competition; or
  - (d) as an official officiates at, or travels by Government or other transport approved by the Commissioner, to or from such exercise, performance, display, contest or competition referred to in paragraph (a).
- (4) Notwithstanding the provisions of subregulations (1), (2) and (3), a member of the Force who participates in an authorised sport as a member or official of a team selected at regional, provincial or national level,

shall in the case of any injury sustained as a member or official in the course of such competition, contest or exercise, for the purpose of regulation 53(1)(a) be deemed to be on official duty.

*(Regulation 4A inserted by regulation (2) of GN R1 of 1973. Commencement date 14 February 1964)*

## **5. DELEGATION OF THE POWERS OF THE COMMISSIONER**

- (1) If he deems it expedient for the efficient administration of the Force, the Commissioner may, with due regard to the provisions of sub-section (2) of section four and sub-section (3) of section fifteen of the Act, delegate, on such conditions as he may determine, any power conferred upon him in terms of these regulations, to another member or an "officer" or "employee" defined in the Public Service Act, 1957 (Act No. 54 of 1957), and employed in the Department.
- (2) Any delegation in terms of this regulation may at any time be revoked by the Commissioner.

## **6. ORDERS AND INSTRUCTIONS**

- (1) The Commissioner may issue orders and instructions concerning all matters which—
  - (a) in terms of the Act or these regulations shall or may be prescribed by him;
  - (b) are not inconsistent with the Act or these regulations and which he deems necessary or expedient for efficient administration or the achievement of the objects of the Act or these regulations.
- (2) Orders and instructions of a permanent nature may be issued by the Commissioner as "Standing" or "Force Orders".
- (3) Commanders may issue orders and instructions which are not inconsistent with the Act, these regulations or orders and instructions issued by the Commissioner.
- (4) Orders and instructions issued in terms of sub-regulations (1), (2) and (3) shall be obeyed by all members to whom such orders and instructions are applicable.

## **7. MEMBERS TO PLACE ALL THEIR TIME AT THE DISPOSAL OF THE STATE**

- (1) A member shall place all his time at the disposal of the State and shall not perform or undertake to perform any remunerative work, except his functions in the Force, without the written permission of the Commissioner.
- (2) The Commissioner may order any member to perform duties, other than the functions of the Force, temporarily on behalf of another Government Department, and any member shall perform such duties when ordered to do so by his superior.

- (3) No member may claim as a right any additional remuneration in respect of any official duty or work which is assigned to him by a superior in terms of sub-section (2).
- (4) No member shall during official working hours use any other member or an “officer” or “employee” defined in the Public Service Act, 1957 (Act No. 54 of 1957), in connection with work which is not performed on behalf of the Government.

## **8. RANKS**

- (1) The ranks in the Service, in order of precedence, are as follows:

General (appointed as National Commissioner)

Lieutenant General (appointed as National Head of the Directorate for Priority Crime Investigation or Deputy National Commissioner)

Lieutenant General (appointed as Deputy National Head of the Directorate for Priority Crime Investigation, Divisional Commissioner, or Provincial Commissioner)

Major-General

Brigadier

Colonel

Lieutenant Colonel

Captain

Warrant Officer

Sergeant

Constable

- (2) The National Commissioner may, in individual cases, determine a rank which is not included in subregulation (1) and provide that a particular member shall hold such rank: Provided that the National Commissioner shall simultaneously determine that the rank shall for all purposes be equivalent to a rank included in subregulation (1).
- (3) The form of address in respect of members shall be determined by the National Commissioner.
- (4) Any reference in any law to a commissioned officer shall be interpreted to include a reference to a member holding the rank of Captain or a higher rank mentioned in subregulation (1).
- (5) Any reference in any law to a non-commissioned officer shall be interpreted to include a reference to a member holding the rank of Warrant Officer or Sergeant.
- (6) A member who, before the coming into operation of this regulation, has been appointed in the Service and held a rank mentioned in column 1 of the Schedule to this regulation, shall hold the corresponding rank mentioned in column 2 of the said Schedule.

- (7) A member who, before the coming into operation of this regulation, held a rank in the Service, shall, after the coming into operation of this regulation, retain the salary, salary scale, allowances and or benefits applicable to him or her before the coming into operation of this regulation.

### Schedule

COLUMN 1	COLUMN 2
General (National Commissioner)	General (National Commissioner)
Lieutenant General <ul style="list-style-type: none"> <li>• Deputy National Commissioner</li> <li>• Divisional Commissioner</li> <li>• Provincial Commissioner</li> </ul>	Lieutenant General (appointed as - <ul style="list-style-type: none"> <li>• National Head of the Directorate for Priority Crime Investigation; or</li> <li>• Deputy National Commissioner)</li> </ul> Lieutenant General (appointed as – <ul style="list-style-type: none"> <li>• Deputy National Head of the Directorate for Priority Crime Investigation;</li> <li>• Divisional Commissioner; or</li> <li>• Provincial Commissioner)</li> </ul>
Major General	Major General
Brigadier	Brigadier
Colonel	Colonel
Lieutenant Colonel	Lieutenant Colonel
Captain	Captain
Warrant Officer	Warrant Officer
Sergeant	Sergeant
Constable	Constable

*(Regulation 8 amended by regulation 1(a) of GN R823 of 1964)*

*(Regulation 8 amended by regulation (b) of GN R425 of 1965)*

Prepared by:

*(Regulation 8 amended y regulation 1 of GN R1848 of 1966)*  
*(Regulation 8 amended by regulation 1 of GN R1390 of 1967)*  
*(Regulation 8 amended by regulation 1 of GN R941 of 1970)*  
*(Regulation 8 amended by regulation 1 of GN R1897 of 1970)*  
*(Regulation 8 amended by regulation (1) of GN R2034 of 1973)*  
*(Regulation 8 amended by the regulation of GN R1206 of 1974)*  
*(Regulation 8 amended by the regulation of GN R105 of 1977)*  
*(Regulation 8 amended by regulation 2 of GN R45 of 1990)*  
*(Regulation 8 corrected by the regulation of GN R126 of 1990)*  
*(Regulation 8 amended by regulation 3 of GN R429 of 1992)*  
*(Regulation 8 amended by the Correction Notice of GN R826 of 1992)*  
*(Regulation 8 amended by regulation 2 of GN R1623 of 1993)*  
*(Regulation 8 amended by regulation 2 of GN R1670 of 1995)*  
*(Regulation 8 amended by regulation 2 of GN R1870 of 1995)*  
*(Regulation 8 amended by regulation 4 of GN R721 of 2000)*  
*(Regulation 8 amended by regulation 2 of GN R254 of 2010)*  
*(Regulation 8 amended by regulation 2 of GN R563 of 2016)*  
*(Regulation 8 substituted by regulation 2 of GN R1266 of 2018)*

## **9. RETENTION OF RANK ON RELINQUISHMENT OF OFFICE AND THE AWARD OF HONORARY RANKS**

*(The heading of regulation 9 substituted by the regulation of GN R1451 of 1984)*

- (1) Subject to subregulations (3) and (4), any member below the rank of officer who leaves the Force for any reason whatsoever shall forfeit his rank upon his retirement, resignation or transfer to another Government department.
- (2) Any officer who leaves the Force for any reason whatsoever shall retain the rank he held upon his retirement or resignation unless the Minister, on the recommendation of the Commissioner, directs otherwise. The Minister may also, in an especially deserving case, award on[sic] honorary rank to any officer who leaves the Force for any reason whatsoever, subject to the following conditions:
  - (a) In the case of a lieutenant, the honorary rank of captain if he served as an officer for at least five years;
  - (b) in the case of a captain, the honorary rank of major if he served as an officer for at least 10 years or if he held the rank of captain for at least five years;
  - (c) in the case of a major, the honorary rank of lieutenant-colonel if he served as an officer for at least 15 years or if he held the rank of major for at least five years;



- (d) in the case of a lieutenant-colonel, the honorary rank of colonel if he served as an officer for at least 20 years or if he held the rank of lieutenant-colonel for at least five years;
- (e) in the case of a colonel or an officer of a higher rank, the following rank as an honorary rank if he served as an officer for at least 25 years or if he served for at least five years in the rank that he held on the date of his retirement or resignation:

Provided that the Minister may, in an exceptional case, award to such officer who rendered exceptionally meritorius[sic] or exemplary service, the following rank as an honorary rank even though the relevant requirements contained in paragraphs (a) to (e) have not been complied with:

Provided further that, notwithstanding the provisions of this subregulation or subregulation (1), the Minister may, in an exceptional case, award the honorary rank of lieutenant to any person who is or was a warrant officer in the Force and who rendered exceptionally meritorious or exemplary service.

- (3) Any person who, upon relinquishing office for any reason whatsoever, is not or has not been an officer and who, while he was a member, always executed his duties in a satisfactory manner and who exhibited an irreproachable character and whose conduct was exemplary, may, notwithstanding the provisions of subregulation (1), be permitted by the Commissioner to retain the rank that he holds or held upon his retirement, and in an especially deserving case the Commissioner may award the following non-commissioned rank as an honorary rank.
- (4) Notwithstanding the provisions of subregulations (1) and (2), the Minister may, on the recommendation of the Commissioner, award an honorary rank to any person who was a member and who rendered highly valued, exceptional service to the Force, or who distinguished himself through exceptional achievements or ingenuity or exceptional leadership or who displayed an exceptional sense of duty and who set a personal example during his term of service in the Force or after he left the Force for any reason whatsoever.
- (5) Subject to the provisions of subregulations (2), (3) and (4), the Minister may, on the recommendation of the Commissioner, award an honorary rank to any person who is not a member of the Force and who renders, or has rendered, exemplary and selfless service to the Force.
- (6) Any person who, subject to subregulation (2), (3), (4) or (5), retains his rank or who has been permitted to retain his rank or who has been awarded an honorary rank, may wear the articles of uniform and equipment that are applicable to his rank or honorary rank at State or other suitable prescribed functions, but the fact that he retains his rank or that he has been permitted to retain his rank or that an honorary rank has been awarded to him shall not, after he has left the Force, confer on him any authority in terms of the Act or these regulations.
- (7) The Minister may, on the recommendation of the Commissioner, award the following rank as an honorary rank to any temporary member who has been appointed in terms of section 34C of the Act.

- (8) The Minister may, on the recommendation of the Commissioner, at his discretion, order that any person who has retained his rank in terms of this regulation or who has at any time been granted permission to retain his rank in terms of this regulation, or who has at any time been awarded an honorary rank in terms of this regulation, shall forfeit such rank or honorary rank, as the case may be.

*(Regulation 9 amended by regulation (c) of GN R389 of 1964)*

*(Regulation 9 amended by the regulation of GN R1508 of 1971)*

*(Regulation 9 amended by the regulation of GN R2034 of 1973)*

*(Regulation 9 amended by the regulation of GN R353 of 1979)*

*(Regulation 9 amended by the regulation of GN R2666 of 1979)*

*(Regulation 9 substituted by the regulation of GN R1451 of 1984)*

**10. ....**

*(Regulation 10 deleted by the regulation 2 of GN R1864 of 1994)*

**11. ....**

*(Regulation 11 amended by the regulation of GN R603 of 1977)*

*(Regulation 11 amended by the regulation of GN R2155 of 1978)*

*(Regulation 11 amended by the regulation of GN R978 of 1983)*

*(Regulation 11 amended by the regulation of GN R1231 of 1980)*

*(Regulation 11 substituted by regulation 3 of GN R1864 of 1994)*

*(Regulation 11 substituted by regulation 2 of GN R1599 of 2002)*

*(Regulation 11 repealed by regulation 2 of GN 4010 dated 26 October 2023)*

**12. OATH OF OFFICE**

On enlistment a member must take the oath of office as contained in Schedule A.

*(Regulation 12 amended by the regulation of GN R2155 of 1978)*

*(Regulation 12 substituted by the regulation of GN R1231 of 1980)*

*(Regulation 12 substituted by the regulation of GN R1599 of 2002)*

**13. CERTIFICATES OF APPOINTMENT AND WARRANTS**

- (1) For the purposes of sub-section (3) of section four of the Act a certificate of appointment, in the form contained in Schedule B and with the member's photo affixed thereto, shall be issued to every member, and such certificate may be replaced as often as the Commissioner may deem necessary; provided that the Commissioner may, in his discretion, withhold the issue of such certificate to a student.
- (2) A warrant shall be issued by or on the authority of the Minister to a member on his promotion to the rank of warrant officer.

- (3) Any appointment certificate issued to a member in terms of any law referred to in Annexure A to the South African Police Service Rationalisation Proclamation, 1995 (R. 5 of 1995) prior to the coming into operation of this regulation shall be deemed to have been prescribed in terms of section 30 of the Act.

*(Regulation 13(3) inserted by regulation 3 of GN R1670 of 1995)*

#### **14. TRAINING**

- (1) The basic training which a student, and the supplementary training which any other member shall undergo, shall be prescribed with due regard to the functions of the Force.
- (2) A member shall undergo such training as the Commissioner considers necessary to render him fit for the proper execution of his functions, and the Commissioner may, in his discretion, further order that a member shall attend -
- (a) a course of training or, after such course, any supplementary course or courses at a training institution, training centre, depot, bureau, workshop or any other institution of whatever nature, which has been established by virtue of the Act or these regulations;
  - (b) a course arranged by the Public Service Commission or any other government department;
  - (c) a course at an establishment or institution not controlled by the Government;
  - (d) a course of lecture prescribed in connection with his functions.

#### **15. RESIGNATION, DISMISSAL AND DISCHARGE**

- (1) Subject to the provisions of the Government Service Pensions Act, 1973 (Act No. 57 of 1973), and of sections 3, 8, 10E and 17 of the Act, a member may be discharged or dismissed from the Force -

*(Words preceding regulation 15(1)(a) substituted by regulation 3(a) of GN R427 of 1992)*

*(Words preceding regulation 15(1)(a) amended by regulation 3(a) of GN R588 of 1992)*

- (a) on account of continued ill-health if, in the opinion of the Commissioner, he is mentally or physically unfit to perform all or any of his functions;
- (b) because of the abolition of his post or any reduction or reorganisation or readjustment of the Force;
- (c) if, for reasons other than his own unfitness or incapacity, his discharge will promote efficiency or economy in the Force or will otherwise be to the benefit or in the interest of the Force;

- (d) on account of his unfitness for his duties or incapacity to carry them out efficiently, or his unfitness on account of any conduct which is prejudicial to the good order, efficient administration, control or discipline of the Force;

*(Regulation 15(1)(d) substituted by regulation 3(b) of GN R427 of 1992)*

- (e) on account of voluntary resignation, if he is a member below the rank of commissioned officer who has served for a continuous period of at least three years and has given at least three calendar months' prior notice, in writing, to the Commissioner of his intention to resign: Provided that, subject to the provisions of regulation 11(1)(b)(iv) a member, other than a commissioned officer, who has not served for a continuous period of at least three years shall not be entitled to resign from the Force by giving notice in writing: Provided further that, subject to the provisions of subregulation (3) and with due regard to the provisions of subregulation (2), any member, other than a commissioned officer, may, after written notice of at least 30 days or such shorter period as the Commissioner may determine and with the approval of the Commissioner, purchase his discharge for the following amounts: -

R500,00 during the first year of service;

R300,00 during the second year of service;

R200,00 during the third year and the subsequent year of service.

*(Regulation 15(1) amended by the regulation of GN R412 of 1977)*

*(Regulation 15(1) substituted by the regulation of GN R1231 of 1980)*

*(Regulation 15(1)(e) substituted by the regulation of GN R793 of 1985)*

*(Regulation 15(1)(e) substituted by the regulation of GN R1530 of 1989)*

- (f) on account of misconduct.

*(Regulation 15(1)(f) added by the regulation of GN R143 of 1981)*

- (2) For the purposes of sub-regulation (1)(e) -

- (a) only continuous service as a member of the Force shall be taken into consideration;
- (b) no previous broken service in whatever capacity, shall be deemed to be service; and
- (c) the decision whether any member shall be granted permission to purchase his discharge shall vest in the Commissioner who, in his sole discretion, may grant or refuse such permission.

- (3) Notwithstanding the provisions of sub-regulation (1), the Commissioner may impose the condition that any amount payable by a member to the State or payable by the State in respect of such member, shall first be paid by such member before he is allowed to purchase his discharge.

- (4) Subject to the provisions of sub-regulation (5), the discharge of a member who has resigned in terms of sub-section (2) of section three of the Act or paragraph[sic] (e) of sub-regulation (1), shall be deemed to

have become effective as from the date immediately succeeding the last day on which he was available for duty at his headquarters.

- (5) A member who has been suspended from his office in terms of section 14 of the Act, read with regulation 60, or in respect of whom a board of enquiry has been convened in terms of regulation 64, or who is accused of misconduct and on whom the notice referred to in regulation 61 or the summons referred to in section 61A has been served, and who resigns or purchases his discharge from the Force before –

- (a) the suspension has been raised; or
- (b) such inquiry or trial has been finally disposed of,

as the case may be, shall, notwithstanding the provisions of section 3(2) of the Act and subregulation (1)(e) of this regulation be deemed as discharged on account of misconduct on the date on which his resignation or discharge becomes effective in terms of subregulation (4), unless –

- (i) in the case of a commissioned officer, the State President; and
- (ii) in the case of any other member, the Commissioner,

in writing otherwise directs.

*(Regulation 15(5) substituted by regulation 9 of GN R114 of 1968)*

*(Regulation 15(5) substituted by regulation 3(c) of GN R427 of 1992)*

*(Regulation 15(5)(b)(i) substituted by regulation 3(b) of GN R588 of 1992)*

- (6) A certificate of discharge or certificate of service on the prescribed form shall on discharge be handed over to every member who has served for a continuous period of at least two years. Such certificate shall be signed by the Commissioner or a commissioned officer authorised thereto by him. A member whose services are terminated before two years have expired and who desires a certificate of discharge shall apply therefor.

*(Regulation 15(6) substituted by the regulation of GN R1136 of 1978)*

## **16. PROMOTION**

- (1) When filling any post or making any appointment in the Force, due regard shall be had to the following factors in respect of a member who is eligible for promotion: -
- (a) Qualifications, relevant merit, efficiency, suitability; and

- (b) the place he occupies in the list of successful candidates in an examination prescribed in terms of sub-regulation (5) for promotion to the rank concerned, if the vacancy exists in the rank of lieutenant or any lower rank.
- (2) The Commissioner shall, before promoting a member by virtue of the authority vested in him by sub-regulations (3) and (6) or before recommending the promotion of a member to commissioned rank or the promotion of a commissioned officer to a higher rank, satisfy himself that such member is, with due regard to the provisions of sub-regulation (1), in all respects fit to hold the higher rank, and may order such member to submit himself to a medical or other examination or test.
- (3) Subject to the provisions of regulation 17, the Commissioner shall have authority to promote members up to the rank of warrant officer.  
*(Regulation 16(3) substituted by regulation 2(a) of GN R1848 of 1966)*  
*(Regulation 16(3) substituted by regulation of GN R3876 of 1969)*  
*(Regulation 16(3) substituted by the regulation of GN R2034 of 1973)*
- (4) Subject to the provisions of sub-regulation (6), a member shall, before being considered for promotion to a higher rank in terms of sub-regulation (3), first pass an examination prescribed in terms of sub-regulation (5) for promotion to such rank, or any other examination considered by the Commissioner to be of a higher or equal standard.
- (5) The Commissioner may -
- (a) with due regard to the provisions of regulation 17, prescribe for all the branches in the Force, jointly, or for one or more specific branches, separately, examinations for promotion to the rank of sergeant, warrant officer and lieutenant in the case of White members and to the rank of sergeant, senior sergeant, warrant officer and lieutenant in the case of non-White members;  
*(Regulation 16(5) substituted by regulation 2(b) of GN R1848 of 1966)*  
*(Regulation 16(5)(a) substituted by regulation 2 of GN R941 of 1970)*  
*(Regulation 16(5)(a) substituted by the regulation of GN R2034 of 1973)*
- (b) prescribe the syllabi for such examinations and, if he deems it necessary, alter such syllabi from time to time;
- (c) fix the requirements and prescribe the qualifications with which members must comply or which they shall have before being allowed to sit for such examination;
- (d) with due regard to the provisions of paragraph (e), prescribe the minimum marks which a candidate must obtain to pass a given subject or examination;  
*(Regulation 16(5)(d) corrected by regulation (f) of GN R389 of 1964)*

- (e) prescribe the basis on and the purpose for which marks for service, commendation, merit, academic or other qualifications may be allotted to a candidate referred to in paragraph (d), and may in his discretion determine whether such marks or any part thereof shall be allotted to a candidate who has not passed the examination or any subject;
  - (f) in general prescribe all such other requirements in connection with such examinations as he may deem necessary or expedient.
- (6) Notwithstanding anything to the contrary contained in this regulation but subject to the provisions of regulation 17, the Commissioner may promote any member below the rank of warrant officer, who is in possession of technical qualifications or who is exceptionally proficient in the execution of his duties or who otherwise performed duties deserving special consideration, to the next higher rank notwithstanding the fact that such member did not pass in an examination referred to in subregulation (4).
- (Regulation 16(6) substituted by regulation 2(c) of GN R1848 of 1966)*  
*(Regulation 16(6) substituted by the regulation of GN R2034 of 1973)*
- (7) The dates on which examinations will be held, shall be published in Force Orders.
- (Regulation 16(7) amended by regulation 2 of GN R823 of 1964)*

## 17.

- (1) Save in respect of such branches, posts or members as the Minister may determine and subject to the provisions of sub-regulations (2) and (3), promotion shall take place only in the branch in which a member has been permanently appointed in terms of paragraph (c) of subregulation (4) of regulation 4 and with due regard to the provisions of subregulation (2) of regulation 3; provided that, subject to the provisions of subregulations (4) and (6) of regulation 16, the promotion of a member below the rank of warrant officer to another rank in another branch may be considered by the Commissioner, in his discretion, if he is satisfied that such –
- (a) member complies with all the requirements prescribed for such branch;
  - (b) member is capable and prepared to perform the prescribed functions of such branch; and
  - (c) member is prepared to be permanently transferred to such branch.
- (Regulation 17(1) substituted by regulation 2(c) of GN R1848 of 1966)*  
*(Regulation 17(1) substituted by the regulation of GN R2034 of 1973)*
- (2) The provisions of sub-regulation (1) shall not be construed as preventing the Commissioner from -
- (a) transferring, without promotion, any member from one branch to another if the functions or exigencies of the Force so require;

- (b) charging any member, irrespective of the branch in which he has been permanently appointed, with any function of the Force.
- (3) Nothing in regulation 16 or this regulation contained, shall be construed as derogating from the authority vested in the State President under sub-section (1) of section three of the Act.

## **18. DRESS, UNIFORM AND EQUIPMENT**

- (1)
  - (a) Subject to the provisions of these regulations, members shall receive prescribed working clothes at public expense.
  - (b) The distinctive badges, buttons, badges of rank, gorget patches and cap peaks of the Service are as set out in Schedule C.
  - (c) The kind, quality, design and quantity of articles of uniform and equipment, clothing and accoutrements which a member shall possess and maintain in the discharge of his or her functions, the time and manner of issue, the serviceability period and the disposal of unserviceable articles, shall be prescribed by the National Commissioner with due regard to a member's functions as well as the rank which he or she holds.
  - (d) The uniform referred to in this regulation shall be worn only in accordance with instructions.
- (2)
  - (a) A member shall at all times be in possession of complete and serviceable articles of clothing and equipment, consisting of the uniform prescribed in terms of subregulation (1) in respect of the rank he or she holds, and suitable mufti.
  - (b) The National Commissioner may, on such conditions as he or she may determine, exempt a member from any of the provisions of this subregulation.
- (3) It shall be the responsibility of a commander to ensure that a member under his or her command is at all times in possession of a complete and serviceable uniform as prescribed by sub-regulation (1) and that such member is properly and suitably dressed when required to perform duty in mufti.
- (4) Subject to the provisions of sub-regulation (2)(b) a commander may order -
  - (a) that any prescribed article considered by him or her to be unserviceable be replaced;
  - (b) a member under his or her command to perform his or her official duty in either mufti or prescribed uniform, according to the nature of the duty.



