

**SUBORDINATE LEGISLATION IN RESPECT OF THE CRIMINAL  
PROCEDURE ACT, 1977 (ACT 51 OF 1977)**

**(A) Section 9 (1)(a): Security to be deposited by private prosecutor before taking out or issuing any process commencing the private prosecution**

Amount determined by Government Notice No. R. 239 published in *Government Gazette* 24393 of 14 February 2003: **R1 500**

**(B) Section 56(1): Written notice as method of securing attendance of accused in magistrate's court**

Amount determined by Government Notice No. R. 239 published in *Government Gazette* 24393 of 14 February 2003: **R2 500**

**(C) Section 57(1)(a) and 5(b): Admission of guilt and payment of fine without appearance in court**

Amount determined by Government Notice No. R. 239 published in *Government Gazette* 24393 of 14 February 2003: **R5 000**

**(D) Section 57A(1): Admission of guilt and payment of fine after appearing in court**

Amount determined by Government Notice No. R. 239 published in *Government Gazette* 24393 of 14 February 2003: **R5 000**

**(E) Section 79(11): Tariff payable to psychiatrists or clinical psychologists for an enquiry into the mental condition of an accused**

Tariff determined by Government Notice No. R. 215 published in *Government Gazette* 23149 of 28 February 2002 as follows:

**“CRIMINAL PROCEDURE ACT, 1977****TARIFF PAYABLE TO PSYCHIATRISTS OR CLINICAL PSYCHOLOGISTS FOR AN ENQUIRY INTO THE MENTAL CONDITION OF AN ACCUSED**

The Minister for Justice and Constitutional Development has, in consultation with the Minister of Finance, under section 79(11) of the Criminal Procedure Act, 1977 (Act No.51 of 1977), determined the tariff in the Schedule.

**SCHEDULE**

1. A psychiatrist who is designated or appointed by or at the request of the court or a clinical psychologist who is directed by the court in terms of section 79(1) of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), to enquire into the mental condition of an accused and who is not in the full-time service of the State, shall be compensated for his or her services in connection with such enquiry from public funds at the rate of R150 per hour or part of an hour.
2. The decision of a judicial officer or a registrar or assistant registrar of the High Court of South Africa in respect of the amount payable in terms of this tariff shall be final.
3. Government Notice No. R. 2599 of 1 November 1991 is repealed from 28 February 2002.

4. This tariff shall come into operation on the 28 February 2002.”

**(F) Section 112(1)(a) and (b) : Plea of guilty at summary trial**

Amount determined by Government Notice No. R. 239 published in *Government Gazette* 24393 of 14 February 2003: **R1 500**

**(G) Section 170A(4)(a): Determination of the persons or the categories or classes of persons who are competent to be appointed as intermediaries**

Determinations still applicable –

**Government Notice No. R. 1374 published in *Government Gazette* 15024 of 30 July 1993 amended by Government Notice No. 597 of 2 July 2001:**

(a) Medical practitioners who are registered as such under the Medical, Dental and Supplementary Health Service Professions Act, 1974 (Act No. 56 of 1974), and against whose names the speciality paediatrics is also registered.

(b) Medical practitioners who are registered as such under the Medical, Dental and Supplementary Health Service Professions Act, 1974, and against whose names the speciality psychiatry is also registered.

(c) Family counsellors who are appointed as such under section 3 of the Mediation in Certain Divorce Matters Act, 1987 (Act No. 24 of 1987). and who are or were registered as social workers under section 17 of the Social Service Professions Act, 1978 (Act No.110 of 1978), or who are or were educators as contemplated in paragraph (f) hereunder or who are or were registered as clinical, educational or counselling psychologists under the Medical, Dental and Supplementary Health Service Professions Act, 1974.

- (d) Child care workers who have successfully completed a two-year course in child and youth care approved by the National Association of Child Care Workers and who have two years' experience in child care.
- (e) (i) Social workers who are registered as such under **section 1 7** of the Social Service Professions Act, 1978, and who have two years' experience in social work: and
- (ii) persons who obtained a masters degree in social work and who have two years' experience in social work.
- (f) (i) Persons who have four years' experience as educators and who have not at any stage, as a result of misconduct been dismissed from service as educators.
- (ii) For the purposes of subparagraph (i) "educators" mean persons who teach, educate or train other persons, or who provide professional educational services, including professional therapy and educational psychological services at a public, independent or private school as contemplated in the South African Schools Act, 1996 (Act No. 84 of 1996), including former and retired educators.
- (g) Psychologists who are registered as clinical, educational or counselling psychologists under the Medical, Dental and Supplementary Health Service Professions Act, 1974.

**(H) Section 191: Regulations prescribing the tariff of allowances of witnesses in criminal proceedings:**

**(i) Government Notice No. R. 2596 published in *Government Gazette* 13604 of 1 November 1991:**

“The Minister of Justice has, in consultation with the Minister of Finance, under sections 191(3) and 191(4) of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), made the regulations in the Schedule.

