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AIDS HELPLINE: 0800-0123-22 Prevention is the cure

GOVERNMENT NOTICE

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

No. R. 1463

17 December 2004

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

I, SYLVIA BRIDGETT MABANDLA, Minister for Justice and Constitutional Development

1. acting under and **by** virtue of the powers vested in **me** by section 334(1)(a) of the Criminal Procedure Act, **1977** (Act 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 of this notice, shall, within the area specified in column 2 of the Schedule, be a peace officers 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. acting under and **by** virtue of the powers vested in **me** by section 334(3)(a) of the Criminal Procedure Act, **1977**, hereby prescribed that no certificate of appointment referred to in section 334(2)(a) of the Criminal Procedure Act,

1977, shall be issued to any person referred to in column 1 of Parts 4, 5, 13, 14(b), 15 and 16 of the Schedule, unless the employer has been furnished with a certificate issued by the Area Commissioner of the South African Police Service within whose jurisdiction the appointee is to perform the majority of his or her functions, or a commissioned officer to whom such Area Commissioner has delegated his or her authority in this regard. It must be stated in the certificate that in the opinion of the said officer such person is competent to exercise the relevant powers defined in column 4 of the above-mentioned Parts of the Schedule – provided that, for the purpose of the issuing of a certificate by a commissioned officer of the South African Police Service, the following criteria shall be considered:

- 2.1. previous criminal convictions;
 - 2.2. declaration of unfitness to possess an arm or ammunition as defined in the Arms and Ammunition Act, 1969 (Act 75 of 1969); and
 - 2.3. training with regard to the powers to be exercised.
3. acting under and by virtue of the powers vested in me by section 334(3)(b) of the Criminal Procedure Act, 1977, hereby prescribed that the following shall appear in or on the certificate of appointment referred to in section 334(2) of the Criminal Procedure Act, 1977:
- 3.1. the full name of the person appointed;
 - 3.2. his/her identity number;
 - 3.3. his/her signature;
 - 3.4. his/her photograph;
 - 3.5. a description of the capacity in which he/she was appointed;

- 3.6. the name of the employer who made the appointment; and
- 3.7. the signature and official stamp of the employer or responsible person.
4. hereby withdraw all previous notice and repeal all regulations promulgated in terms of sections 309bis(3), 387(1) and 387(6) of the Criminal Procedure Act, 1955 (Act 56 of 1955), sections 290(3), 373(1) and 373(5) of the Criminal Procedure Ordinance, 1963 (Ordinance 34 of 1963) (South West Africa), and section 334(1)(a) of the Criminal Procedure Act, 1977 (Act 51 of 1977).

Signed at CAPE TOWN on this 13TH day of DECEMBER Two Thousand and Four.

MRS B S MABANDLA, MP
MINISTER FOR JUSTICE AND CONSTITUTIONAL DEVELOPMENT

ANNEXURE

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4
<p>Metrorail protection services officials appointed by the General Manager of the South African Transport Services in terms of section 2(1)(c) of the South African Transport Services Conditions of Service Act, 1988 (Act No 41 of 1988).</p>	<p>All areas forming part of the railway reserve and all premises under the control of Transnet.</p>	<p>Any offence provided for in terms of item 12 of Schedule 1 of the Legal Succession to the South African Transport Services Act, 1989 (Act No 9 of 1989).</p>	<p>The power in terms of section 20 of the Criminal Procedure Act, 1977. The power conferred upon a police official in terms of section 22 of the Criminal Procedure Act, 1977. The power in terms of section 23(1)(a) of the Criminal Procedure Act, 1977. The power conferred upon a police official in terms of section 37(1)(a) of the Criminal Procedure Act, 1977. The power to arrest a person without warrant in terms of section 40 of the Criminal Procedure Act, 1977. The power to issue written notices in terms of section 56 of the Criminal Procedure Act, 1977.</p>