




**A RATIONALE FOR EXPANSION OF POWERS:
LAW ENFORCEMENT OFFICERS, SOUTH AFRICA**

7 June 2017
Presenter (on behalf of IMPS-SA): Chief Rudolf Willshire (National Councillor – IMPS-SA)



What is IMPS-SA?

**Dr. N. Stemele,
*President of IMPS-SA,***

to explain...



RATIONALE FOR EXPANSION



The
only
constant
in
life
is
CHANGE!

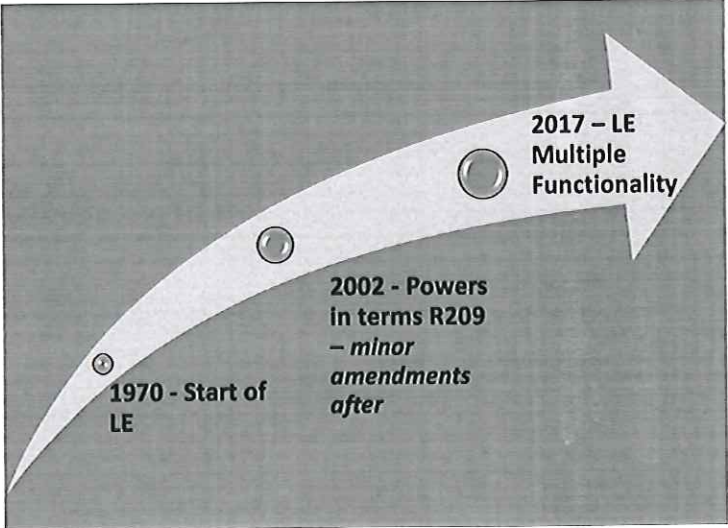
BACKGROUND & INTRODUCTION



Looking in the Rear-View Mirror – The LEO's Evolution



Law Enforcement (LE) Powers Review



POWERS OF A LAW ENFORCEMENT OFFICER

The logo for imps-sa, featuring a stylized bar chart with five vertical bars of increasing height, enclosed within a circular border.

DECLARATION OF PEACE OFFICERS IN TERMS OF SECTION 334 OF THE CRIMINAL PROCEDURE ACT, 1977 (ACT 51 OF 1977)

I, PENUELL MPAPA MADUNA, Minister for Justice and Constitutional Development acting under and by virtue of the powers vested in me

(1) by 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/her office, falls within any category defined in column 1 of the Schedule to this notice, shall, within the area specified in column 2 of that Schedule, be a peace officer for the purpose of exercising, with reference to the offences specified in column 3 of that Schedule, the powers defined in column 4 there;

GN R209 – February 2002 – LE

COLUMN 1 CATEGORY	COLUMN 2 AREA OF JURISDICTION	COLUMN 3 OFFENCES	COLUMN 4 POWERS
<p>PART 5 Law enforcement officers appointed by a municipality.</p>	<p>The area of jurisdiction of the municipality which made the appointment and in respect of the power mentioned in item (i) and (iv) of column 4 of paragraph (a) of this Part, the Republic of South Africa.</p>	<p>Any offence in terms of -</p> <ul style="list-style-type: none"> (i) a by-law or regulation made by or such municipality; (ii) the Business Act, 1991 (Act 71 of 1991); (iii) the Occupational Health and Safety Act, 1993 (Act 6 of 1993); (iv) the National Building Standards Act, 1977 (Act 103 of 1977), in respect of which section 24 of the said Act applies; (v) the Fire Brigade Services Act, 1987 (Act 99 of 1987), and any by-laws or regulations made thereunder; (vi) the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986) (Transvaal); (vii) the Townships Ordinance, 1969 (Ordinance 9 of 1969) (Orange Free State); (viii) the Land Use Planning Ordinance, 1985 (Cape); (ix) the Town Planning Ordinance, 1949 (Ordinance 27 of 1949) (Natal); (x) sections 154(1)(b)(i) and 154(1)(b)(ii) of the Liquor Act, 1989 (Act 27 of 1989); (xi) sections 4 and 5 of the Drugs and Drugs Trafficking Act, 1992 (Act 140 of 1991); (xii) section 29 (1)(b), in respect of section 9 and section 35(1)(a) and (b) of the Arms and Ammunition Act, 1969 (Act 75 of 1969); (xiii) Schedule 1 to the Criminal Procedure Act, 1977, in respect of the following offences: public violence, murder, culpable homicide, rape, indecent assault, robbery, assault (when a dangerous wound is inflicted), arson, malicious injury to property, breaking or entering any premises with intent to commit an offence, theft and escaping from lawful custody. 	<ul style="list-style-type: none"> (i) The issue of written notices in terms of section 311 of the Criminal Procedure Act. (ii) The issue of written notices in terms of section 56 of the Criminal Procedure Act, 1977. (iii) The execution of warrants of arrest in terms of section 44 and 55(2) of the Criminal Procedure Act, 1977. (iv) The powers conferred upon a peace officer in terms of section 41(1) of the Criminal Procedure Act, 1977. (v) In respect of the offences mentioned in items (i) up to and including (x) of column 3, the arrest without warrant of somebody in terms of section 40 (1)(a), (b), (c), (f), (h) and (j) of the Criminal Procedure Act, 1977.