**SCHEDULE**

**TARIFF OF ALLOWANCES**

**Subsistence allowance**

1. (1) Any person who attends a criminal case as a witness for the State shall be entitled to the following allowances for each 24 hours or part thereof for which he is, for the purpose of such attendance, absent from his place of residence or sojourn:

- (a) (i) A witness giving expert evidence: R50.
- (ii) A witness giving expert evidence who of necessity has to hire accommodation for the night:  
In addition to the amount referred to in subparagraph (i), his reasonable actual subsistence expenses.
- (b) (i) A witness, excluding a witness referred to in subparagraph ii), who resides or sojourns more than 8 kilometres from the court where he appears: R10: Provided that, if a judicial officer or a registrar or assistant registrar of the

Supreme Court of South Africa is satisfied that the witness had to incur expenses exceeding R10 in respect of such attendance, the witness may be paid his reasonable actual expenses.

(ii) A witness who of necessity has to hire accommodation for the night: His reasonable actual expenses.

(c) A witness who resides or sojourns 8 kilometres or less from the court where he appears, if a judicial officer or a registrar or assistant registrar of the Supreme Court of South Africa is satisfied that the witness had to incur expenses in respect of such attendance: His reasonable actual expenses.

(d) Subject to the provisions of regulation 6, the decision of a judicial officer or a registrar or assistant registrar of the Supreme Court of South Africa in respect of the amounts payable in terms of paragraphs (a), (b) and (c) shall be final.

(2) A witness shall qualify for the allowance referred to in subregulation (1) (a) (ii) or (1) (b) (ii) for the full period for which he is absent from his place of residence or sojourn for the purpose of attending court, if during such absence he has to hire accommodation for a night or spend a night on a train.

### **Income forfeited**

2. A judicial officer or a registrar or assistant registrar of the Supreme Court of South Africa may, on satisfactory proof having been produced that a witness for the State has forfeited income as a result of his attendance of a criminal

case, order that, in addition to any allowance that may be payable to the witness in terms of regulation 1, an allowance equal to the actual amount of income so forfeited be paid to him, subject to a maximum of R400 per day.

### **Travelling expenses and transport**

3. (1)(a) Whenever a witness has to make use of railway transport to attend court, he shall be issued with a rail warrant for a return ticket for the class in which presumably he would ordinarily travel or such other class as a judicial officer or a registrar or assistant registrar of the Supreme Court of South Africa may deem appropriate, and the decision of a judicial officer or a registrar or assistant registrar of the Supreme Court of South Africa in this respect shall be final.
  - (b) Whenever a witness makes use of railway transport without a rail warrant having been issued to him, an amount equal to the fare at Government rate shall be paid to him: Provided that if a judicial officer or a registrar or assistant registrar of the Supreme Court of South-Africa is satisfied that the payment of such amount would in any particular instance be unreasonable, he may order that an amount equal to the actual fare be paid to the witness.
- (2) Whenever suitable railway transport is not available and a witness makes use of any other means of public transport to attend court, an amount equal to the fare for the forward and return journey along the shortest convenient route shall be paid to him: Provided that if more than one such other means of public transport is available, the fare for the least expensive thereof shall be paid.

- (3) Whenever suitable public transport is not available and a witness makes use of his own or hired transport to attend court, an amount for the forward and return journey along the shortest convenient route shall be paid, calculated at 50c per kilometre in respect of a motor vehicle, excluding a motor cycle, and at 42c per kilometre in respect of a motor cycle or any other means of conveyance.
- (4) Whenever suitable public transport is available and a witness makes use of his own or hired transport to attend court, the amount referred to in subregulation (3) may be paid for a forward and return journey not exceeding 300 kilometres: Provided that if a judicial officer or a registrar or assistant registrar of the Supreme Court of South Africa is satisfied that the circumstances in a particular instance justify the use of transport other than public transport for a distance in excess of 300 kilometres, he may order that the amount referred to in subregulation (3) or such lesser amount as he may deem equitable in the circumstances be paid for such longer distance, and the decision of a judicial officer or a registrar or assistant registrar of the Supreme Court of South Africa in this respect shall be final.
- (5) If a judicial officer or a registrar of the Supreme Court of South Africa is satisfied that the use of such transport is warranted, he may grant approval for a witness to make use of air transport at Government expense to attend court.

### **Supplementary provisions**

4. In calculating the period of his absence for the purposes of regulation 1 a witness shall be allowed not more than 24 hours—
- (a) if he makes use of private transport, for each—



- (i) 600 kilometres or part thereof if he travels by motor vehicle; or
    - (ii) 60 kilometres or part thereof if he travels by a means of transport other than a motor vehicle; or
  - (b) if he travels on foot, for each 30 kilometres or part thereof.
5. Whenever the fare of a witness includes the cost of meals and sleeping accommodation, no allowance in terms of regulation 1 shall be paid.
6. The Director-General, a deputy director-general, a chief director, a director, a deputy director or the head of the accounts division of the Department of Justice may authorise a departure from the prescribed tariff in the case of a witness who resides outside the Republic of South Africa or in any other case, if he is satisfied that the application of the said provisions may cause a witness hardship.
7. Any person who attends more than one criminal case as a witness in the same court on the same day shall for the purposes of these regulations be deemed to have attended one criminal case only.
8. (1) These regulations shall not apply to a public servant or to an officer of the Department of Posts and Telecommunications.
- (2) Where the expenses incurred by a witness for the State in connection with his attendance at a criminal case are provided for from any other source, no allowance in terms of these regulations shall be paid to him.