- (5)
- (a) Before posting, students shall receive the prescribed articles of uniform and equipment, clothing and accoutrements at public expense, and such members shall not be entitled during the first 12 months of service, calculated from the date of posting, to the issue of further articles of uniform and equipment, clothing and accoutrements at public expense.
  - (b) When a student is dismissed before being posted he or she shall return the articles of uniform and equipment, clothing and accoutrements which have been issued to him or her and he or she shall be liable for any missing articles.
  - (c) The articles of uniform and equipment, clothing and accoutrements returned in terms of paragraph (b) shall be disposed of in the prescribed manner.
  - (d) On re-employment of a person the same articles of uniform and equipment, clothing and accoutrements issued to students shall, depending on the circumstances, be issued to him or her.
- (6) On his or her initial appointment to the rank of commissioned officer a member shall be provided at public expense with the prescribed items of mess dress. Members who usually work in mufti shall be provided at public expense with a complete uniform as prescribed for ceremonial purposes. On each subsequent promotion the appropriate badges of rank shall be provided at public expense.
- (7)
- (a) The National Commissioner may, in his or her discretion, authorise that items of the prescribed uniform be issued at public expense to a member who attends a training course: Provided that if such member resigns, is dismissed or discharged before the completion of the said course the said uniform equipment must be returned.
  - (b) The uniform equipment returned in terms of paragraph (a) shall be disposed of in the prescribed manner.
- (8) On the transfer of a member from the Uniformed to the Detective Branch or *vice versa* the National Commissioner may, in his or her discretion, authorise that working clothes be supplied at public expense to such member.
- (9) The National Commissioner may, in his or her discretion, authorise that a member be compensated from public funds for the loss of or damage to articles of uniform or private property sustained in the execution of his or her duties, or as a result of extraordinary wear and tear during the execution of special duties.
- (10) A member employed as an artisan, chauffeur or in other similar occupations where protective clothing is necessary may, with the approval of the Treasury, be provided at public expense with such additional articles as the National Commissioner may deem necessary.

- (11) Arms, ammunition, saddlery and other articles of equipment which are the property of the State may, with the approval of the National Commissioner and subject to the instructions regarding care, safe custody and maintenance, be issued to a member for use in connection with his or her official duties.

*(Regulation 18 amended by the regulation in GN R1557 of 1965)*

*(Regulation 18 amended by regulation (1) of GN R683 of 1967)*

*(Regulation 18 amended by regulation 1 of GN R1445 of 1970)*

*(Regulation 18 amended by regulation 3 of GN R941 of 1970)*

*(Regulation 18 amended by the regulation of GN R1509 of 1971)*

*(Regulation 18 amended by the regulation of GN R2300 of 1975)*

*(Regulation 18 substituted by the regulation of GN R1231 of 1980)*

*(Regulation 18 substituted by regulation 3 of GN R1870 of 1995)*

## **19. PAY**

- (1) Subject to the provisions of the Act and section 21 of the Public Service Act, 1957 (Act No. 54 of 1957), members shall be paid salary in accordance with the scales prescribed, from time to time, for their respective ranks by the Treasury on the recommendation of the Public Service Commission and published in Force Instructions.

*(Regulation 19(1) substituted by regulation (1) of GN R286 of 1968)*

*(Regulation 19(1) amended by regulation 3 of GN R2089 of 1996)*

- (2) Subject to the provisions of sub-regulations (1) and (3), one increment in accordance with the scale applicable to him, shall be granted to a member after completion of each incremental period and with effect from the first day of such member's incremental month.
- (3) Should a commanding officer certify or report on the prescribed form that a member during an incremental period did not as a rule carry out his work or duties in an efficient or satisfactory manner or that his conduct or behaviour was, as a rule or at times, so improper or unbecoming as to be detrimental to the good order or the proper management or control or the discipline of the Force, an increment in terms of sub-regulation (2) shall not be granted to such member unless the Commissioner or, with his approval, a divisional commissioner who is in command of the member concerned, has in terms of sub-regulation (4) approved such increment.
- (4) Should the Commissioner or such divisional commissioner be of opinion that, notwithstanding the submission of the certificate or report referred to in sub-regulation (3), an increment should be granted, he may approve such grant.
- (5) Before the Commissioner or such divisional commissioner withholds an increment in terms of sub-regulation (3), the member concerned shall be provided with a copy of the certificate or report referred to in that sub-regulation and shall be given the opportunity to make written representations to the Commissioner or such divisional commissioner.

(6) Should an increment not be granted to a member in terms of sub-regulation (2) or (4), such member shall be informed in writing by the Commissioner or such divisional commissioner of the reasons therefor and shall also be notified that, at the expiry of a continuous period, which shall be specified and shall not exceed an incremental period, the Commissioner or such divisional commissioner may approve that an increment be granted to him on condition that his commanding officer submit a certificate or report that during the period mentioned therein, such member has as a rule carried out his work or duties in an efficient and satisfactory manner and that his conduct or behaviour did not as a rule disclose any of the shortcomings mentioned in sub-regulation (3).

(7)

(a) Should the period referred to in the foregoing sub-regulation, be shorter than an incremental period and should the commanding officer submit a certificate that during the period mentioned therein, the member concerned has as a rule carried out his work or duties in an efficient and satisfactory manner and that his conduct or behaviour did not as a rule disclose any of the shortcomings mentioned in sub-regulation (3), the grant, to him, of one increment within the limits of the scale applicable to him shall be approved by the Commissioner or such divisional commissioner with effect from the first day of the month following the date on which the said period has expired.

(b) Should the grant of an increment to a member be approved in terms of paragraph (a), the grant, to him, of a further increment within the limits of the appropriate scale shall be approved by the Commissioner or such divisional commissioner on the expiration of an incremental period reckoned from the date on which his salary would have been increased in terms of sub-regulation (2) had such increase not been withheld in terms of sub-regulation (3); provided that the grant of such further increment may be approved only if his commanding officer, in respect of the period reckoned from the date of granting the increment referred to in paragraph (a) to the date immediately preceding that on which an increment may be granted in terms of this paragraph, submit a certificate or report as referred to in paragraph (a); and provided further that the provisions of this paragraph shall not apply to any member whose salary is already equal to the maximum notch on the applicable scale.

(8) Should the grant of an increment to a member in terms of paragraph (a) of sub-regulation (7) not be approved[sic] -

(a) such member shall again be informed in writing by the Commissioner or such divisional commissioner of the reasons therefor and again be notified that at the expiry of a continuous period, which shall be specified and equal to the difference between the period referred to in sub-regulation (6) and an incremental period, an increment may be granted on condition that his commanding officer, in respect of the said continuous period, submit a certificate or report in terms of paragraph (a) of sub-regulation (7); and

- (b) the grant of two increments to such member shall be approved by the Commissioner or such divisional commissioner after the expiration of an incremental period reckoned from the date on which his pay would have been increased in terms of sub-regulation (2) if such increment had not been withheld in terms of sub-regulation (3); provided that the grant of such increments may be approved only if the member's commanding officer submit a certificate or report in terms of paragraph (a) of sub-regulation (7) in respect of the continuous period mentioned in paragraph (a); and provided further that the grant of only one increment to such member may be approved if his salary is already equal to the penultimate notch on the appropriate scale.
- (9) If the period referred to in sub-regulation (6) is equal to an incremental period, the grant of two increments to such member shall be approved by the Commissioner or such divisional commissioner after the expiration of such period; provided that the grant of such increments shall be approved only if his commanding officer submit the certificate or report referred to in paragraph (a) of sub-regulation (7) in respect of such period; and provided further that the grant of only one increment to such member may be approved if his salary is already equal to the penultimate notch on the appropriate scale.
- (10) Should the grant of an increment to a member in terms of paragraph (b) of sub-regulation (7), paragraph (b) of sub-regulation (8) or sub-regulation (9) not be approved, the provisions of sub-regulations (3), (4), (5), (6), (7), (8) and (9) shall *mutatis mutandis* come into operation again.
- (11) Subject to the provisions of this regulation, a member in respect of whom the grant of an increment has been approved in terms of paragraph (b) of sub-regulation (7), paragraph (b) of sub-regulation (8) or sub-regulation (9), shall be granted at the expiry of every further incremental period one increment within the limits of the appropriate scale.
- (12)
- (a) When a member has in terms of sub-regulation (6) or paragraph (a) of sub-regulation (8) been informed in writing by the Commissioner or such divisional commissioner of the reason for withholding his increment, he may within one calendar month after having been so informed, lodge a written appeal with the Minister against the withholding of such increment.
- (b) A written appeal lodged in terms of paragraph (a), together with all the relevant documents, shall be forwarded by the Commissioner to the Minister.
- (13) Unless otherwise directed by the Treasury, the salaries of members shall, on their promotion, be adjusted in accordance with the following principles: -
- (a) With effect from the 1st January, 1963, the rule applies that, on the promotion of a member to a higher rank, a salary increase of at least one full notch on the appropriate revised key scale shall be granted.
- (b) For the purposes of the above-mentioned rule -

- (i) the granting of “one full notch” shall mean the adjustment of the salary to the next higher notch on the revised key scale with the retention of the existing incremental date, except in the case of a member who has already reached the maximum notch of the scale attached to the rank from which he is promoted, in which case the date of promotion shall be his future incremental date; provided that such higher notch is at least equal to the minimum notch on the higher salary scale attached to the rank to which he is promoted; and provided further that, where the adjustment of salary to the minimum notch of the higher salary scale amounts to more than one full notch, the usual adjustment principles as laid down in these regulations, shall be applicable to future incremental dates;
- (ii) the usual salary adjustment principle shall apply, namely that if the date on which the member would have qualified for a normal scale increment coincides with the date of promotion, his salary should be adjusted to the next higher notch as if the usual scale increment had already been granted; and
- (iii) transfers to posts which in the opinion of the Commissioner entail a fundamental change in a member's sphere of work, shall not be regarded as promotions.

(14)

- (a) Should a member be reduced in rank in terms of section three, read with section ten of section four (1), read with section seventeen (1) of the Act, his salary shall be adjusted to a notch, to be determined by the Commissioner, on the scale of the rank to which he is reduced, which notch shall not be higher than that corresponding with his combined periods of service in the higher and the lower rank, and his incremental date shall, subject to the other provisions of this regulation, be the date of his reduction in rank as long as he holds such reduced rank.
- (b) The salary of a member who is reduced in rank at his own request, shall be adjusted to that notch on the scale of the rank to which he is reduced, which corresponds with his combined periods of service in the higher and the lower rank; provided that, immediately after his reduction in rank, he shall not receive a higher salary than that which he received immediately before his reduction in rank.

- (15) Should the Minister, on considering an appeal lodged in terms of section seventeen (2) of the Act, set aside an order discharging, dismissing or reducing the rank of the appellant, such appellant shall for the period from the date of his discharge, dismissal or reduction in rank to the date of his resumption of duty or reinstatement in rank be entitled to the salary, allowances, privileges or benefits to which he would otherwise have been entitled if he had not been discharged, dismissed or reduced in rank.

## 20.

- (1) From the pay and allowance or other moneys to which a member may be entitled, the Commissioner may deduct any amount for which such member is liable to the State in respect of any -

- (a) fine, suspension, arrest, detention, imprisonment;
  - (b) loss of or damage to state property or any property for which the State is responsible;
  - (c) deficit, expense, loss, damage, injury or destruction caused by his misconduct or any wrongful act, negligence or carelessness on his part;
  - (d) overpayment of salary or allowances;
  - (e) rent for quarters and buildings provided by the State;
  - (f) uniform, clothing and equipment issued against repayment;
  - (g) medical, hospital and dental treatment, including medical aids, supplied;
  - (h) authorised assignment of pay;
  - (i) compulsory pension contribution; and
  - (j) official debt or any other liability of a like nature.
- (2) Subject to directions by the Treasury, any amount referred to in sub-regulation (1) may be deducted either in full or in such monthly instalments as the Commissioner may decide.

## **21. MISCELLANEOUS ALLOWANCES**

- (1) .....
- (Regulation 21(1) substituted by regulation (2)(i) of GN R286 of 1968)*  
*(Regulation 21(1) substituted by the regulation of GN R2300 of 1975)*  
*(Regulation 21(1) deleted by regulation 4(a) of GN R2089 of 1996)*
- (2) No allowance save those referred to in Schedules D. I and E. I. shall be pensionable.
- (Regulation 21(2) substituted by regulation (2)(ii) of GN R286 of 1968)*  
*(Regulation 21(3) deleted by the regulation of GN R2300 of 1975, with effect from 1 January 1975)*  
*(Regulation 21(4) deleted by the regulation of GN R2300 of 1975, with effect from 1 April 1975)*
- (3) The Commissioner may, on such conditions as he may determine, order that the language allowance, which is approved from time to time by the Treasury on the recommendation of the Public Service Commission, be paid to members.
- (Regulation 21(5) substituted by the regulation of GN R1509 of 1971)*  
*(Regulation 21(5) renumbered to (3) by the regulation of GN R2300 of 1975)*

*(Regulation 21(3) substituted by the regulation of GN R1231 of 1980)*

*(Regulation 21(3) substituted by the regulation of GN R1894 of 1982)*

*(Regulation 21(3) amended by regulation 4(b) of GN R2089 of 1996)*

- (4) Climatic allowance shall be payable in accordance with the scale and on the conditions approved by the Treasury on the recommendation of the Public Service Commission.

*(Regulation 21(6) renumbered to (4) by the regulation of GN R2300 of 1975)*

## **22. SUBSISTENCE ALLOWANCE**

(1)

- (a) Subject to the provisions of paragraph (b) of this subregulation and subregulations (4) and (5) and save where other special provision is made in this regulation and unless accommodation or a subsistence allowance is otherwise provided or paid by the State or unless a member stays at his home, the Commissioner may pay to a member who is absent from his headquarters on official duty in the Republic, in the Territory, or in Caprivi, and also in respect of travelling time in such connection, the prescribed subsistence allowance which is approved by the Treasury on the recommendation of the Public Service Commission.

*(Regulation 22(1)(a) corrected by regulation (h) of GN R389 of 1964)*

- (b) Different provisions, as referred to in paragraph (a) of this subregulation, may be enacted with regard to the different classes or categories of members of the Force.

*(Regulation 22(1)(b) substituted by regulation (i) of GN R266 of 1966)*

*(Regulation 22(1) substituted by regulation (2)(a) of GN R2031 of 1969)*

*(Regulation 22(1) amended by regulation 5 of GN R1897 of 1970)*

*(Regulation 22(1) amended by regulation 4. of GN R1311 of 1972)*

*(Regulation 22(1) substituted by the regulation of GN R1231 of 1980)*

- (2) Save in those cases where other special provision is made in these regulations or unless accommodation or subsistence allowance is otherwise provided or paid by the State, the Commissioner may reimburse a member who is absent from his normal place of work and from his home for less than 24 hours on official duty in the Republic, in the Territory or in the Caprivi Strip, reasonable actual expenditure necessarily incurred by him for accommodation.

*(Regulation 22(2) substituted by regulation (ii) of GN R266 of 1966)*

*(Regulation 22(2) substituted by regulation (2)(b) of GN R2031 of 1969)*

- (3) The Commissioner may pay to a member who is absent from his headquarters on official duty and who, in connection therewith, is outside the Republic, the Territory or Caprivi for some time, a subsistence allowance at the rates and in accordance with the directions approved by the Treasury on the recommendation of the Public Service Commission.

*(Regulation 22(3) substituted by regulation (2)(c) of GN R2031 of 1969)*

*(Regulation 22(3) substituted by the regulation of GN R1231 of 1980)*



- (4) Save where other special provision is made in this regulation, the subsistence allowance referred to in sub-regulations (1) and (3) may be paid to a member during periods of absence from his headquarters for a continuous period not exceeding six calendar months in the same town or place. The time occupied by a member's journey to and from his destination shall not be included in such period of six calendar months, and for the purposes of this sub-regulation, the continuity of any period which such member is in the same town or place shall not be regarded as interrupted by any absence, for whatever reason, of less than one calendar month.
- (5) For every complete hour in excess of 24 hours or a multiple of 24 hours the subsistence, detachment duty or special allowance prescribed in or in terms of this regulation, excluding the subsistence allowance referred to in paragraph (c) of sub-regulation (1), may be paid by the Commissioner to a member at the rate of one twenty-fourth of the daily rate of such allowance.
- (6) If the stay of a member at any place other than his headquarters is interrupted by an official visit to or duty at another place, the payment of the subsistence, detachment duty or special allowance which, in terms of this regulation, is payable to him during his stay at the first-mentioned place, shall be discontinued in respect of the period of such interruption and only the subsistence allowance shall be paid to him in respect of the period of his absence from the first-mentioned place unless he certifies in writing that his expenditure in connection with accommodation at the first-mentioned place continued during his absence: Provided, however, that in the event of such other place being his headquarters, only the following may be paid to such member during such interruption: -
- (a) A subsistence allowance, in accordance with the appropriate conditions and provisions of sub-regulation (1), for the time occupied by the necessary forward and return journey; and
- (b) reasonable expenditure which he actually and necessarily incurs at his headquarters if he is unable to use his normal accommodation, and for the purpose of this paragraph a member who is normally accommodated in an hotel or boarding house at his headquarters, shall not be regarded as making use of his normal accommodation if, during such visit to his headquarters, he is also accommodated in a hotel or boarding house.
- (7) The Commissioner may pay to a member who travels on official duty by air, subsistence or special allowances or refund to him expenditure on accommodation, for the duration of the journey, at rates and in accordance with directions approved by the Treasury on the recommendation of the Public Service Commission.

*(Regulation 22(7) substituted by regulation (2)(d) of GN R2031 of 1969)*

*(Regulation 22(7) substituted by regulation 7 of GN R1897 of 1970)*

*(Regulation 22(7) substituted by the regulation of GN R1509 of 1971)*



- (8) Subject to the provisions of sub-regulation (9), no subsistence allowance shall be paid in respect of a period spent on board ship by a member, and expenditure in respect of extras and liquor shall not be refunded to him.
- (9) Notwithstanding the provisions of subregulation (8), the Commissioner may refund to a member who undertakes a voyage on official duty any reasonable expenses actually incurred by him at the rates and in accordance with the directions approved by the Treasury on the recommendation of the Public Service Commission.

*(Regulation 22(9) amended by regulation 8 of GN R1897 of 1970)*

*(Regulation 22(9) substituted by the regulation of GN R1231 of 1980)*

- (10) If a member, during a period of absence from his headquarters on official duty other than that referred to in sub-regulation (17), stays at a State institution, the subsistence allowance referred to in sub-regulation (1) shall, subject to the provisions of sub-regulation (11), not be paid to him in respect of the duration of his stay at such institution, but in lieu thereof -

- (a) the charges normally levied by the institution in respect of visitors -
- (i) may be refunded by the Commissioner to the member if such member has paid such charges; or
- (ii) may be paid by the Commissioner to the institution if such member has not paid such charges; and
- (b) Subject to the provisions of subregulation (1)(b) a special allowance approved by the Treasury, on the recommendation of the Public Service Commission may be paid to the said member to cover incidental expenses.

*(Regulation 22(10)(b) substituted by regulation (2)(e) of GN R2031 of 1969)*

*(Regulation 22(10)(b) substituted by the regulation of GN R631 of 1972)*

*(Regulation 22(10)(b) substituted by the regulation of GN R1231 of 1980)*

- (11) The provisions of sub-regulation (10) shall -

- (a) not apply to a member who -
- (i) stays at a State institution but is absent from his headquarters for a shorter period than 24 hours; or
- (ii) visits a State institution but is not accompanied or is only partly accommodated by the institution, in which case the provisions of subregulations (1), (2) and (3) shall apply; but
- (b) apply to a member who visits a State institution and -

- (i) is provided with partial accommodation by the institution and all remaining items of accommodation as defined in regulation 1(1)(ii) by a private person at, or member of the staff of the institution; or
- (ii) while the institution is equipped to provide all items of accommodation as defined in regulation 1(1)(ii), of his own free will does not make use of such items.

*(Regulation 22(11) substituted by regulation 9 of GN R1897 of 1970)*

(12)

- (a) If the subsistence or special allowance prescribed in or in terms of this regulation is inadequate, the difference between the amount payable as subsistence or special allowance in respect of the whole continuous period and the reasonable expenses which the member actually and necessarily incurs on accommodation in respect of such period, may be refunded to him by the Commissioner on condition that -
  - (i) the Commissioner is satisfied that the accommodation of which the member availed himself, is in keeping with his status as a public servant;
  - (ii) the relative claim is supported by receipts or other vouchers or, where these are not available, a written statement;
  - (iii) items not covered by the definition of "accommodation" in regulation 1, are excluded from the calculation of the amount which may be refunded;
  - (iv) amounts allowed in respect of the hire of bedding on a train are limited to the cost of a bedding ticket obtainable at ticket and reservation offices and that the cost of luxury bedding and/or a special mattress shall not be allowed:

Provided that amounts which may be refunded in terms of this sub-regulation to a member who, during one journey outside this headquarters, visits more than one country abroad may be calculated in respect of the duration of his stay in each separate country instead of the whole period of his absence from his headquarters: Provided further that the provisions of this sub-regulation shall not apply to fixed subsistence allowances or detachment-duty allowances and neither to session officials.

*(Regulation 22(12(a)) amended by regulation 10 and 11 of GN R1897 of 1970)*

- (b) The Commissioner may, subject to the provisions of subregulation (1)(b), prescribe that a special allowance approved by the Treasury on the recommendation of the Public Service Commission, be paid to members to whom subregulation (12)(a) applies, to cover incidental expenses in respect of duty in the Republic, the Territory, Caprivi or elsewhere abroad.

*(Regulation 22(12(b)) added by regulation 11 of GN R1897 of 1970)*

*(Regulation 22(12)(b) substituted by the regulation of GN R1231 of 1980)*

(13)

(a) Subject to the provisions of paragraph (b), the subsistence, detachment-duty or special allowance payable in terms of this regulation, shall not be paid to a member during a period of leave, unless the Treasury approves such payment on the recommendation of the Public Service Commission.

(b) Notwithstanding the provisions of paragraph (a) -

(i) the subsistence, detachment-duty or special allowance referred to in paragraph (a), may be paid to a member in respect of a period of sick leave, including special sick leave granted in terms of regulation 53; provided that the member does not return to his headquarters and actually and necessarily incurs subsistence expenses for himself during the period of his illness and that expenses in respect of hospitalisation shall not be regarded as expenditure on accommodation;

*(Regulation 22(13)(b)(i) substituted by regulation 12 of GN R1897 of 1970)*

(ii) a session official may be paid a subsistence allowance in respect of absences on vacation leave not exceeding six days in the aggregate during any particular session of Parliament; and

*(Regulation 22(13)(b)(ii) substituted by regulation 13 of GN R1897 of 1970)*

(iii) the fixed subsistence allowance referred to in sub-regulation (15), may be paid in respect of leave not exceeding twelve days in the aggregate, excluding sick leave, during a year ending the 31st December.

(14)

(a) To an applicant whose application for enlistment or re-enlistment in the Force has been approved and who is ordered to assume duty at a police station or office which is indicated as his headquarters or to report for enlistment or training at a police station or office or training institution or centre, the Commissioner may, subject to the provisions of paragraph (d), refund only the reasonable expenditure on accommodation which was incurred since the start of the journey until his appointment or rejection; provided that if such person is resident outside the Territory and is so ordered to report in the Territory, he may be refunded the following expenses: -

(i) Reasonable expenditure on accommodation in respect of himself for the duration of the journey by train from his place of residence to De Aar and from the time of his arrival at his destination in the Territory until he is appointed or rejected; and

(ii) a subsistence allowance in respect of himself and his household on the basis applicable to a transferred member in terms of regulation 24, for the duration of the journey by train between De Aar and his destination in the Territory.

- (b) If, upon arrival at such police station or office or training institution or centre, an applicant referred to in paragraph (a) is rejected for enlistment, an amount to cover the reasonable expenses in respect of the necessary accommodation which he is to incur from the time he is so rejected until the time he reaches the place in the Republic or the Territory whence he came for enlistment, may, with the approval of the Commissioner but subject to the provisions of paragraph (d), be paid to him.
  - (c) The provisions of paragraph (b) shall *mutatis mutandis* apply to a student who is discharged from the Force in terms of the provisions of paragraphs (a), (b), (c), (d) or (f) of sub-regulation (1) of regulation 15.
  - (d) An amount paid or reimbursed in terms of this regulation, shall not exceed the rates prescribed in sub-regulations (1) and (2).
- (15) Notwithstanding anything to the contrary in this regulation, the Treasury may, on the recommendation of the Public Service Commission, approve that the Commissioner pay a subsistence allowance to a member on a fixed basis.
- (16) In the case of a member who, in connection with his functions either within or outside his headquarters, performs duty under circumstances involving unavoidable expenditure on accommodation, the Commissioner may, notwithstanding anything to the contrary in this regulation but subject to the provisions of sub-regulation (17), in his discretion -
- (Words preceding regulation 22(16)(a) corrected by regulation (i) of GN R389 of 1964)*
- (a) either pay a subsistence allowance not exceeding the rates laid down in sub-regulation (1); or
  - (b) provide accommodation at public expense and/or refund the reasonable expenditure incurred for accommodation.
- (17) If members, in connection with their functions, whether within or outside their headquarters, are concentrated, mobilised or detached for duty and treated in the manner prescribed in subregulation (16)(b), or if a member is provided with complete camping equipment, the Commissioner may, if he is of the opinion that the particular circumstances prevailing at the time warrant such a course, grant authority for the payment of a detached duty allowance at the rates which are approved by the Treasury on the recommendation of the Public Service Commission.
- (Regulation 22(17) substituted by regulation (2)(f) of GN R2031 of 1969)*  
*(Regulation 22(17) substituted by the regulation of GN R1231 of 1980)*
- (18) Applications for the payment of a subsistence, detached-duty or special allowance as prescribed in or in terms of this regulation, excluding a fixed subsistence allowance, shall be made on the prescribed form.