GN R209 – February 2002 – LE

COLUMN 1 CATEGORY	COLUMN 2 AREA OF JURISDICTION	COLUMN 3 OFFENCES	COLUMN 4 POWERS
PART 5 Law enforcement officer appointed by a municipality.	The area of jurisdiction of the municipality which made the appointment and in respect of the power mentioned in item (ii) and (iv) of column 4 of paragraph (a) of this Part, the Republic of South Africa.	Any offence in terms of - (i) a by-law or regulation made by or such municipality; (ii) [the Business Act, 1991 (Act 71 of 1991)]; (iii) the Occupation Health and Safety Act, 1993 (Act 6 of 1993); (iv) the National Building Standards Act, 1977 (Act 103 of 1977), in respect of which section 24 of the said Act applies; (v) the Fire Brigade Services Act, 1987 (Act 99 of 1987), and any by-laws or regulations made thereunder; (vi) the Town Planning and Townships Ordinance, 1995 (Ordinance 15 of 1995) (Transvaal); (vii) the Townships Ordinance, 1969 (Ordinance 9 of 1969) (Orange-Free State); (viii) the Land Use Planning Ordinance, 1985 (Cape); (ix) the Town Planning Ordinance, 1949 (Ordinance 27 of 1949) (Natal); (x) sections 154(1)(b)(d) and 154(1)(v) of the Liquor Act, 1989 (Act 27 of 1989); (xi) sections 4 and 5 of the Drugs and Drugs Trafficking Act, 1992 (Act 140 of 1991); (xii) section 39(1)(b), in respect of section 9 and section 39(1)(a), (b) and (c) of the Arms and Ammunition Act, 1969 (Act 75 of 1969); (xiii) Schedule 1 to the Criminal Procedure Act, 1977, in respect of the following offences: Public Violence, murder, culpable homicide, rape, indecent assault, robbery, assault (when a dangerous wound is inflicted), arson, malicious injury to property, breaking or entering any premises with intent to commit an offence, theft and escaping from lawful custody.	(i) The issue of written notices in terms of section 341 of the Criminal Procedure Act. (ii) The issue of written notices in terms of section 56 of the Criminal Procedure Act, 1977. (iii) The execution of warrants of arrest in terms of section 48 and 55(2) of the Criminal Procedure Act, 1977. (iv) The powers conferred upon a peace officer in terms of section 41(1) of the Criminal Procedure Act, 1977. (v) In respect of the offences mentioned in items (ii) up to and including (ix) of column 3, the arrest without warrant of somebody in terms of section 40(1)(a), (b), (c), (f), (g) and (i) of the Criminal Procedure Act, 1977.



GN R209 – February 2002 – TW

COLUMN 1 CATEGORY	COLUMN 2 AREA OF JURISDICTION	COLUMN 3 OFFENCES	COLUMN 4 POWERS
(a) Traffic wardens appointed under section 3 (1) of the Road Traffic Act, 1989 (Act 29 of 1989)	(i) In respect of an appointment made by the Administrator in terms of section 3 (1) (a) of the Road Traffic Act, 1989, the area of the province concerned. (ii) In respect of an appointment made by a municipality in terms of section 3 (1)(d) of the Road Traffic Act, 1989, the area of the municipality concerned.	Offences referred to in section 12, 14(2), 83(12), 84, 97, 98, 110, 116(a) read with subparagraph (i) and 125 of the Road Traffic Act, 1989, and regulations 206 (1) to (7), 207(1) to (4), 223, 224(1), 224(3)(a) and (b), 225(2) to (6), 227(1), 228, 319, to 325, 337, 340, 341 and 347 of the regulations made thereunder.	(i) The issue of written notices in terms of section 56 of the Criminal Procedure Act, 1977. (ii) The issue of written notices in terms of section 341 of the Criminal Procedure Act, 1977. (iii) The powers conferred upon a peace officer by section 41(1) of the Criminal Procedure Act, 1977.

*** FISHERIES CONTROL OFFICER:** AUTHORISED OFFICER IN TERMS OF SECTION 9 OF THE MARINE LIVING RESOURCES ACT 18 OF 1998 AND THUS AN AUTHORIZED OFFICER IN ACCORDANCE WITH REGULATION 1 OF NATIONAL ENVIRONMENTAL MANAGEMENT ACT 24 OF 2008: CONTROL OF USE OF VEHICLES IN THE COASTAL AREA GN 3776



ANALYSIS OF POWERS



GN R209 – February 2002 – LE

LAW ENFORCEMENT OFFICER

COLUMN 4

POWERS

(v)

In respect of the offences mentioned in items (iii) up to and including (xv) of column 3, the arrest without warrant of somebody in terms of section 40(1)(a), (b), (c), (f), (h) and (j) of the Criminal Procedure Act, 1977



