

REPUBLIC OF SOUTH AFRICA

SOUTH AFRICAN POLICE SERVICE AMENDMENT BILL, 2012

*(As introduced in the National Assembly (proposed section 75); explanatory
summary of Bill published in Government Gazette No. of 2012)*
(The English text is the official text of the Bill)

(MINISTER OF POLICE)

[B—2012]

GENERAL EXPLANATORY NOTE:

- [] Words in bold type in square brackets indicate omissions from existing enactments.
- _____ Words underlined with a solid line indicate insertions in existing enactments.
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BILL

To amend the South African Police Service Act, 1995, in order to align the provisions relating to the Directorate for Priority Crime Investigation with a judgment of the Constitutional Court; to amend those provisions in order to ensure that the Directorate has the necessary operational independence to fulfil its mandate without undue interference; and to provide for matters connected therewith.

BE IT THEREFORE ENACTED by the Parliament of the Republic of South Africa, as follows:—

Amendment of section 6 of Act 68 of 1995

1. Section 6 of the South African Police Service Act, 1995 is hereby amended by the substitution for subsections (1) and (2) of the following subsections, respectively:

"(1) There shall be a National Commissioner of the Service who shall be appointed in accordance with section [216 (2) (a)] 207(1) of the Constitution of the Republic of South Africa, 1996.

(2) There shall be a Provincial Commissioner of the Service for each province who shall be appointed by the National Commissioner subject to section [218 (1) (b)] 207(3) of the Constitution of the Republic of South Africa, 1996".

Amendment of section 11 of Act 68 of 1995

2. Section 11 of the principal Act is hereby amended by —

(a) the substitution for subsection (1) of the following subsection:

"(1) The National Commissioner [**may exercise the powers and shall perform the duties and functions necessary to give effect to section 218 (1) of the Constitution**] must exercise control over and manage the police service in accordance with section 207(2) of the Constitution of the Republic of South Africa."; and

(b) the substitution in subsection (2) for the words preceding paragraph (a) of the following words:

"Without derogating from the generality of subsection (1), the [**powers, duties and functions referred to in that subsection shall include the power, duty and function to**] the National Commissioner shall—".

Amendment of section 16 of Act 68 of 1995 as amended by section 2 of Act 57 of 2008

3. Section 16 of the principal Act is hereby amended by—
- (a) the substitution in subsection (1) for paragraph (h) of the following paragraph:
- "(h) which a Provincial Commissioner requests the **[National Commissioner]** Head of the Directorate for Priority Crime Investigation, referred to in section 17C(2) to prevent or investigate by employing expertise and making resources available at national level and to which request the **[National Commissioner]** Head of the Directorate for Priority Crime Investigation accedes in accordance with the approved policy guidelines;"
- (b) the substitution for subsection (3) of the following subsection:
- "(3) In the event of a dispute between the **[National Commissioner]** Head of the Directorate for Priority Crime Investigation and Provincial Commissioner regarding the question whether criminal conduct or endeavour thereto should be regarded as organised crime, crime which requires national prevention or investigation or crime which requires specialised skills in the investigation and prevention thereof, the determination by the **[National Commissioner]** Head of the Directorate for Priority Crime Investigation, in accordance with the approved policy guidelines, shall prevail.";
- (c) the substitution in subsection (4) for paragraphs (b) and (c) for the following paragraphs, respectively:

"(b) Where an investigation of a crime or alleged crime reveals that the circumstances referred to in subsection (2) are present, the Provincial Commissioner shall report the matter to the **[National Commissioner]** Head of the Directorate for Priority Crime Investigation as soon as possible.

(c) The **[National Commissioner]** Head of the Directorate for Priority Crime Investigation may, in consultation with the Provincial Commissioner concerned, notwithstanding the presence of the circumstances referred to in subsection (2), direct that the investigation or any part thereof, be conducted by the Provincial Commissioner."