- (19) If circumstances arise which justify a departure from the provisions of this regulation, the Commissioner may pay to a member or classes of members such subsistence or special allowance as may be approved by the Treasury, on the recommendation of the Public Service Commission.

## **23. OFFICIAL TRAVELLING AND TRANSPORT**

### **Economy and control**

(1)

- (a) All official journeys shall be approved by the Commissioner who shall ensure that they are necessary and in the interests of the State.
- (b) A member shall, subject to the provisions of regulation 23 (3), undertake an official journey by the most economical means with due regard to available means of transport, route, duration and all other items of expenditure applicable in the circumstances.
- (c) The reason(s) for any non-observance of the provisions of regulation 23(1)(b) shall be furnished by the member in writing, and such explanation shall be attached to the form mentioned in regulation 23(10).
- (d) If a member has travelled in a manner which results in greater transport expenditure or which involves a longer period of time than was necessary -
  - (i) the Commissioner shall limit the amount payable to him in reimbursement of his travelling expenses to what it would have amounted to had he observed the provisions of regulation 23(1)(b);
  - (ii) he shall refund the expenditure unnecessarily incurred if he has travelled on a Government warrant or by means of Government-owned motor transport; and
  - (iii) each working day by which the normal travelling time has been exceeded, shall be covered by leave of absence in accordance with regulation 44.
- (e) If the functions of the Force so require, the Commissioner may, on approval by the Treasury, provide a member with free transport to and from his place of work.

### **Transport expenses**

- (2) Subject to the provisions of this regulation and other conditions which the Treasury may approve on the recommendation of the Commission, the Commissioner may reimburse a member, who is required to travel on official duty, the cost of conveying himself and his necessary personal luggage, as well as

reasonable expenditure incurred in connection with taxi hire (if Government-owned or contract transport is not available), portage, gratuities, landing or shipping fees and other incidental services.

### **Means of transport to be used**

(3)

- (a) If a member has to travel on official duty, he shall use public transport and if public transport is not available or the use thereof is impractical, he shall use his subsidised motor transport or in the absence thereof, available Government-owned motor transport, or if such motor transport is also not available, he shall requisition on a Government Garage or a person having a transport contract with the State for such means of transport as may be necessary for the performance of the journey, or, if none of these means of transport is available, he shall make the best and most economical transport arrangements, including the use of private transport: Provided that the proviso contained in regulation 23(3)(b) shall apply *mutatis mutandis* in cases where private motor transport or subsidised motor transport is used.
- (b) Notwithstanding the provisions of regulation 23(3)(a) the Commissioner may authorise a member to undertake an official journey or part thereof, by any means of transport irrespective of whether or not it is possible to undertake the journey by other means of transport, if the Commissioner is satisfied that the public interest will be better served thereby or if it is necessary in the interests of the member's health or that of a member of his household, excluding a servant, who travels at State expense, in which case the Commissioner may, at his discretion, require the submission of a supporting medical certificate: Provided that in the event of use being made of subsidised motor transport, the distance so covered shall be regarded as official.
- (c) Notwithstanding any provisions to the contrary in this regulation –
  - (i) the Commissioner or any other member with a salary higher than the maximum notch of the salary scale attaching to a post of Colonel may, at his discretion, undertake an official journey by any means of transport if it is in the public interest: Provided that –
    - (aa) such journey by Blue Train of the South African Railways shall occur only on such conditions as the Treasury approves on the recommendation of the Commission; and
    - (bb) in the event of use being made of subsidised motor transport, the distance so covered shall be regarded as official;
  - (ii) any member, other than a member referred to in subparagraph (i), may, at his discretion, use privately owned transport or subsidised motor transport or travel by air or by boat to undertake an official journey subject to such conditions as may be prescribed by the Treasury on the recommendation of the Commission: Provided that –

- (aa) privately owned transport or subsidised motor transport shall be utilised at own risk in so far as it is not in conflict with the provisions of the Workmen's Compensation Act, 1941, as amended, or any other legal provision;
  - (bb) such means of transport shall not be used on official duty instead of allocated Government-owned motor transport; and
  - (cc) in the event of use being made of subsidised motor transport, the distance so covered shall be regarded as private.
- (d) Members of a member's household (servants excluded), who are conveyed at State expense, may, if they accompany him, use the same means of transport and travel in the same class or grade as the member concerned and shall be regarded for this purpose as official passengers: Provided that when they do not accompany him the provisions of regulation 23(3)(c) and 23(4)(c) shall apply mutatis mutandis to such members in so far as the choice of means of transport and the classes and grades in which they may travel, are concerned.
- (e) A servant of a member, who is conveyed at State expense, may use the same means of transport and travel in the same class or grade as a member: Provided that a nursemaid in charge of a baby in arms may travel by the same means of transport and in the same class or grade as the other members of the member's household.

*(Regulation 23(3)(e) amended by regulation 5 of GN R2089 of 1996)*

#### **Class of travel by train, boat or air**

(4)

- (a) A member who is required to undertake an official journey by train or boat or by air, may travel in the following classes:
- (i) By train -
    - (aa) in the Republic or the Territory: First class if available, otherwise second class;
    - (bb) abroad: In the class considered by the Commissioner to be in keeping with the member's status, with due regard to the class by which persons of a comparable status travel in the country or territory concerned.

*(Regulation 23(4)(a)(i) amended by the regulation of GN R1231 of 1980)*

*(Regulation 23(4)(a)(i) substituted by the regulation of GN 1966 of 1981)*

(ii) By boat - First class: Provided that if that class is divided into various grades the member shall travel in the cheapest grade.

(iii) By air -

(aa) Domestic flights:

- (1) In the case of the Commissioner and a Lieutenant-General: Business class or any other class of his choice.
- (2) In the case of a member other than those referred to in subparagraph (a) above: Economy class.

(bb) Overseas flights:

- (1) In the case of the Commissioner: First class or any other class of his choice.
- (2) In the case of a Lieutenant-General: Any class of his choice, from either Business class or a corresponding class or economy class.
- (3) Any member other than those referred to in (1) and (2) above shall travel economy class and shall, where possible, make use of excursion tariffs.

*(Regulation 23(4)(a)(iii) amended by the regulation of GN R933 of 1986)*

*(Regulation 23(4)(a)(iii) substituted by the regulation of GN R702 of 1989)*

(b) Notwithstanding the provisions of regulation 23(4)(a) the Commissioner may, if he is satisfied that it is in the public interest, authorise a member to travel in a more expensive class or grade than that prescribed.

(c) Notwithstanding any provisions to the contrary in this regulation –

- (i) the Commissioner or any other member with a salary higher than the maximum notch of the salary scale attaching to a post of Colonel may, at his discretion, subject to the proviso to regulation 23(3)(c)(i), travel in any class or grade if it is in the public interest; and
- (ii) any member other than a member referred to in subparagraph (i) may, at his discretion, travel in any class or grade provided that the expenditure that may be met from public funds is limited to what it would have amounted to had the member travelled in the prescribed class or grade.

### **Subsidised and Government-owned motor transport**

(5)



- (a) If the Commissioner is satisfied that the interests of the State will be best served thereby, he may, notwithstanding any provisions to the contrary in this regulation, require a member whose duties necessitate frequent or regular travelling on official duty -
  - (i) to utilise such Government-owned motor transport as may be deemed necessary for the efficient performance of his duties; or
  - (ii) to maintain subsidised motor transport for official purposes if the use of Government-owned motor transport is impractical or inadvisable.
- (b) The conditions governing the acquisition and maintenance of subsidised motor transport and the allowances payable in connection with the use of such transport, shall be approved by the Treasury on the recommendation of the Secretary for Transport.
- (c) A member who is required in terms of the provisions of regulation 23(5)(a) to utilise Government-owned motor transport or to maintain subsidised motor transport shall not be entitled to be provided with a driver at State expense.
- (d) If a member, who is required in terms of the provisions of regulation 23(5)(a) to use Government-owned motor transport or subsidised motor transport, is not in possession of an appropriate driver's licence, the Commissioner may provide him with the necessary tuition at State expense and may pay from public funds all examination or driver's licence fees, the cost of photographs which must be affixed to the licence and the fee for any medical examination required.

**Amounts and allowances payable for the voluntary use of privately owned or subsidised motor transport or public transport**

- (6) The Commissioner may pay the following to a member who, in terms of the provisions of regulation 23(3)(a), (b) or (c) uses privately owned or subsidised motor transport or a means of public transport instead of the proper means of transport for the undertaking of an official journey:
  - (a) In the case of privately owned or subsidised motor transport which is used in terms of the provisions of regulation 23(3)(a), (b) or (c)(i): The appropriate allowances in respect of privately owned motor transport and, in the case of subsidised motor transport, the running and depreciation allowances prescribed by the Treasury on the recommendation of the Secretary for Transport for the use of such transport.
  - (b) In the case of privately owned or subsidised motor transport or a means of public transport which is used in terms of the provisions of regulation 23(3)(c)(ii): An amount equal to what it would have cost, at Government rate where applicable, had the member and any official passenger(s) accompanying him travelled by the proper means of public transport [inclusive of the expenditure which would have been defrayed from public funds to convey him and the passenger(s) to and

from the point of departure or arrival by means of public transport] or in the absence of such means of public transport by any other means of transport in terms of the provisions of regulation 23(1)(b): Provided that -

- (i) reimbursement for the use of privately owned motor transport or subsidised motor transport instead of Government-owned motor transport shall not exceed the allowances mentioned in subparagraph (a); and
  - (ii) expenditure incidental to journeys by means of public transport, such as portage (at railway stations and airports), surcharges on coupés and baggage room fees, where applicable, shall be disregarded for the purposes of this paragraph.
- (c) In the case of other means of private transport: The amounts or allowances approved by the Treasury on the recommendation of the Commission.

#### **Commutated transport allowance**

- (7) Notwithstanding any provisions to the contrary in this regulation, the Treasury may, on the recommendation of the Commission, approve that the Commissioner pays a transport allowance on a commuted basis to a member.

#### **Payment of commuted transport allowance during periods of leave and while duties are performed which do not necessitate the use of transport**

- (8) The payment of a commuted transport allowance to a member in terms of the provisions of regulation 23(7), shall be continued during the periods indicated below, while he is on leave or is performing duties not necessitating the use of transport:
- (a) In the case of motor transport: 14 days in the aggregate during a year ending 31 December.
  - (b) In the case of transport other than motor transport: Any period in respect of which the transport is placed at the disposal of the State, whether or not it is used for official purposes.

#### **Travelling privileges on selection, appointment, termination of service and death**

- (9)
- (a) The Commissioner may grant a person who is resident in the Republic or the Territory and who is a candidate for appointment or promotion to a post in the Force, such travelling privileges at State expense as the Teasury [*sic*] may approve on the recommendation of the Commission, in order to enable him to report for an interview.
  - (b)

- (i) The Commissioner may grant a person who is resident in the Republic or in the Territory and whose application for enlistment in the Force has been approved and who has been instructed to assume duty at a police station or office indicated as his headquarters or to report at a police station or office or training institution or centre for enlistment or training, travelling privileges at State expense for himself from the place where he resides or is recruited to the place assigned as his headquarters or where he is instructed to assume duty or to report for enlistment or training on the same conditions concerning means of transport and classes and grades of travel as those prescribed in this regulation for comparable members.
- (ii) If a student is discharged from the Force in terms of regulation 15(1)(a), (b), (c), (d) or (f) or if a person referred to in paragraph (b)(i) of this subregulation, upon his arrival at such a police station, office, training institution or centre, is rejected for enlistment the provisions of regulation 23(9)(b)(i) shall *mutatis mutandis* apply in respect of his conveyance back to the place in the Republic or the Territory where he is resident or whence he came for enlistment in the Force.
- (iii) The Commissioner may grant travelling privileges at State expense for the household of a person referred to in paragraph (b)(i) as soon as he has been enrolled in the Force and his headquarters has been assigned, from the place where he resides at the time of enrolment or was recruited, to such headquarters on the basis laid down for himself in this regulation.
- (c) The Commissioner may grant a person who resides outside the Republic and the Territory and who is appointed to a post in the Force or on contract for a fixed period of time, such travelling privileges at State expense in respect of himself and members of his household as the Treasury may approve on the recommendation of the Commission.
- (d) The Commissioner may grant a member who on termination of services qualifies for the retirement benefits prescribed in regulation 26 and/or his household travelling privileges at State expense from his place of residence to a place in the Republic or the Territory where he and/or his household wishes to reside on the conditions concerning the means of transport and classes and grades of travel prescribed in this regulation.

#### **Form for the submission of claims**

- (10) Claims for the reimbursement of transport expenses which may be paid in terms of the provisions of this regulation, excluding a commuted transport allowance, shall be made on the prescribed form.

#### **Exceptional cases**

- (11) If circumstances arise which justify a departure from the provisions of this regulation or which are not covered thereby, the Treasury may approve or prescribe official travelling by such manner or means of

transport, or the payment of such compensation, expenses or allowances or the granting of such travelling privileges as the Commission may recommend.

*(Regulation 23 amended by regulation (j) of GN R389 of 1964)*

*(Regulation 23 amended by regulation (1) of GN R1950 of 1966)*

*(Regulation 23 substituted by regulation I of GN R412 of 1975)*

## **24. TRANSFER EXPENDITURE AND TRANSPORT PRIVILEGES ON APPOINTMENT, FOR SESSIONAL OFFICIALS AND ON TERMINATION OF SERVICES AND DEATH**

### **Transfer of members within the Republic and the Territory and between the Republic and the Territory**

(1)

(a)

(i) Subject to the provisions of this regulation, a member who is transferred and his household and personal effects may be moved at State expense from one headquarters to another within the Republic and the Territory.

(ii) If a member is transferred at his own request no expenditure in connection therewith shall be met from public funds, and any absence from duty as a result of such transfer shall be covered by the granting of vacation leave in terms of regulations 38 to 57 inclusive: Provided that the provisions of this paragraph shall not apply to a member if the Commissioner is satisfied that such transfer -

(aa) is in the interests of the Department; or

(bb) is necessary in the interests of the member's health or that of his wife or child, including an adopted child, in which case the Commissioner may, at his discretion, require the submission of a supporting medical certificate.

(b) If a member is transferred at State expense, he shall be deemed to travel on official duty and he and his household may be -

(i) granted the privileges prescribed in this regulation and in regulation 23; and

(ii) paid subsistence allowance in terms of the provisions of regulation 22: Provided that the Commissioner may pay to the member subsistence allowance at the full rate applicable to himself, in respect of each member of his household who is 10 years old or older, and at half such rate in respect of each other member, for the period necessarily spent in travelling from one headquarters to another, but excluding a servant in respect of whom the Commissioner may refund reasonable living expenses actually and necessarily incurred.

- (c) On the transfer of a member at State expense, the following conditions shall be applicable to the transport from one headquarters to another of himself, his household and personal effects, provided that the member transfers his household and personal effects within two calendar months of the date on which his services at his old headquarters terminate, unless he obtains permission to defer the transfer of his household and personal effects, which permission may be granted by the Commissioner:
- (i) Excess luggage not exceeding 225 kg (gross) may be transported by passenger train.
  - (ii) Personal effects not exceeding 6350 kg (gross) may be transported by goods train or the road motor service of the South African Railways or other public conveyance or Government-owned transport, from one headquarters to another and from the dwelling to the railway station, and vice versa and to and from a warehouse if the personal effects have been or are to be stored: Provided that if conveyance by one of the said means of transport is impossible or impracticable or is more expensive, the Commissioner may, at his discretion, approve the use of any other means of transport. The prescribed mass shall include the mass of the vehicle or vehicles, caravan or trailer of a member and his household, but not the mass of an animal maintained for official purposes: such animal may be transported at State expense over and above the provision made for personal effects.
  - (iii) The motor vehicle or vehicles, caravan or trailer of a member and his household may be transported at State expense on condition that -
    - (aa) the State accepts no liability for loss of or damage to a motor vehicle or motor vehicles, caravan or trailer during the loading, conveyance or unloading thereof; and
    - (bb) motor vehicles are transported by goods train at a tariff approved by the Treasury on the recommendation of the Commission.
  - (iv) The cost of packing (including the cost of packing material) and unpacking of personal effects within the prescribed mass limit may be met from public funds: Provided that -
    - (aa) the packing material be handed over to the Department of Public Works;
    - (bb) if that department indicates that the material is not required, it shall be sold by public auction or sold to the officer or employee concerned or to any other person at a price decided upon by the head of department;
    - (cc) the head of department, after consultation with the Department of Public Works. may retain such packing material for subsequent use by a transferred officer or employee; and

- (dd) no expenses in respect of the special packing of antiques, works of art and musical instruments shall be met from public funds.

*(Regulation 24(1)(c)(iv) substituted by the regulation of GN R1231 of 1980)*

- (v) Written tenders shall be obtained for the packing and unpacking and loading and unloading of personal effects and, where applicable, for the conveyance and storage thereof, and the lowest tender shall be accepted: Provided that the Commissioner may authorise the acceptance of a higher tender if he is satisfied that there are adequate reasons for the rejection of the lowest tender.
  - (vi) In an exceptional case the Commissioner may approve that a member's personal effects within the prescribed mass limit, be stored at State expense for a period not exceeding six calendar months at either his old or his new headquarters.
- (d) The Commissioner may pay or refund the following to a member who has been transferred at State expense provided that the member transfers his household and personal effects within two calendar months of the date on which his services terminate at his old headquarters, unless he obtains permission to defer the transfer of his household and personal effects, which permission may be granted by the Commissioner:
- (i) The amount actually and necessarily expended on rent or board and lodging and servants' wages at the original headquarters and forfeited in consequence of short notice of transfer, provided expenditure on rent or board and lodging and servants' wages is concurrently incurred at the headquarters to which the member is transferred.
  - (ii) The amount actually and necessarily expended on board and lodging or hotel accommodation at the original headquarters for a period not exceeding seven days through the member and his household being compelled to reside at a boarding-house or hotel or to board privately while his personal effects are being packed or transported to his new headquarters.
  - (iii) The amount actually and necessarily expended on board and lodging or hotel accommodation at the new headquarters through the member and his household being compelled to reside in a boarding-house or a hotel or to board privately for a period not exceeding seven days while his personal effects are being unpacked or transported from the old headquarters, or while he is in search of a house or flat.
  - (iv)
    - (aa) The difference between normal living expenses comprising rent, rates, water, light, fuel, food, servants' wages and the abnormal expenses actually and necessarily incurred by the member at his new headquarters, by being obliged to -

- (aaa) reside in a hotel, boarding house, furnished house, furnished flat or furnished rooms, or to board privately, for a period of longer than seven days; or
- (bbb) occupy official married quarters assigned to him;

while his personal effects are being unpacked or transported from his previous headquarters, or while he is looking for an unfurnished house of[sic] flat or when his household is divided owing to his children's schooling: Provided that abnormal living expenses may be paid for a period not exceeding two calendar months, but that in exceptional cases the Commissioner may give approval for such living expenses to be paid for a period not exceeding six calendar months: Provided further that where such expenses are due to children's schooling, abnormal living expenses may be paid up to the end of the school year in which the member concerned has been transferred.

*(Regulation 24(1)(d)(iv)(aa) substituted by regulation 2. of GN R1591 of 1988)*

- (bb) Claims for the refund of abnormal living expenses shall be submitted in writing on the prescribed form.
- (v) Expenditure necessarily incurred as a result of the member's transfer, in connection with the re-registration of -
  - (aa) privately owned vehicles which are normally applied to personal use; and
  - (bb) one subsidised motor vehicle;but excluding expenditure incurred on the fitting, adjustment or replacement of defective parts and accessories.
- (vi) Expenditure necessarily incurred as a result of the member's transfer, in connection with the replacement of number plates by standard number plates in respect of -
  - (aa) privately owned vehicles which are normally applied to personal use; and
  - (bb) one subsidised motor vehicle.
- (vii) Telephone rental on a pro rata basis in respect of the period during which the member is unable to use the telephone as a result of his transfer: Provided that telephone rental which is recoverable from the postal services shall not be refunded.
- (viii) The cost of transferring or installing a telephone: Provided that such cost shall be payable only where a member had a telephone at his previous headquarters.

(ix) Subject to such limitations and conditions as may be approved by the Treasury on the recommendation of the Commission -

- (aa) the cost of repairs to or replacement of personal effects damaged in transit;
- (bb) the cost of disconnecting and connecting and altering or replacing domestic appliances; and
- (cc) the cost involved in purchasing essential school books and school uniforms for a child or other dependent member of the member's household.
- (dd) the cost of expenditure incurred in connection with the reconnection of water and electricity at his new headquarters: Provided that reconnection fees which form part of deposits charged by local authorities to cover water and electricity consumption by occupants of residences in their municipal areas and which are recoverable from the local authorities will not be refunded.

*(Regulation 24(1)(d)(ix)(dd) added by the regulation of GN R1231 of 1980)*

- (ee) The Commissioner may reimburse a member or employee who has in specific circumstances been transferred at State expense or been compelled to permanently vacate the official quarters that were assigned to him, the transfer costs, or a portion thereof, which he actually incurred in connection with the purchase or erection of a residence after having been so transferred or after having vacated the official quarters assigned to him, subject to the conditions, requirements and limitations that the Treasury may approve on the recommendation of the Commission.

*(Regulation 24(1)(d)(ix)(ee) inserted by the regulation of GN 1966 of 1981)*

(e)

(i) To a member who is transferred at State expense and who moves his personal effects from -

- (aa) a house or flat at or in the vicinity of his previous headquarters, which house or flat was wholly or partly furnished by himself, to a house or flat at or in the vicinity of his new headquarters or to a warehouse or;
- (bb) a warehouse to a house or flat for his own occupation at or in the vicinity of his new headquarters, or to another warehouse;

the Commissioner may pay an amount not exceeding that prescribed by the Commission for Administration to meet expenses arising from his transfer, other than those for which provision is made elsewhere in these regulations.



- (ii) To a member who is transferred at State expense and whose transfer does not involve the conveyance of personal effects, the Commissioner may pay an amount not exceeding that prescribed by the Commission for Administration to meet expenses arising from his transfer, other than those for which provision is made elsewhere in these regulations.

*(Regulation 24(1)(e) substituted by the regulation of GN 1966 of 1981)*

*(Regulation 24(1)(e) substituted by regulation 2. of GN R1591 of 1988)*

#### **Transfer of members abroad and between the Republic or the Territory and abroad**

(2)

- (a) The provisions of regulation 24(1), but with the exclusion of those contained in regulation 24(1)(c)(vi) and 24(1)(d)(ix)(aa), shall apply *mutatis mutandis* to a member transferred from a headquarters in the Republic or in the Territory to a headquarters abroad or vice versa, or from one headquarters abroad to some other headquarters abroad: Provided that –
  - (i) no expenditure shall incurred in connection with the transfer of a servant unless the Treasury approves such expenditure on the recommendation of the Commission;
  - (ii) the provisions of regulation 24(1)(d)(ii) shall apply only to a member who is transferred from a headquarters in the Republic or in the Territory to a headquarters abroad; and
  - (iii) the provisions of regulation 24(1)(d)(iii) and (iv) shall apply only to a member who is transferred from a headquarters abroad to a headquarters in the Republic or in the Territory, but the provisions of regulation 24(1)(d)(iv) shall not apply in such cases where abnormal living expenses are incurred solely owing to the schooling of children.
- (b) When a member is transferred at State expense, the following provisions shall apply to such member, his household and personal effects, in addition to the provisions applicable to him in terms of paragraph (a):
  - (i) Subject to the provisions of regulation 22, subsistence allowance may be paid to a member who is transferred from a headquarters in the Republic or in the Territory to a headquarters abroad, or vice versa, or from one headquarters abroad to some other headquarters abroad, in respect of himself and each member of his household, who is entitled to travel at State expense, at the rate applicable to official journeys in the country in which they are travelling by members whose headquarters are in that country: Provided that in respect of journeys within the Republic and the Territory the appropriate rates which apply in the Republic shall apply: Provided further that half rates shall apply in respect of any member of the household who is younger than 10 years.