LAW ENFORCEMENT OFFICER

COLUMN 4

POWERS

section 40

**(1)(a), (b), (c), (f), (h) and (j) of
the Criminal Procedure Act,
1977**



Section 40 – Criminal Procedure Act of 1977

40. Arrest by peace officer without warrant

- (1) A peace officer may without warrant arrest any person –
- (a) who commits or attempts to commit any offence in his presence;
 - (b) whom he reasonably suspects of having committed an offence referred to in Schedule 1, other than the offence of escaping from lawful custody;
 - (c) who has escaped or who attempts to escape from lawful custody;
 - (d) who has in his possession any implement of housebreaking or carbreaking as contemplated in section 82 of the General Law Third Amendment Act, 1993, and who is unable to account for such possession to the satisfaction of the peace officer;
 - (Section 40(1)(d) substituted by section 41 of Act 129 of 1993)
 - (e) who is found in possession of anything which the peace officer reasonably suspects to be stolen property or property dishonestly obtained, and whom the peace officer reasonably suspects of having committed an offence with respect to such thing;
 - (f) who is found at any place by night in circumstances which afford reasonable grounds for believing that such person has committed or is about to commit an offence;
 - (g) who is reasonably suspected of being or having been in unlawful possession of stock or produce as defined in any law relating to the theft of stock or produce;
 - (h) who is reasonably suspected of committing or of having committed an offence under any law governing the making, supply, possession or conveyance of intoxicating liquor or of dependence-producing drugs or the possession or disposal of arms or ammunition;
 - (i) who is found in any gambling house or at any gambling table in contravention of any law relating to the prevention or suppression of gambling or games of chance;
 - (j) who wilfully obstructs him in the execution of his duty;
 - (k) who has been concerned in or against whom a reasonable complaint has been made or credible information has been received or a reasonable suspicion exists that he has been concerned in any act committed outside the Republic which, if committed in the Republic, would have been punishable as an offence, and for which he is, under any law relating to extradition or fugitive offenders, liable to be arrested or detained in custody in the Republic;
 - (l) who is reasonably suspected of being a prohibited immigrant in the Republic in contravention of any law regulating entry into or residence in the Republic;
 - (m) who is reasonably suspected of being a deserter from the South African National Defence Force;
 - (Section 40(1)(m) amended by section 4 of Act 18 of 1996)
 - (n) who is reasonably suspected of having failed to observe any condition imposed in postponing the passing of sentence or in suspending the operation of any sentence under this Act;
 - (o) who is reasonably suspected of having failed to pay any fine or part thereof on the date fixed by order of court under this Act;
 - (p) who fails to surrender himself in order that he may undergo periodical imprisonment when and where he is required to do so under an order of court or any law relating to prisons.
 - (q) who is reasonably suspected of having committed an act of domestic violence as contemplated in section (1) of the Domestic Violence Act, 1998, which constitutes an offence in respect of which violence is an element.
 - (Section 40(1)(q) added by section 20 of Act 116 of 1998)



Section 40 – CPA, 1977 – Sample Omissions

- **(d)** possession - implement of housebreaking or carbreaking *substituted by section 41 of Act 129 of 1993 (section 82 of the General Law Third Amendment Act, 1993)*
- **(e)** suspected stolen property
- **(g)** suspected of - unlawful possession of stock or produce;
- **(l)** found in any gambling house or at any gambling table;
- **(l)** suspected - an illegal immigrant



R209 Further Column 4 Ambiguity

The powers identified in Column 4 (*Part 5 relating to Law Enforcement Officers*) refer to powers of arrest for offences from section (iii) to (xv) yet the offences only go up to section (xiii).

In addition, Section (x) in column 3 – relate to specific sections of the (*repealed*) Liquor Act 27 of 1989 – yet reference to the Peace Officers powers governing that section in the CPA (Sec 40(1)(h)) & which is expressly conferred by column 4, refers to the power to arrest any person without a warrant for “...ANY law governing the making, supply, possession or conveyance of intoxicating liquor.....”.



LEGISLATIVE CHALLENGES



Challenges with Current Powers – R209 Schedule 5

- Apart from the interpretative challenge – restrictions on the Peace Officer powers of LEO's – not conducive to effective & decisive enforcement or the general combatting of crime
- Dealing with repealed legislation
- Powers identified - Column 4 Part 5 – relating to Law Enforcement Officers refer - powers of arrest for offences from section (iii) to (xv), yet offences only go up to section (xiii).

Important to Note: The Law Enforcement Officer's powers are confined to that outlined in the schedule & any act or omission outside of those powers will be *ultra vires* (outside of powers) with the accompanying possibility of civil liability being incurred by a Municipality.



Recommended Schedule...