Amendment of section 17B of Act 68 of 1995 as inserted by section 3 of Act 57 of 2008

4. Section 17B of the principal Act is hereby amended by the substitution for paragraph (a) for the following paragraph:

"(a) The need to establish a Directorate **[as a Division of]** in the Service to prevent, combat and investigate national priority offences, in particular serious organised crime, serious commercial crime and serious corruption."

Substitution for section 17C of Act 68 of 1995 as inserted by section 3 of Act 57 of 2008

5. The following section is hereby substituted for of section 17C of the principal Act:

"Establishment and composition of Directorate for Priority Crime Investigation

17C. (1) The Directorate for Priority Crime Investigation is hereby established as a **[Division of]** Directorate in the Service.

(1A) The Directorate comprises of—

(a) the Office of the Head of the Directorate at national level; and

(b) the Office of the Provincial Directorate in each province.

(2) The Directorate **[comprises]** consists of—

(a) the Head of the Directorate, at national level, who shall manage and direct the Directorate and who shall be a Deputy National

Commissioner appointed by the Minister in concurrence with Cabinet;

(aA) the Deputy Head of the Directorate at national level;

(aB) the Provincial Heads of the Directorate;

(b) other persons appointed by the **[National Commissioner on the recommendation of the]** Head of the Directorate at the national and provincial levels on the basis of the required level of experience, training, skills, competence and knowledge;

- (c) an adequate number of legal officers appointed to the Directorate; and
- (d) officials from any Government department or institution, seconded to the Directorate in terms of laws governing the public service,
- (e) administrative staff appointed to the Directorate.”.

[(3) The Minister shall report to Parliament on the appointment of the Head of the Directorate.]”.

Insertion of section 17CA in Act 68 of 1995

6. The following section is hereby inserted in the principal Act after section 17C—

"Appointment, remuneration and conditions of service

17CA. (1) The Minister, with the concurrence of Cabinet, must appoint a South African citizen as Head of the Directorate for a non-renewable fixed term not exceeding seven years.

(2) The Minister shall report to Parliament on the appointment of the Head of the Directorate within 14 days of the appointment if Parliament is then in session or, if Parliament is not then in session, within 14 days after the commencement of its next ensuing session.

(3) The Head of the Directorate, with the concurrence of the Minister, must appoint a South African citizen as a Deputy Head of the Directorate for a non-renewable fixed term not exceeding seven years.

(4) The Head of the Directorate, with the concurrence of the Minister, must appoint a South African citizen as a Provincial Head of the Directorate for a non-renewable fixed term not exceeding seven years.

(5) (a) The remuneration, allowances and other terms and conditions of service and service benefits of the Head of the Directorate shall be determined by the Minister with the concurrence of the Minister of Finance, by notice in the *Gazette*; and

(b) The remuneration allowances and other terms and conditions of service and service benefits of the Deputy Head and Provincial Head of the Directorate shall be determined by the Minister after consultation with the Head of the Directorate and with the concurrence of the Minister of Finance: Provided that—

- (i) the salary of the Head shall not be less than the salary level of the highest paid Deputy National Commissioner of the Service;
- (ii) the salary of the Deputy Head shall not be less than 75 per cent of the salary of the Head; and
- (iii) the salary of a Provincial Head shall not be less than 65 per cent of the salary of the Head;

(6) The Minister must submit the remuneration scale payable to the Head, Deputy Head and the Provincial Head to Parliament for approval and such remuneration scale may not be reduced except with the concurrence of Parliament.

(7) The Deputy Head of the Directorate must exercise such powers and perform such functions as the Head of the Directorate in terms of this or any other law may assign to him or her.

(8) The Provincial Head must exercise such powers or perform such functions as the Head of the Directorate in terms of this or any other law may assign to him or her.

(9) (a) Whenever the Head of the Directorate is absent or unable to perform his or her functions, the Minister may, with the concurrence of the Cabinet, appoint the Deputy Head as the acting Head of the Directorate.