- (ii) A member's personal effects not exceeding 9 100 kg (gross), may, at the discretion of the Commissioner, be transported and packed in terms of the provisions of regulation 24(1)(c)(ii) and (iv).
- (iii) Personal effects may be insured at State expense (at appraised valuation accepted for compensation purposes by the insurance company concerned) against risk of loss or damage in transit between the old and new headquarters by any means of surface transport authorised by or in terms of the provisions of these regulations: Provided that -
  - (aa) appraisal charges may be accepted as part of the insurance charges;
  - (bb) the insurance charges paid from public funds shall be limited to those applicable to personal effects which are insurable in terms of the provisions of these regulations and of which the appraised value does not exceed the amount approved from time to time by the Treasury on the recommendation of the Public Service Commission plus the appraised value of one motor vehicle.  
*(Regulation 24(2)(b)(iii)(bb) substituted by the regulation of GN R1231 of 1980)*
  - (cc) if the circumstances so justify, the Commissioner may approve that the insurance policy concerned be extended at State expense for a period not exceeding six calendar months if the personal effects have to be stored until the member can move into quarters;
  - (dd) no money or jewellery may be insured at State expense and no compensation for loss of or damage to such articles may be met from public funds;
  - (ee) the insurance policy shall be taken out in the name of the member; and
  - (ff) if a member travels by air, the cost of insurance on such amount of personal luggage as his fare entitles him to have transported free of charge, may be paid from public funds, provided the maximum amount prescribed in the second proviso to this paragraph is reduced by the insured value concerned.
- (iv) Subject to such limitations and conditions as may be approved by the Treasury on the recommendation of the Commission, the personal effects of a member may be stored at State expense.

### **Transport privileges on appointment**

(3)

- (a) The Commissioner may, subject to paragraph (b), have the personal effects of a person referred to regulation 23(9)(b)(i) conveyed at State expense on the basis laid down for a transferred

member in regulation 24(1)(a)(i) and 24(1)(c)(i), (ii), (iii), (iv) and (v) as soon as he has been enrolled and his headquarters assigned, from the place he resides at the time of enrolment to the place assigned as his headquarters.

- (b) If a member who has been granted the transport privileges mentioned in regulations 23(9)(b)(iii) and/or 24(3)(a) resigns or his services are, as a result of unsatisfactory service, terminated within six calendar months of the date of his assumption of duty, he shall refund the expenditure incurred in respect of his household and personal effects: Provided that the provisions of this paragraph shall not apply to a person who resides outside the Territory and who is appointed in the Territory in so far as they concern the transport expenses of his household and personal effects from the point of entrance on the border to his destination.
- (c) The Commissioner may grant a person who resides outside the Republic and the Territory and is appointed on contract for a fixed period or in a permanent capacity to a post in the Force, the travelling privileges for himself and members of his household prescribed in regulation 23 and such transport privileges for the conveyance of his personal effects as the Treasury may approve on the recommendation of the Commission.

*(Regulation 24 amended by the regulation of GN R1950 of 1966)*

*(Regulation 24 amended by the regulation of GN R941 of 1970)*

*(Regulation 24 amended by the regulation of GN R1031 of 1971)*

*(Regulation 24 substituted by regulation I of GN R412 of 1975)*

### **Transport privileges for sessional officials**

## **25.**

- (1) A sessional official may be granted, at the beginning and end of his sessional duty in connection with a Parliamentary session, conveyance to and from Cape Town at State expense for -
  - (a) himself and a member or members of his household on the basis prescribed for a transferred member or employee, subject to such restrictions and conditions as the Treasury may approve on the recommendation of the Commission;
  - (b) his excess luggage/personal effects in the manner prescribed in regulation 24(1), limited to -
    - (i) 225 kg (gross) in the case of a single sessional official or a married sessional official not accompanied by his household; and
    - (ii) 500 kg (gross) in the case of a married sessional official accompanied by his household; and
  - (c)

- (i)
    - (aa) one private motor vehicle and bicycles (including tricycles); or
    - (bb) one private motor cycle and bicycles (including tricycles); and
  - (ii)
    - (aa) one semi-official motor vehicle; or
    - (bb) one subsidised motor vehicle; or
    - (cc) one motor vehicle that has been obtained in terms of or changed over to or included in the motor vehicle financing scheme for senior officials,
- subject to such conditions as the Treasury may approve on the recommendation of the Commission: Provided that –
- (I) a second private motor vehicle or motor cycle purchased in Cape Town shall be excluded from the benefits of this measure; and
  - (II) in the case of a motor vehicle contemplated in paragraph (c)(ii)(cc) above, this measure will apply only in those exceptional cases where it is in the opinion of the Commissioner impossible or impractical for a member to use the motor vehicle concerned and the member is authorised to undertake the journey to and/or from Cape Town by aeroplane or train.
- (Regulation 25(1)(c) substituted by regulation of GN R700 of 1986)*

- (2) A sessional official may, during his period of sessional duty or during a recess of Parliament, in respect of himself and/or a member or members of his household, be granted such travelling privileges as the Treasury may approve on the recommendation of the Commission.

*(Regulation 25 amended by the regulation of GN R1031 of 1971)*

*(Regulation 25 amended by regulation I of GN R412 of 1975)*

*(Regulation 25 substituted by regulation of GN R1966 of 1981)*

#### **Transport privileges on termination of service and death**

**26.**

- (1) Subject to the provisions of subregulation (2), the Commissioner may grant a member whose services terminate on grounds approved for the purposes of this regulation by the Treasury on the recommendation of the Commission, and who has completed or would have completed not less than 10 years' continuous service on attainment of the pensionable age, conveyance at State expense for his personal effects (or those of his household in the event of his death) apart from the travelling privileges prescribed in regulation 23, from his place of residence to a place in the Republic or the

Territory where he or his household wishes to reside, subject to such limitations and conditions as the Treasury may approve on the recommendation of the Commission.

- (2) Notwithstanding anything to the contrary contained in this regulation, the Commissioner may grant a member (or his household in the event of his death) who is stationed outside the Republic and the Territory and who qualifies for the benefits in subregulation (1) on termination of services or death the transfer privileges referred to in regulation 24(2): Provided that –
- (a) the expenditure be limited to the cost of a transfer to the previous headquarters of the member in the Republic or in the Territory; and
  - (b) the benefits referred to in subregulation (1) may be granted thereafter, if necessary.

#### **Conveyance of personal requirements to a camp**

(3)

The Commissioner may grant a member who, for the purpose of carrying out his official duties, is required to live in a camp, free conveyance for his personal requirements, including provisions, between the nearest railway station or trading store and the camp, provided the most economical transport arrangements are made in accordance with regulation 23.

#### **Transport and other privileges of members who vacate or move into official quarters assigned or allotted to them at their headquarters**

(4)

- (a) If a member is obliged, as a result of departmental requirements –
  - (i) to permanently vacate official quarters assigned or allotted to him and to move into other official quarters or private quarters; or
  - (ii) to vacate private quarters because he has to occupy official quarters assigned or allotted to him, at his headquarters;

the provisions of regulation 24, shall apply *mutatis mutandis* to him and members of his household, subject to the approval of the Commissioner.

- (b) If a member who on reasonable notice from the landlord department is required temporarily to vacate official quarters and, to remove his personal effects therefrom for such period as vacant possession is required for the purpose of effecting repairs or renovations, the Commissioner may approve that his personal effects be conveyed and stored at State expense for the duration of

such vacant possession as set out in regulation 24(1)(c)(ii), (iv) and (vi) and subject to the limitations contained therein. The Commissioner may refund to such member from public funds the difference between his normal and abnormal living expenses for the period of such vacant possession in accordance with the provisions of regulation 24(1)(d)(iv)(aa): Provided that the Commissioner may refund an amount less than the amount claimed for abnormal living expenses if he is of opinion that the claim is excessive.

*(Regulation 26 amended by the regulation of GN R1031 of 1971)*

*(Regulation 26 substituted by regulation I of GN R412 of 1975)*

### **Exceptional cases**

- 27.** If circumstances arise which justify a departure from the provisions of regulations 24, 25 and 26 the Treasury may approve such conditions regarding transfer expenses and transport privileges on appointment, for sessional officials or on termination of services or death or other matters related thereto, as the Commission may recommend.

*(Regulation 27 amended by the regulation of GN R389 of 1964)*

*(Regulation 27 amended by regulation (8) of GN R1950 of 1966)*

*(Regulation 27 substituted by regulation I of GN R412 of 1975)*

### **28. MEDICAL EXAMINATION, RECORDS AND BOARDS**

- (1) A medical sheet on the prescribed form shall be maintained in respect of every member.
- (2) The Commissioner or a member to whom he has delegated his powers in terms of this regulation, may at any time order that a member -
- (a) claiming or suspected to be suffering from an indisposition, ill-health, disease or injury, shall submit himself to a medical examination at public expense in a military or other hospital or nursing institution or by a district surgeon or other registered government medical practitioner or a registered dentist, any other registered medical practitioner or dentist or a person registered to render medical or dental auxiliary services;
- (Regulation 28(2)(a) substituted by the regulation of GN R1252 of 1974)*
- (b) shall submit himself to an examination, at public expense, referred to in paragraph (a) for the purpose of obtaining a report on his state of health or with a view to bringing him before a medical board.
- (3) If a district surgeon or other medical practitioner states in his report that, in his opinion, a member is or is likely to become medically unfit for further service in the Force such report shall, without delay, be submitted to the Commissioner.
- (4)

- (a) The Commissioner may convene a medical board or may order such a board to be convened for the purpose of examining a member and determining whether or not he is fit to remain in the Force.
- (b) Such board shall consist of one or more registered medical practitioners and, if necessary, one or more persons registered to render medical auxiliary services.
- (c) Medical reports or sheets which may have a bearing on the case as well as all relevant reports which the member concerned may wish to submit, shall be placed before the board for consideration and shall be included in the proceedings. If such member so desires, he may at his own expense be represented at the proceedings of the board by his private registered medical practitioner.
- (d) After examining the member concerned and considering the reports or sheets referred to in paragraph (c), the board shall record its report, findings and recommendation on the prescribed form. The records of the board shall be signed by all the members thereof.
- (e) Should the board recommend that the member concerned be discharged from the Force on account of ill-health, he shall be given the opportunity to make written representations to the Commissioner.
- (f) The records and any representations referred to in paragraph (e), shall be forwarded to the Commissioner for consideration, who, if he deems it expedient, may consult the Secretary for Health or a medical officer authorised by him.

(5)

- (a) The Commissioner shall, with due observance of the provisions of sub-section (1) of section three of the Act, decide whether the member concerned shall, in terms of paragraph (a) of sub-regulation (1) of regulation 15, be discharged as medically unfit for further service in the Force, whether he shall be granted leave of absence, whether he shall again be examined or whether he shall be ordered to resume duty.
- (b) Should it be decided to discharge the member concerned, the date of his discharge shall be determined by the Commissioner.

## **28A.**

- (1) A commissioned officer desiring, in terms of subsection (2) of section 3A of the Act, to appeal against an order discharging or dismissing him, shall within 14 days after the date on which he is notified of such order, lodge with the commissioned officer who served the order on him, an appeal, in writing, in which the grounds on which the appeal is based are set out clearly and in detail.

- (2) The appeal, together with the record of the Board's proceedings and all other relevant documents, shall be submitted by the Commissioner to the Minister.
- (3) The execution of an order discharging or dismissing a commissioned officer shall not be suspended by reason of an appeal under this regulation.
- (4) In the exercise of the powers vested in him by subsection (2) of section 3A of the Act, the Minister will consider the contents of the documents submitted to him under subregulation (2) without hearing any *viva voce* documents.
- (5) The provisions of subregulations (1), (2), (3) and (4) of this regulation shall apply *mutatis mutandis* to a member who is not a commissioned officer and who desires to appeal against his dismissal or discharge under subregulation (1)(a) of regulation 15.

*(Regulation 28A inserted by the regulation of GN R1504 of 1973)*

## **29. VACCINATION AND INOCULATION**

A member shall at any time submit himself to such vaccination or revaccination and inoculation against disease as the Commissioner may direct on the recommendation of the Secretary for Health or a medical officer authorised thereto by him.

## **30. MEDICAL, DENTAL AND HOSPITAL TREATMENT AND SUPPLEMENTARY HEALTH SERVICES**

*(The heading of regulation 30 substituted by the regulation of GN R1252 of 1974)*

*(The heading of regulation 30 substituted by the regulation of GN R685 of 1981)*

- (1) *Establishment of a medical scheme.* - With effect from 1 April 1981 the South African Police Medical Scheme (hereinafter referred to as the Scheme) shall, subject to the provisions of this regulation and regulations 31 and 32, be established to provide medical, dental and hospital treatment and supplementary health services (including drugs, dressings, medical comforts, aids and appliances, and transportation in the case of indisposition) for members and their dependants: Provided that -

*(Regulation 30(1) amended by regulation 4(a) of GN R1670 of 1995)*

- (a) in the case of medicine, such medicine shall be obtained from a supplier of medicine who complies with the requirements as may be determined by the Commissioner from time to time: Provided further that the Commissioner may -
  - (i) require that a member pay a maximum of one-tenth of the cost of medicine per prescription; and
  - (ii) place a limitation on the expenses for medicine of a member and/or his or her dependants.

*(Regulation 30(1)(a) substituted by the regulation of GN R497 of 1989)*

*(Regulation 30(1)(a) substituted by regulation 4(b) of GN R1670 of 1995)*



- (a)(bis) a member shall make a contribution of R10,00 (ten rand) for consultations or visits in respect of medical, dental and supplementary health services, excluding consultations or visits during admission, care and nursing in a military, public or private hospital or nursing or maternity home, and medical auxiliary services supplied to a member while he is being cared for in such hospital or home: Provided further that this provision is not applicable to a member and his dependents, referred to in subregulation (2)(a)(ii), (iii) and (v) who qualified for continued membership before 1 August 1996; and

*(Regulation 30(1)(a)(bis) inserted by the regulation of GN R2503 of 1992)*

*(Regulation 30(1)(a)(bis) substituted by regulation 6(a) of GN R2089 of 1996)*

- (b) the Commissioner may frame such instructions, rules and conditions with regard to a particular member or members or any category of members as he may deem necessary or expedient for efficient administration or the achievement of the objects of the Scheme, and such instructions, rules and conditions shall be binding upon all such members of the Scheme.

*(Regulation 30(1)(b) substituted by regulation 4(c) of GN R1670 of 1995)*

- (c) the Commissioner may temporarily or permanently limit or temporarily or permanently suspend the benefits of a member and/or his or her dependants if circumstances necessitate it.

*(Regulation 30(1)(c) inserted by regulation 4(a) of GN R1864 of 1994)*

(2) **Definitions.** - For the purposes of this regulation, and unless inconsistent with the context -

- (a) "member" means-

- (i) a serving member of the Force;
- (ii) a member referred to in subparagraph (i) who retires, is discharged in terms of section 35 of the Act or is dismissed from the Service due to medical unfitness after having completed 10 years pensionable service immediately before such retirement or dismissal or two or more periods of service totalling 25 years pensionable service, unless otherwise directed by the Commissioner.

*(Regulation 30(2)(a)(ii) substituted by regulation 4(d) of GN R1670 of 1995)*

*(Regulation 30(2)(a)(ii) substituted by regulation 4 of GN R1870 of 1995)*

*(Regulation 30(2)(a)(ii) substituted by regulation 6(b) of GN R2089 of 1996)*

- (iii) a member referred to in subparagraph (i) who has been discharged from the Force due to medical unfitness which, in the opinion of the Commissioner, arose in the course of and as a result of his duties; and unless otherwise directed by the Commissioner -

- (iv) a serving temporary member of the Force who is filling a vacancy on the approved establishment;

(v) any member who, immediately prior to the repeal of regulations 33A and 33B, could lay claim to medical benefits in terms of the said regulation; and

(vi) a "dependent" as defined in paragraph (b);

(b) "dependant" -

(i) the legal spouse or widow or widower or a dependant child of a member referred to in paragraph (a)(i) and (ii), excluding those of a national serviceman doing his national service in the Force;

and unless otherwise directed by the Commissioner –

(ii) the legal spouse or widow or widower or a dependant child of a member referred to in paragraph (a)(iii), (iv) and (v):

Provided that in the case of a customary law marriage only the first spouse and dependants born from this union shall qualify as dependants: Provided further that if such a widow or widower remarries, he or she shall forfeit all the benefits and privileges accruing to them under this regulation.

*(Regulation 30(2)(b) substituted by regulation 4(b) of GN R1864 of 1994)*

(3) "Dependent child" - For the purposes of this regulation 'dependant child' in relation to any member aforesaid means such member's child or legally adopted child who is unmarried, who is permanently resident with such member and who is –

*(Words preceding regulation 30(3)(a) substituted by regulation 4(c) of GN R1864 of 1994)*

(a) under the age of 18 years and not in permanent gainful employment, including any form of vocational training to which remuneration is attached;

(b) 18 years or older, is a full-time scholar or student at a school or other educational institution and, notwithstanding any bursaries, loans or merit awards received, is entirely dependent upon such member for his maintenance; or

c) over the age of 18 years and, because of a physical or mental infirmity, entirely dependent upon such member for his maintenance:

Provided that –

(i) a child who temporarily resides elsewhere than with the member concerned, either for the purpose of attending a school or other educational institution or because of the member's

inability, owing to circumstances connected with his duties, to care personally for the child, shall be deemed to be permanently resident with such member;

- (ii) in the event of the maintenance paid or payable in respect of a child by any person other than the member concerned or of any earnings or income of any nature whatsoever received by or on behalf of a child being insufficient, in the opinion of the Commissioner, to provide such child with the necessary maintenance, medical, dental and hospital treatment, such child shall be deemed to be entirely dependent upon such member;
- (iii) the Commissioner may, notwithstanding the provisions of this subregulation, approve that the child of a member who is estranged from his wife, judicially separated or divorced, be deemed a dependent child if such member has been ordered by a competent court to pay maintenance for such child and also to bear the child's full medical expenses.

- (4) The Commissioner may, notwithstanding the stipulations of this regulation, in his or her discretion give approval in exceptional circumstances other than those mentioned in this regulation for the child of a member to be regarded as a dependant child.

*(Regulation 30 amended by regulation 1 of GN R114 of 1968)*

*(Regulation 30 amended by the regulation of GN R1252 of 1974)*

*(Regulation 30 amended by the regulation of GN R1627 of 1974)*

*(Regulation 30(4)(c) inserted by the regulation of GN R290 of 1988)*

*(Regulation 30(4) substituted by regulation 4(d) of GN R1864 of 1994)*

### **31. MEDICAL, DENTAL AND HOSPITAL TREATMENT AND SUPPLEMENTARY HEALTH SERVICES**

*(The heading of regulation 31 substituted by the regulation of GN R685 of 1981)*

The treatment provided for in Regulation 30 comprises -

- (1) medical and dental examination and treatment by a medical or dental practitioner of the State, or by any other registered medical or dental practitioner of own choice at the tariff of fees determined from time to time, and examination and treatment by registered persons who render supplementary health services at the relevant tariff of fees or at a tariff approved by the Commissioner from time to time in consultation with the Director-General: Health, Welfare and Pensions: Provided that a registered person means a person who is registered with the South African Medical and Dental Council;
- (2) the provision of any medical preparation which is required for the treatment or prevention of an indisposition, disease or injury or the restoration of health and which is prescribed by a registered medical/dental practitioner: Provided that the Commissioner may from time to time exclude specific preparations.

*(Regulation 31(2) substituted by regulation 5(a) of GN R1670 of 1995)*

- (3) admission to, care and nursing in a military, public or private hospital or nursing or maternity home, as well as any medical or supplementary medical service rendered to a member whilst he is being cared for in such hospital or home;
- (4) examination and treatment as an out-patient, or at the casualty department of any hospital, nursing institution or clinic;
- (5) the employment of a registered nurse or midwife, if a registered medical practitioner deems it necessary, at such tariff as may be approved from time to time by the South African Nursing Council; and
- (6) subject to the approval of the Commissioner -
  - (a) the provision of medical and dental comforts, aids and appliances; and
  - (b) medical treatment and care in a hospital, institution or clinic in the case of addiction or alleged addiction to alcohol or any other drug.
    - (Regulation 31 amended by regulation 2 of GN R114 of 1968)*
    - (Regulation 31 amended by the regulation of GN R1252 of 1974)*
    - (Regulation 31 substituted by the regulation of GN R685 of 1981)*
    - (Regulation 31(6)(b) substituted by regulation 5(b) of GN R1670 of 1995)*
  - (c) reconstructive, restoring operations/procedures or treatments of cosmetic nature.
    - (Regulation 31(6)(c) inserted by regulation 5(c) of GN R1670 of 1995)*

**31A .....**

- (Regulation 31A inserted by regulation 3 of GN R114 of 1968)*
- (Regulation 31A amended by the regulation of GN R191 of 1971)*
- (Regulation 31A deleted by the regulation of GN R1252 of 1974)*

**32. MEDICAL ADVISORY BOARD**

- (Heading of regulation 32 substituted by the regulation of Proc. R1252 of 1974)*
- (Heading of regulation 32 substituted by the regulation of Proc. R785 of 1978)*
- (Heading of regulation 32 substituted by the regulation of Proc. R685 of 1981)*

- (1) *Establishment of a board.*- A National Medical Management Board (hereinafter referred to as "the Board"), consisting of such number of members with such terms of office as the Commissioner may from time to time determine, is hereby established.
  - (Regulation 32(1) substituted by regulation 6 of GN R1670 of 1995)*
- (2) *Powers and functions of the Board.*- The Board shall exercise such powers and perform such functions as may be assigned to it from time to time by the Commissioner.
  - (Regulation 32 amended by regulation 4 of GN R114 of 1968)*

*(Regulation 32 amended by the regulation of GN R3737 of 1969)*  
*(Regulation 32 amended by the regulation of GN R1252 of 1974)*  
*(Regulation 32 amended by the regulation of GN R310 of 1977)*  
*(Regulation 32 amended by the regulation of GN R785 of 1978)*  
*(Regulation 32 amended by the regulation of GN R1231 of 1980)*  
*(Regulation 32 substituted by the regulation of GN R685 of 1981)*

**33. ....**

*(Regulation 33 amended by regulation 5 of GN R114 of 1968)*  
*(Regulation 33 amended by regulation 3 of GN R2031 of 1969)*  
*(Regulation 33 amended by the regulation of GN R785 of 1978)*  
*(Regulation 33 amended by the regulation of GN R685 of 1981)*  
*(Regulation 33 deleted by regulation 7 of GN R2089 of 1996)*

**33A. ....**

*(Regulation 33A inserted by the regulation of GN R1843 of 1965)*  
*(Regulation 33A amended by the regulation of GN R189 of 1967)*  
*(Regulation 33A amended by regulation 2 of GN R1390 of 1967)*  
*(Regulation 33A corrected by regulation (b) of GN R1513 of 1967)*  
*(Regulation 33A amended by the regulation of GN R2330 of 1970)*  
*(Regulation 33A amended by the regulation of GN R1700 of 1971)*  
*(Regulation 33A amended by the regulation of GN R228 of 1975)*  
*(Regulation 33A amended by the regulation of GN R1319 of 1975)*  
*(Regulation 33A amended by the regulation of GN R1552 of 1978)*  
*(Regulation 33A deleted by the regulation of GN R685 of 1981)*

**33B. ....**

*(Regulation 33B inserted by the regulation 6 of GN R114 of 1968)*  
*(Regulation 33B amended the regulation of GN R2330 of 1970)*  
*(Regulation 33B amended by the regulation of GN R191 of 1971)*  
*(Regulation 33B amended by the regulation of GN R226 of 1971)*  
*(Regulation 33B amended by the regulation of GN R630 of 1972)*  
*(Regulation 33B amended by the regulation of GN R228 of 1975)*  
*(Regulation 33B amended by the regulation of GN R1552 of 1978)*  
*(Regulation 33B deleted by the regulation of GN R685 of 1981)*

**33C. ....**

*(Regulation 33C added by the regulation of GN R2330 of 1970)*  
*(Regulation 33C deleted by the regulation of Proc. R1252 of 1974)*

**34. INJURIES ARISING OUT OF AND SUSTAINED IN THE COURSE OF DUTY: MEDICAL, DENTAL AND HOSPITAL TREATMENT**

The cost of any medical, dental and hospital treatment or aid rendered under the circumstances referred to in regulation 53(1)(a) shall be met from public funds in accordance with the tariff laid down in terms of the Workmen's Compensation Act, 1941 (Act 30 of 1941), as amended.

*(Regulation 34 amended by the regulation 7 of GN R114 of 1968)*

*(Regulation 34 amended by the regulation of Proc. R1252 of 1974)*

*(Regulation 34 substituted by the regulation of GN R685 of 1981)*

**35. RETIREMENT OR DISCHARGE FROM THE FORCE WHILST A MEMBER IS IN HOSPITAL OR NURSING INSTITUTION**

In addition to any treatment given in terms of section sixty-eight of the Government Service Pensions Act, 1955 (Act No. 58 of 1955), a member who, on his retirement or discharge from the Force, is in a hospital or nursing institution, other than a leper or mental institution, may continue to receive medical and hospital treatment at public expense for a period to be determined by the Commissioner.