Alternate Schedule of Powers – LAW ENFORCEMENT OFFICER

B	COLUMN 2	COLUMN 3	COLUMN 4
CATEGORY	AREA OF JURISDICTION	OFFENCES	POWERS
PART 5			
(b) <u>Law enforcement officer</u> appointed by a municipality.	<p>(i) The area of jurisdiction of the municipality which made the appointment and the sea, 15 nautical miles offshore, adjacent to that Municipality and in respect of the power mentioned in column 4 of paragraph (a) of this Part, the Republic of South Africa.</p> <p>(ii) In respect of an appointment made by a municipality in terms of section 3A of the National Road Traffic Act 93 of 1996, the area of the municipality concerned</p>	<p>(a) Any offence in terms of -</p> <p>(i) a by-law or regulation made by or for such municipality;</p> <p>(ii) any legislation which confers powers, duties and functions on a municipality as it relates to Safety & Security;</p> <p>(iii) the Occupational Health and Safety Act, 1993 (Act 6 of 1993);</p> <p>(iv) the Business Act, 1991 (Act 71 of 1991)</p> <p>(v) the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977), in respect of which section 24 of the said Act applies</p> <p>(vi) the Fire Brigade Services Act, 1987 (Act 99 of 1987), and any by-laws or regulations made thereunder;</p> <p>(vii) the Control of Access to Public Premises and Vehicles Act, 1985 (Act 53 of 1985)</p> <p>(viii) Applicable Town or Townships Planning or Land Use Planning legislation which is operative in the municipal area concerned and Section 58 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013 – SPLUMA)</p> <p>(ix) any powers stemming from functions conferred on the City/Town via implementation protocols</p>	<p>(a) All powers conferred upon a peace officer in terms of the Criminal Procedure Act, 1977</p> <p>(b) All powers conferred upon a peace officer and police official in terms of the Criminal Procedure Act, 1977 as amended, excluding the powers conferred in terms of section 25, 43, 59, 179 (i)(b); Provided that the power conferred upon a police official in terms of section 72 of the Criminal Procedure Act, 1977 may only be exercised for the purposes contemplated in section 55 (2) of the Criminal Procedure Act, 1977.</p>

Alternate Schedule of Powers – LAW ENFORCEMENT OFFICER

COLUMN 1 CATEGORY	COLUMN 2 AREA OF JURISDICTION	COLUMN 3 OFFENCES	COLUMN 4 POWERS
		(b) Any offence in contravention of the- (i) applicable drug, liquor & firearm legislation which is operative in the municipal area concerned (ii) the Marine Living Resources Act, 1998 (Act 18 of 1998); (iii) the Integrated Coastal Management Act, 2008 (Act 24 of 2008) and the regulations made thereunder; (iv) the National Environmental Management Act, 1998 (Act 107 of 1998), the subsidiary legislation and the regulations made thereto; (v) the Environmental Conservation Act, 1989 (Act 73 of the 1989) and the regulations made thereunder; (vi) the Prevention of Illegal Eviction from & Unlawful Occupation of Land Act, 1998 (Act 19 of 1998) (in respect of a Municipal Area); (vii) the Intimidation Act, 1998 (Act 72 of 1998); (viii) the Animal Protection Act, 1962 (Act 71 of 1962); (ix) the Meat Safety Act, 2000 (Act 40 of 2000); (x) the Performing Animals Protection Act, 1935 (Act 24 of 1935); (xi) the Tobacco Products Control Act, 1993 (Act 83 of 1993); (xii) the Copyright Act, 1978 (Act 98 of 1978); (xiii) the Children's Act, 2005 (Act 38 of 2005) and regulations; (xiv) the National Health Act, 2003 (Act 61 of 2003); (xv) All amendments or applicable subsequent legislation relating to the abovementioned (xvi) Schedule 1 to the Criminal Procedures Act, 1977, as amended (xvii) Schedule 3 to the Criminal Procedures Act, 1977, in respect of the following Subsections: (b), (c), (d), (e), (f) & (g) (xviii) Any sections of the National Road Traffic Act, 1996 (Act 93 of 1996) which confers powers upon a Traffic Warden.	

** But more on this later...*

LAW ENFORCEMENT OF TODAY

An Example of Law Enforcement Operating
in a City



Mission Statement



City of Cape Town Law Enforcement is dedicated to protect lives and property through effective and efficient combating of crime through partnerships that create a safe environment, build trust and enhance the quality of life to all in our community.

It is the purpose of the Law Enforcement Department to improve quality of life by enforcing bylaws, combating poaching, land grabs, theft of City assets, anti-social behaviour and social decay.

In addition we regulate informal trade, liquor legislation; ensure community transport safety and build strategic relationship.