(b) Whenever the office of the Head of the Directorate is vacant, or the Head is for any reason unable to take up the appointment contemplated in subsection (1), the Minister may, with the concurrence of Cabinet, appoint the Deputy Head as the acting Head of the Directorate.

(c) Whenever the Deputy Head is absent or unable to perform his or her functions, the Head of the Directorate may, in consultation with the Minister, appoint a suitably qualified and experienced person as the acting Deputy Head of the Directorate;

(d) If both the Head and the Deputy Head of the Directorate are absent or if both those offices are vacant, the Minister must, with the concurrence of Cabinet, appoint a suitably qualified and experienced person as the acting Head of the Directorate.

(10) Subject to subsection (12), the Head, Deputy Head and Provincial Heads of the Directorate, must vacate their offices on attaining the age of 60 years.

(11) If the Head or Deputy Head of the Directorate attains the age of 60 years after the first day of any month, he or she shall be deemed to attain that age on the first day of the next succeeding month.

(12) If the Minister is of the opinion that it is in the public interest to retain the Head or Deputy Head of the Directorate in his or her office beyond the age of 60 years, and—

(a) the Head or Deputy Head of the Directorate wishes to continue to serve in such office; and

(b) the mental and physical health of the person concerned enable him or her so to continue,

the Minister may from time to time with the concurrence of Cabinet, direct that the Head or Deputy Head be so retained, but not for a period which exceeds, or periods which in the aggregate exceed, two years: Provided that the term of office of the Head or Deputy Head of the Directorate shall not exceed seven years.

(13) The Minister may make regulations in respect of the remuneration, allowances and other conditions of service of other members of the Directorate.

(14) The regulations referred to in subsection (13) must be submitted to Parliament for approval.

Amendment of section 17D of Act 68 of 1995 as inserted by section 3 of Act 57 of 2008

7. Section 17D of the principal Act is hereby amended by—

(a) the substitution in subsection (1) for paragraph (a) of the following paragraph:

"(a) national priority offences, which in the opinion of the Head of the Directorate need to be addressed by the Directorate, subject to

any policy guidelines issued by the **[Ministerial Committee]**
Minister and approved by Parliament; [and]”;

- (b) the insertion in subsection (1) of the following paragraph after paragraph (a):
“(aA) in particular selected offences contemplated in Chapter 2 and section 34 of the Prevention and Combating of Corrupt Activities Act, 2004 (Act No. 12 of 2004);”;
- (c) the substitution in subsection (1) for paragraph (b) of the following paragraph:
“(b) any other offence or category of offences referred to it from time to time by the National Commissioner, subject to any policy guidelines issued by the **[Ministerial Committee]** Minister and approved by Parliament.”; and
- (d) the insertion of the following subsection after subsection (1):
“(1A) The Head of the Directorate must ensure that the Directorate observes the policy guidelines referred to in subsection (1).”.

Insertion of sections 17DA and 17DB in Act 68 of 1995

8. The following sections are hereby inserted in the Principal Act after section 17D:

"Loss of confidence in Head of Directorate

17DA. (1) The Head of the Directorate shall not be suspended or removed from office except in accordance with the provisions of subsections (2), (3) and (4).

(2) (a) The Minister may provisionally suspend the Head of the Directorate from his or her office, pending an enquiry into his or her fitness to hold such office as the Minister deems fit and, subject to the provisions of this subsection, may thereupon remove him or her from office—

(i) for misconduct;

(ii) on account of continued ill-health;

(iii) on account of incapacity to carry out his or her duties of office efficiently; or

(iv) on account thereof that he or she is no longer a fit and proper person to hold the office concerned.

(b) The removal of the Head of the Directorate, the reason thereof and the representations of the Head of the Directorate, if any, shall be communicated in writing to Parliament within 14 days after such removal if Parliament is then in session or, if Parliament is not then in session, within 14 days after the commencement of its next ensuing session.

(c) The Head of the Directorate provisionally suspended from office shall receive, for the duration of such suspension, no salary or such salary as may be determined by the Minister.

