

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

NO. 1114

19 OCTOBER 2018

**DECLARATION OF PEACE OFFICERS IN TERMS OF SECTION 334 OF THE
CRIMINAL PROCEDURE ACT, 1977 (ACT NO. 51 OF 1977): LAW
ENFORCEMENT OFFICERS APPOINTED BY A MUNICIPALITY**

I, Tshililo Michael Masutha, Minister of Justice and Correctional Services—

- (a) in terms of section 334(1)(a) of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), hereby declare that every person who, by virtue of his or her office, falls within a category defined in Column 1 of the Schedule to this notice, shall, within the area specified in Column 2 of the Schedule, be a peace officer for the purpose of exercising, with reference to the offences specified in Column 3 of the Schedule, the powers defined in Column 4 of the Schedule;
- (b) in terms of section 334(3)(a) of the Criminal Procedure Act, 1977, hereby prescribe that—
- (i) a certificate of appointment referred to in section 334(2)(a) of the Criminal Procedure Act, 1977, shall be issued to a person referred to in Column 1 of the Schedule only if the employer of that person has been furnished with a certificate of competency issued by the National Commissioner of the South African Police Service;
 - (ii) it must be stated in the certificate of competency contemplated in subparagraph (i) that, in the opinion of the National Commissioner of the South African Police Service, such person is competent to exercise the powers defined in Column 4 of the Schedule; and
 - (iii) for the purposes of the issuing of a certificate of competency by the National Commissioner of the South African Police Service, the following criteria shall be considered:
 - (aa) The previous criminal convictions of the applicant;
 - (bb) whether the applicant has been declared unfit to possess a firearm as contemplated in the Firearms Control Act, 2000 (Act No. 60 of 2000), or other relevant legislation; and

- (cc) the training undergone by the applicant with regard to the powers to be exercised;
- (c) in terms of section 334(3)(b) of the Criminal Procedure Act, 1977, hereby prescribe that the following information shall, in addition to that which the employer may include, appear in or on the certificate of appointment referred to in section 334(2) of the Criminal Procedure Act, 1977:
- (i) The full names of the person so appointed;
 - (ii) his or her identity number;
 - (iii) his or her signature;
 - (iv) his or her photograph;
 - (v) a description of the capacity in which he or she was appointed;
 - (vi) the name of the employer who made the appointment; and
 - (vii) the signature and official stamp of the employer or responsible person; and
- (d) hereby repeals Part 5(a) of the Schedule to Government Notice No. R. 209 of 19 February 2002.

T M MASUTHA

MINISTER OF JUSTICE AND CORRECTIONAL SERVICES

SCHEDULE

Column 1	Column 2 Area	Column 3 Offences	Column 4 Powers
Law enforcement officer appointed by a municipality.	<p>(a) The area of jurisdiction of the municipality which made the appointment.</p> <p>(b) In respect of the power mentioned in paragraphs (c), (d) and (e) of Column 4, the Republic of South Africa, in respect of paragraphs (h), (i), (l) and (m) of Column 3.</p>	<p>(a) Any by-law or regulation made by or for such a municipality.</p> <p>(b) Any offence contemplated in section 5 of the Business Act, 1991, (Act No. 71 of 1991) or regulations made thereunder.</p> <p>(c) Any offence specified in section 38 of the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993) or regulations made thereunder.</p> <p>(d) Any offence contemplated in section 24 of the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977).</p> <p>(e) Any offence contemplated in section 21 of the Fire Brigade Services Act, 1987 (Act No. 99 of 1987), or any by-laws or regulations made thereunder.</p> <p>(f) Any offence contemplated in section 4 of the Control of Access to Public Premises and Vehicles Act, 1985 (Act No. 53 of 1985).</p>	<p>(a) The power to issue a written notice in terms of section 56 of the Criminal Procedure Act, 1977.</p> <p>(b) The power to issue a written notice in terms of section 341 of the Criminal Procedure Act, 1977.</p> <p>(c) The powers conferred upon a person in terms of section 23 of the Criminal Procedure Act, 1977, to search a person arrested in terms of section 40(1) of the Criminal Procedure Act, 1977, and to seize an article.</p> <p>(d) The powers conferred upon a peace officer in terms of section 40(1)(a), (b), (c), (d), (e), (f), (h) and (j) of the Criminal Procedure Act, 1977.</p> <p>(e) The powers conferred upon a peace officer under section 41(1) of the Criminal Procedure Act, 1977.</p> <p>(f) The execution of warrants of arrest in terms of section 44 of the Criminal Procedure Act, 1977.</p>

		<p>(g) A contravention of sections 4 and 5 of the Drugs and Drugs Trafficking Act, 1992 (Act No. 140 of 1992).</p> <p>(h) A contravention of section 82 of the General Law Third Amendment Act, 1993 (Act No. 129 of 1993).</p> <p>(i) A contravention of sections 36 or 37 of the General Law Amendment Act, 1955 (Act No. 62 of 1955).</p> <p>(j) Any offence relating to the supply, possession or conveyance of intoxicating liquor.</p> <p>(k) A contravention of section 120(1) (in so far as it relates to sections 3, 84, 90 and 94(2)), (3), (4), (5), (6), (7) and (10)) of the Firearms Control Act, 2000 (Act No. 60 of 2000).</p> <p>(l) Any offence, with the exclusion of the offences of "treason" and "sedition", listed in Schedule 1 to the Criminal Procedure Act, 1977 (Act No. 51 of 1977).</p> <p>(m) Any offence contemplated in section 3 of Criminal Matters Amendment Act, 2015 (Act No. 18 of 2015).</p> <p>(n) Any offence applicable to town or townships planning or</p>	
--	--	---	--

		<p>land use planning legislation which is operative in an area of a municipality.</p> <p>(o) Applicable road traffic and road transportation legislation that is operative in the area of a municipality.</p> <p>(p) Any offence contemplated in section 7 of the Tobacco Products Control Act, 1993 (Act No. 83 of 1993).</p>	
--	--	--	--