

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

No. R. 707 2 September 2011

DECLARATION OF PEACE OFFICERS IN TERMS OF SECTION 334 OF THE CRIMINAL PROCEDURE ACT, 1977 (ACT NO. 51 OF 1977)

I, Jeffrey Thamsanqa Radebe, Minister of Justice and Constitutional Development, —

1. 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 as 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;

2. in terms of section 334(3) (a) of the Criminal Procedure Act, 1977, hereby prescribe that -
 - (a) a certificate of appointment referred to in section 334(2) (a) of the Criminal Procedure Act, 1977, shall only be issued to a person referred to in Column 1 of the Schedule, if the employer of that person has been furnished with a certificate issued by the National Commissioner of the South African Police Service;
 - (b) it must be stated in the certificate contemplated in paragraph (a) that, in the opinion of the National Commissioner, such person is competent to exercise the relevant powers as defined in Column 4 of the relevant Part of the Schedule; and
 - (c) for the purposes of the issuing of a certificate by the National Commissioner, the following criteria shall be considered:
 - (i) The previous criminal convictions of the applicant;
 - (ii) whether the person 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
 - (iii) the training undergone by the applicant with regard to the powers to be exercised;

3. in terms of section 334(3) (b) of the Criminal Procedure Act, 1977, prescribe that the following information shall appear in or on the certificate of appointment referred to in section 334(2) of the Criminal Procedure Act, 1977:
 - (a) The full name of the person so appointed;
 - (b) his or her identity number;
 - (c) his or her signature;
 - (d) his or her photograph;
 - (e) a description of the capacity in which he or she was appointed;
 - (f) the name of the employer who made the appointment; and
 - (g) the signature and official stamp of the employer or responsible person.

SCHEDULE

Column 1	Column 2	Column 3	Column 4
A traffic officer appointed in terms of section 3A(1)(a) of the National Road Traffic Act, 1996	The Republic of South Africa.	Any offence.	(i) All powers conferred upon a peace officer in terms of the Criminal Procedure Act, 1977.

<p>(Act No. 93 of 1996).</p>		<p>(ii) All powers conferred upon a police official in terms of the Criminal Procedure Act, 1977, excluding the powers provided for in terms of sections 25, 43, 59 and 179(1)(b): Provided that the powers conferred upon a police official in terms of section 72 of the Criminal Procedure Act, 1977, may be exercised only for the purposes contemplated in section 55(2) of the Criminal Procedure Act, 1977.</p>
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