**36. MARRIAGE, FAMILY CHANGES AND DEATH OF MEMBERS AND MEMBERS OF THEIR HOUSEHOLD**

- (1) A member shall immediately notify his commander of his marriage and shall be obliged to report to his commander the prescribed particulars in regard to changes in his household.
- (2) For the purposes of such allowances and privileges as the Commissioner may determine, a member shall be deemed not to be married unless his wife and dependent children reside within the Republic or the Territory. Should the wife or a dependent child of such a member leave the Republic or the Territory to reside abroad, the privileges ordinarily applicable to such wife or child shall cease on the expiration of six calendar months since their departure from the Republic or the Territory, unless the Commissioner in exceptional circumstances otherwise directs.

**37.**

- (1) Subject to such directions as may be prescribed, the death of a member shall be reported to the Commissioner without delay.
- (2) Reasonable expenses in connection with the funeral of a member may, in the discretion of the Commissioner, be paid from public funds.
- (3) .....

*(Regulation 37(3) substituted by the regulation of GN R1231 of 1980)*

*(Regulation 37(3) deleted by the regulation of GN R2030 of 1982)*

## LEAVE OF ABSENCE

### 38. SCOPE OF APPLICATION OF LEAVE REGULATIONS

- (1) The provisions of these regulations regarding leave of absence shall apply to all members.
- (2) Save where special leave has been prescribed by the Commissioner on the recommendation of the Commission for Administration, the leave regulations promulgated in terms of section *thirty five* of the Public Service Act, 1984 (Act 111 of 1984), shall apply to temporary members appointed in terms of section *thirty four* of the Police Act, 1958 (Act 7 of 1958) and to other officials or employees who are not members of the Force but are nevertheless in the employ of the Department.

*(Regulation 38(2) substituted by regulation 10 of GN R114 of 1968)*

*(Regulation 38(2) substituted by regulation 2 of GN R520 of 1988)*

### 39. LEAVE OF ABSENCE A PRIVILEGE

- (1) The leave of absence provided for in these regulations is a privilege and shall be granted only with due regard to the exigencies of the Force.
- (2) Leave cannot be claimed as a right, and when a member leaves the Force for any reason whatsoever he cannot claim payment in respect of the cash value of leave standing to his credit.
- (3) The provisions of sub-regulations (1) and (2) shall not preclude the payment of leave gratuities on conditions recommended by the Commission for Administration and approved by the Treasury.

*(Regulation 39(3) substituted by regulation 3 of GN R520 of 1988)*

### 40. GRANTING AND WITHDRAWAL OF LEAVE, AND LEAVE APPLICATION FORMS

- (1)
  - (a) The granting of all leave of absence is subject to approval by the Commissioner; provided that the granting of leave of absence to the Commissioner is subject to such approval as may be decided by the Minister.
  - (b) Leave already granted, may at any time be withdrawn by the Commissioner or, in the case of leave granted to the Commissioner, by the Minister.
- (2) Except in the case of a member who is suspended from duty or prevented by his sudden illness or by other circumstances which are acceptable to the Commissioner or a commander, from remaining on or reporting for duty, a member may not leave or absent himself from his work unless he has applied, in writing, for leave and has been advised that the application for leave has been approved.

(3)



- (a) Applications for leave shall be made in writing on the prescribed form.
  - (b) The form of the medical certificate to be submitted in support of an application for sick leave, shall also be prescribed.
- (4) The Commissioner may require any member to -
- (a) furnish his address during leave of absence of whatever nature;
  - (b) remain in his living quarters during his absence as a result of illness, indisposition or an injury.

#### **41. LEAVE REGISTERS**

- (1) The Department shall keep at its Head Office a leave register in respect of each member, in which register all periods of absence shall be recorded in accordance with the classification contained in regulation 44.
- (2) All applications for leave shall be filed for audit and other purposes in the office mentioned in sub-regulation (1) for such period as the Commissioner may direct.
- (3) A commander to whom the Commissioner has delegated his authority in terms of these regulations, shall apply the provisions of sub-regulation (1) of this regulation *mutatis mutandis* to every member under his command.

#### **42. LAPSE OF GRANTED LEAVE ON TERMINATION OF SERVICE**

- (1) As soon as a member resigns any paid leave which at that time may already have been granted for a period or periods as from or after the date of such notice, or, if the notice is undated, as from or after the date the notification is received by such member's Commander, shall lapse and any absences from duty on or after the date referred to shall be regarded as vacation leave without pay: Provided that this subregulation shall -

*(Regulation 42(1) amended by regulation 8 of GN R2089 of 1996)*

- (a) apply only in respect of absences during a member's last 30 days of service; and
- (b) not apply to-
  - (i) sick leave;
  - (ii) special leave granted in terms of paragraph (b) or (c) of regulation 52(1);
  - (iii) vacation leave granted in terms of regulation 50(6).



(2)

- (a) If the services of a member terminate for any reason other than that mentioned in subregulation (1), any leave of absence which at that time may already have been granted to him for a period or periods after the date of termination of his services shall lapse.
- (b) The period of service of a member may not be extended in order to enable him to take leave which may have been granted to him.

*(Regulation 42 amended by regulation (9) of GN R1950 of 1966)*

*(Regulation 42 substituted by the regulation of GN R212 of 1971 and effective as from 1 January 1970)*

#### **43. PAYMENT OF ALLOWANCES, ETC., DURING LEAVE**

The continuation or discontinuation of the payment, to a member, of allowances or remuneration other than his pay or wage and the responsibility of a member for the payment, to the State, of moneys in respect of goods or services supplied by the State during periods of absence on leave, shall be subject to the provisions of the regulations concerned and to the directions issued by the Commissioner or the Treasury, or by the Treasury on the recommendation of the Commission for Administration, or the Commissioner, in that connection.

*(Regulation 43 substituted by regulation 4 of GN R520 of 1988)*

#### **44. CLASSIFICATION OF ABSENCES ON LEAVE**

(1) All absences from duty on leave are classified under one or more of the following heading:

- (a) Vacation leave (accumulative) on full pay.
- (b) Non-accumulative leave on full pay.
- (c) Vacation leave without pay.
- (d) Sick leave on full pay.
- (e) Sick leave on half pay.
- (f) Sick leave without pay.
- (g) Special sick leave on full pay.
- (h) Special sick leave on half pay.
- (i) Special sick leave without pay.
- (j) Special leave on full pay.
- (k) Special leave subject to conditions of pay as may be approved by the Commissioner on the recommendation of the Commission for Administration.

*(Regulation 44(1) substituted by the regulation of GN R212 of 1971 and effective as from 1 January 1970)*

*(Regulation 44(1)(k) substituted by regulation 5 of GN R520 of 1988)*

- (2) The granting of leave under any one of the heads mentioned in sub-regulation (1) shall not affect the granting of leave under any of the other heads mentioned, save as specifically provided elsewhere in these regulations.

(3)

- (a) Save as provided in paragraph (c) of sub-regulation (1) of regulation 52, all unauthorised periods of absence shall, apart from any disciplinary action which may be taken against the member concerned, be regarded as vacation leave without pay unless the Commissioner decides otherwise.
- (b) The submission of a written application for leave as prescribed in paragraph (a) of sub-regulation (3) of regulation 40, shall not be required in the case of unauthorised absences.

#### 45. GROUPING OF MEMBERS FOR LEAVE PURPOSES

- (1) Members may be granted leave as follows: -

- (a) Vacation Leave (Accumulative) with Full Pay: -

Members who attested before 1.7.66

Group.		Number of Days per Annum.
(i)	Members who have completed fifteen years or longer service, Group 1A	38
(ii)	Members who have completed ten years or longer but less than fifteen years service, Group 1B	36
(iii)	Members who have completed less than 10 years service, Group II	30

Members who attested on or after 1.7.66

(iv)	Members who have completed ten years or longer service, Group 1B	36
(v)	Members who have completed less than 10 years service, Group II	30

*(Regulation 45(1)(a) substituted by regulation (10) of GN R1950 of 1966)*

- (b) Sick Leave -

All members: 120 days with full pay and 120 days with half pay in each cycle.

(2)

- (a) If a member retires from a post or relinquishes a permanent appointment or if his permanent appointment is terminated for any reason whatsoever, any accumulated leave standing to his credit on the date on which his services terminate, shall lapse, subject to the provisions of regulation 39 (3).
- (b) If a person referred to in subregulation (a) is reappointed, with or without a break in service, in a permanent or temporary capacity, such reappointment shall be regarded as a new appointment for all purposes of these regulations, his previous service shall not count as service for leave purposes, and accumulated leave which has lapsed in terms of subregulation (a) shall not be placed to his credit again.

*(Regulation 45(2) substituted by the regulation of GN R212 of 1971 and effective as from 1 January 1970)*

- (3) A person serving under contract in the Force shall, unless his service contract provides otherwise, be granted leave in accordance with these Regulations, and his grouping for leave purposes shall be determined in the same manner as that of a comparable member of the Force.

#### **46. LEAVE GRANTED IN EXCESS OF LEAVE CREDIT**

If a member has been granted vacation leave with full pay in excess of that standing to his credit in terms of these regulations, such excess leave may be deducted from the vacation leave which subsequently accrues to him; provided that the Commissioner is satisfied that the excess leave was granted in good faith; provided further that, in the event of the member resigning or his services being terminated before sufficient vacation leave has accrued for the purpose of such deduction, that portion of the excess leave which still exceeds his vacation leave accrual on his last day of service shall be regarded as an overpayment of pay, which shall be either recovered or written off with the proper authority.

#### **47. DAYS OFF**

A day off shall not be regarded as leave and shall not be recorded as such in the leave register: Provided that a day off, or two or more consecutive days off -

- (1) falling within a period of leave, shall be regarded as leave falling under the same heading, according to the classification in regulation 44(1), as leave which precedes and succeeds such day or days off;
- (2) falling between a period of authorised vacation or non-accumulative leave and a period of sick leave (or vice versa) shall be regarded as vacation leave, unless the member concerned produces evidence that he was actually ill on such day or days off, in which case such absence shall be regarded as sick leave;

- (3) falling between a period of authorised vacation, non-accumulative or special leave and a period of unauthorised vacation leave (or vice versa), shall be regarded as vacation leave on full pay, if available, or else vacation leave without pay; and
- (4) falling between a period of sick leave and a period of unauthorised vacation leave (or vice versa), shall be regarded as vacation leave on full pay, if available, or else vacation leave without pay, unless the member concerned produces evidence that he was actually ill on such day or days off, in which case such absence shall be regarded as sick leave;
- (5) in the case of a member who is called upon to report for duty on a day off and who fails to do so, shall, apart from any disciplinary action which may be taken against him, be regarded as vacation leave without pay unless he has been prevented from reporting for duty because of circumstances which are acceptable to the Commissioner.

*(Regulation 47 substituted by the regulation of GN R212 of 1971 and effective as from 1 January 1970)*

*(Regulation 47 amended by regulation 6 of GN R520 of 1988)*

**48. VACATION LEAVE GRANTED IN TERMS OF THE REPEALED REGULATIONS OR IN RESPECT OF PERSONS TRANSFERRED FROM ANOTHER DEPARTMENT OF STATE, THE SOUTH AFRICAN TRANSPORT SERVICES OR OTHER SIMILAR SERVICE AS A MEMBER OF THE FORCE**

*(Heading of Regulation 48 substituted by the regulation of GN R211 of 1983)*

- (1) The promulgation of these regulations and the repeal of the regulations which were in force immediately prior to such promulgation shall in no way affect the continuity of the accumulative vacation leave privileges of a member who was in the Force immediately prior to the coming into force of these regulations, and such accumulated vacation leave shall, subject to the provisions of sub regulation (3), remain to the credit of such member.
- (2) A person who –
  - (a) is in the full-time employment of any Government department, or
  - (b) is employed full-time by -
    - (i) the South African Transport Services;
    - (ii) the State Diggings;
    - (iii) the Department of Posts and Telecommunications;
    - (iv) an educational institution under the control of the Department of National Education;

- (v) a provincial education department;
  - (vi) a State-aided primary or secondary school or college within the Republic;
  - (vii) a recognised university within the Republic;
  - (viii) the University of Fort Hare or a university college for Non-Whites within the Republic and established in terms of the Extension of University Education Act, 1959 (Act 45 of 1959);
  - (ix) a statutory institution that was specifically established by an Act of Parliament and which obtains its funds wholly or partially direct from the State Revenue Fund, irrespective of whether or not it is controled[sic] by a Government Department; or  
*(Regulation 48(2)(b)(ix) substituted by the regulation of GN R291 of 1988)*
- (c) was appointed -
- (i) under an ordinance in the full-time service of a provincial administration;
  - (ii) in the full-time service of the Department of Environment Affairs in terms of section 3(2) of the Water Act, 1956 (Act 54 of 1956), as amended;
  - (iii) in the full-time service of the Department of Co-operation and Development in terms of section 6 *bis* (3)(b) of the Development Trust and Land Act, 1936 (Act 18 of 1936), as amended;
  - (iv) as a full-time teacher in terms of the Education and Training Act, 1979 (Act 90 of 1979), as amended, the Coloured Persons Education Act, 1963 (Act 47 of 1963), or the Indians Education Act, 1965 (Act 61 of 1965);
  - (v) in the full-time service of the Blacks Resettlement Board in terms of section 9(1)(c) of the Blacks Resettlement Act, 1954 (Act 19 of 1954); or
  - (vi) in the full-time service of a Black tribal, regional or community authority in an area where the National States Constitution Act, 1971, or the Transkei Constitution Act, 1963, or the Development of Self-Government for Native Nations in South-West Africa Act, 1968, is NOT applicable;

and who is transferred or appointed, without a break in service, to a post or position in which these regulations become applicable to him, shall retain the accumulated vacation leave to his credit on the day before his appointment or transfer, subject to the provisions of subregulation (3), and the previous service in respect of which the leave credit is carried forward shall count as service for leave purposes: Provided that if his appointment or transfer is effected on a day other than the

first day of a month he shall retain the accumulated vacation leave which stood to his credit on the last day of the month preceding the month during which his appointment or transfer is effected, in which case these regulations shall become applicable to him on the first day of the month in which his appointment or transfer is effected: Provided further that if such leave would have become available for utilisation only after the completion of a specified period of service and such period is uncompleted on the date on which these regulations become applicable to the officer or employee the credit may be calculated in proportion to the portion of the relative period of service which he has completed on the last-mentioned date and the leave concerned may be granted forthwith.

- (3) For the purposes of sub-regulation (2), any portion of a day shall be regarded as one day when the accumulated vacation leave is placed to the credit of a member on the date on which these regulations become applicable to him.

*(Regulation 48 amended by regulation 1 of GN R562 of 1968)*

*(Regulation 48 amended by the regulation of GN R212 of 1971 and effective as from 1 January 1970)*

*(Regulation 48 substituted by the regulation of GN R211 of 1983)*

#### **49. GENERAL PROVISIONS: VACATION LEAVE**

- (1) Subject to regulation 56(1), accumulative vacation leave shall accrue in respect of each completed month of service at the rate of one-twelfth of the provisions applicable to any member in terms of regulation 45(1)(a).

*(Regulation 49(1) substituted by the regulation of GN R212 of 1971 and effective as from 1 January 1970)*

- (2) If a member is transferred from one vacation leave group to another group referred to in sub-regulation (1) of regulation 45 -

- (a) he shall retain the accumulative vacation leave credit which accrued during his service in the previous group or groups; and
- (b) the accumulative vacation leave of the new group shall become applicable to him on the first day of the month during which such transfer becomes effective;

unless the provisions of sub-regulation (2) of regulation 45 are applicable to him.

- (3) The Commissioner may at any time require a member and the Minister may at any time require the Commissioner to take a portion or the whole of the vacation leave due to him; provided that the leave so taken, shall not exceed the maximum period of leave prescribed in sub-regulation (4) of this regulation.
- (4) Subject to the provisions of sub-regulation 57, no member shall be granted vacation leave in excess of 184 days in any period of eighteen calendar months, and in respect of any absence from duty exceeding

this limit, vacation leave without pay shall be granted, due regard being had to the provisions of regulation 54. For the purposes of this sub-regulation, any vacation leave granted in terms of sub-regulation (6) of regulation 50, shall not be taken into account.

- (5) The accumulative vacation leave standing to the credit of a member on the 1st January of each year shall be recorded in the leave register, and when such credit is recorded, any portion of a day shall be regarded as one day.

## **50. GENERAL PROVISIONS - SICK LEAVE**

- (1) Sick leave shall accrue to a member on the first day of a cycle, and with effect from that day the full provision of the relative cycle may be granted to him if the other provisions of these regulations are complied with: Provided that no member shall be granted sick leave on full or half pay until he has completed 30 days' service reckoned from the date of his appointment and then only in respect of absences subsequent to the completion of such service.

*(Regulation 50(1) substituted by the regulation of GN. R212 of 1971 and effective as from 1 January 1970)*

- (2) A person who, during a cycle and without a break in service, is appointed in terms of sub-regulation (2) of regulation 48 as a member by way of transfer or in another manner, shall immediately be entitled to the sick leave referred to in sub-regulation (1) of regulation 45 (less any paid sick leave he may already have taken during the relative cycle) if these provisions are more favourable than the sick leave provisions applicable to him immediately prior to his appointment as a member, unless the provisions of regulation 45(2)(b) apply to him.

*(Regulation 50(2) substituted by the regulation of GN R212 of 1971 and effective as from 1 January 1970)*

- (3) Any unused portion of the sick leave prescribed for a particular cycle shall lapse at the end of that cycle and may not be carried forward to the next cycle.

- (4) A member who has completed at least 10 years' continuous service and who, on account of prolonged illness, has taken all the sick leave with full pay which may be granted to him in terms of regulation 45(1)(b), may, subject to the provisions of regulation 51, be granted additional sick leave with full pay to such an extent and subject to such conditions as the Commissioner may determine on the recommendation of the Commission for Administration and with the approval of the Treasury.

*(Regulation 50(4) substituted by the regulation of GN R291 of 1988)*

- (5) If a member who has been granted the maximum amount of sick leave provided for in these regulations, is not yet able, for reasons of ill-health, to resume his duties, the Commissioner may -

- (a) on the submission to him of a satisfactory certificate issued by a registered medical practitioner or registered dentist; and

*(Regulation 50(5)(a) substituted by regulation 2(a) of GN R562 of 1968)*

*(Regulation 50(5)(a) substituted by the regulation of GN R212 of 1983)*

- (b) if he is satisfied that the member at that particular time is not permanently unfit to resume his normal duties; and
- (c) if the member has no vacation leave to his credit, excluding vacation leave mentioned in regulation 56(3), at his discretion grant such member further sick leave with half pay not exceeding 92 days in any one cycle. Such further sick leave may be granted in respect of separate periods of absence and in respect of different kinds of illnesses.

*(Regulation 50(5)(c) substituted by the regulation of GN R212 of 1971 and effective as from 1 January 1970)*

(6)

- (a) A member may, on application in writing, be granted any vacation leave which he may have to his credit in lieu of sick leave with half pay or sick leave without pay: Provided that –
  - (i) such application is submitted not later than three calendar months after he has resumed duty;
  - (ii) the number of days vacation leave so granted shall not exceed 365 days in the aggregate in any cycle;
  - (iii) the Commissioner shall be satisfied that the member concerned is at that stage not permanently unfit for the resumption of his normal duties; and
  - (iv) notwithstanding the provisions of subparagraph (iii), the provisions of this regulation may also be applied in respect of a member's absence owing to illness after steps have been taken to terminate his services on grounds of ill-health.

*(Regulation 50(6)(a) substituted by the regulation of GN R212 of 1971 and effective as from 1 January 1970)*

- (b) Once the vacation leave referred to has been granted to a member and he has received payment in respect thereof, such leave shall not be reconverted into sick leave with half pay or without pay.

*(Regulation 50(6) substituted by the regulation of GN R211 of 1983)*

(7)

- (a) If a member to whom vacation leave has been granted, falls ill, becomes indisposed or is injured after he has ceased his duties in order to proceed on vacation leave, that portion of the vacation leave, during which he was ill, indisposed or suffering from an injury may, subject to the provisions of sub-regulation (1) of regulation 51, be converted into sick leave if –
  - (i) the member, in terms of subregulation 3 of regulation 51; submits a certificate issued by a registered medical practitioner or a registered dentist and complying with the requirements of regulation 51;

*(Regulation 50(7)(a)(i) substituted by regulation 2(b) of GN R562 of 1968)*



*(Regulation 50(7)(a)(i) substituted by the regulation of GN R212 of 1983)*

- (ii) the necessary sick leave is available in terms of these regulations; and
- (iii) the approval of the Commissioner has been obtained.

(b) Vacation leave without pay may not be converted into sick leave.

## **51. GRANTING OF SICK LEAVE**

- (1) Sick leave shall be granted only in respect of absence owing to illness, indisposition or injury not due to a member's misconduct or serious or deliberate failure to take reasonable precautions.
- (2) Sick leave may be granted to a member in respect of nervous complaints, insomnia, debility and similar ill-defined illnesses or indispositions only if the Commissioner is satisfiedd[sic] that this condition -
  - (a) incapacitates him for duty; and
  - (b) does not arise from his failure to take vacation leave.
- (3)
  - (a) If a member is absent from duty for a continuous period of more than three days owing to illness, indisposition or an injury, he may be granted sick leave only if he furnishes a satisfactory certificate issued by a registered medical practitioner or a registered dentist which -
    - (i) clearly describes the nature of the illness, indisposition or injury;
    - (ii) states that he is not capable of performing his official duties or carrying out his responsibilities; and
    - (iii) indicates the period or further period necessary for his recuperation;

Provided that a certificate shall be submitted in respect of any period of absence due to injuries sustained whether on or off duty.

- (b) The Commissioner may, at his discretion, require the submission of a similar certificate in respect of periods of three days or less.
- (c) If the Commissioner is satisfied that the absence of the member is *bona fide* due to illness, indisposition or an injury and that there are good reasons for the non-submission of the certificate prescribed in paragraph (a), he may waive the submission of such certificate by the member in

respect of sick leave for a continuous period not exceeding 14 days. Such exemption shall be endorsed on the leave application.

- (d) Sick leave with or without pay in respect of which a certificate contemplated in paragraph (a) is not submitted may be granted only for an aggregate of 10 days during any year ending on 31 December and any further absences shall be covered by the granting of vacation leave with full pay or, if the member has no vacation leave to his credit of vacation leave without pay. The provision of this paragraph shall not apply to periods of absence in respect of which exemption in terms of paragraph (c) has been granted and such periods shall not be taken into account in the determination of the 10 days.

*(Regulation 51(3) amended by regulation (n) of GN R389 of 1964)*

*(Regulation 51(3) amended by regulation 3(b) of GN R562 of 1968)*

*(Regulation 51(3) substituted by the regulation of GN R212 of 1983)*

- (4) Notwithstanding the submission of a certificate as prescribed in sub-regulations (3), the Commissioner may, at his discretion, refuse to grant sick leave with pay in respect of any period of absence to which the certificate relates, and in such case the period of absence shall be regarded as unauthorised and the provisions of sub-regulation (3) of regulation 44 shall apply; provided that, subject to the approval of the Commissioner, such absence or any portion thereof may be covered by vacation leave with full pay if the member has vacation leave to his credit and applies therefor.

*(Regulation 51(4) deleted by regulation 3(c) of GN R562 of 1968)*

*(Regulation 51(5) renumbered by regulation 3(d) of GN R562 of 1968)*

## **52. SPECIAL LEAVE WITH FULL PAY**

- (1) Special leave with full pay may be granted to a member -

- (a) when he writes an examination of a recognised university within the Republic, any law examination of the Public Service or any other examination which the Commissioner may indicate;
- (b) When he is absent from duty because of quarantine(*sic*) or isolation ordered by a registered medical practitioner as a result of his having been in contact with a person who has contracted or is suspected of having contracted an infectious or contagious disease(*sic*); provided that special leave under this paragraph may be granted only on the production of a certificate issued by a registered medical practitioner and indicating the period of and the reason for isolation;

*(Regulation 52(1)(b) substituted by regulation 7 of GN R520 of 1988)*

- (c) for any period, other than a period during which he is suspended from office, necessary to appear before a court on a criminal charge in respect of which he is subsequently acquitted or the charge is withdrawn; provided, however, that if a member is charged before a court with an offence originating from or arising out of his duties and committed in the course thereof and the Government undertakes his defence and/or pays the costs of his defence, the Commissioner

may, in his discretion and irrespective of whether such member is ultimately found guilty or acquitted or the charge is withdrawn, direct that such period shall not be regarded as a period of absence;

- (d) when, in his capacity as a member of a board of control, board of trustees, committee or other controlling body of a certified canteen, mess or other approved institution of the Force, he is required to attend a meeting of such body, and is, as a result of such attendance, absent for one or more full working days;
- (e) when he is selected by a recognised amateur sports association to -
  - (i) take part, as a member of an organised sports group, in a sports tour outside the Republic and the Territory, either as a competitor, coach or manager; or
  - (ii) represent South Africa, and not merely a club or province, as a competitor, coach or manager at international sporting events within the Republic or the Territory; or
  - (iii) accompany a foreign national team visiting the Republic or the Territory, as a representative of the South African Sports association organising the tour;  
*(Regulation 52(1)(e) substituted by the regulation of GN R212 of 1971  
and effective as from 1 January 1970)*
- (f) when he serves as a referee, an official or a judge at an organised amateur sports meeting at an international level inside or outside the boundaries of the Republic.  
*(Regulation 52(1)(f) inserted by the regulation of GN R211 of 1983)*

(2) Special leave granted in terms of sub-regulation (1) may include any period actually and necessarily occupied in travelling for the purpose for which the leave is granted.

