

## DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

NO. R. 2828

2 December 2022

**DECLARATION OF PEACE OFFICERS MEMBERS OF THE BORDER MANAGEMENT AUTHORITY (BORDER GUARDS) IN TERMS OF SECTION 334 OF THE CRIMINAL PROCEDURE ACT, 1977 (ACT NO. 51 OF 1977)**

I, Ronald Ozzy Lamola, 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 be issued by the employer of a person referred to in Column 1 of the Schedule, only if the employer of that person has been furnished with a certificate of competency issued by the National Commissioner of the South African Police Service;
  - (ii) for the purposes of the issuing of a certificate of competency by the National Commissioner of the South African Police Service, the following criteria and documents provided by the employer to the National Commissioner of the South African Police Service, shall be considered:
    - (aa) the previous criminal convictions of a person referred to in Column 1 of the Schedule, must be verified by the employer, and a SAP 69 report;
    - (bb) a report on whether a person referred to in Column 1 of the Schedule 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, together with a valid certificate of competency;
    - (cc) a certificate or certificates of training undergone by the person referred to in Column 1 of the Schedule in respect of the offences specified in Column 3 and the powers defined in Column 4 of the Schedule, attesting to the competency of the person referred to in Column 1 of the Schedule that the person is competent to exercise the relevant

powers as defined in Column 4 of the relevant Part of the Schedule;  
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.

**MR RO LAMOLA, MP**  
**MINISTER OF JUSTICE AND CORRECTIONAL SERVICES**

## SCHEDULE

Column 1	Column 2	Column 3	Column 4
<p>Border Management Authority Officials (Border Guards) appointed in terms of section 13(1)(b)(i) of the Border Management Authority Act, 2020 (Act No. 2 of 2020)</p>	<p>The areas falling within the definition of border law enforcement area and ports of entry as defined in section 1 of the Border Management Authority Act, 2020 (Act No. 2 of 2020).</p>	<p>(i) Any offence provided for in terms of the Immigration Act, 2002 (Act No. 13 of 2002).            (ii) Any offence provided for in terms of the Refugees Act, 1998 (Act No. 130 of 1998).            (iii) Any offence provided for in terms of the Border Management Authority Act, 2020 (Act No. 2 of 2020).</p>	<p>(i) The power conferred upon a peace officer in terms of section 23(1)(a) of the Criminal Procedure Act, 1977.            (ii) The powers conferred upon a police official or a peace officer 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 Act, 1977.            (vi) The power to issue a written notice in terms of section 56 of the Criminal Procedure Act, 1977.</p>