

NATIONAL ASSEMBLY**FOR WRITTEN REPLY****QUESTION 3042**

DATE OF PUBLICATION IN INTERNAL QUESTION PAPER: 22 SEPTEMBER 2023
(INTERNAL QUESTION PAPER NO 33-2023)

3042. Mr B N Herron (Good) to ask the Minister of Police:

- (1) With reference to sections 199(1) and 199(3) of the Constitution of the Republic of South Africa, 1996, which provides that the security services of the Republic consists of a single police service, unless a security service is established in terms of national legislation, in terms of which the SA Police Service Act, Act 68 of 1995, provides for the establishment of municipal police services as a peace officer (details furnished), on which legislative provisions do Gauteng crime prevention wardens (CPWs) rely to operate as a security service;
- (2) on which legislative provisions do (a) municipal law enforcement officers (LEOs), who are not members of a municipal police service, rely to conduct crime prevention activities and (b) they rely for defining and/or establishing (i) CPWs and (ii) LEOs?

NW4108E

REPLY:

- (1) Crime Prevention Wardens (CPW) are appointed by the Gauteng Provincial Government and resort under the ambit of the Department of Community Safety. The Minister of Police is, therefore, not in a position to respond on behalf of the Provincial Government.
- (2)(a) Law enforcement officers appointed by a municipality were declared as peace officers by the Minister of Justice and Correctional Services, in terms of section 334 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977). The powers conferred upon such functionaries are set out in *Gazette* No 41982 published on 19 October 2018.
- (2)(b)(i) The Minister of Police cannot respond on behalf of the Provincial Government.

(2)(b)(ii) In terms of section 151(3) of the Constitution of the Republic of South Africa, 1996 (The Constitution), a municipality has the right to govern, on its own initiative, the local government affairs of its community, subject to national and provincial legislation, as provided for in the Constitution. Law enforcement officers appointed by a municipality perform their functions in terms of section 152(1)(d) of the Constitution that provides that the objects of local government include to promote a safe and healthy environment.

Reply to question 3042 recommended/~~not recommended~~

 **NATIONAL COMMISSIONER: SOUTH AFRICAN POLICE SERVICE**
SF MASEMOLA (SOEG) Lieutenant General
 T. C. Mosikili

Date: 2023-09-28

Reply to question 3042 approved/~~not approved~~


MINISTER OF POLICE
GENERAL BH CELE/MP

Date: 02/10/2023

QUESTION FOR WRITTEN REPLY

MR BN HERRON(GOOD) TO ASK THE MINISTER OF POLICE

Having regard to Sec 199 (1) and 199 (3) of the Constitution which provides that the security services of the Republic consists of a single police service unless a security service is established in terms of national legislation. And the Police Act is national legislation which in terms of Sec 64(A) of the Police Act provides for the establishment of Municipal Police Services with Sec 64(F) of the Police Act providing that every member of a Municipal Police Service is a peace officer.

1. In terms of which legislation do the Gauteng Crime Prevention Wardens operate as a security service?
2. In terms of which legislation do municipal "law enforcement officers", who are not members of a municipal police service, conduct crime prevention activities?
3. Which legislation defines or establishes (a) "crime prevention wardens" and (b) "law enforcement officers"?
4. What National Training Standards apply to (a) "crime prevention wardens" and (b) "law enforcement officers" and (c) "learner law enforcement officers"?
 - a. In terms of which legislation does this training apply;
 - b. When was it gazetted
 - c. Can the Minister provide a copy?
5. What is the status of categories of security services, not provided for in terms of the Constitution or any national legislation, performing peace officer functions armed with fire arms?
6. If the CPWs, LEO, LLEOs are not lawfully established or operating in terms of national legislation what action does the Minister intend to take?