9. Government. Notice No. R. 526 dated 21 March 1986, as amended by Government Notices Nos. R.662 of 27 March 1987 and R. 732 of 30 March 1990, is repealed as from the first day of November 1991.
10. These regulations shall come into operation on the first day of November 1991.”

**(ii) Government Notice No. R. 214 published in Government Gazette 23149 of 28 February 2002:**

**REGULATIONS PRESCRIBING THE TARIFF OF ALLOWANCES  
PAYABLE TO PSYCHIATRISTS AND CLINICAL PSYCHOLOGISTS  
WHO APPEAR AS WITNESSES IN COURT**

The Minister for Justice and Constitutional Development has, in consultation with the Minister of Finance, under section 191 (3) of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), made the regulations in the Schedule.

**SCHEDULE**

**Subsistence allowance**

1. If a psychiatrist who is designated or appointed by or at the request of the court or a clinical psychologist who is directed by the court in terms of section 79(1) of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), to enquire into the mental condition of an accused and who is not in the full-time service of the State must attend court in connection with an accused whom he or she has examined, he or she shall be compensated for his or her attendance

from public funds at the rate of R 55 per hour or part of an hour, subject to a maximum of R 550 per day.

2. Whenever a psychiatrist or clinical psychologist referred to in regulation 1 is absent from his or her permanent place of residence for the purpose of attending court, he or she shall, in addition to the allowance to which he or she is entitled to in terms of regulation 1, be paid an amount equal to his or her reasonable actual expenses.

### **Traveling expenses and transport**

3. A psychiatrist or clinical psychologist referred to in regulation 1 may at State expense and in such manner as he or she may deem fit travel to and from the place where the court is in session: Provided that whenever such psychiatrist or clinical psychologist uses private transport, he or she shall be entitled to compensation at the rate of -

- (a) R 1, 10 per kilometre in the case of a vehicle with an engine swept volume of 2150 cm<sup>3</sup> or less;
- (b) R1, 14 per kilometre in the case of a vehicle with an engine swept volume of 2 151 cm<sup>3</sup> to 2 500 cm<sup>3</sup>, inclusive;
- (c) R1, 27 per kilometre in the case of a vehicle with an engine swept volume of 2 501 cm<sup>3</sup> to 3 500 cm<sup>3</sup>, inclusive; or
- (d) R1, 42 per kilometre in the case of a vehicle with an engine swept volume of over 3500cm<sup>3</sup>.

### **Supplementary provisions**

4. The decision of a judicial officer or a registrar or assistant registrar of the High Court of South Africa in respect of the amounts payable in terms of regulations 1, 2 and 3 shall be final.
  
5. Government Notice No. R. 2598 of 1 November 1991, as amended by Government Notice No. R. 1343 of 12 August 1996, is repealed as from 28 February 2002.
  
6. These regulations shall come into operation on 28 February 2002.”

**(I) Section 212 (4)(a): Proof of certain facts by affidavit or certificate:  
Designation of bodies by Minister**

**(i) Government Notice No. R. 889 published in *Government Gazette*  
889 of 30 July 2004:**

“Under section 212(4)(a) of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), I, Brigitte Sylvia Mabandla, Minister for Justice and Constitutional Development, hereby designate the Agricultural Research Council, a council established in terms of section 2 of the Agricultural Research Act, 1990 (Act No. 86 of 1990), as a body for the purposes of the said section 212(4) (a) and(8)(a).

**B. S. MABANDLA**

**MINISTER FOR JUSTICE AND CONSTITUTIONAL  
DEVELOPMENT”**

**(ii) Government Notice No. R. 1507 published in *Government Gazette* No. 16707 of 6 October 1995.**

“Under section 212 (4) (a) of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), I, Abdulah Mohamed Omar, Minister of Justice, hereby designate the Board of Umgeni Water, a water board established in terms of section 108 of the Water Act, 1956 (Act No. 54 of 1956), as a body for the purposes of the said section 212(4)(a).

**A. M. OMAR**

**Minister of Justice.”**

**(J) Section 300(1)(a): Court may award compensation where offence cause damage to or loss of property**

Amount of compensation determined by Government Notice No. R. 239 published in *Government Gazette* 24393 of 14 February 2003:

- (i) R500 000 in respect of a regional court.
- (ii) R100 000 in respect of a magistrate’s court.