(3) The Minister shall also remove the Head of the Directorate from office if an address from each of the respective Houses of Parliament in the same session praying for such removal on any of the grounds referred to in subsection(2)(a), is presented to the Minister.

(4) The Minister may allow the Head of the Directorate at his or her request, to vacate his or her office—

(a) on account of continued ill-health; or

(b) for any other reason which the Minister deems sufficient.

(c) The request in terms of paragraph (b) shall be addressed to the Minister at least six calendar months prior to the date on which he or she wishes to vacate his or her office, unless the Minister grants a shorter period in a specific case.

Staff of the Directorate

17DB. The Head of the Directorate must—

(a) determine the fixed establishment of the Directorate and the number and grading of posts, after consultation with the Minister and the Minister of Public Service and Administration; and

(b) appoint the staff of the Directorate: Provided that where a member of the Service is appointed to the Directorate, the Head must do so after consultation with the National Commissioner."

Amendment of section 17E of Act 68 of 1995 as inserted by section 3 of Act 57 of 2008

9. Section 17E of the principal Act is hereby amended by—

(a) the substitution in subsection (2) for paragraphs (a) and (c) of the following paragraphs, respectively:

"(a) a security clearance has been issued to that person in terms of section 2A (6) of the National Strategic Intelligence Act, 1994 (Act No. 39 of 1994), by **[the Head of the Crime Intelligence Division of the Service]** any Intelligence Structure referred to in that Act as may from time to time be determined by the Minister;

(c) a temporary security clearance has been issued by **[the Head of the Crime Intelligence Division of the Service]** any Intelligence Structure referred to in the National Strategic Intelligence Act determined by the Minister after the person had submitted an application to such Intelligence Structure **[the Head of the Crime Intelligence Division]** to have a security screening investigation conducted."

(b) the substitution for subsection (4) of the following subsection—

"(4) Whenever the **[Head of the Crime Intelligence Division of the Service]** head of the Intelligence Structure referred to in subsection (2)(a) and (c) acting in terms of section 2A(6) of the National Strategic Intelligence Act, 1994, upon reasonable grounds, degrades, withdraws or refuses a security clearance, the **[Head of the**

Directorate] National Commissioner may transfer such person from the Directorate, or if such person cannot be redeployed elsewhere in the Service, discharge him or her, subject to the provisions of section 34."

(c) the addition of the following subsections:

"(9) (a) A member of the Directorate shall serve impartially and exercise his or her powers or perform his or her functions in good faith.

(b) Subject to the Constitution of the Republic and this Act, no organ of state and no member or employee of an organ of state nor any other person shall improperly interfere with, hinder or obstruct a member of the Directorate, in the exercise, carrying out or performance of its, his or her powers, duties and functions.

(10) The Head of the Directorate, the Deputy Head of the Directorate and any person seconded to or employed in the Directorate, must before commencing with their functions in terms of this Act, take an oath or make an affirmation, which shall be subscribed by them, in the form set out below:

'I _____

(full name)

do hereby swear/solemnly affirm that I will in my capacity as Head of the Directorate/Deputy Head of the Directorate/member of the Directorate/employee at the Directorate/being seconded to the Directorate uphold and protect the Constitution and the fundamental

rights entrenched therein and enforce the Law of the Republic without fear, favour or prejudice and, as the circumstances of any particular case may require, in accordance with the Constitution and the Law. (In the case of an oath: So help me God.)' "

Substitution of section 17F of Act 68 of 1995 as inserted by section 3 of Act 57 of 2008

10. Section 17F of the principal Act is hereby amended by—

(a) the substitution for subsection (2) of the following subsection—

"(2) The **[National Commissioner]** the Head of the Directorate **[shall] may** request the secondment of personnel from any other Government department or institution, whenever **[the Head of the Directorate requests such secondment]** he or she deems it necessary for the effective performance of the functions of the Directorate.";