Mission Unpacked

We aim to protect and improve the lives and property of all residents in the City by:

1	Areas	Enforcing applicable legislation
2	Marine Unit	Protecting the City's natural environment and coastal resources
3	Rapid Response Unit Metal Theft Unit	Protecting of city staff and assets
4	Anti-land Invasion	Reduce risk of land grabs. Ensure commuter transport safety.
5	CIDS, Province & Ward Allocations	Build and maintain strategic partnerships
6	LEAS	Establishing and maintaining the volunteer service through community participation
7	DPU, ITU, Problem Building Unit, Graffiti Unit, Vice Squad, Liquor	Develop and implement strategy to alleviate social decay





LAW ENFORCEMENT



Specialised Units

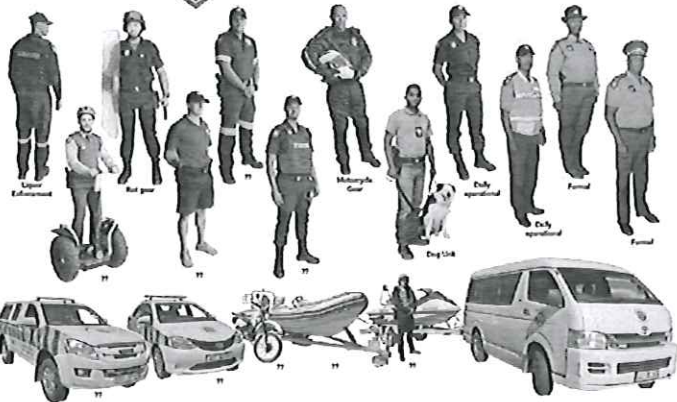
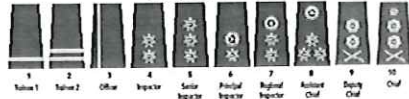


- Public Assistance
- Public Intelligence unit
- Vice Squad
- Surveillance unit
- Integrated rapid response unit
- Area based enforcement
- Work
- Rapid response unit
- Law enforcement military units

FUNCTIONS

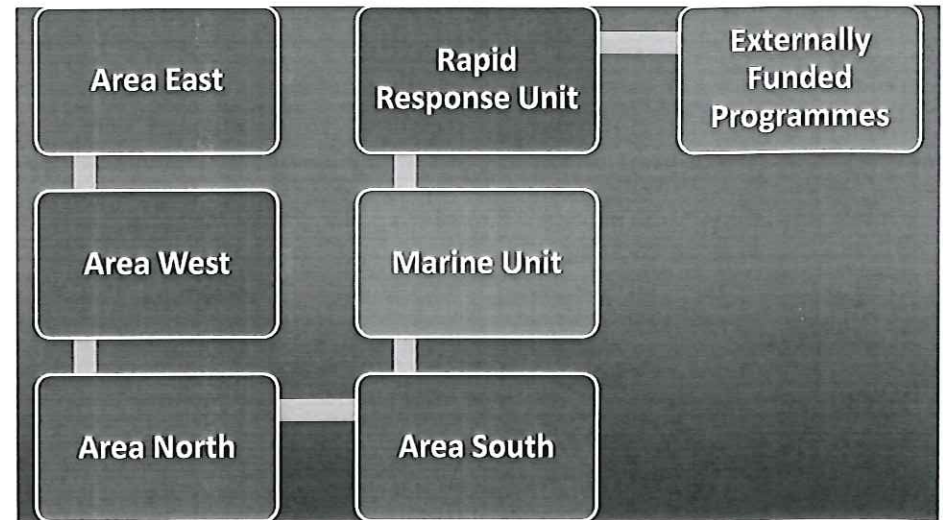


Rank structure

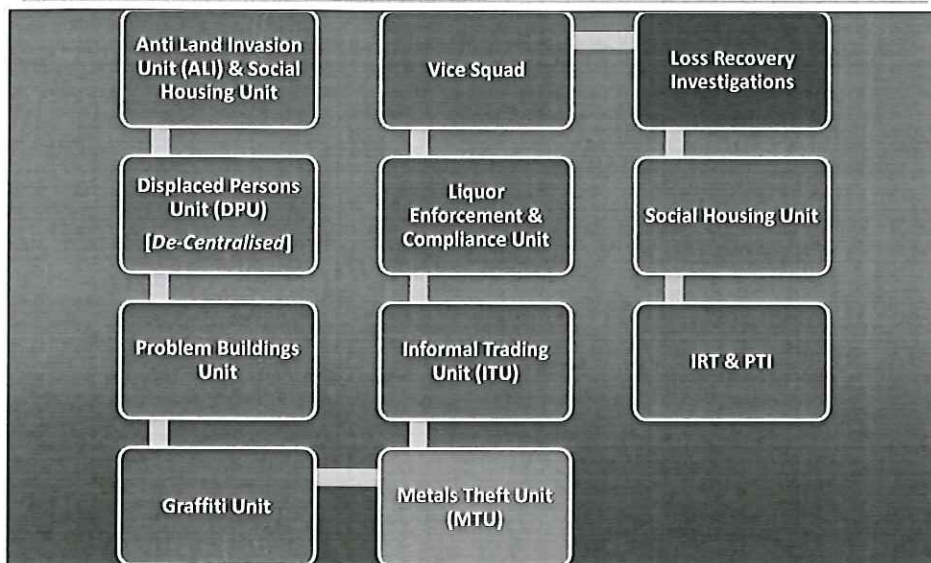


Striving to ensure a better quality of life for all the citizens of Cape Town.
Emergency contact numbers: 021 480 7700 from your cellphone or 107 from your landline