(3) The Commissioner may grant leave for study purposes to a member, on the basis and conditions approved by the Treasury on the recommendation of the Commission for Administration.

*(Regulation 52(3) substituted by the regulation of GN R212 of 1971 and effective as from 1 January 1970)*

*(Regulation 52(3) substituted by regulation 8 of GN R520 of 1988)*

### **53. SPECIAL SICK LEAVE**

(1)

- (a) Subject to the provisions of sub-regulations (1)(b) and (2), the Commissioner may grant a member who is absent owing to an injury sustained in an accident arising out of and in the course of his duties, or owing to a disease or indisposition contracted in the course of and as a result of his duties, or owing to any subsequent incapacitation which in the opinion of a registered medical practitioner or the Director-General of Health and Welfare is due to the same injury, illness or indisposition, or owing to an indisposition resulting from vaccination or inoculation in accordance

with the provisions of regulation 29 special sick leave with full pay for the period he is incapacitated for his normal functions or duties or, if the case falls within the scope of the Workmen's Compensation Act, 1941, as amended, special sick leave with remuneration equal to the difference between his full pay and any compensation payable to him in terms of the said Act by way of periodical payments of a percentage of his monthly earnings.

- (b) If a member is absent from duty owing to an injury which, in the opinion of the Commissioner, is attributable either wholly or partly to the wrongful act of a third party and if it is a case falling within the scope of the Workmen's Compensation Act, 1941, as amended, such member shall not be entitled to any pay during such absence except the compensation which, in terms of the said Act, is payable in the form of periodical payments of a percentage of his monthly earnings; Provided, however, that if such member either authorises the State Attorney to bring a claim in his name in respect of his pay against the responsible third party or undertakes to bring a claim against the responsible third party himself and further undertakes to recompense the State from any amount that may be recovered, the Commissioner shall, in terms of this regulation, grant him special leave with full pay for such period of absence.

*(Regulation 53(1) substituted by the regulation of GN R212 of 1983)*

- (2) Special sick leave in terms of this regulation shall not be granted if the Commissioner is of opinion that the accident is attributable to the serious and wilful misconduct of the member.
- (3) The provisions of sub-regulation (2) of regulation 28 and sub-regulations (3) and (4) of regulation 51 are *mutatis mutandis* applicable to the granting of special sick leave.

#### **54. VACATION LEAVE WITHOUT PAY**

- (1) Subject to the existence of sound reasons, the Commissioner may, at his discretion but subject to the limitations imposed by regulation 55(1)(c), grant a member who has no paid vacation leave to his credit, vacation leave without pay not exceeding 184 days in the aggregate in any period of 18 calendar months. In exceptional cases the limitation imposed by this regulation may be waived by the Commissioner.
- (2) Unless the provisions of regulations 44(3), 49(4) or 56(3) are to be applied, all vacation leave on full pay standing to a member's credit shall first be exhausted before vacation leave without pay may be granted to him.

*(Regulation 54 substituted by the regulation of GN R212 of 1971 and effective as from 1 January 1970)*

#### **55. SICK LEAVE WITHOUT PAY**

- (1)

- (a) A member who has exhausted his paid sick leave provided for in these regulations may, notwithstanding the provisions of sub-regulation (6) of regulation 50, be granted sick leave without pay for a period not exceeding 365 days in any particular cycle.
  - (b) The sick leave referred to in paragraph (a) may be granted irrespective of whether such member has been granted additional sick leave with full pay or further sick leave with half pay in terms of sub-regulation (4) or (5) of regulation 50.
  - (c) If a member has been granted the sick leave without pay as provided for in this regulation, he may not during that particular cycle be granted any further leave of whatever nature to cover his absence owing to illness, unless the Commissioner's approval has been obtained.
- (2) The granting to a member of sick leave without pay in terms of sub-regulation (1) is subject to the submission by him of a satisfactory medical certificate as prescribed in sub-regulation (3) of regulation 51.

**56. LEAVE WHICH COUNTS AS SERVICE FOR THE CALCULATION OF LEAVE AND THE DETERMINATION OF SALARY INCREMENTS**

- (1) All leave, of whatever nature, with full or part pay, and vacation and sick leave without pay not exceeding 15 days in the aggregate in any month, shall count as service for the purposes of leave accrual. If the leave without pay exceeds the limit of 15 days -
- (a) such excess shall not be regarded as service for the purposes of sub-regulation (1) of regulation 49; and
  - (b) the sick leave with full pay and sick leave with half pay which may be granted to a member in terms of paragraph (b) of sub-regulation (1) of regulation 45, shall be reduced by one-thirty-sixth in respect of each such excess, which reduction shall be made from the number of days available in the cycle in which the excess occurs or, if the available sick leave for the relative cycle has already been taken, from the number of days available in the next cycle.
- (2) Vacation leave without pay and sick leave without pay shall count as service for the purpose of determining a member's leave group under paragraph (a) of sub-regulation (1) of regulation 45.
- (3) Vacation leave accruing in terms of sub-regulation (1) during a period of vacation leave without pay or sick leave without pay may not be granted to a member until he has resumed his duties after his absence with vacation or sick leave without pay and may not be granted with retrospective effect.
- (4) All leave absence, of whatever nature, whether with or without pay, shall count as service for the purposes of salary increments.

## 57. EXCEPTIONAL CASES AND DEPARTURES

With due regard and subject to the conditions which the Commissioner for Administration may recommend for the purposes of special leave in terms of paragraph (k) of subregulation (1) of regulation 44, the Commissioner may, if circumstances warranting such a step should arise, in his discretion and to the extent to which he may approve, permit a departure from the provisions of regulations 38 to 56 or he may order that any period in respect of a particular member shall not be regarded as absence.

*(Regulation 57 substituted by regulation (11) of GN R1950 of 1966)*

*(Regulation 57 substituted by the regulation of GN R1031 of 1971)*

*(Regulation 57 substituted by regulation 9 of GN R520 of 1988)*

## 58. OFFENCES AGAINST DUTY AND DISCIPLINE

A member shall be guilty of an offence and may be dealt with in accordance with the provisions of Chapter II of the Act and these regulations if he -

- (1) apart from any offense as defined in sub-regulations (2) to (41), fails to comply with or acts contrary to any provision of these regulations or a Standing, Force or other order or instruction issued in terms of regulation 6, with which he has to comply or which he has to obey;
- (2) conspires with any other person to commit mutiny or to cause a mutiny, strike, riot or revolt or if he starts, or joins in any mutiny, strike, riot or revolt or incites any person to do so or if he, while a mutiny, strike, riot or revolt, takes place in his presence, fails to do his utmost to suppress it or if he, while knowing or suspecting any other person to be involved in any conspiracy to cause a mutiny, strike, riot or revolt or to have joined in it, fails to report all the facts which he knows without delay to his commander or superior;
- (3) assaults his superior, threatens him with violence, uses threatening or insulting language towards him, resists him by word or action or adopts towards him a disdainful, recalcitrant or insolent attitude;
- (4) disobeys, disregards or wilfully neglects to carry out any lawful command given by his superior;
- (5) whilst a patient in any hospital or nursing institution, wilfully neglects to obey any regulation or rule thereof or any lawful direction given by a member of the medical or nursing staff attached to such hospital or institution;
- (6) falsely imputes improper demeanour or misconduct to a superior;
- (7) treats an inferior in a tyrannical or oppressive manner;

- (8) makes a false accusation against any member or during an investigation, trial or inquiry makes a false statement or wilfully suppresses or conceals material facts;
- (9) withholds or unreasonably delays any complaint against or an adverse communication in connection with another member;
- (10) deserts the Force, refuses to serve in or carry out the functions of the Force or incites or persuades any other member to desert, refuse to serve in or to carry out the functions of the Force;
- (11) absents himself from duty without leave;
- (12) fails without good and sufficient cause, to report for duty at a stipulated time at his station, place of work or any other place appointed by his commander or superior;
- (13) contrary to any orders or instructions by a superior goes off duty before being relieved or without having first obtained permission from his superior;
- (14) contrary to any orders or instructions by a superior, absents himself from his quarters or dwelling without leave or other valid cause;
- (15) knowingly and deliberately receives, cares for, harbours or conceals a member who has deserted or, without valid cause, has absented himself from duty or, knowing the whereabouts of such member, fails to notify his superior immediately or to do everything in his power to have him arrested;
- (16) addresses any anonymous communication to a Minister, the Commissioner, other dignitary or a superior in the Force;
- (17) intentionally causes an unnecessary disturbance, gives a false alarm or disseminates false information;
- (18) fights or otherwise behaves in a riotous or an unseemly manner;
- (19)
  - (a) is under the influence of liquor or narcotic drugs regardless of whether he is on or off duty;  
or
  - (b) partakes of liquor or narcotic drugs on duty; or
  - (c) renders himself unfit for duty of[sic] for the use performance of his functions by the excessive use of liquor or narcotic drugs; or

- (d) enters, while on duty, any room or place being used for the manufacture, storage, sale or supply of liquor, except in the exercise of his functions or to obtain accommodation; or
- (e) places himself under an obligation to any licensed dealer in liquor or any barman or other person in the employ of any such licensed dealer or barman, or holds shares in an unlisted company, the main object of which is the manufacture or supply of or trading in liquor: Provided that for the purposes of this subregulation -
  - (i) "narcotic drugs", apart from its usual meaning, shall also include a dependence-producing substance as defined in section 172 of the Liquor Act, 1977 (Act 87 of 1977);
  - (ii) 'liquor', shall also mean 'intoxicating liquor' or 'liquor' as defined in section 1 of the Liquor Act, 1977 (Act 87 of 1977), and also 'sorghum beer' as defined in section 1 of the Sorghum Beer Act, 1962 (Act 63 of 1962);
  - (iii) a member shall not be deemed to have committed an offence if a narcotic drug was used by him strictly in accordance with instructions issued by a registered medical practitioner or a registered dentist.

*(Regulation 58(19) substituted by the regulation of GN R1231 of 1980)*

- (20)
  - (a) malingers or feigns or pretends to be ill, infirm, indisposed, injured or suffering from pain;
  - (b) obtains or attempts to obtain exemption from duty by advancing a false or exaggerated excuse on the grounds of illness, infirmity, indisposition, injury or pain;
  - (c) wilfully causes illness, infirmity, indisposition, injury or pain or wilfully maims or injures himself or any other member, whether at the request of such member or not, or wilfully causes himself to be maimed or injured by any other person with the intention of rendering himself or such other member unfit for duty or the performance of his functions;
- (21) fails to notify his superior without delay that he is suffering from venereal or any other disease which is notifiable under the law;
- (22) sleeps on duty;
- (23) neglects his duty or performs his functions in an improper manner;
- (24) without the permission of the Commissioner, directly or indirectly discloses, otherwise than in the discharge of his functions, any information gained by or communicated to him because of his



employment in the Force or uses such information for any purpose other than for the discharge of his functions or official duties, whether or not he discloses such information;

*(Regulation 58(24) corrected by regulation (s) of GN R389 of 1964)*

- (25) without proper authority, releases a prisoner or other person in custody or wilfully or negligently allows him to escape;
- (26) uses unnecessary violence against a prisoner or other person in custody or otherwise ill-treats him;
- (27) without the written permission of the Commissioner, accepts or demands in respect of the discharge, or the failure to discharge, his functions any commission, fee or reward, pecuniary or otherwise (not being the emoluments payable to him in respect of his official duties) or fails to report in writing to his commander the offer of any such commission, fee or reward;
- (28) demands, solicits, receives or accepts any discount, commission, gift, fee, reward or other consideration or advantage, whether pecuniary or otherwise (except his official remuneration), in respect of the acquisition, purchase, sale or disposal of any stores, arms, ammunition, saddlery, transport, animals, forage and other equipment or any other requisites of whatever nature, required for use in, or being the property of the Force, a canteen, mess or any other institution of the Force;
- (29) wrongfully and unlawfully appropriates, withholds, misapplies, makes unauthorised use of or wilfully injures or negligently loses any public property, including property issued to him or to another member at public expense for personal use in the execution of his or such member's functions, or property in possession or under the control of the Government or for which the Government is responsible or any property belonging to another member, a canteen, mess or any other institution of the Force, a prisoner or other person in custody, or any exhibit in a criminal case, or property abandoned, lost or unclaimed and found or taken into safekeeping by a member or being in his possession;
- (30) overrides, overdrives, overloads, ill-treats or neglects any animal which is the property of the Government or in possession or under the control of the Government or for which the Government is responsible;
- (31) in the exercise of his functions, displays gross discourtesy towards any person;
- (32) comments unfavourably in public upon the administration of the Force or any other Government department;
- (33)

- (a) is or becomes a member of any unregistered political party or any movement, organisation, body or association having political objects; or  
*(Regulation 58(33)(a) substituted by the regulation of GN R1231 of 1980)*
  - (b) whether on or off duty, knowingly and deliberately wears, exhibits or uses any badge, emblem, standard, colours, salute, greeting, distinctive gesture or device of any kind which associates him with any political party, movement, organisation, body or association referred to in paragraph (a); or  
*(Regulation 58(33)(b) corrected by regulation (t) of GN R389 of 1964)*
  - (c) actively takes part in or associates himself with the political activities, objects or matters of a party, movement, organisation, body or association referred to in paragraph (a) or, subject to the provisions of regulation 72, in any way actively promotes the candidature of a candidate for Parliament, the Senate, a provincial, divisional, city or municipal council or village management board, health committee, local authority or school board beyond recording his vote or carrying out his functions and official duties in connection with an election;
  - (d) fails to comply with or contravenes any provision of the South African Police Labour Regulations, 1993, which is binding on him;  
*(Regulation 58(33)(d) substituted by regulation (2)(a) of GN R2294 of 1993)*
  - (e) .....  
*(Regulation 58(33)(e) deleted by regulation (2)(b) of GN R2294 of 1993)*
  - (f) without being a member of a recognized employee organization referred to in the said South African Police Labour Regulations, 1993, knowingly carries, exhibits or makes use of any badge, emblem, standard, colours, salute, greeting or distinctive gesture or sign of whatever nature, which is likely to connect or associate him as a member of any such organization or with such organization;  
*(Regulation 58(33)(d) to (f) added by the regulation of GN R2730 of 1983)*  
*(Regulation 58(33)(f) substituted by regulation (2)(c) of GN R2294 of 1993)*
- (34) attempts to secure interference or intervention from political or outside sources in connection with his own or another member's position, conditions of service or functions in the Force: Provided that a member shall not be deemed to commit an offence under this sub-regulation if, with the Commissioner's knowledge, he endeavours to obtain redress of any grievance through Parliament;
- (35) with intent to deceive or prejudice any person, suppresses, conceals, withholds, defaces, alters, destroys or does away with any report, return, register, book, record, form, claim, letter or any other document in relation to his functions or duties in the Force, obliterates anything therein or

makes, causes or allows to be made or connives at the making of any false, misleading, incomplete or inaccurate statement, record or entry therein;

- (36) with a view to obtaining any privilege or advantage in connection with his position, functions or duties in the Force, or with a view to causing prejudice or harm to the Government, the Public Service, the Force, another Government Department or a member of the Force or the Public Service, makes a false or incorrect statement, knowing it to be false or incorrect;
- (37) directly or indirectly borrows any money from or through a member holding a lower rank than himself;
- (38) without the written permission of the Commissioner -
  - (a) engages directly or indirectly in any trade or business;
  - (b) undertakes or takes part in any commercial, industrial, farming or other agricultural activity; or
  - (c) undertakes any private agency or private work connected with the performance of his functions or the carrying out of his duties in the Force;
  - (d) performs any remunerative work, except his functions in the Force;  
*(Regulation 58(38)(d) amended by the regulation of GN R2570 of 1983)*
  - (e) .....  
*(Regulation 58(38)(e) deleted by the regulation of GN R2570 of 1983)*
- (39) after having been duly warned or ordered to be present at an appointed time and place as the accused, defendant or witness at a trial, board of inquiry or any other investigation under the Act or these regulations, fails without just cause to be present at the time and place so appointed or, being present, subject to the provisions of sub-section (4) of section ten of the Act and these regulations, refuses to be sworn or to make a solemn affirmation or to answer any question which may be lawfully put to him or to produce any document or thing in his possession or under his control;
- (39A) without good cause refuses or fails to comply with the terms of any summons or order served on him in terms of any provision of these regulations;  
*(Regulation 58(39A) inserted by regulation 4 of GN R427 of 1992)*
- (40) conducts himself in an improper manner or in a manner unbecoming a member of his rank;

- (41) conducts himself in any manner or commits any act or omits to do anything, whether or not defined in these regulations, and which conduct, act or omission is or may be prejudicial to the good order, efficient administration, control or discipline of the Force.

*(Regulation 58(41) substituted by regulation (3) of GN R1836 of 1964)*

**59.**

Any permission, in writing, by the Commissioner to do anything which, without such permission, would constitute a contravention[sic] in terms of regulation 58, shall be conveyed to the member concerned by his commander or any other member designated by him, and such commander or designated member shall be competent to give evidence thereon at any trial, board of inquiry or other investigation conducted in terms of the Act or these regulations.

**60. SUSPENSION**

- (1) Subject to the provisions of section 14 of the Act a member shall be suspended only on account of alleged or suspected serious misconduct or if the circumstances are of such a nature that he should not be allowed to exercise [sic] his powers, functions and authority.
- (2) Unless otherwise directed by the Minister in the case of a commissioned officer, or by the Commissioner or an officer of or above the rank of lieutenant-colonel designated by the Commissioner, in the case of any other member, the suspension of a member shall continue until the date on which such member is discharged, dismissed or reduced in rank, or until he resumes duty after having been ordered to do so.
- (3) A member who has been suspended from office, may not wear uniform during the period of such suspension.

*(Regulation 60 substituted by regulation 3 of GN R1390 of 1967)*

**61. ADMISSION OF GUILT FINES**

*(Wording of the heading of regulation 61 substituted by regulation 5 of GN R427 of 1992)*

- (1) The written notice referred to in section 10D of the Act shall be in the prescribed form
- (2) A member who wishes to pay the admission of guilt fine contemplated in section 10D of the Act, may pay the fine in cash to the prosecuting officer or the prosecutor, or may sign an authorization that the fine may be deducted from his salary by means of the monthly deductions determined by the Commissioner.

*(Regulation 61(2) substituted by regulation 4(a) of GN R588 of 1992)*

- (3) The signing of an authorization referred to in subregulation (2) shall constitute payment of the admission of guilt fine on the date of such signing for the purposes of the Act and these Regulations: Provided that if the amount or any portion thereof cannot be deducted from his salary for whatever reason, it may be recovered from the member by means of action in a competent court.

*(Regulation 61(3) substituted by regulation 4(b) of GN R588 of 1992)*

- (4) On the payment of an admission of guilt fine the prescribed entry shall be effected in the prescribed trial register, and thereupon the member shall for the purposes of these regulations be deemed to have been found guilty by a trial officer of the relevant misconduct and the relevant fine shall be deemed to have been imposed on him as sentence.

*(Regulation 61 amended by regulation (w) of GN R389 of 1964)*

*(Regulation 61 amended by the regulation of GN R841 of 1976)*

*(Regulation 61 amended by the regulation of GN R2022 of 1977)*

*(Regulation 61 amended by the regulation of GN R1231 of 1980)*

*(Regulation 61 amended by the regulation of GN R1316 of 1982)*

*(Regulation 61 amended by the regulation of GN R2667 of 1984)*

*(Regulation 61 amended by the regulation of GN R2532 of 1986)*

*(Regulation 61 amended by regulation 2 of GN R1422 of 1988)*

*(Regulation 61 amended by regulation 3. of GN R1591 of 1988)*

*(Regulation 61 substituted by regulation 5 of GN R427 of 1992)*

#### **61A. Securing of attendance of member at trial on charge of misconduct**

(1)

- (a) The attendance at his trial of a member accused of misconduct shall be secured by the serving on him by the prosecutor or any other member of the Force of a summons in the prescribed form on which the place, date and time of commencement of the trial are mentioned.

*(Regulation 61A(1)(a) substituted by regulation 5 of GN R588 of 1992)*

- (b) A summons shall be served by delivering a copy thereof to the member concerned referred to therein or, if he cannot be found, by delivering it at his residence or place of employment to a person who is apparently over the age of 16 years and apparently residing or employed there.
- (c) A return of service of a summons by a member in the prescribed form shall be *prima facie* proof of the serving of the summons in accordance with paragraph (b).
- (d) A member on whom a summons has in accordance with the provisions of this subregulation been properly served, shall be in duty bound to report for his trial at the place, date and time mentioned in the summons.

- (2) A trial shall, subject to the provisions of section 10B(3) of the Act, be held at a police station, police office, police post or any other place deemed suitable by the trial officer for the purposes of the trial and which he determines.

*(Regulation 61A inserted by regulation 6 of GN R427 of 1992)*

#### **61B. Withdrawal of charges**

The prosecuting officer, or the prosecutor concerned, may –

- (a) before a member pleads at his trial to a charge of misconduct, withdraw the charge, in which case the member shall not be entitled to a verdict of acquittal in respect of the charge;
- (b) at any time after the member has pleaded, but before conviction, terminate the prosecution in respect of the charge, in which case the trial officer shall acquit the member in respect of the charge.

*(Regulation 61B inserted by regulation 6 of GN R427 of 1992)*

#### **61C. Designation of defence officers**

Under the circumstances contemplated in section 12(2) of the Act, the disciplinary officer shall as soon as possible after having received a request by the prosecuting officer to designate a defence officer for a member who is to be tried on a charge of misconduct, designate by written order in the prescribed form a suitable officer to represent and assist the member concerned at his trial.

*(Regulation 61C inserted by regulation 6 of GN R427 of 1992)*

*(Regulation 61C amended by regulation 6 of GN R588 of 1992)*

#### **61D. Securing of attendance of witnesses at trial**

- (1) A subpoena contemplated in section 11(1)(a)(i) of the Act shall be in the prescribed form.
- (2) The provisions of regulation 61A(1)(a) and (b) shall *mutatis mutandis* apply to the serving of any such subpoena and a return of such service.

*(Regulation 61D amended by regulation 7 of GN R588 of 1992)*

- (3) It shall be the duty of the prosecutor concerned to ensure that sufficient arrangements are made in time to secure the attendance of all required witnesses at a trial of a member on a charge of misconduct, including any witnesses whom the member who is to be tried, wishes for the purposes thereof to be subpoenaed.

(4)

- (a) A member of the Force who has been summoned to attend a trial, shall be entitled to the travelling privileges and subsistence allowances provided for in these regulations for a member of the Force, as if he during the duration of the attendance performs official service.
- (b) Any person other than a person referred to in paragraph (a) who has been summoned to attend a trial, shall at the expense of the State be entitled to the privileges, allowances and facilities to

which, in terms of any law applying to witnesses at a criminal trial in a magistrate's court, such witnesses are entitled.

*(Regulation 61D inserted by regulation 6 of GN R427 of 1992)*

#### **61E. Rules applying to trials**

- (1) Subject to the provisions of the Act and these regulations, the provisions of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), applying in connection with criminal cases at a summary trial in a magistrate's court in respect of -

- (a) charges;
- (b) pleas; and
- (c) conduct of proceedings,

shall *mutatis mutandis*, and except where in a particular case it is clearly inappropriate, apply in respect of a member being tried on a charge of misconduct and the trial.

- (2) Unless the trial officer concerned before or during a trial directs otherwise, no person other than the prosecuting officer, prosecutor, the member being tried, his legal representative, a witness giving evidence and an interpreter, shall be entitled to be present at a trial.

*(Regulation 61E(2) amended by regulation 8(a) of GN R588 of 1992)*

- (3) The trial officer may, where he otherwise directs as contemplated in subregulation (2), exclude such category or categories of members of the public as may be mentioned by him in the direction from access to the proceedings.