**(K) Section 302(1)(a)(ii): Sentence subject to review in ordinary course:**

Amount of fines determined by Government Notice No. R. 239 published in *Government Gazette* 24393 of 14 February 2003:

- (i) R3000 in the case of a judicial officer who has not held the substantive rank of magistrate or higher for a period of seven years.

- (ii) R6 000 in the case of a judicial officer who has held the substantive rank of magistrate or higher for a period of seven years or longer.

**(L) Section 334: Declaration of certain persons as peace officers for specific purposes**

**Government Notice No. R. 209 published in *Government Gazette* 23143 of 19 February 2002**

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

I, PENUELL MPAPA MADUNA, Minister for Justice and Constitutional Development acting under and by virtue of the powers vested in me

(1) by 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/her office, falls within any category defined in column I of the Schedule to this notice, shall, within the area specified in column 2 of that Schedule, be a peace officer for the purpose of exercising, with reference to the offences specified in column 3 of that Schedule, the powers defined in column 4 there;

(2) hereby withdraw Government Notice No. R23101 of 7 February 2002.

Signed at Pretoria on this Eighteenth day of February Two Thousand and Two.

**DR P M MADUNA, MP**

**MINISTER FOR JUSTICE AND CONSTITUTIONAL DEVELOPMENT**

## SCHEDULE

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4
<p style="text-align: center;">PART I</p> <p>Chiefs or headmen recognized or appointed in terms of section 2(7) and (8) of the Black Administration Act, 1927 (Act 38 of 1927).</p>	<p>The area of the tribe of which he is a chief or headman.</p>	<p>The offences referred to in section 40 of the Criminal Procedure Act, 1977, but excluding the offences mentioned in the Third Schedule of the Black Administration Act, 1927.</p>	<p>The arrest without warrant of any person in terms of section 40 of the Criminal Procedure Act, 1977. The powers conferred upon a police official in terms of section 37(1)(a)(i) of the Criminal Procedure Act, 1977.</p> <p>(i) The arrest without warrant of any person in terms of section 40 of the Criminal Procedure Act, 1977.</p> <p>(ii) The execution of warrants of arrest in terms of section 44 of the Criminal Procedure Act, 1977.</p>
<p style="text-align: center;">PART 2</p> <p>Immigration officers appointed under section 3 of the Aliens Control Act, 1991 (Act 96 of 1991), or who are deemed to be so appointed.</p>	<p>The Republic of South Africa.</p>	<p>(1) Any offence in terms of the Aliens Control Act, 1991 (Act No 96 of 1991).</p> <p>(2) Any offence in terms of the Refugees Act, 1998 (Act No 130 of 1998).</p>	<p>1. The arrest without warrant of any person in terms of section 40(1)9a), (b), (c) and (l) of the Criminal Procedure Act, 1977.</p> <p>2. The issue of written notices in terms of section 56 of the</p>

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4
		<p>(3) Any offence in terms of the Identification Act, 1997 (Act No 68 of 1997).</p> <p>(4) Any offence in terms of the South African Citizenship Act, 1995 (Act No 88 of 1995).</p> <p>(5) Any offence in terms of the South African Passport and Travel Documents Act, 1994 (Act No 4 of 1994).</p>	<p>Criminal Procedure Act, 1977.</p> <p>3. The execution of warrants of arrest in terms of section 44 of the Criminal Procedure Act, 1977.</p>
<p>PART 3</p> <p>A member of a police force referred to in section 83 of the Durban Extended Powers Consolidated Ordinance, 1976 (Ordinance 18 of 1976)(Natal)</p>	<p>The area of jurisdiction of the Durban Transitional Metropolitan Council and in respect of the powers conferred upon a peace officer under section 44 of the Criminal Procedure Act, 1977, the Republic of South Africa.</p>	<p>Any offence</p>	<p>All powers conferred upon a peace officer or a police official in terms of the Criminal Procedure Act, 1977.</p>
<p>PART 4</p> <p>(a) Provincial Inspectors appointed by the Provincial Administrations of the</p>	<p>The area of jurisdiction of the Provincial Administration which made the appointment and the area</p>	<p>Any offence</p>	<p>(i) The issue of written notices in terms of section 56 of the Criminal Procedure Act, 1977.</p>



COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4
<p>Transvaal and the Orange Free State and Provincial Traffic Officers appointed by the Provincial Administrations of the Cape of Good Hope and Natal.</p>	<p>of the jurisdiction of the provincial administration in which the Provincial Inspector or Provincial Traffic Officer, as the case may be, are deemed thus to be appointed.</p>		<p>(ii) The execution of warrants of arrest in terms of section 44 of the Criminal Procedure Act, 1977.</p>
<p>(c) Nature conservation officers or authorized officers appointed in terms of –</p> <p>(i) section 4 of the Nature Conservation Ordinance 1983 (Ordinance 12 of 1983) (Transvaal);</p> <p>(ii) section 39 of the Nature Conservation Ordinance 1969 (Ordinance 8 of 1969)(Orange Free State);</p> <p>(iii) section 20 of the Nature Conservation Ordinance, 1974 (Ordinance 19 of 1974)(Cape);</p> <p>(iv) section 3 of the Prohibition of</p>	<p>The area of jurisdiction of the Provincial Administration which made the appointment.</p>	<p>Any offence in terms of the –</p> <p>(i) Nature Conservation Ordinance, 1983 (Ordinance 12 of 1983) (Transvaal);</p> <p>(ii) Nature Conservation Ordinance, 1969 (Ordinance 19 of 1969)(Orange Free State);</p> <p>(iii) Nature Conservation Ordinance , 1974 (Ordinance 19 of 1974);</p> <p>(iv) Prohibition of the Dumping of Rubbish Ordinance 1976 (Ordinance 8 of 1976)(Orange Free State);</p> <p>(v) Nature Conservation</p>	<p>(i) The arrest without warrant of any person in terms of section 40(1)9a) of the Criminal Procedure Act, 1977.</p> <p>(ii) The execution of warrants of arrest in terms of section 44 of the Criminal Procedure Act, 1977.</p> <p>(iii) The issue of written notices in terms of section 56 of the Criminal Procedure Act, 1977.</p>

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4
<p>the Dumping of Rubbish Ordinance, 1976 (Ordinance 8 of 1976)(Orange Free State);</p> <p>(v) section 11(10)(a) of the Nature Conservation Ordinance, 1974 (Ordinance 15 of 1974)(Natal).</p>		<p>Ordinance, 1974 (Ordinance 15 of 1974) (Natal)</p>	
<p>(d) Officers appointed in terms of section 24 of the Public Resorts Ordinance, 1969 (Ordinance 18 of 1969)(Transvaal).</p> <p>(e) Officers who are employed by the Western Cape, Gauteng, Kwazulu/Natal, Northern Province, North Cape, North West, Eastern Cape, Mpumalanga and Free State</p>	<p>The area of jurisdiction of a public resort which has, in terms of section 5(1)(a) of the Public Resorts Ordinance, 1969 (Ordinance 18 of 1969)(Transvaal), been placed under the supervision of the Board for Public Resorts.</p> <p>The area of jurisdiction of the Province which made the appointment.</p>	<p>Any offence in terms of the Public Resorts Ordinance, 1969 (Ordinance 18 of 1969) (Transvaal).</p> <p>(1) Any offence in terms of the-</p> <p>(i) Hospitals Ordinance, 1946 (Ordinance 18 of 1946) (Cape);</p> <p>(ii) Provincial Hospitals Ordinance, 1961</p>	<p>The issue of written notices in terms of section 56 of the Criminal Procedure Act, 1977.</p> <p>(i) The issue of written notices in terms of section 56 of the Criminal Procedure Act5, 1977.</p> <p>(ii) The arrest without warrant of any person in terms of section 40(1)(a), (b), (c), (d), (e), (f),</p>

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4
Province and who perform security duties at provincial hospitals or related institutions.		<p>(Ordinance 13 of 1961) (Natal);</p> <p>(iii) Free State Hospitals Act, 1996 (Act 13 of 1996);</p> <p>(iv) Control of Traffic on Administration Grounds Ordinance 1965 (Ordinance 15 of 1965) (Orange Free State);</p> <p>(v) Hospitals Ordinance, 1958 (Ordinance 14 of 1958) (Transvaal).</p> <p>(2) An offence referred to in section 40(1)(a), (b), (c), (d), (e), (f), (g), (h) and (j) of the Criminal Procedure Act, 1977.</p>	(g), (h) and (j) of the Criminal Procedure Act, 1977.
<p>PART 5</p> <p>(a) Law enforcement officers appointed by a municipality</p>	The area of jurisdiction of the municipality which made the appointment and in respect of the power mentioned in item (iii) and (iv) of column 4 of paragraph (a)	<p>Any offence in terms of –</p> <p>(i) a by-law or regulation made by or for such municipality;</p> <p>(ii) the Business Act, 1991 (Act 71 of 1991);</p>	<p>(i) The issue of written notices in terms of section 341 of the Criminal Procedure Act.</p> <p>(ii) The issue of written notices in terms of section 56 of the</p>

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4
	of this Part, the Republic of South Africa.	<p>(iii) the Occupational Health and Safety Act, 1993 (Act 6 of 1993);</p> <p>(iv) the National Building Regulations and building Standard Act, 1977 (Act 103 of 1977), in respect of which section 24 of the said Act applies;</p> <p>(v) the Fire Brigade Services Act, 1987 (Act 99 of 1987), and any by-laws or regulations made thereunder;</p> <p>(vi) the Town Planning and Townships Ordinance, 1986</p>	<p>Criminal Procedure Act, 1977.</p> <p>(iii) The execution of warrants of arrest in terms of section 44 and 55(2) of the Criminal Procedure Act, 1977.</p> <p>(iv) The powers conferred upon a peace officer in terms of section 41(1) of the Criminal Procedure Act, 1977.</p> <p>(v) In respect of the offences mentioned in items (iii) up to an including (xv) of column 3, the arrest without warrant of somebody in terms of section 40(1)(a), (b), (c), (f), (h) and (j) of the Criminal Procedure Act, 1977.</p>