Law Enforcement General Divisions



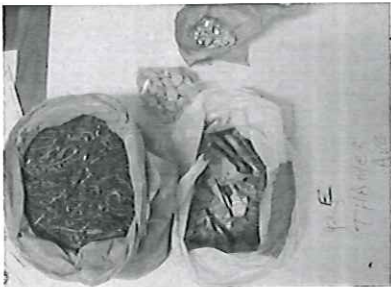
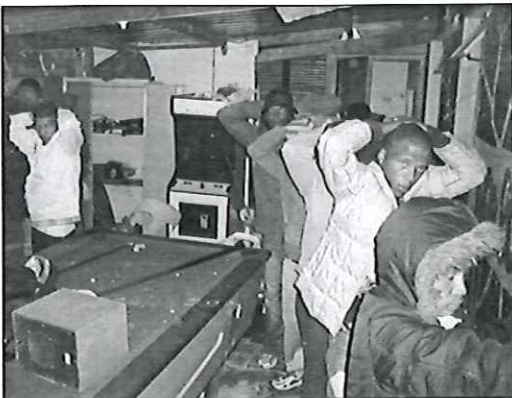
Specialised Services Units



What Law Enforcement Do



Law Enforcement Arrests/Confiscations



Training - Recruits



Training – Volunteer Pass Out



Specialised Units



Anti-Land Invasion Unit



Anti-Land Invasion Unit



Displaced Persons Unit



Metals Theft Unit - Illegal Connections & Operations



Liquor Enforcement Unit



Liquor Successes – Half Day Success



Liquor Enforcement – Destruction of Liquor



Informal Trading Unit



Integrated Transport Safety Unit (IRT)



Public Transport Interchange (PTI) Unit



Graffiti Unit



Vice Squad



Loss Recovery Unit – Focus Area



Law Enforcement General

Marine Unit



Marine Unit



Marine Unit – Saving Lives



Marine Unit – Proud of what they do!