*(Regulation 61E(3) amended by regulation 8(b) of GN R588 of 1992)*

- (4) No member of the Force may in any manner publish, or cause to be published, any information relating to a trial, except -

- (a) where such publication is effected in the lawful carrying out or exercising of a duty or power imposed on him by law or so granted to him; or
- (b) for the purposes of proceedings in a court of law; or
- (c) with the previously obtained written permission of the Commissioner.

*(Regulation 61E inserted by regulation 6 of GN R427 of 1992)*

#### **61F. Postponement or suspension of sentences**

- (1) When a trial officer finds a member guilty on a charge of misconduct, the officer may in his discretion -
- (a) postpone the imposition of sentence for a period not exceeding five years -
    - (i) on one or more conditions, whether relating to -  
*(Words preceding regulation 61F(1)(a)(i)(aa) amended by regulation 9(a) of GN R588 of 1992)*
      - (aa) good conduct;
      - (bb) submission to training or treatment;
      - (cc) compulsory attendance of or residence at a specified place, centre or institution in accordance with arrangements made by the Commissioner with the person or body in control of any such place, centre or institution; or
      - (dd) compensation to the State or any other person,and shall order such member to appear before a trial officer on the expiration of the said period; or
    - (ii) unconditionally, and shall order such member to appear before a trial officer if called upon to so appear before the expiration of the relevant period; or  
*(Regulation 61F(1)(a)(ii) amended by regulation 9(b) of GN R588 of 1992)*
  - (b) impose sentence, but order the operation of the whole or any part thereof to be suspended for a period not exceeding five years on any one or more conditions referred to in paragraph (a)(i) of this subregulation; or
  - (c) discharge the member concerned with a warning or reprimand, and such discharge shall have the effect of an acquittal, except that the conviction shall be recorded as a previous conviction of misconduct.
- (2) Where 'n[sic] trial officer has in terms of paragraph (a)(i) of subregulation (1) postponed the imposition of sentence, and the trial officer, whether the same officer or any other, is convinced at the expiration of the relevant period that the member concerned has complied with the condition imposed upon him in terms of that paragraph, the trial officer shall discharge him without imposing sentence, and such discharge shall have the effect of an acquittal, except that the conviction shall be recorded as a previous conviction of misconduct.
- (3) Where a trial officer has in terms of paragraph (a)(ii) of subregulation (1) postponed the imposition of sentence unconditionally, and the member concerned has at the expiration of the relevant period not



been called upon to appear before a trial officer, such member shall be deemed to have been discharged in terms of subregulation (1)(c) with a warning.

*(Regulation 61F(3) amended by regulation 9(c) of GN R588 of 1992)*

- (4) Where a member has not complied with a condition imposed under this regulation, or has contravened it, the member, shall by means of a summons in the prescribed form which is served on him *mutatis mutandis* in accordance with regulation 61A(1)(b), be called upon to appear before a trial officer at an indicated place, date and time.

- (5) Where a trial officer -

(a) has postponed the imposition of sentence in terms of subregulation (1)(a)(i); or

(b) has suspended the operation of a sentence in terms of subregulation (1)(b),

a trial officer, whether the same officer or another, may if convinced that the member concerned was due to circumstances beyond his control not able to comply with a relevant condition, or due to any other sound or sufficient reason, further postpone the imposition of sentence or further suspend the operation of sentence, subject to any existing or such further conditions as could have been imposed at the time of the said postponement or suspension.

*(Regulation 61F(5) substituted by regulation 9(d) of GN R588 of 1992)*

- (6) Where the trial officer is not convinced as contemplated in subregulation (5), he may, where the imposition of sentence has been postponed, impose a competent sentence or, where the execution of the sentence has been suspended, may put the suspended sentence into operation.
- (7) A member who has in terms of subregulation (1)(a)(ii) been called upon to appear before a trial officer, may be sentenced by the trial officer, whether the same officer who postponed the imposition of sentence or another, with a competent sentence.

*(Regulation 61F inserted by regulation 6 of GN R427 of 1992)*

## **61G. PREVIOUS CONVICTIONS**

- (1) After a member has at a trial on a charge of misconduct been convicted, the prosecutor shall submit an authenticated extract of the conduct sheet, referred to in regulation 63, of the member concerned to the trial officer who shall submit the extract to the member and request him to admit or deny any previous convictions in respect of misconduct noted thereon.
- (2) If the member denies an alleged previous conviction, the prosecutor may lead evidence to prove the previous conviction.

- (3) A previous conviction admitted by a member or lawfully proved, shall be taken into consideration by the trial officer on the imposition of a sentence.

*(Regulation 61G inserted by regulation 6 of GN R427 of 1992)*

#### **61H. ACTIONS BY OTHER TRIAL OFFICERS AFTER CONVICTIONS**

If a member is not sentenced immediately on conviction by the trial officer on a charge of misconduct, or if, as a result of a decision or order of a disciplinary officer or delegated officer on appeal or review, it is necessary to amend a sentence imposed or to impose a sentence anew, any other trial officer may, in the unavoidable absence of the officer who convicted the member or imposed the sentence, as the case may be, after considering the evidence given at the trial in the presence of the member, amend the sentence imposed or impose a sentence, according to what may be required, and take any other required steps which the absentee trial officer could have taken.

*(Regulation 61H inserted by regulation 6 of GN R427 of 1992)*

*(Regulation 61H amended by regulation 10 of GN R588 of 1992)*

#### **61I. RECORDS**

- (1) A member who has been tried on a charge of misconduct, or his legal representative, may under supervision of any other member of the Force, inspect the record of proceedings at the trial and may make a copy thereof free of charge.
- (2) A member who lodges a request therefor to a trial officer, may be provided with a copy of the record of the proceedings at his trial against payment of the fees which are in terms of a law prescribed for the furnishing of a copy of the record of a summary trial in a magistrate's court.

*(Regulation 61I(2) substituted by regulation 11 of GN R588 of 1992)*

- (3) Where the record of the proceedings of a trial has been lost, or has been destroyed or has become substantially illegible, and such record is required for a lawful purpose in connection with a trial, the trial shall be held *de novo* by another trial officer and the firstmentioned trial shall for all purposes be deemed to be void, unless the record can by means of affidavits and to the satisfaction of the member concerned and the prosecuting officer be reconstructed: Provided that where the trial officer and the member agree that the member has at any such trial been found not guilty, he shall not be retried again on the same charge.

*(Regulation 61I inserted by regulation 6 of GN R427 of 1992)*

#### **62. APPEALS AND REVIEWS**

*(The heading of regulation 62 substituted by regulation 7 of GN R427 of 1992)*

- (1) A member who desires to appeal in terms of section 10F(1) of the Act against a conviction and sentence, shall within 14 days after the date of imposition of sentence lodge a written notice of appeal with the trial

officer wherein he shall clearly and in particular set out the grounds, whether factual or legal grounds or factual as well as legal grounds on which the appeal is based.

*(Regulation 62(1) amended by regulation 12(a) of GN R588 of 1992)*

- (2) A member who desires to appeal in terms of section 17(3) of the Act against an order whereby he is discharged, dismissed or reduced in rank, shall within 14 days after the date of the order lodge a written notice of appeal with the chairman of the relevant board of enquiry wherein he shall clearly and in particular set out the grounds, whether factual or legal grounds or factual as well as legal grounds on which the appeal is based.
- (3) On receipt of a notice of appeal referred to in subregulation (1) or (2), the trial officer or chairman, as the case may be, shall draft a written declaration wherein the following shall be set out:

- (a) The facts found to have been proved;
- (b) the reasons for any finding in respect of facts against which, as appears from the appellant's notice, appeal is lodged; and

*(Regulation 62(3)(b) amended by regulation 12(b) of GN R588 of 1992)*

- (c) the reasons for any finding in respect of any question of law or the admission or rejection of any evidence, against which as appears from such notice, appeal is lodged,

and the trial officer or chairman shall immediately remit the documents in respect of the appeal and the reply, the record of the proceedings or enquiry, any other written remarks which the officer or chairman wishes to submit in respect of the appeal, and any other written declarations or submissions (if any), contemplated in subregulation (4), which have been received from the appellant concerned, to the disciplinary officer.

*(Regulation 62(3) substituted by regulation 12(c) of GN R588 of 1992)*

- (4)
- (a) For the purposes of subregulation (3) the appellant concerned shall be notified in writing that the documents referred to in that subregulation are to be remitted to the disciplinary officer, and that he may within three days after the date of the notice submit further written declarations or submissions to the trial officer or chairman, as the case may be.
- (b) The trial officer or chairman, as the case may be, shall, if no declarations or submissions have so been received, or where the appellant cannot readily be traced, remit a signed certificate to that effect together with the relevant documents to the disciplinary officer.
- (5)
- (a) The disciplinary officer may after receipt of all the documents in connection with an appeal -

- (i) finalize the appeal merely on the basis of the documents submitted; or  
*(Regulation 62(5)(a)(i) substituted by regulation 12(d) of GN R588 of 1992)*
- (ii) if he is of opinion that justice requires it, direct in writing on the prescribed form that the prosecuting officer or prosecutor must argue before him a question in connection with the appeal indicated by the disciplinary officer.

*(Regulation 62(5)(a)(ii) amended by regulation 12(b) of GN R588 of 1992)*

(b)

- (i) The disciplinary officer shall, in a case contemplated in paragraph (a)(ii), in writing direct the prosecuting officer or prosecutor to notify the appellant in writing of the oral trial and the matters which are to be argued and that he is entitled to appear personally or by means of a legal representative.
- (ii) The provisions of regulation 61C shall *mutatis mutandis* apply if it appears, after report by the prosecuting officer or prosecutor on their actions contemplated in subparagraph (i), to the disciplinary officer, that the appellant is unable or unwilling to be represented by a legal representative, or that he can not readily be traced.

*(Regulation 62(5)(b)(ii) amended by regulation 12(g) of GN R588 of 1992)*

- (6) Where the disciplinary officer wishes to act in accordance with section 10F(3) of the Act, the provisions of subregulations (3), (4) and (5) of this regulation shall *mutatis mutandis* apply in respect of any such review, the trial officer, prosecuting officer or prosecutor, and the convicted member after the disciplinary officer has directed the trial officer concerned to submit to him the record of the relevant proceedings.

*(Regulation 62 substituted by regulation 7 of GN R427 of 1992)*

### **63. CONDUCT SHEETS**

- (1) A conduct sheet, shall be maintained in the prescribed manner and form in respect of every member, and all convictions of a member for misconduct, and sentences imposed in respect thereof, shall be recorded on the conduct sheet.
- (2) If, subject to subregulation (3), no entry has for a period of five years been made in respect of a conviction for misconduct on the conduct sheet of a member, all entries recorded on his conduct sheet shall be deleted.
- (3) If no entry has for a period of three years been made in respect of a conviction for misconduct on the conduct sheet of a member, all entries recorded thereon in respect of convictions following on the payment by the member of an admission of guilt fine in accordance with regulation 61, shall be deleted.

*(Regulation 63 amended by regulation 3 of GN R823 of 1964)*

*(Regulation 63 amended by regulation 11 of GN R114 of 1968)*

*(Regulation 63 amended by the regulation of GN R1231 of 1980)*

*(Regulation 63 amended by the regulation of GN R253 of 1982)*

*(Regulation 63 substituted by regulation 8 of GN R427 of 1992)*

**64. ENQUIRIES IN CONNECTION WITH FITNESS TO REMAIN IN FORCE OR RETAIN RANK**

*(The heading of regulation 64 substituted by regulation 9 of GN R427 of 1992)*

(1) If by reason of -

(a) any conviction for an offence or of misconduct; or

*(Regulation 64(1)(a) substituted by regulation 13(a) of GN R588 of 1992)*

(b) the performance of any act or failure to perform an act, or any other conduct or condition,

the question arises whether a member (in this regulation referred to as the defendant) is fit for his duties, or is capable to carry them out efficiently, or, taking into consideration the requirements regarding the good order, efficient administration, control or discipline of the Force, is in general fit to remain in the Force or to retain his rank, the Commissioner, or any officer specially or generally designated thereto by the Commissioner, may convene a board of enquiry (in this regulation referred to as the board), with himself as chairman and a member of equal or higher rank than the defendant as investigating official.

(2) A board may in terms of subregulation (1) be convened notwithstanding that the defendant concerned has after his most recent trial on a charge of having committed an offence or misconduct been found not guilty and has been acquitted.

*(Regulation 64(2) substituted by regulation 13(b) of GN R588 of 1992)*

(3)

(a) A board shall sit at a date, time and place determined by the chairman.

(b) The investigating official shall at least two weeks before the said date serve a written notice in the prescribed form and in the prescribed manner on the respondent wherein he shall be notified of the particulars and nature of the enquiry which is to be held.

(c) Subject to the provisions of this regulation and section 11(1)(b) of the Act, the provisions of regulations 61A, 61B, 61C, 61D, 61E, 61H and 61I shall *mutatis mutandis* apply in respect of an enquiry contemplated in this regulation and the parties or witnesses thereto.

*(Regulation 64(3)(c) substituted by regulation 13(c)(i) of GN R588 of 1992)*

(d) The chairman of a board of enquiry may at any time, whether before or after the commencement of the proceedings of an enquiry, direct, with reference to any matter of procedure or evidence, and in particular where in his opinion it would lead to a more just, less costly or less protracted or more effective enquiry -

*(Words preceding regulation 64(3)(d)(i) substituted by regulation 13(c)(ii) of GN R588 of 1992)*

- (i) where it is in the opinion of the chairman necessary in the interest of fairness and justice towards the respondent, without the consent of the investigating official;
- (ii) in any other case, with the consent of the investigating official and of the respondent or his legal representative,

subject to the provisions of the Act, that there shall in respect of the enquiry concerned be deviated from any applicable provision of this regulation to the extent indicated by the chairman or that other rule deemed suitable by the chairman and indicated by him shall be applied.

(4)

- (a) After conclusion of the proceedings of a board the chairman shall decide whether the respondent is fit to remain in the Force or, as the case may be, to retain his rank, or whether he is unfit therefor and must be discharged, dismissed or reduced in rank, as the case may be.
- (b) Where the chairman decides that the respondent should be reduced in rank, he shall decide to which rank he should so be reduced.

*(Regulation 64(4)(b) substituted by regulation 13(d) of GN R588 of 1992)*

- (c) The respondent shall be notified in the prescribed manner of the decision of the chairman.

*(Regulation 64 amended by the regulation of GN R1231 of 1980)*

*(Regulation 64 amended by the regulation of GN R2667 of 1984)*

*(Regulation 64 substituted by regulation 9 of GN R427 of 1992)*

65. ....

*(Regulation 65 repealed by regulation 10 of GN R427 of 1992)*

66. ....

*(Regulation 66 amended by regulation (y) of GN R389 of 1964)*

*(Regulation 66 amended by regulation 4 of GN R1390 of 1967)*

*(Regulation 66 amended by the regulation of GN R1231 of 1980)*

*(Regulation 66 amended by the regulation of GN R2667 of 1984)*

*(Regulation 66 amended by regulation 3 of GN R1422 of 1988)*

*(Regulation 66 repealed by regulation 10 of GN R427 of 1992)*

## **67. CORRESPONDENCE BETWEEN RANKS OF MEMBERS OF FORCE AND MEMBERS OF MUNICIPAL POLICE UNITS**

*(Heading of regulation 67 added by regulation 11 of GN R427 of 1992)*

The ranks referred to in column 2 hereunder in respect of members of municipal police units shall for the purposes of the provisions of the Act and of these regulations be deemed to correspond to the ranks referred to opposite thereto in column 1 in respect of other members of the Force, and *vice versa*:

<b>Column 1:</b>	<b>Column 2:</b>
<b>Members of the Force</b>	<b>Members of municipal police units</b>
Lieutenant-Colonel	Chief inspector
Major	First inspector
Captain	Senior inspector
Lieutenant	Inspector
Warrant-Officer	Warrant-Officer
Sergeant	Sergeant
Lance Sergeant	Lance Sergeant
Constable	Constable

*(Regulation 67 amended by regulation 5 of GN R1390 of 1967)*

*(Regulation 67 amended by the regulation of GN R1231 of 1980)*

*(Regulation 67 amended by the regulation of GN R2667 of 1984)*

*(Regulation 67 substituted by regulation 11 of GN R427 of 1992)*

*(Regulation 67 substituted by regulation 14 of GN R588 of 1992)*

#### **67A. TRANSFER OF MEMBERS OF MUNICIPAL POLICE UNITS**

- (1) The Commissioner may, subject to the provisions of these Regulations and this regulation, transfer any member of a municipal police unit to any other post in the Force.
- (2) The provisions of these Regulations in regard to the transfer of a member of the Force to any other post in the Force, and any other matter connected therewith, shall *mutatis mutandis* apply in respect of any such transfer of a member of a municipal police unit and such member.
- (3) Any such member who immediately prior to the transfer held a rank in the relevant municipal police unit which is in accordance with regulation 67 deemed to be corresponding -
  - (a) to a non-commissioned rank in the Force, mentioned in Column 1 of the said regulation 67, shall be so transferred to a post in the Force to which a so corresponding rank has been assigned; and
  - (b) to a so mentioned post in the Force to which a commissioned rank has been assigned, shall be so transferred to a post in the Force to which a commissioned rank has been assigned, as determined by the Commissioner, if the member is at the coming into force of the transfer appointed by commission by the State President under section 3 of the Act as officer: Provided that-

- (i) the salary, wage or allowances of such a member in the post to which he is transferred shall not be less favourable than the salary, wage and allowances which were applicable to him as member of the relevant municipal police unit;
- (ii) any sick or vacation leave which stood to his credit immediately prior to the coming into force of the transfer, shall be deemed to be leave earned by him as member of the Force; and
- (iii) any disciplinary steps instituted, or which could have been instituted, against any such member prior to the coming into force of the transfer, shall not be affected on such coming into force and may be instituted or continued with in accordance with the Act and these Regulations as if the conduct upon which those steps are based, or could have been based, had occurred on or after the date of that coming into operation.

(4)

- (a) On the transfer of any such member a certificate of appointment shall in accordance with section 4(3) of the Act, read with regulation 13(1) of these Regulations, and in the form determined by the Commissioner from time to time, be issued to the member.
- (b) A certificate of appointment issued to the member as member of a municipal police unit, shall be disposed of in the manner determined by the Commissioner.

*(Regulation 67A inserted by regulation 2 of GN R829 of 1994)*

## **68. ADMINISTRATIVE INQUIRIES**

(1) The Commissioner may, for administrative purposes, convene a board to inquire into -

- (a) an injury alleged to have been sustained by a member or any other person in the service of the Department, in an accident arising out of or in the course of the execution of his functions, or a disease or indisposition alleged to have been contracted in the course and as a result of the execution of his functions, or any subsequent incapacitation alleged to be due to the same injury, disease or indisposition, or an indisposition alleged to have resulted from vaccination or inoculation[*sic*] in accordance with the provisions of these regulations;
- (b) the death of a member or any other person in the service of the Department, alleged to have been caused as a result of circumstances referred to in paragraph (a);
- (c) the absence from duty of a member or any other person in the service of the Department, owing to illness, an indisposition or injury alleged to be due to misconduct or serious and deliberate failure to take reasonable precautions;

*(Regulation 68(1)(c) substituted by regulation II of GN R412 of 1975)*



- (d) the suitability, value and purchase of any stores, arms, ammunition, saddlery, forage and other articles of equipment, transport and draught and other animals required for use in the Force or the suitability for further service of any part of the aforesaid property already in use in the Force;
  - (e) any deficiency in or damage to or loss of public property or any property in possession of or under the control of the Government or for which the Government is responsible, or any property of a member or other person employed in the Force, which is alleged to have occurred in connection with the execution of his functions or duties in the Force;
  - (f) any deficiency, loss, damage or expense occasioned to the Government as a result of the alleged wrongful conduct, negligence or carelessness of a member or any other employee of the Department; or
  - (g) any other matter which the Commissioner may consider necessary.
- (2) The convening authority shall appoint a commissioned officer as chairman of such a board and, if he deems it necessary, one or more other members of the Force with the rank of sergeant or any higher rank, as members; provided that the Commissioner may, in his discretion, appoint as a member of such board any person who in his opinion is well-versed in any matter which may have to be considered at the inquiry.
- (3) The provisions of regulation 64 shall, in so far as it is not clearly inappropriate and is not inconsistent with any other provision of this regulation, *mutatis mutandis* apply to a board of enquiry which is convened in terms of sub-regulation (1): Provided that -
- (Words preceding regulation 68(3)(a) substituted by regulation 12(a) of GN R427 of 1992)*  
*(Words preceding regulation 68(3)(a) substituted by regulation 15 of GN R588 of 1992)*
- (a) notwithstanding the purpose for which such a board is convened, the accused or the person in respect of whom the enquiry is held (as the case may be) may be represented and assisted by his legal adviser.  
*(Regulation 68(3)(a) substituted by the regulation of GN R1092 of 1991)*
  - (b) .....  
*(Regulation 68(3)(b) deleted by regulation 12(b) of GN R427 of 1992)*
  - (c) .....  
*(Regulation 68(3)(c) deleted by regulation 12(b) of GN R427 of 1992)*
  - (d) notwithstanding any provisions to the contrary contained in these regulations, written statements instead of *viva voce* evidence may be considered by the board if, in the opinion of the chairman, substantial justice will in fact be done notwithstanding the fact that a witness does not personally appear before the board for examination.

*(Regulation 68(3)(d) substituted by regulation 12(c) of GN R427 of 1992)*

- (4) The provisions of this regulation are not applicable to a board of survey constituted in accordance with the prescribed instructions concerning durable stores or other equipment.

#### **68A. COMMITTEE OF INQUIRY**

- (1) The Minister may convene a Committee to inquire into allegations of misconduct, negligence or failing to take action by a member or members of the South African Police or any other matter which the Minister deems necessary.
- (2) The Committee shall consist of at least three (3) persons appointed by the Minister of which at least one (1) shall be a member of the South African Police. The Minister shall appoint a person which he deems suitable as chairman of the Committee and other persons who in his discretion is well-versed in any matter which may have to be considered at the inquiry.
- (3) The Committee shall meet on the date, time and place determined by the chairman.
- (4) The proceedings of the Committee shall be recorded in the manner determined by the chairman.
- (5) After conclusion of the proceedings the Chairman shall draft a report in which he shall make recommendations and advise the Minister.
- (6) The provisions of section 11 of the Act shall apply *mutatis mutandis* in respect of an inquiry contemplated in this regulation.
- (7) The Committee shall perform its functions in such a manner that existing, established or pending legal process or investigations are not prejudiced.
- (8) Remuneration of members of the Committee are those prescribed by Treasury.

*(Regulation 68A inserted by regulation 2 of GN R2452 of 1993)*

#### **69. DEFICIENCY, LOSS, DAMAGE OR EXPENSE: LIABILITY FOR AND RECOVERY OF**

- (1) Notwithstanding the provisions of sub-regulations (1) and (2) of regulation 4, any member may be held liable to make good any deficiency, loss, damage or expense caused to the State as a result of his wrongful act, negligence or carelessness or his failure to carry out a specific duty, and if more than one member is responsible for such deficiency, loss, damage or expense, they shall be jointly and severally liable.
- (2) Unless a member who is held liable in terms of sub-regulation (1), is prepared to make good any such deficiency, loss, damage or expense of his own accord and unless he furnishes, within a reasonable

time to be determined by the Commissioner, a proper, acceptable explanation in regard to his alleged wrongful act, negligence, carelessness or failure to carry out a duty, to his divisional commissioner, commanding officer or a commissioned officer to whom the Commissioner has delegated his powers under this regulation, an order against the member concerned for the recovery of the full amount of the deficiency, loss, damage or expense may be issued by -

- (a) the Commissioner, a commissioned officer authorised by him or the member's divisional commissioner, if the amount is R100 or more and if the member concerned was convicted on a charge of misconduct involving such deficiency, loss, damage or expense or if a board of inquiry, convened in terms of regulation 68(1), has found that he was responsible therefor; or

*(Regulation 69(2)(a) substituted by the regulation of GN R1231 of 1980)*

- (b) the Commissioner, a commissioned officer authorised by him, the member's divisional commissioner or his commanding officer if the amount is less than 100 and the Commissioner or such authorised commissioned officer, divisional commissioner or commanding officer, after careful investigation, is satisfied that such deficiency, loss, damage, or expense was in fact caused through the member's wrongful act, negligence, carelessness or omission.

*(Regulation 69(2)(b) substituted by the regulation of GN R1231 of 1980)*

- (3) An order made in terms of sub-regulation (2), shall be served on the member concerned and the amount mentioned in such order, shall, subject to the provisions of sub-regulation (5), be a debt due to the State.
- (4) The person authorised in terms of sub-regulation (2) to issue an order against a member, shall, subject to the provisions of sub-regulation (5), also be competent to order that the amount owing be recovered from the member liable therefor in such manner and on such conditions[sic] as may be prescribed in consultation with the Treasury.
- (5) Any member who is aggrieved by an order made against him, in terms of sub-regulation (2) by a divisional commissioner, commanding officer, or other commissioned officer authorised by the Commissioner, may within a period of one calendar month from the date on which the order was served on him in accordance with sub-regulation (3), or such further period as the Commissioner may allow, appeal in writing to the Commissioner against such an order. After consideration of the appeal and any other relevant documents and after such further investigation as may be considered[sic] necessary, the Commissioner may either confirm the order or, with due regard to any directions by the Treasury, exempt the appellant either wholly or in part, as may appear to be just and reasonable, from the requirements contained in such order.

