

Government Gazette
Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID AFRIKA

Vol. 720 | 20 June Junie 2025 | No. 52889

N.B. The Government Printing Works will not be held responsible for the quality of "Hard Copies" or "Electronic Files" submitted for publication purposes

ISSN 1682-5845

9 771682 584003 52889



AIDS HELPLINE: 0800-0123-22 Prevention is the cure

IMPORTANT NOTICE:

THE GOVERNMENT PRINTING WORKS WILL NOT BE HELD RESPONSIBLE FOR ANY ERRORS THAT MIGHT OCCUR DUE TO THE SUBMISSION OF INCOMPLETE / INCORRECT / ILLEGIBLE COPY.

NO FUTURE QUERIES WILL BE HANDLED IN CONNECTION WITH THE ABOVE.

Contents

No.		Gazette No.	Page No.
GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS			
Police, Department of / Polisie, Departement van			
6333	South African Police Service Act (68/1995): Amendment of the South African Police Service Regulations for the Directorate for Priority Crime Investigation	52889	3

DEPARTMENT OF POLICE

NO. 6333 **20 June 2025**

AMENDMENT OF THE SOUTH AFRICAN POLICE SERVICE REGULATIONS FOR THE DIRECTORATE FOR PRIORITY CRIME INVESTIGATION

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

MR ES MCHUNU (MP)
MINISTER OF POLICE
Date: 23/05/2025

SCHEDULE

1. DEFINITIONS

In these Regulations —

(1) **"the Regulations"** mean the South African Police Service Regulations for the Directorate for Priority Crime Investigation promulgated by Government Notice R. 783 of 7 September 2010 (Government Gazette No. 33524); 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. SUBSTITUTION OF REGULATION 2 OF THE REGULATIONS

Regulation 2 of the Regulations is hereby substituted with the following:

"2. Disclosure of financial and other interests

(1) For purposes of section 17E(7)(a) of the Act and regulations 11 to 16 of the Employment Regulations, every member shall be regarded as a designated employee.

(2) Every member, irrespective of rank shall, every year, not later than 30 April, disclose to the Minister on a form similar to the form determined by the Department of Public Service and Administration for the disclosure of interests by Senior Management Service personnel, particulars of all —

(a) his or her registrable interests; and

(b) also the registrable interests of his or her immediate family members;

in respect of the period 1 April of the preceding year to 31 March of the current year.

(3) Regulations 11 to 16 of the Employment Regulations shall apply to a member in respect of registrable interests of that member as well as to registrable interests, of which the member is aware, of any immediate family member of such member."

3. SUBSTITUTION OF REGULATION 3 OF THE REGULATIONS

Regulation 3 of the Regulations is hereby substituted with the following:

"3. Measures for integrity testing

(1) The National Head of the Directorate may conduct or authorise any member or any other person to conduct an integrity testing program to test the integrity of any relevant member of the Directorate.

(2) An integrity testing program may involve —

(a) an act or omission (by a person who is conducting the integrity testing) that offers a relevant member whose integrity is being tested the opportunity to engage in behaviour, whether lawful or unlawful, in contravention of the Service's Code of Conduct, or in contravention of any law, or constituting misconduct in terms of the Discipline Regulations;

(b) testing a member for the abuse of alcohol or drugs; or

(c) using the polygraph or a similar instrument.

(3) An integrity testing program referred to in sub-regulation (2) involving the offering of an opportunity to commit any unlawful conduct, may only be performed subject to the approval of, and in consonance with such guidelines as may be laid down by the National Director of Public Prosecutions or the Director of Public Prosecutions having jurisdiction in the area where the integrity testing will take place, or by his or her delegate, in terms of section 252A of the Criminal Procedure Act, 1977 (Act No. 51 of 1977).

(4) The National Head of the Directorate may authorise in writing a member to require any relevant member of the Directorate to submit to an alcohol test.

(5) If the relevant member is required to submit to an alcohol test, the authorised member may require the relevant member to provide a specimen of breath for the test, to the satisfaction of the National Head of the Directorate or authorised member.

(6) The relevant member must comply with a requirement under sub-regulation (5).

(7) The National Head of the Directorate of the authorised member must perform the test using equipment prescribed in regulation 332 of the Regulations made under the National Road Traffic Act, 1996 (Act No. 93 of 1996).