Marine Unit – Regulations Enforcement



Marine Unit – Open Sea Training



General Law Enforcement – Tourist Route Patrols



General Law Enforcement



General Law Enforcement



Taking NO-ALCOHOL on beaches very seriously



Animal Control Unit



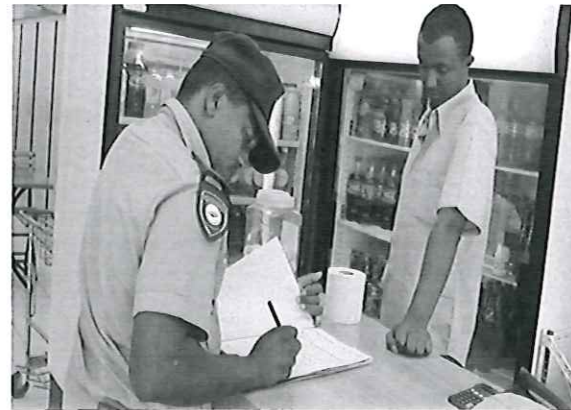
Operation Zero Tolerance



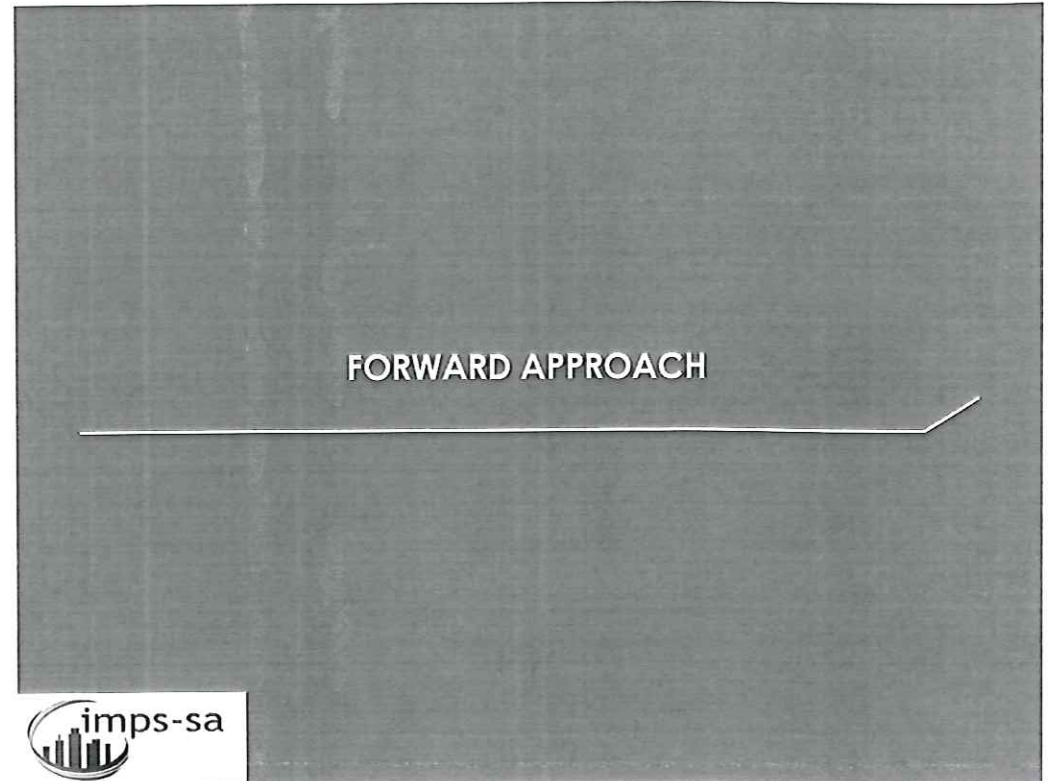
Operation Zero Tolerance




Inner City Business - Illegal Dumping Enforcement




Taking services to Communities



*“Numerical superiority
is of no consequence.
In battle, victory will go
to the best tactician.”
~ G. A. Custer*



PROGRAMME **epic**  CITY OF CAPE TOWN
SITHO SIKHEKHA
SITHO KAPSTAD

Project EPIC

Making progress possible. Together.

The banner features a black and white photograph of a group of people, including some in racing gear, gathered around several cars in an outdoor setting with a cityscape and mountains in the background. The text "Project EPIC" is positioned below the image, and the slogan "Making progress possible. Together." is at the bottom right. Logos for "PROGRAMME epic" and the "CITY OF CAPE TOWN" are in the top right corner.

Law Enforcement Primary Skills Training Model - Study Units

Class/Group A	Class/Group B	Class/Group C	Class/Group D
Peace Officer Training	Traffic Warden Training	Bylaw Training	Skills Development Training
1. Sources of Law 2. Criminal Law 3. Law of Evidence 4. CPA 5. SALLW 6. Statement Taking 7. Court Structures 8. Bill of Rights 9. Completion of Notices 10. Record Keeping (Pocket Books)	1. Definitions NRTA 2. NRTA Sections & Regulations 3. Equipment on Vehicles 4. Parking Meters 5. Administrative Procedures 6. Point Duty	1. Streets, Public Places & Noise Nuisance Bylaw 2. Public Parks Bylaw 3. Integrated Waste Management Bylaw 4. Animal Bylaw 5. NRTA Regulations 6. Parking Bylaw 7. Traffic Bylaw 8. Sea Shore Regulations 9. Informal Trading Bylaw 10. Graffiti Bylaw 11. Noise Control Regulations 12. Water Bylaw 13. Water Effluent Bylaw 14. Outdoor Advertising & Signage Bylaw 15. Air Quality Management Bylaw 16. Problem Buildings Bylaw 17. Land Use Planning Ordinance (LUPO)	1. Physical Fitness 2. Closed Quarter Combat 3. Compliments & Saluting 4. Principles of Batho Pele 5. Firearm Competence Training (B) 6. Firearm Refresher Training 7. Pepper Spray Training 8. Practical Field Training (PFT) 9. First Aid (Level 1) 10. Radio & Telephone Procedures 11. Occupational Health & Safety Regulations 12. Motorcycle Training 13. Defensive Driver's Training (B) 14. 4x4 Driver's Training 15. Relevant City Policies & Exposure to Municipal Systems Act 16. Official Learning Excursions 17. Special Weapons & Tactics (SWAT) 18. Crowd Management (B) 19. Professional Conduct & Organisational Ethics 20. Use of Mathematics to Investigate 21. Use of Statistics to do Probability Analysis 22. Analysis of spoken/signed texts 23. Use of Language in Communication 24. Analysis and Response to Variety of Texts 25. Anti-Corruption 26. Primary Emergency Care
10 x Study Units	6 x Study Units	17 x Study Units	26 x Study Units
Training Model Total Study Units = 59			



Law Enforcement Primary Skills Training - Skills Development Study

Study Unit	Time Frames	Unit Standard
1. Anti-Corruption	6 Days	243263
2. Primary Emergency Care	1 Day	254220
3. Mathematics to Investigate	5 Days	7456/7468
4. Statistics & Probability to Communicate Findings	Integrated (15)	9015
5. Use of Language & Communication in Occupational Learning		119462/119471/119467
6. Read, Analyse & Respond to Texts		119469
7. Accommodating Audience & Context needs in Communication		119472
8. Engaging in Oral/Signed Communication & Evaluate Texts	5 Days	119462
Duration Required		32 Days





DEVELOP USABLE LEGISLATION



TRAFFIC BY-LAW, 2011

- Focus is on Public Transport Vehicles – used mostly by IRT & PTI Officers, but others also.
- Chapter 2: PLYING FOR HIRE AND RANKING REQUIREMENTS – Issues of permits, tokens, etc.
- Chapter 3: LICENCE AND OPERATING LICENCE – licenses, etc.
- Chapter 4: CONDUCT OF DRIVERS, CONDUCTORS AND PASSENGERS – prohibited actions on a public transport vehicle, etc.
- Chapter 5: ROAD SAFETY – Overloading, shoulder of road driving, etc.
- Chapter 6: COMMUNICATIONS DEVICES – Cellphones whilst driving, etc.



