

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

NO. R. 499

29 MARCH 2019

DECLARATION OF PEACE OFFICERS IN TERMS OF SECTION 334 OF THE CRIMINAL PROCEDURE ACT, 1977: IMMIGRATION OFFICERS APPOINTED IN TERMS OF SECTION 33 (2)(b) OF THE IMMIGRATION ACT, 2002

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

- (a) 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;
- (b) 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 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;
 - (ii) 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
 - (iii) for the purposes of the issuing of a certificate by the National Commissioner, the following criteria shall be considered:
 - (aa) The previous criminal convictions of the applicant;

- (bb) 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
 - (cc) the training undergone by the applicant with regard to the powers to be exercised; and

- (c) section 334(3)(b) of the Criminal Procedure Act, 1977, hereby prescribe that the following information must 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.

T M MASUTHA

MINISTER OF JUSTICE AND CORRECTIONAL SERVICES

SCHEDULE

Column 1	Column 2	Column 3	Column 4
Immigration Officers appointed in terms of section 33(2)(b) of the Immigration Act, 2002 (Act No. 13 of 2002).	The Republic of South Africa	Any offence in terms of: <ul style="list-style-type: none"> (a) Sections 34 and 49 of the Immigration Act, 2002 (Act No. 13 of 2002); (b) section 31 of the Births and Deaths Registration Act, 1992 (Act No. 51 of 1992); (c) section 18 of the Identification Act, 1997 (Act No. 68 of 1997); (d) sections 35 and 36 of the Marriage Act, 1961 (Act No. 25 of 1961); (e) section 18 of the South African Citizenship Act, 1995 (Act No. 88 of 1995); (f) the regulations made in terms of section 4 of the South African Passports and Travel Documents Act, 1994 (Act No. 4 of 1994); 	(i) The powers conferred upon a peace officer in terms of section 23 of the Criminal Procedure Act, 1977, to search a person arrested in terms of section 40(1)(a), (b), (c) (e), (f), (j) and (l) of the Criminal Procedure Act, 1977, and to seize an article.
			(ii) The powers conferred upon a police official in terms of section 37(1)(a)(i) and (d) of the Criminal Procedure Act, 1977.
			(iii) The power to arrest a person without a warrant in terms of section 40(1)(a), (b), (c) (e), (f), (j) and (l) of the Criminal Procedure Act, 1977.
			(iv) The powers conferred upon a peace officer under section 41(1) of the Criminal Procedure Act, 1977.
			(v) The execution of warrants of arrest in terms of section 44 of the Criminal Procedure

		<p>(g) section 37 of the Refugees Act, 1998 (Act No. 130 of 1998); and</p> <p>(h) the regulations made in terms of section 11 of the Recognition of Customary Marriages Act, 1998 (Act No. 120 of 1998).</p>	<p>Act, 1977.</p> <p>(vi) The powers conferred on any person in terms of section 48 of the Criminal Procedure Act, 1977.</p> <p>(vii) The power to issue a written notice in terms of section 56 of the Criminal Procedure Act, 1977.</p>
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