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4
		<p>(Ordinance 15 of 1986) (Transvaal);</p> <p>(vii) the Townships Ordinance, 1969 (Ordinance 9 of 1969) (Orange Free State);</p> <p>(viii) the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) (Cape);</p> <p>(ix) the Town Planning Ordinance, 1949 (Ordinance 27 of 1949) (Natal);</p> <p>(x) section 154(1)(b) – (d) and 154(1)(f) of the Liquor Act, 1989;</p> <p>(xi) sections 4 and 5 of the Drugs and Drug Trafficking Act, 1992 (Act 140 of 1992);</p> <p>(xii) section 39(1)(h), in respect of section 9 and section 39(1)(i), (l) and (m) of the Arms and Ammunition Act, 1969 (Act 75 of 1969);</p>	

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4
		<p>(xiii) Schedule 1 to the Criminal Procedure Act, 1977, in respect of the following offences: Public violence, murder, culpable homicide, rape, indecent assault, robbery, assault (when a dangerous wound is inflicted), arson, malicious injury to property, breaking or entering any premises with intent to commit an offence, theft and escaping from lawful custody.</p>	
<p>(b) Traffic officers or inspectors of licences appointed by a local authority in terms of section 3 of the Road Traffic Act, 1989 (Act 29 of 1989)</p>	<p>The area of jurisdiction of the municipality which made the appointment and the area of jurisdiction of any other municipality in which the traffic officer or inspector of licences, as the case may be, may act in terms of the provisions of the Road Traffic Act, 1989 (Act 29 of</p>	<p>Any offence in terms of –</p> <p>(i) a by-law or regulation made by or for such municipality;</p> <p>(ii) any legislation which confers powers, duties and functions on a municipality;</p> <p>(iii) applicable road traffic and road transportation legislation which is operative in the municipal</p>	<p>All powers conferred upon a peace officer or police official in term of the Criminal Procedure Act, 1977, excluding the powers conferred in terms of section 25, 43, 59, 179(1)(b) and 329 of the said Criminal Procedure Act ,1977.</p>

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4
	1929), and, in respect of the power conferred in terms of section 44 of the Act, mentioned in column 4 of paragraph (b) of this Part, the Republic of South Africa.	area concerned; (iv) Schedule 1 to the Criminal Procedure Act, 1977; and (v) Schedule 3 to the Criminal Procedure Act, 1977.	
(c) Traffic wardens appointed under section 3(1) of the Road Traffic Act, 1989 (Act 29 of 1989).	(i) In respect of an appointment made by the Administrator in terms of section 3(1)9a) of the Road Traffic Act, 1989, the area of the province concerned. (ii) In respect of an appointment made by a municipality in terms of section 3(1)(d) of the Road Traffic Act, 1989, the area of the municipality concerned.	Offences referred to in section 12, 14(2), (83(12), 84, 97, 98, 110, 116(a) read with subparagraph (i) and 125 of the Road Traffic Act, 1989, and regulations 206(1) to (7), 207(1) to (4), 223, 224(1), 224(3)(a) and (b), 225(2) to (6), 227(1), 228, 319 to 325, 337, 340, 341 and 347 of the regulations made thereunder.	(i) The issue of written notices in terms of section 56 of the Criminal Procedure Act, 1977. (ii) The issue of written notices in terms of section 341 of the Criminal Procedure Act, 1977. (iii) The powers conferred upon a peace officer by section 41(1) of the Criminal Procedure Act, 1977.
PART 6 Officers appointed in terms of section 14(1) of the National Parks Act, 1976 (Act 57 of 1976).	The area of jurisdiction of a proclaimed national park under the control of the South African National Parks in respect of which	Any offence in terms of the National Parks Act, 1976 (Act 57 of 1976).	The issue of written notices in terms of section 56 of the Criminal Procedure Act, 1977.

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4
	the appointment has been made.		
<p style="text-align: center;">PART 7</p> <p>Inspectors appointed in terms of section 98(1) of the Telecommunications Act, 1996 (Act 103 of 1996).</p>	The Republic of South Africa.	Any offence in terms of the Telecommunications Act, 1996 (Act 103 of 1996), and any regulations issued thereunder.	(i) The issue of written notices in terms of section 56 of the Criminal Procedure Act, 1977.
<p style="text-align: center;">PART 8</p> <p>National road transport inspectors appointed under section 37 of the Cross-Border Road Transport Act, 1998 (Act No. 4 of 1998).</p>	The Republic of South Africa.	<p>(i) Any offence in terms of the Cross-Border Road Transport Act, 1998 (Act No. 4 of 1998) and the regulations issued thereunder.</p> <p>(ii) Any offence in terms of the Road Transportation Act, 1977 (Act No. 74 of 1977) and the regulations issued thereunder.</p> <p>(iii) Any offence in terms of the National Road Traffic Act, 1996 (Act No. 93 of 1996) and any regulations issued thereunder.</p> <p>(iv) Any offence in terms of the</p>	<p>(i) The issue of written notices in terms of section 56 of the Criminal Procedure Act, 1977.</p> <p>(ii) The issue of written notices in term of section 341 of the Criminal Procedure Act, 1977.</p> <p>(iii) The arrest without warrant of any person in terms of section 40(1) of the Criminal Procedure Act, 1977.</p> <p>(iv) The powers conferred upon a peace officer under section 41(1) of the Criminal Procedure Act, 1977.</p> <p>(v) The execution of warrants of arrest in terms of section 44 of</p>



COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4
		Tourism Act, 1993 (Act No. 72 of 1993), and any regulations issued thereunder.	the Criminal Procedure Act, 1977.
<p style="text-align: center;">PART 9</p> <p>Sheriffs referred to in section 2 of the Sheriffs Act, 1986 (Act 90 of 1986).</p>	The area of jurisdiction of the Court, or any other area, for which the appointment has been made.	Not applicable.	The execution of any warrant of arrest issued under any provision of the Criminal Procedure Act, 1977 (Act 51 of 1977).
<p style="text-align: center;">PART 10</p> <p>Officers appointed under section 69(1)(b) of the Forest Act, 1984 (Act 122 of 1984).</p>	Any national botanic garden mentioned in Schedule I to the Forest Act, 1984 (Act 122 of 1984).	Any offence in terms of the by-laws made under section 72(1), read with section 61(1)9f) of the Forest Act, 1984 (Act 122 of 1984).	The issue of written notices under section 56 of the Criminal Procedure Act, 1977 (Act 51 of 1977).
<p style="text-align: center;">PART 11</p> <p>Authorized officers and inspectors appointed under the Aviation Act, 1962 (Act 74 of 1962).</p>	The Republic of South Africa	Any offence contemplated in – (i) the Aviation Act, 1962 (Act 74 of 1962), and any regulation made thereunder; (ii) the Air Services Licensing Act, 1990 (Act 115 of 1990), and any regulation made thereunder;	<p>(i) The issue of written notices under section 56 of the Criminal Procedure Act, 1977.</p> <p>(ii) The execution of warrants of arrest under section 44 of the Criminal Procedure Act, 1977.</p> <p>(iii) The arrest without a warrant of any person under section</p>

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4
		<p>(iii) the Civil Aviation Offences Act, 1972 (Act 10 of 1972), and any regulation made thereunder; and</p> <p>(iv) the International Air Services Act, 1949 (Act 51 of 1949), and any regulation made thereunder.</p>	40(1)(a) and (j) of the Criminal Procedure Act, 1977.
<p style="text-align: center;">PART 12</p> <p>A regional director appointed in terms of section 4 of the Minerals Act, 1991 (Act 50 of 1991), and officers in the service of the Department of Mineral and Energy Affairs in the office of such regional director who hold the position of an assistant director or an equal or a higher position.</p>	The area of jurisdiction of the regional director referred to in column 1 of this Part.	Any offences in terms of the Minerals Act, 1991, and any regulation issued thereunder or in force in terms of section 68(2) thereof.	The issue of written notices in term of section 56 of the Criminal Procedure Act, 1977.
<p style="text-align: center;">PART 13</p> <p>A police officer of the East London City Police appointed in term of section 60(1) of the Municipal Ordinance, 1974,</p>	The area of jurisdiction of the City of East London and in respect of powers conferred upon a peace officer under section 44 of the	<p>(a) Any offence contemplated in –</p> <p style="padding-left: 40px;">(i) any municipal by-law of the City of East London;</p>	All the powers conferred upon a peace officer or police official in term of the Criminal Procedure Act, 1977, except the powers referred to

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4
(Ordinance 20 of 1974)(Cape).	Criminal Procedure Act, 1977 (Act 51 of 1977), the Republic of South Africa.	<p>(ii) Schedule I to the Criminal Procedure Act, 1977 (Act 51 of 1977);</p> <p>(iii)the Drugs and Drug Trafficking Act, 1992 (Act 140 of 1992);</p> <p>(iv)the Indecent or Obscene Photographic Matter Act, 1967(Act 37 of 1967);</p> <p>(v) the Child Care Act, 1983 (Act 74 of 1983);</p> <p>(vi)the Sexual Offences Avt, 1957 (Act 23 of 1957);</p> <p>(vii) the Animals Protection Act, 1962 (Act 71 of 1962);</p> <p>(viii) the Liquor Act, 1989 (Act 27 of 1989);</p> <p>(ix)the Dangerous Weapons</p>	in section 25, 43, 59, 179(1)(b) and 329.