(b) the substitution for subsection (5) of the following subsection—

"(5) The Director-General of the Government department or Head of the relevant Government institution, referred to in subsection (2), shall upon request by the **[National Commissioner]** Head of the Directorate, identify suitable personnel to be seconded to the Directorate upon such terms and conditions as may be agreed upon between the **[National Commissioner]** Head of the Directorate and the Director-General of the department or Head of the Government institution concerned."; and

(c) the substitution for subsection (7) of the following subsections—

"(7) (a) If the **[National Commissioner]** Head of the Directorate so requests, any person seconded in terms of subsection (3) shall retain the powers, duties and functions endowed by any law governing the powers, duties and functions of that department or institution, and that person may exercise such powers, duties and functions under the command of the Head of the Directorate or his or her delegate, but subject to such conditions as may be determined by the Head of the seconding Government department or institution.

(b) A person seconded under paragraph (a) shall in the performance of his or her functions act in terms of the laws applicable to the Government department or institution from which he or she is seconded, subject to such conditions as may be agreed upon by the **[National Commissioner]** Head of the Directorate and the Director-General of the Government Department or Head of the Government institution."

Substitution of section 17H of Act 68 of 1995 as inserted by section 3 of Act 57 of 2008

11. The following section is hereby substituted for section 17H of the principal Act—

“Finances and financial accountability

- 17H. (1) The expenses incurred in connection with—
- (a) the exercise of powers, the carrying out of the duties and the performance of the functions of the Directorate; and
- (b) the remuneration and other conditions of service of members of the Directorate.
- shall be defrayed from monies appropriated by Parliament for this purpose to the departmental vote in terms of the Public Finance Management Act, 1999 (Act No.1 of 1999).
- (2) The National Commissioner must, after consultation with the Head of the Directorate, prepare the necessary estimate of revenue and expenditure of the Directorate.
- (3) The National Commissioner, as the accounting officer of the Service shall, subject to the Public Finance Management Act, 1999—
- (a) be charged with the responsibility of accounting for State monies received or paid out for or on account of the Directorate;
- (b) cause the necessary accounting and other records to be kept; and
- (c) ensure that the annual report on the performance of the Directorate is included as a distinct program in the annual report of the Service.
- (4) Monies appropriated by Parliament for this purpose—
- (a) constitute earmarked funds on the Departmental vote of the Service;
- and

(b) must not be used by the Service for purposes other than that of the Directorate."

Amendment of section 17I of Act 68 of 1995 as inserted by section 3 of Act 57 of 2008)

12. Section 17I of the principal Act is hereby amended by the substitution for subsections (2) and (3) of the following subsections, respectively:

"(2) The Ministerial Committee may determine[—

- (a) policy guidelines in respect of the functioning of the Directorate;**
 - (b) policy guidelines for the selection of national priority offences by the Head of the Directorate in terms of section 17D (1) (a);**
 - (c) policy guidelines for the referral to the Directorate by the National Commissioner of any offence or category of offences for investigation by the Directorate in terms of section 17D (1) (b);]**
- procedures to coordinate the activities of the Directorate and other relevant Government departments or institutions.

(3) (a) The Ministerial Committee [**shall oversee the functioning of the Directorate and]** shall meet as regularly as necessary, but not less than four times annually.

(b) The National Commissioner and the Head of the Directorate shall, upon request of the Ministerial Committee, provide performance and implementation reports to the Ministerial Committee."

Amendment of section 17J of Act 68 of 1995 as inserted by section 3 of Act 57 of 2008)

13. Section 17J of the principal Act is hereby amended by—

(a) the substitution in subsection (1)(a) for subparagraphs (i) and (ii) of the following subparagraphs:

“(i) the **[National Commissioner,]** Head of the Directorate, as chairperson;

(ii) the Deputy Head of the Directorate, as deputy chairperson;”

(b) the insertion in subsection (1)(a) of the following subparagraphs, after subparagraph (ii):

“(iiA) a Deputy National Commissioner of the South African Police Service designated by the National Commissioner;

“(iiB) the Head of the Crime Intelligence Division of the South African Police Service;”.

