

FOR PSA MEMBERS: SOUTH AFRICAN POLICE SERVICE (SAPS)

20-11-2020

## Draft Bill on Amendment of *SAPS Act, 1995 (Act 68 of 1995)*

Policing in South Africa was based on the principles of the National Crime Prevention Strategy of 1996. The Cabinet by then had adopted the White Paper on Safety and Security, based on the Constitution. Since then numerous policies were adopted, such as White Paper on Policing, White Paper on Safety and Security, Community Policy, Policy on a Single Police Service, and the National Development Plan, which need incorporation.

The Service deems it necessary to propose a Bill for amending the *Act* to meet daily dynamics. The objective is to align it accordingly, especially with the National Development Plan and the Policies on Community Police Forums and a possible single Police Service. It is also to intergrate the *Civilian Secretariat for Police Service Act, 2011 (Act 2 of 2011)* for possible establishment of formal Neighbourhood Patrolling and Watch Associations, Community Policy Forums, District and Provincial Community Policing Boards and the National Community Policing Board.

Furthermore, the Bill is to amend the *Regulation of Gatherings Act, 1993 (Act 205 of 1993)*, in that in the instance of gathering or demonstration, a member of the Service may only use minimum force that is reasonably necessary and proportional in the circumstances. Deadly force may only be used if there is a threat of bodily harm to the member of the Service or to any person, which force must only be used when reasonably necessary and proportional in the circumstances, as well as to address the decriminalisation by the Constitutional Court in instances where no notice of a gathering by the convenor was secured.

The Branch is requested to consult members for inputs to safeguard the rights and interests in the Service should the Bill be assented. Inputs from all Provincial Chairpersons must be submitted **by latest 25 November 2020** for consolidation. Submit inputs to the National Secretary: Thanda Tundzi at [thanda.tundzi@gmail.com](mailto:thanda.tundzi@gmail.com) and the Chairperson: Ricardo James at [tjamestransport@gmail.com](mailto:tjamestransport@gmail.com).

Members will be informed of developments.

GENERAL MANAGER