



civilian secretariat for police service

Department:
Civilian Secretariat for Police Service
REPUBLIC OF SOUTH AFRICA

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MEDIA STATEMENT

DRAFT SOUTH AFRICAN POLICE SERVICE AMENDMENT BILL, 2020

05/10/2020

TO: ALL MEDIA

Pretoria-Following approval by Cabinet that the South African Police Service Amendment Bill, 2020 may be published for public comments, a Notice inviting public comments on the Bill, was published in the *Government Gazette* on 1 October 2020.

The said Notice in the *Gazette*, draft Bill with Object Memorandum and the Socio-Economic Impact Assessment (SEIAS) Report are available on the websites of the Civilian Secretariat for Police Service at: <http://www.policesecretariat.gov.za> as well as on the website of the South African Police Service at: http://www.saps.gov.za/resource_centre/notices/notices.php

The draft Bill aims to amend the South African Police Service Act, 1995 (Act No. 68 of 1995), to establish a legal framework for policing aligned to the Constitution of the Republic of South Africa, 1996, principles laid down in the National Development Plan, 2030, to align the said Act with the White Paper on Policing, 2016, the White Paper on Safety and Security, 2016, the Community Policing Policy and the Policy on a Single Police Service, in order to contribute to the effective and efficient combating of crime.

The Constitutional Court judgment in the matter of the *Helen Suzman Foundation v the President and Others* and *Glenister v the President and Others*, found certain sections of the South African Police Service Act, 1995, unconstitutional and in the *Mlungwana* judgment found provisions of the Regulation of Gatherings Act, 1993 (Act No. 205 of 1993) unconstitutional. The deletion of these sections and amendments to the last-mentioned Act are proposed to address the concerns raised by the *Mlungwana* judgment.

The Bill provides for the establishment of the Intelligence Division of the Police Service in terms of the South African Police Service Act, 1995. The Bill also provides for integrity testing of recruits to the Service as well as lifestyle audits in respect of members of the Service and conflict of interest. The penalty for certain crimes relating to the abuse of police equipment is increased through the Bill.

The Civilian Secretariat for the Police Service Act, 2011 (Act No. 2 of 2011), and the White Paper on Policing necessitated the transfer of the provisions relating to community policing from the South African Police Service Act, 1995, to the Civilian Secretariat for Police Service Act, 2011.

All interested persons and organisations are invited to submit written comments on the draft Bill no later than 14 November 2020 by –

- (i) e-mail to: comments.bill@csp.gov.za
- (ii) posting comments to:
Secretary for Police Service, for attention of Dr. PC Jacobs at:
Civilian Secretariat for Police Service
Private Bag X922,
PRETORIA
0001
- (iii) hand delivery at the Civilian Secretariat for Police Service at Van Erkom Building, Van Erkom Arcade, 7th Floor, 217 Pretorius Street **PRETORIA**.

Kindly provide the name, postal and e-mail address, telephone and fax number of the person or organisation submitting the comments.

Enquiries regarding access to a copy of the draft Bill may be made to Ms Lornah Legomo at telephone no. (012) 393 4658 or by email lornah.legomo@csp.gov.za

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Issued by the Civilian Secretariat for Police Service

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