(c) the substitution in subsection (1) for paragraph (b) of the following paragraph:

“(b) An official at the rank of at least **[an Assistant**

Commissioner] a Major General or Chief Director may be designated on a permanent basis to represent any official mentioned above if he or she is not available: Provided that the official listed in paragraph (a) may also attend.”;

(d) the substitution in subsection (2) for paragraph (a) of the following paragraph:

“(a) review, monitor and facilitate the support and assistance of the respective Government departments or institutions to the Directorate as well as secondments to the Directorate, and

address problems which arise regarding such support and assistance;" and

- (e) the deletion in subsection (2) of paragraphs (b) and (c).

Amendment of section 17K of Act 68 of 1995

14. Section 17K of the principal Act is hereby amended by—

- (a) the substitution for subsection (2) of the following subsection:

"(2) The National Commissioner shall include in the annual report to Parliament in terms of section 55 (d) of the Public Finance Management Act, 1999 (Act No. 1 of 1999), a report in respect of the **[activities]** performance of the Directorate as a programme of the Service.".

- (b) by the deletion of subsection (3);

- (c) by the substitution for subsection (4) of the following subsection:

"(4) The Minister shall ~~—~~

(a) determine, with the concurrence of Parliament—

(i) policy guidelines for the selection of national priority offences by the Head of the Directorate referred to in section 17D (1) (a);

(ii) policy guidelines for the referral to the Directorate by the National Commissioner of any offence or category of offences for investigation by the Directorate referred to in section 17D (1) (b);

(b) submit to Parliament any policy guidelines referred to in section **[17I (2) (a), (b) and (c)]** 17D(1)(a) and (b) for **[approval]** concurrence."

(d) the deletion of subsections (5) and (6);

(e) the addition of the following subsections:

"(7) The first policy guidelines issued under this Act shall be tabled in Parliament as soon as possible, but not later than six months after the appointment of the Head in terms of this Act.

(8) Any changes to the policy guidelines referred to in subsection (4) must be submitted to Parliament for consideration and approval for implementation.

(9) The Minister shall report to Parliament on the appointment of the Head of the Directorate.".

Amendment of section 17L of Act 68 of 1995 as inserted by section 3 of Act 57 of 2008

15. Section 17L of the principal Act is hereby amended by the substitution for subsection (7) for the following subsection—

"(7) The retired judge may request and obtain information from the National Director of Public Prosecutions in so far as it may be necessary for the judge to conduct an investigation[: **Provided that the National Director of Public Prosecutions may on reasonable grounds refuse to accede to such request**]."

Insertion of section 17M in Act 68 of 1995

16. The following section is hereby inserted in the principal Act after section 17L—

"Command and control of Directorate

17M. Subject to the provision of this Act, members of the Directorate are members of the South African Police Service with all the powers, duties and functions of other members of the South African Police Service."

Transitional arrangements

17. (1) The commencement of the South African Police Service Amendment Act, 2012 (in this section referred to as the Amendment Act), does not affect the validity of any investigation or prosecution conducted, pending, or under investigation by the Directorate on or before the commencement of this section.

(2) As from the date of commencement of this Amendment Act, the post of the Head of the Directorate, Deputy Head and Provincial Head of the Directorate must be filled in accordance with section 17CA of the Act as inserted by this Amendments Act, but the current incumbents of the respective posts will continue to hold office until the respective posts are filled in terms of section 17CA.

(3) Subject to the Labour Relations Act, 1995, the Head of the Directorate may evaluate any member for continued employment in the Directorate to ensure that the Directorate focuses on its mandate, and may redeploy a member

to another post in the Service, by agreement with the National Commissioner and after consultation with the member involved.

(4) As from the date of the commencement of this section, but subject to subsections (2) and (3)—

- (a) any person, who immediately before that date held the office of a member of the South African Police Service in the Directorate remains in the Directorate; and
- (b) the administrative and support personnel in the employ of the Directorate immediately before that date remain in the employ of the Directorate.