REVIEW CURRENT LEGISLATION

Alternate Schedule of Powers – LAW ENFORCEMENT OFFICER

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4
CATEGORY	AREA OF JURISDICTION	OFFENCES	POWERS
PART 5			
(b) Law enforcement officer appointed by a municipality.	<p>(i) The area of jurisdiction of the municipality which made the appointment and the sea, 15 nautical miles offshore, adjacent to that Municipality and in respect of the power mentioned in column 4 of paragraph (a) of this Part, the Republic of South Africa.</p> <p>(ii) In respect of an appointment made by a municipality in terms of section 3A of the National Road Traffic Act 93 of 1996, the area of the municipality concerned</p>	<p>(a) Any offence in terms of -</p> <p>(i) a by-law or regulation made by or for such municipality;</p> <p>(ii) any legislation which confers powers, duties and functions on a municipality as it relates to Safety & Security;</p> <p>(iii) the Occupational Health and Safety Act, 1993 (Act 6 of 1993);</p> <p>(iv) the Business Act, 1991 (Act 71 of 1991)</p> <p>(v) the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977), in respect of which section 24 of the said Act applies</p> <p>(vi) the Fire Brigade Services Act, 1987 (Act 99 of 1987), and any by-laws or regulations made thereunder;</p> <p>(vii) the Control of Access to Public Premises and Vehicles Act, 1985 (Act 53 of 1985)</p> <p>(viii) Applicable Town or Townships Planning or Land Use Planning legislation which is operative in the municipal area concerned and Section 58 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013 – SPLUMA)</p> <p>(ix) any powers stemming from functions conferred on the City/Town via implementation protocols</p>	<p>(a) All powers conferred upon a peace officer in terms of the Criminal Procedure Act, 1977</p> <p>(b) All powers conferred upon a peace officer and police official in terms of the Criminal Procedure Act, 1977 as amended, excluding the powers conferred in terms of section 25, 43, 59, 179 (j)(b): Provided that the power conferred upon a police official in terms of section 72 of the Criminal Procedure Act, 1977 may only be exercised for the purposes contemplated in section 55 (2) of the Criminal Procedure Act, 1977.</p>

Alternate Schedule of Powers – LAW ENFORCEMENT OFFICER

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4
CATEGORY	AREA OF JURISDICTION	OFFENCES	POWERS
		<p>(b) Any offence in contravention of the -</p> <p>(i) applicable drug, liquor & firearm legislation which is operative in the municipal area concerned</p> <p>(ii) the Marine Living Resources Act, 1998 (Act 18 of 1998);</p> <p>(iii) the Integrated Coastal Management Act, 2008 (Act 24 of 2008) and the regulations made thereunder;</p> <p>(iv) the National Environmental Management Act, 1998 (Act 107 of 1998), the subsidiary legislation and the regulations made thereto;</p> <p>(v) the Environmental Conservation Act, 1989 (Act 73 of the 1989) and the regulations made thereunder;</p> <p>(vi) the Prevention of Illegal Eviction from & Unlawful Occupation of Land Act, 1998 (Act 19 of 1998) (in respect of a Municipal Area);</p> <p>(vii) the Intimidation Act, 1998 (Act 72 of 1998);</p> <p>(viii) the Animal Protection Act, 1962 (Act 71 of 1962);</p> <p>(ix) the Meat Safety Act, 2000 (Act 40 of 2000);</p> <p>(x) the Performing Animals Protection Act, 1935 (Act 24 of 1935);</p> <p>(xi) the Tobacco Products Control Act, 1993 (Act 83 of 1993);</p> <p>(xii) the Copyright Act, 1978 (Act 98 of 1978);</p> <p>(xiii) the Children's Act, 2005 (Act 38 of 2005) and regulations;</p> <p>(xiv) the National Health Act, 2003 (Act 61 of 2003);</p> <p>(xv) All amendments or applicable subsequent legislation relating to the abovementioned</p> <p>(xvi) Schedule 1 to the Criminal Procedures Act, 1977, as amended</p> <p>(xvii) Schedule 3 to the Criminal Procedures Act, 1977, in respect of the following Subsections: (b), (c), (d), (e), (f) & (g)</p> <p>(xviii) Any sections of the National Road Traffic Act, 1996 (Act 93 of 1996) which confers powers upon a Traffic Warden.</p>	



WAY FORWARD

Way Forward

- That the Select Committee supports the Amendment to PART 5 of R209 – relation to Powers of Law Enforcement Officers in South Africa
- Guidance be given to secure such



"It always seems impossible until it's done"

~ Nelson Rolihlahla Mandela



Thank You

For queries contact (Impssa@gmail.com)



