
GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF POLICE**NO. 4010****26 October 2023****AMENDMENT OF THE REGULATIONS FOR THE SOUTH AFRICAN
POLICE SERVICE**

The Minister of Police has, under section 24(1) of the South African Police Service Act, 1995 (Act No. 68 of 1995), made the regulations in the Schedule.



GENERAL BH CELE (MP)
MINISTER OF POLICE

17/10/2023

SCHEDULE**1. DEFINITION**

In these Regulations —

- (1) “the Regulations” mean the Regulations promulgated by Government Notice R.203 of 14 February 1964, as amended; and
- (2) “the Employment Regulations” mean the Regulations promulgated by Government Notice 663 of 6 July 2018: South African Police Service Employment Regulations, 2018 (*Government Gazette* No. 41754).

2. REPEAL OF REGULATION 11 OF THE REGULATIONS

Regulation 11 of the Regulations is hereby repealed:

**3. SUBSTITUTION OF REGULATION 39 OF THE EMPLOYMENT
REGULATIONS**

Regulation 39 of the Employment Regulations is hereby substituted with the following:

“39. General conditions for appointment.—

- (1) The National Commissioner—
 - (a) may not appoint any person under the age of 18 years;
 - (b) may not appoint any person who is not a South African citizen of which documentary proof must be furnished, where person has dual citizenship, he or she needs to renounce his or her citizenship of the other country;
 - (c) must determine the health requirements for incumbency of a post, in any case where it is a requirement of the post;
 - (d) must require an employee or a candidate for employment to be subjected to pre-employment checks for suitability or security clearance, as the case may be;
 - (e) must ensure that each person, upon appointment, is provided with a letter of appointment, including the terms and conditions of his or her service; and
 - (f) may not appoint a temporary employee into a permanent post in the Service without complying with regulations 46 and 47.
- (2) The National Commissioner may, within the available budget and subject to the job being evaluated in terms of the job evaluation system, employ persons additional to the fixed establishment, where—
 - (a) the incumbent of a post is expected to be absent for such a period that his or her duties cannot be performed by other personnel;
 - (b) a temporary increase in work occurs;
 - (c) it is necessary for any other reason to temporarily increase the staff of the Service; or
 - (d) an employee's post has been abolished and he or she cannot be transferred into another post.

- (3) The National Commissioner may appoint a person to a vacant post in the fixed establishment of the Service if—
 - (a) sufficient budgeted funds, including funds for the remaining period of the relevant medium-term expenditure framework are available for filling the vacancy; and
 - (b) the vacancy has been advertised and the candidate selected in accordance with regulations 46 and 47.
- (4) An appointment may only take effect after approval by the National Commissioner, except where it is at level of Major-General and higher, the appointment must be made in consultation with the Minister.
- (5) The National Commissioner may, subject to such conditions as determined by him or her, employ entry level police trainees on a fixed term contract.
- (6) An “entry level police trainee” means a person who applies to be enrolled on a contract basis in the Basic Policing Development Training Programme, or such programme determined by the National Commissioner, in order to be appointed as a member of the Service upon successful completion of the programme and to be deployed at a police station or unit of the Service.
- (7) An entry level police trainee will only become a member of the Service and be appointed in terms of the South African Police Service Act, 1995 (Act No. 68 of 1995) once he or she has successfully completed the training and satisfied the requirements determined by the National Commissioner.

- (8) A person who applies to be employed as an entry level police trainee must —
- (a) apply on the form determined by the National Commissioner and affirm under oath or by way of a solemn declaration that the particulars furnished in the application, are the truth and correct;
 - (b) be a citizen of the Republic of South Africa of which documentary proof must be furnished;
 - (c) be at least eighteen (18) years of age and not older than thirty-five (35) years of age at the time of the closing date for applications stipulated in the relevant advertisement, of which documentary proof must be furnished;
 - (d) submit himself or herself to a physical and medical examination as determined by the National Commissioner and must be found to be physically, medically and mentally fit for appointment in the Service;
 - (e) undergo a psychological and integrity assessment as determined by the National Commissioner and be found to comply with the profile of a police official;
 - (f) be in possession of a grade 12 school certificate or equivalent qualification of which documentary proof must be furnished;
 - (g) be proficient in at least English and one other official language;
 - (h) be prepared to take the oath of office;
 - (i) be prepared to undergo such training as, where and when determined by the National Commissioner;
 - (j) not have any tattoo marks which will be visible when wearing any uniform of the Service;

- (k) not have been declared unfit to possess a firearm;
 - (l) not have any previous criminal convictions or any pending criminal cases;
 - (m) not have been dismissed for serious misconduct from the employ of a previous employer, where such dismissal relates to any act of dishonesty, violence, sexual harassment or is drug related;
 - (n) allow a buccal sample and his or her fingerprints to be taken and verified against the criminal record system;
 - (o) allow background enquiries to be made;
 - (p) be prepared to undergo security vetting and obtain the level of security clearance determined by the National Commissioner; and
 - (q) be prepared to serve anywhere in the Republic;
- (9) The National Commissioner must determine the selection criteria for appointments in terms of sub regulation (5).
- (10) Notwithstanding the provisions of sub regulations (1) and (8), the National Commissioner may in his or her discretion, in consultation with the Minister, waive any of the requirements if such waiver will be in the interest of the Service.
- (11) Written reasons must be provided for a decision to waive any requirement in terms of sub-regulation (10)."

4. SHORT TITLE AND COMMENCEMENT

These Regulations shall be called the South African Police Service Employment Amendment Regulations, 2023, and shall come into operation upon promulgation in the *Gazette*.