(5) An employee contemplated in subsection (3) may be transferred to the Directorate only with his or her consent.

(6) (a) An employee referred to in subsection (3) who does not consent to be transferred to the Directorate must, within 30 days of the date of the commencement of the Amendment Act, notify the National Commissioner in writing.

(b) In respect of such an employee, the National Commissioner may offer to transfer the employee to a reasonable alternative post or position in the South African Police Service, subject to the Labour Relations Act."

Amendment of Preamble of Act 68 of 1995

18. The Preamble to the principal Act is hereby amended by—

(a) the substitution for the words preceding paragraph (a) of the following words:

"WHEREAS [section 214 of] the Constitution of the Republic of South Africa, [1993 (Act 200 of 1993)] 1996 requires national legislation to provide for the establishment, powers and functions [and regulation]

of [a] the South African Police Service [which shall be structured at both national and provincial levels and shall function under the direction of the national government as well as the various provincial governments] to function in accordance with national policing policy and the directions of the Cabinet member responsible for policing;

AND WHEREAS there is a need to provide a police service throughout the national territory to—"; and

(b) the insertion after paragraph (e), of the following:

"AND WHEREAS there is a need to provide for a Directorate in the Service that is dedicated to the prevention, investigation and combating of national priority offence, in particular, serious organised and transnational crime, serious commercial crime, serious corruption and that enjoys adequate independence to enable it to perform its functions".

Amendment of Act

19. The Prevention and Combating of Corrupt Activities Act, 2004 (Act No. 9 of 2004), is amended to the extent set out in the Schedule.

Short title and commencement

20. This Act shall be called the South African Police Service Amendment Act, 2012 and comes into operation on a date determined by the President by Proclamation in the *Gazette*.

Schedule

**SCHEDULE OF LAWS AMENDED OR REPEALED
SECTION 17**

ACT NO	YEAR	TITLE	TITLE EXTENT OF AMENDMENT OR REPEAL
	1996	The Constitution of the Republic of South Africa	1. Repeal of item 1(c) of Annexure D of Schedule 6 of the Constitution.
12	2004	Prevention and Combating of Corrupt Activities Act	<p>2. Section 34 of the Prevention and Combating of Corrupt Activities Act, 2004 is hereby amended by—</p> <p>(a) the substitution for subsection (1) of the following subsection:</p> <p style="padding-left: 40px;">"(1) Any person who holds a position of authority and who knows or ought reasonably to have known or suspected that any other person has committed—</p> <p style="padding-left: 40px;">(a) an offence under Part 1, 2, 3 or 4, or section 20 or 21 (in so far as it relates to the aforementioned offences) of Chapter 2; or</p> <p style="padding-left: 40px;">(b) the offence of theft, fraud, extortion, forgery or uttering a forged document, involving an amount of R100 000 or more, must report such knowledge or suspicion or cause such knowledge or suspicion to be reported to [any] the police official in the Directorate for Priority Crime Investigation referred to in section 17C of the South African Police Service Act, 1995.</p> <p>(b) the substitution for paragraphs (a) and (b) of subsection (3) of the following paragraphs:</p> <p style="padding-left: 40px;">(a) Upon receipt of a report referred to in subsection (1), the police official concerned must take down the report in the manner directed by the [National Commissioner] Head of the Directorate for Priority Crime Investigation, appointed in terms of section 17C(2)(a) of the South African Police Service Act, 1995, and forthwith provide the person who made the report with an acknowledgment of receipt of such report.</p>

ACT NO	YEAR	TITLE	TITLE EXTENT OF AMENDMENT OR REPEAL
			<p>(b) The [National Commissioner] <u>Head of the Directorate for Priority Crime Investigation</u>, must within three months of the commencement of this Act publish the directions contemplated in paragraph (a) in the <i>Gazette</i>, <u>during which period any existing notice issued in terms of the Act shall remain in force.</u></p>