## **70. DESERTION**

- (1) If a member is absent without leave for more than one calendar month and is not arrested, a board of inquiry may be convened in terms of sub-regulation (1) of regulation 68 to inquire into such absence and into any deficiency, loss or damage which may exist in respect of -

- (a) any uniform, kit, arms, equipment or any other public property, whatsoever, or any article which is the property of a canteen as defined in sub-section (3) of section twenty-nine of the Act and issued to such member or for which he is responsible;
  - (b) any moneys or unpaid debts due by such member to the State or a canteen referred to in paragraph (a).
- (2) If the board of inquiry finds that such member has been so absent for more than one calendar month and is still absent, it shall so record its finding as well as the date of the commencement of such absence without leave and also its finding on any deficiency, loss or damage referred to in sub-regulation (1), and the estimated value thereof.
- (3) The board of inquiry shall, notwithstanding the provisions of regulation 64, and in accordance with the relevant evidence, be competent to make a recommendation that –
- (a) such member be discharged as a deserter;
  - (b) any deficiency, loss or damage referred to in subregulation (2) be recovered from any moneys which, with due regard to the provisions of subregulation (6), may be owing to him by the State:

Provided that such recommendation shall not indemnify such member against prosecution in terms of the provisions of section 9 of the Act.

*(Regulation 70(3) substituted by regulation (i) of GN R1416 of 1978)*

- (4) If a member who has been discharged as a result of a recommendation in terms of sub regulation (3) reports for duty at his headquarters at any time, the Commissioner may approve his reinstatement in his service as if he had not deserted, and in the event of such reinstatement the period of his absence up to the date of resumption of duty shall be deemed to have been absence on leave on such conditions as the Commissioner may determine.

*(Regulation 70(4) inserted by regulation (ii) of GN R1416 of 1978)*

- (5) The commander of the member referred to, shall immediately seize any public property left by such member, and any movable private property of such a member, which was so left, shall be taken into custody for disposal in accordance with the provisions of sub-regulation (6) of regulation 80; provided that any uniform which is the private property of such a member, shall be disposed of in accordance with directions of the Commissioner.
- (6) The proceeds realised by the sale of any movable private property or uniform referred to in sub-regulation (4), together with any moneys which the State may owe such a member, may be used to make good any deficiency, loss or damage referred to in sub-regulation (2).

*(Regulation 70(4)and (5) renumbered by regulation (ii) of GN R1416 of 1978)*

## **71. DEBT AND FINANCIAL EMBARRASEMENT[sic]**

- (1) Any member alleged or suspected to be in debt to an unreasonable extent, in view of his income and other circumstances, or to be financially embarrassed, or against whom a judgment for debt has been obtained or against whom sequestration proceedings are pending, or who has given notice of voluntary surrender of his estate, may be ordered by the Commissioner to furnish a detailed and complete statement of his assets and liabilities together with an explanation as to how such liabilities were incurred and how he proposes to discharge them.
- (2) If, after such further investigation as may be considered necessary, it appears that such member is, as a result of his debts or monetary liabilities, likely to be hampered in the proper discharge of his functions, the Commissioner may, in the case of a commissioned officer, take such action as he may deem fit, and in the case of any other member, direct that a board of inquiry be convened in terms of regulation 64(1).

*(Regulation 71 substituted by the regulation of GN R1231 of 1980)*

## **72. ACCEPTANCE OF NOMINATION FOR CITY COUNCIL, ETC.**

- (1) Notwithstanding the provisions of regulation 58(33)(c), but subject to the provisions of subregulation (2), a member may, with the permission of the Commissioner, accept an appointment, nomination or requisition as a candidate for election as a member of a divisional council, city council, municipal(sic) council, village management board, health committee, management or consultative committee, local authority or school board, if the Commissioner is satisfied that this will not interfere with the member's official functions.

*(Regulation 72(1) substituted by the regulation of GN R1231 of 1980)*

- (2) In the event of any dispute arising between the Government and any council, committee, board or authority referred to in sub-regulation (1), a member who is a member of such council, committee, board or authority shall not take part in any discussion or vote on any matter so in dispute.

- (3) .....

*(Regulation 72(3) deleted by the regulation of GN R1231 of 1980)*

## **73. OBEDIENCE**

- (1) Subject to the provisions of sub-regulation (2), a member shall unconditionally obey any lawful instruction given to him by a person who is competent to do so.
- (2) A member may, after having obeyed an instruction referred to in sub-regulation (1), demand that such instruction be repeated in writing and may thereupon in the prescribed manner submit for decision any complaint he may have in connection therewith.

#### **74. REDRESS OF WRONGS.**

- (1) Any member who feels aggrieved by any act or omission[sic] on the part of any other member, may complain in writing, to his immediate commander, and if the complaint is against such commander or if the latter is not empowered or is unable to redress the wrong or otherwise to satisfy the aggrieved member within a reasonable time, such commander shall refer the complaint to his commanding officer.
- (2) If such commanding officer is not empowered or is unable to redress the wrong or otherwise to satisfy the aggrieved member, he shall without unreasonable delay transmit the complaint for decision to his divisional commissioner or any other commissioned officer designated by the Commissioner, and such divisional commissioner or other designated commissioned officer shall, if he is not empowered or is unable to redress the wrong or to satisfy the aggrieved member, submit the complaint to the Commissioner without delay.
- (3) If the Commissioner is unable to redress the wrong or otherwise to satisfy the aggrieved member, he shall, if such member so requests and there appears to be *prima facie* grounds for such grievance, transmit the complaint to the Minister, whose decision shall, with due regard to the provisions of sub-section (1) of section three of the Act, be final.
- (4) Any member who refers a complaint to a higher authority in terms of this regulation, shall immediately notify the aggrieved member to that effect.
- (5) Any member who has lodged a complaint with his commander and whose wrong is not redressed or who is not otherwise satisfied within a reasonable time or who has not been advised within a reasonable time that his complaint had been referred to a higher authority, may complain directly to such higher authority and ultimately to the Commissioner; provided that such member shall, when complaining to such higher authority or to the Commissioner, at the same time forward a copy of such further complaint to his commander.
- (6) The provisions of this regulation shall *mutatis mutandis* apply also to any other grievance concerning the Force for which no express provision has been made in the Act or these regulations and which a member may desire to bring to the notice of a higher authority.

#### **75. RESIDENTIAL ADDRESSES AND TELEPHONE NUMBERS**

A member shall notify his commander of his residential address and of his home telephone number, if he has a telephone, as well as of any changes thereof, and such particulars shall be recorded in a prescribed register.

#### **76. SECONDMENT OF A MEMBER TO ANOTHER DEPARTMENT OR AUTHORITY**

The Commissioner may, due regard being had to the provisions of sub-section (4) of section thirteen of the Public Service Act, 1957 (Act No. 54 of 1957), and of an Act of Parliament whereby a Bantu area is declared to be a self-governing area in accordance with the provisions of that Act, on the recommendation of the Public Service Commission and on such conditions as may be recommended by the latter in consultation with the Treasury, second a member, whether for a particular service or for a specific period, to another department or authority.

## **77. PAYMENT, BY THE PUBLIC, FOR POLICE SERVICES**

- (1) The Commissioner shall, with due regard to the provisions of sections five, six and seven of the Act, determine whether a particular function, duty or service falls within the scope of the normal and generally accepted responsibilities of the Force, and if such function, duty or service does not fall within such scope, it shall, subject to the provisions of sub-regulation (2), be performed only on such conditions as may be prescribed in consultation with the Treasury.
- (2) Notwithstanding the provisions of sub-regulation (1), the Commissioner may, in his discretion but subject to directions issued by the Minister, authorise that any function, duty or service be carried out free of charge on behalf of any deserving charity or in cases considered to be of general cultural or educational interest.

## **78. QUARTERS**

- (1) A member shall be obliged and may, subject to directions issued by the Commissioner, be ordered to occupy quarters in possession[sic] of, or hired by, or otherwise placed at the disposal of the State, irrespective of whether such quarters is a fixed or movable structure or a tent, and if the exigencies of the Force so require, a member may be ordered to remain in such quarters and be available at any or during a specified time; provided that the provisions of this sub-regulation shall not entitle a member to claim the allocation of such quarters; and provided further that, should the number of applications for the allocation of quarters exceed the number of available quarters, such quarters shall be allocated either in accordance with directions issued by the Commissioner or by the Commissioner in his discretion.
- (2) The rental in respect of quarters referred to in sub-regulation (1), shall be determined by the Commissioner in consultation with the Treasury and the conditions of allocation and letting may be prescribed subject to the provisions of this regulation; provided that such rental may, in exceptional circumstances, either be increased or reduced by the Commissioner, in his discretion.
- (3) A member shall remain liable for the rental of quarters allocated to him until he has been granted permission by the Commissioner to vacate it and he has so vacated it; provided that -
  - (a) such quarters shall be handed over by the member concerned to his commander or the latter's delegate on the date it is vacated by him;



- (b) such vacating shall not indemnify the member from liability in terms of sub-regulation (6);
  - (c) a member who occupies single quarters and is absent for a continuous period of more than 14 days, shall, subject to the provisions of paragraphs (a) and (b), not be liable for the rental of such quarters for any period of absence in excess of 14 days if, during such period, he has removed all his belongings therefrom[sic].
- (4) The Commissioner may at any time give a member notice to vacate quarters allocated to him, and if given such notice, such member shall vacate the quarters on the date determined by the Commissioner; provided that if such a member resigns or is discharged or dismissed for any reason, the quarters shall be vacated not later than the date of his discharge referred to in sub-regulation (4) of regulation 15; and provided further that if such a member dies, the Commissioner may, in his discretion, grant permission to his household to remain in occupation of such quarters for a short, reasonable period.
- (5) Quarters may not, without the permission of the Commissioner, be altered or utilised for any purpose other than that for which it is intended, and no public property may, without the permission of a member's commanding officer, be removed therefrom.
- (6) A member to whom quarters is allocated shall, whilst it is in his possession, be responsible for the cleanliness thereof, and he may be held personally liable for any wilful damage thereto, whether by himself, a member of his household, his guests or servants, during his occupation of the premises, as well as for the loss of keys or other public property or property for which the State is responsible, and the costs attached to the repair of such damage, cleaning the premises or the replacement of keys or other property may, in the discretion of the Commissioner, be recovered from such member
- (7) Quarters intended for a married member may be occupied only by the member to whom it has been allocated, his wife and dependant children; provided that -
- (a) any other relative of such member may, with the permission of his commanding officer, permanently reside with such member if the commanding officer is convinced that such a course is necessary as a result of extraordinary circumstances or if the circumstances referred to in paragraph (b) of the definition of "household" in sub-regulation (1) of regulation 1, apply in respect of such a relative;
  - (b) the Commissioner may, in his discretion, grant permission for the occupation of such quarters by a member who has dependant children under his care and who is a widower or is divorced or separated in accordance with a judicial order or notarial agreement or is estranged from his wife;
  - (c) if the member concerned is absent on duty or leave, he may, subject to the provisions of sub-regulation (3) and (6) but excluding the proviso to the firstmentioned[sic] sub-regulation, sublet the quarters or part thereof with the permission of his commanding officer to another member.



- (8) Quarters may not, without the express permission of the Commissioner, be sublet to any person who is not a member.

## **79. POLICE CANTEENS**

- (1) The Commissioner may, with due regard to directions issued by the Minister, grant authority for the establishment of a canteen as contemplated in sub-section (3) of section twenty-nine of the Act, if in his opinion, the exigencies of the Force as such, or of members at any particular place or in any particular area so require.
- (2) With the exception of the necessary accommodation or other necessities which may be provided by the State and such expenditure as the Commissioner, in consultation with the Treasury, may authorise from public funds, such a canteen shall be self-supporting.
- (3) Such a canteen shall, subject to directions issued by the Commissioner, be conducted and controlled by a committee constituted in the prescribed manner; provided that the Commissioner may, in his discretion, appoint any particular member to serve on such a committee or to carry out specific duties in respect of the conduct or control of such canteen.
- (4) If a mess is established in terms of sub-regulation (1), any member occupying quarters intended for unmarried members shall take his meals at such mess, unless exempted therefrom by the commanding officer under whose command the mess falls.

*(Regulation 79(4) substituted by the regulation of GN R637 of 1984)*

## **80. ABANDONED, LOST OR UNCLAIMED PROPERTY**

- (1) A member who finds, takes charge of or otherwise comes into possession of abandoned, lost or unclaimed property, shall hand in such property at a police station for safe-keeping and ultimate disposal in accordance with the provisions of this regulation; provided that -
- (a) live stock shall be sent to the nearest pound for disposal in accordance with the provisions of the pound laws which apply in respect of the particular area; and
- (b) if any other law provides for the disposal of such property, the provisions of such law shall be complied with.
- (2) Particulars of the property referred to in sub-regulation (1), shall be recorded in the prescribed registers and stored in the prescribed manner until such property can be disposed of in accordance with the provisions of this regulation or any other law.

- (3) If the name and address of the owner or a person apparently entitled to possess the property mentioned in subregulation (1) is or becomes known and his possession thereof is not in conflict with any law, he shall, with due regard to the proviso to subregulation (1), be called upon by *written notice, either served on him in person or sent by registered post to his last-known address*, to claim such property, which may then be delivered to him provided he is prepared to –
- (a) defray any expenditure which may be incurred in taking charge of, storing, maintaining or advertising the property or which may be incurred in the delivery thereof; and
  - (b) give a receipt therefor and, if so required, sign an indemnity on the prescribed form:

Provided that if the property referred to in subregulation (1) is a motor vehicle and the owner or a person apparently entitled to the possession of such vehicle fails within 30 days of a notice, as prescribed in this regulation, having been served on *or sent to* him to take possession of such vehicle, subject to the provisions of this regulation, the vehicle may be sold by public auction and the proceeds shall, subject to the provisions of subregulation (8), be paid into the State Revenue Fund

*(Regulation 80(3) substituted by the regulation of GN R1231 of 1980)*

*(Regulation 80(3) substituted by the regulation of GN R2000 of 1982)*

- (4) If such property remains in police custody for a reasonable time without being claimed and the name and address of the owner or any other person apparently entitled thereto, cannot be ascertained in the ordinary course of police functions, particulars thereof shall, subject to the proviso to sub-regulation (1) and with due regard to the provisions of section five of the Act, be advertised or circulated in accordance with directions issued by the Commissioner; provided -
- (a) that the property concerned bears sufficient distinctive marks to enable it to be identified on a description; and
  - (b) the estimated value thereof is considered sufficient to justify the expenditure.
- (5) Unless property as referred to in subregulation (1) has in terms of paragraph (a) or (b) of that subregulation or subregulation (3) been disposed of or is likely to be disposed of within a reasonable time and the possession of such property by the bona fide finder is not in conflict with any law, such finder may, if he can be traced, be called upon by way of written notice *either served on him personally or sent by registered post to his last-known address* to claim such property subject to the provisions of subregulation (7)(a), after the expiry of three calendar months or, in the case of property of low value, one calendar month reckoned from the date on which such property was handed in, which property may then be delivered to him provided he is prepared to comply with the provisions of subregulation (3)(a) and (b), which shall *mutatis mutandis* apply to this case.

*(Regulation 80(5) substituted by the regulation of GN R1231 of 1980)*

*(Regulation 80(5) substituted by the regulation of GN R2000 of 1982)*

- (6) Property referred to in sub-regulation (1), which has not been or cannot be disposed of in accordance with the provisions of paragraphs (a) and (b) of that sub-regulation or sub-regulation (3) or (5), shall, with due regard to the provisions of sub-regulation (7) and the directions issued by the Commissioner, at the expiry of the periods referred to in sub-regulation (5), be sold by public auction, and the proceeds shall, subject to the provisions of sub-regulation (5) of regulation 70, be paid into Revenue: Provided that, where such property can be used by the Department in any manner for official purposes, the Commissioner may appropriate any property referred to in this proviso for such purpose.

*(Regulation 80(6) amended by regulation (iii) of GN R266 of 1966)*

- (7) Notwithstanding any provision to the contrary in this regulation contained -
- (a) a *bona fide* finder who is a member shall not be entitled to claim or receive any property which was handed in by him in accordance with the provisions of sub-regulation (1);
  - (b) any commander or commissioned officer may, in his discretion, extend any period referred to in sub-regulation (5) or (6), if he is of opinion that a particular article is exceptionally valuable or of intrinsic value or if he is of opinion that there is a sound reason for such extension;
  - (c) property of a perishable nature or apparently valueless and not claimed within a reasonable time after the date on which it was taken charge of, may forthwith but subject to directions issued by the Commissioner and with due regard to the nature and condition thereof, either be delivered to the *bona fide* finder or sold or destroyed;
  - (d) but subject to the provisions of any other law and with due regard to directions issued by the Treasury, a procedure may be prescribed for the disposal of explosives, arms, ammunition, liquor, money, negotiable instruments, stamps, money orders, postal orders, deposit books, uniforms, medals and all other articles of whatever nature, which is handed in at a police station in accordance with the provisions of sub-regulation (1) and the possession, purchase or sale of which is controlled or prohibited by any such law or the sale of which by public auction is, in the opinion of the Commissioner, undesirable.
- (8) If property which was taken charge of or stored, is sold in terms of sub-regulation (6) or by order of the Commissioner, the proceeds of the sale, less any expenditure of whatever nature in connection with the transport, safe-keeping, storage, care, advertising or sale of such property, may be refunded to the lawful owner or any other person who is entitled thereto.
- (9) For the purposes of this regulation "public auction" shall mean any sale by a licensed auctioneer at a public sale or, at places where the services of such an auctioneer are not available, any sale in public, at premises under the control of the police and by a member who is designated by his commander to sell, after public notice in the prescribed manner has been given at least seven days prior to the intended sale and in the precincts of the premises concerned, any property which has been abandoned, lost or unclaimed.

## **81. DEPARTURES IN TIME OF WAR OR NATIONAL EMERGENCY**

If a state of war or national emergency arises the Commissioner may, subject to the provisions of the Act and subject to the provisions of sub-section (2) of section seven of the Public Service Act, 1957 (Act No. 54 of 1957), authorise a departure from the provisions of these regulations, either in general or in respect of a particular member.

## SCHEDULE A

### OATH OF OFFICE

I, .....

\*swear/solemnly affirm that I -

- (a) will obey, observe, uphold and maintain the Constitution and all other law of the Republic;
- (b) will perform my duties as a member of the South African Police Service conscientiously and to the best of my ability; and
- (c) commit myself to abide by the provisions of the South African Police Service Act, 1995 (Act No. 68 of 1995), and any regulations made thereunder and to obey any orders or instructions issued in pursuance of the said Act and regulations.

.....

Signature of witness.

.....

Signature of deponent.

I certify that the deponent has acknowledged that he/she knows and understands the contents of this oath of office, which was sworn to/affirmed\* before me on this ..... day of ..... 20 ..... and signed in my presence.

Date .....

.....

Signature of Commissioner of

Place .....

Oaths

#### PLEASE PRINT:

Name .....

Designation (Rank) .....

\*Delete the words not applicable

*(Schedule A substituted by the regulation of GN R2155 of 1978)*

*(Schedule A substituted by the regulation of GN R1599 of 2002)*

## SCHEDULE B

SA POLICE SERVICE

### APPOINTMENT CERTIFICATE

Sect.30 Act 68/1995

Prepared by:

It is hereby certified that No. ....  
 with ID .....  
 has been appointed as a member of the South African Police Service and holds the rank of .....  
 Signed on .....at.....

National Commissioner: SA Police Service

*(Schedule B substituted by regulation 3(b) of GN R1670 of 1995)*

*(Schedule B substituted by the regulation of GN R2087 of 1996)*

### SCHEDULE C

DISTINCTIVE BADGES, BUTTONS, BADGES OF RANK, GORGET PATCHES AND CAP PEAKS.

I.	DISTINCTIVE BADGES AND BADGES	
	(a) Police badge	A golden eight-pointed rayed star, charged in the centre with a bezant bearing a green tree aloë, with three red flowers, within a blue annulet bearing the name 'SOUTH AFRICAN', above, and 'POLICE SERVICE', below, in golden letters.
	(b) Star shaped badge of rank	A golden faceted five-pointed star, charged in the centre with a bezant, bearing a green tree aloë with three red flowers.
	(c) Hexagonal badge of rank	A golden faceted hexagon, charged in the centre with a bezant, bearing a green tree aloë with three red flowers.
II.	BUTTONS	
	Dome-shaped, embossed with the badge as described in paragraph I(a) above.	
III.	BADGES OF RANK	
	General (National Commissioner)	Crossed sword and baton below four hexagons.
	Lieutenant General (appointed as Deputy National Commissioner, and National Head of the	Crossed sword and baton below three hexagons.

	Directorate for Priority Crime Investigation)	
	Lieutenant General (including the Deputy National Head of the Directorate for Priority Crime Investigation)	Crossed sword and baton below three hexagons.
	Major General	Crossed sword and baton below two hexagons.
	Brigadier	Three stars in a triangle below a hexagon.
	Colonel	Two stars below a hexagon.
	Lieutenant Colonel	One star below a hexagon.
	Captain	Three stars.
	Warrant Officer	A shoulder-flash with the coat of arms of the Republic of South Africa with words "POLICE" and "Warrant Officer"
	Sergeant	A shoulder-flash with a three-bar chevron below a hexagon and with the words "POLICE" and "Sergeant".
	Constable	A shoulder-flash with the badge described in paragraph I (a) and the words "POLICE" and "Constable".
IV	GORGET PATCHES	
	Brigadier to General (National Commissioner)	The gorget patch shall be of blue charged with a golden aloe plant with three racemes palewise in chevron, and four leaves, the inner pair entwined about the stem and the outer pair embowed upwards, at the mitred end a golden domed button charged with the Police badge.
	Lieutenant Colonel and Colonel	The gorget patch shall be of blue charged with a golden aloe plant with three racemes palewise in chevron, and two leaves embowed upwards at the mitred end a golden dome button charged with the Police badge.
V	CAP PEAKS	
	Brigadier to General (National Commissioner)	The cap peak shall be of black or blue charged with a golden aloe plant with three racemes palewise in chevron, and six leaves, the inner pair entwined about the stem, the middle pair undulating and the outer pair embowed in line with the outer edge of the peak.
	Lieutenant Colonel and Colonel	The cap peak shall be of black or blue charged with a golden aloe plant with three racemes palewise in chevron, and four leaves, the inner pair entwined about the stem and the outer pair embowed in line with the outer edge of the peak.

*(Schedule CIII (b) substituted by regulation 2 of GN R1897 of 1970)*  
*(Schedule CIII (b) substituted by the regulation of GN R2034 of 1973)*  
*(Schedule CIII (b) substituted by the regulation of GN R1206 of 1974)*  
*(Schedule C amended by the regulation of GN R1350 of 1974)*  
*(Schedule C amended by regulation 4 of GN R1848 of 1966)*  
*(Schedule C amended by regulation (3) of GN R683 of 1967)*  
*(Schedule C amended by regulation 5 of GN R941 of 1970)*  
*(Schedule C amended by regulation 2 of GN R1445 of 1970)*  
*(Schedule C amended by regulation 3 of GN R1870 of 1995)*  
*(Schedule C amended by regulation 2 of GN R721 of 2002)*  
*(Schedule C amended by regulation 3 of GN R563 of 2016)*  
*(Schedule C substituted by regulation 3 of GN R1266 of 2018)*

#### **SCHEDULE D**

*(Schedule D heading amended by regulation 3(i) of GN R286 of 1968)*  
*(Schedule D(I) amended by regulation 4 of GN R823 of 1964)*  
*(Schedule D(I) deleted by regulation 3(ii) of GN R286 of 1968)*  
*(Schedule D amended by regulation 3(iv) of GN R286 of 1968)*  
*(Schedule D(II) deleted by the regulation of GN R2300 of 1975)*  
*(Schedule D amended by the regulation of GN R143 of 1981)*  
*(Schedule D deleted by regulation 4(c) of GN R2089 of 1996)*

#### **SCHEDULE E**

*(Schedule E amended by regulation 4(ii) of GN R286 of 1968)*  
*(Schedule E(II) amended by the regulation of GN R2300 of 1975, with effect from 1 January 1975)*  
*(Schedule E amended by the regulation of GN R143 of 1981)*  
*(Schedule E deleted by regulation 4(c) of GN R2089 of 1996)*