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4
		Act, 1968 (Act 71 of 1968);  (x) the Explosives Act, 1956 (Act 26 of 1956); and  (b) any of the following offences:  <i>Crimen injuria</i> , public indecency, malicious injury to property and possession of stolen property.	
PART 14  (a) Inspectors appointed in terms of section 3(d) of the Security Officers Act, 1987 (Act 92 of 1987).	The Republic of South Africa.	Any offence in terms of the Security Officers Act, 1987 (Act 92 of 1987).	The issue of written notices in terms of section 56 of the Criminal Procedure Act, 1977.
PART 15  Inspectors appointed in terms of section 3(d) of the Security Officers Act, 1987 (Act No. 92 of 1987).	The Republic of South Africa.	Any offence in terms of the Security Officers Act, 1987 (Act No. 92 of 1987).	The issue of written notices in terms of section 56 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977).
PART 15  Persons assigned in terms of section 7(4)(a)(iii), (iv) and (v) of	The Republic of South Africa.	(a) Any offence of –  (i) murder;	(a) The powers conferred in terms of section 40, 41(1), 44, 45 and

<b>COLUMN 1</b>	<b>COLUMN 2</b>	<b>COLUMN 3</b>	<b>COLUMN 4</b>
<p>the National Prosecuting Authority Act, 1998 (Act No. 32 of 1998), as investigating officers for the Special Investigating Directorate: Organised Crime and Public Safety.</p>		<ul style="list-style-type: none"> <li>(ii) fraud;</li> <li>(iii) theft and any offence involving dishonesty;</li> <li>(iv) robbery with aggravating circumstances;</li> <li>(v) extortion;</li> <li>(vi) kidnapping;</li> <li>(vii) arson;</li> <li>(viii) malicious injury to property;</li> <li>(ix) breaking and entering any premises with the intent to commit an offence;</li> <li>(x) public violence; or</li> <li>(b) any offence in contravention of the – <ul style="list-style-type: none"> <li>(i) Explosives Act;</li> <li>(ii) Income Tax Act;</li> <li>(iii) Customs and Excise Act;</li> <li>(iv) Armaments Development and Production Act;</li> <li>(v) Arms and Ammunition Act;</li> </ul> </li> </ul>	<p>56 of the Criminal Procedure Act, 1977; and</p> <p>(b) the powers conferred upon a police official or a peace officer in terms of Chapter 2 of the Criminal Procedure Act, 1977.</p>

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4
		<p>(vi) Intimidation Act;</p> <p>(vii) Internal Security Act;</p> <p>(viii) Diamonds Act;</p> <p>(ix) Sea Fishery Act;</p> <p>(x) Corruption Act;</p> <p>(xi) Drugs and Drug Trafficking Act;</p> <p>(xii) Proceeds of Crime Act,</p> <p>committed in an organized fashion or which may endanger the safety or security of the public, or any conspiracy, incitement or attempt to commit any of the abovementioned offences.</p>	
<p><b>PART 17</b></p> <p>Safety Officers, Senior Security Officers and Safety Representatives appointed by the Airports Company South Africa Limited in terms of the Airports Company Act, 1993 (Act No. 44 of 1993).</p>	<p>The areas falling within the definition of “company airport” as defined in terms of section 1 of the Airports Company Act, 1993 (Act No. 44 of 1993).</p>	<p>(i) Any offence in terms of the National Road Traffic Act, 1996 (Act No. 93 of 1996), and any regulations issued thereunder.</p>	<p>The issue of written notices in terms of section 56 of the Criminal Procedure Act, 1977.</p>

**M. Section 334: Requirements and certificate for peace officers published in Government Notice No. R210 of 19 February 2002 (Government Gazette 23144):**

“I, PENUELL MPAPA MADUNA, Minister for Justice and Constitutional Development acting under and by virtue of the powers vested in me

- (1) by section 334(3)(b) of the Criminal Procedure Act, 1977, hereby prescribe that the following shall appear in or on the certificate of appointment referred to in section 334(2)(a) of the Criminal Procedure Act, 1977 issued to any person falling within a category declared under section 334 of the Criminal Procedure Act, 1977 to be peace officers:
  - (i) The full name of the person appointed;
  - (ii) his/her identity number;
  - (iii) his/her signature;
  - (iv) a description of the capacity in which he/she was appointed;
  - (v) the name of the employer who made the appointment;
  - (vi) the signature and official stamp of the employer or responsible person;
  
- (2) by section 334(3)(a) of the Criminal Procedure Act, 1977, hereby prescribe that no certificate of appointment referred to in section 334(2)(a) of the Criminal Procedure Act, 1977, shall be issued to any person, unless the employer has been furnished with a certificate issued by an officer of the South African Police Service wherein it is stated that in the opinion of the said officer such person is competent to exercise the powers entrusted to peace officers of that category under section 334 of the Criminal Procedure Act, 1977: 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:

- (i) previous criminal convictions;
- (ii) declaration of unfitness to possess an arm of ammunition as defined in the Arms and Ammunition Act, 1969 (Act No. 75 of 1969); and
- (iii) training with regard to the powers to be exercised.

Signed at Pretoria on the Eighteenth day of February Two Thousand and Two.

DR P M MADUNA, MP

MINISTER FOR JUSTICE AND CONSTITUTIONAL DEVELOPMENT”