(8) A relevant member who, without good reason, fails to provide a specimen of breath as required, commits misconduct, and if found guilty, will be subject to the sanction for disobeying a lawful order, command or instruction in terms of the South African Police Service Discipline Regulations.

(9) Any specimen of breath of a relevant member of the Directorate —

(a) when reporting for duty;

(b) while on duty; or

(c) while on call for duty,

may not have any evidence of alcohol when such member is tested under sub-regulation (4) to (7).

(10) A relevant member must not have in his or her urine at any time evidence of a drug defined in section 1 of the Drugs and Drug Trafficking Act, 1992 (Act No. 140 of 1992) which the relevant member —

(a) may not lawfully take;

(b) has taken in a manner contrary to the prescription of a registered medical practitioner or the recommendation of the manufacturer of the substance.

(11) A member who lawfully takes a drug referred to in sub-regulation (10) must not perform duties in or involving operational capacity if the substance may impair the member's capacity to perform the duties without danger to the member of another person.

(12) The National Head of the Directorate or a member authorised in writing by the National Head of the Directorate may require any relevant member to submit to a drug test.

(13) The National Head of the Directorate or the authorised member may require the relevant member to provide a specimen of urine to a registered medical practitioner or registered nurse for a drug test at a place and time specified by the National Head of the Directorate or the authorised member.

(14) The registered medical practitioner or the registered nurse may give reasonably necessary directions to the relevant member about how the specimen is to be provided and providing sufficient specimen for the test.

(15) Subject to sub-regulation (16), the relevant member must provide the specimen in accordance with the directions of a registered medical practitioner or registered nurse.

(16) A relevant member who fails to provide a specimen of urine shall, unless the relevant member —

(a) acted upon the directions referred to in sub-regulation (14); and

(b) has a reasonable excuse because of a medical condition, for being unable to provide a specimen of urine,

may be charged with misconduct and, if found guilty, be subject to the sanction provided for disobeying a lawful order, instruction or command in terms of the South African Police Service Discipline Regulations.

(17) The National Head of the Directorate or a member authorised by him or her may require any relevant member to submit to a polygraph or similar test and the relevant member shall submit to such test.

(18) If the test conducted in terms of sub-regulation (4) and (16) and the test of the relevant member has evidence of —

(a) alcohol in his or her breath;

(b) a drug in his or her urine;

the National Head of the Directorate may do any one or more of the following:

(i) suspend the relevant member from duty until the member has no evidence of alcohol in his or her breath or no longer has evidence of a drug in his or her urine;

(ii) require the member to undergo counselling or rehabilitation approved by the National Head of the Directorate;

(iii) refer the relevant member to a registered medical practitioner of the said National Head's choice for a medical examination and report of the member's fitness to continue to perform his or her current duties;

(iv) after consideration a report referred to in paragraph (iii), instruct the relevant member to perform other duties for such time as the National Head of the Directorate considers necessary; or

(v) if appropriate in the circumstances, take disciplinary or other action against the relevant member under the Act, including transfer within the Service or dismissal of the member.

(19) If the relevant member refuses to undergo a polygraph or similar test, or if the polygraph or similar test is indicative of possible deception, the National Head of the Directorate may instruct the relevant member to subject himself or herself to a security screening referred to in section 2A of the National Strategic Intelligence Act, 1994 (Act No. 39 of 1994) and the relevant member is obliged to comply with such instruction."

(20) The measures in this Regulation may only be applied with due regard to decency and a member's right to dignity and privacy and only for the purposes provided for in these Regulations.

(21) A report detailing the outcome of the polygraph or similar test must be submitted to Integrity Section for further investigation.

(22) Integrity section must, as soon as such investigation contemplated in sub-regulation (21) is finalised, submit the investigation report to the Head of the Directorate and to the vetting officers for further handling."

4. SUBSTITUTION OF REGULATION 5 OF THE REGULATIONS

Regulation 5 of the Regulations is hereby substituted with the following:

"5. Form and manner of complaints made to retired judge

(1) A complaint in terms of section 17L of the Act shall be made in writing in the form set out in Annexure 1.

(2) A complaint made in terms of section 17L of the Act may be lodged by email or post or be delivered at the office of the retired judge.

(3) Annexure 1 and information setting out the manner in which a complaint must be lodged, the name and all relevant contact particulars of the retired judge appointed in terms of section 17L of the Act, shall be made available to all police stations and be placed on the website of the Service.

(4) Complaints may also be lodged at any office of the Independent Police Investigative Directorate, which shall ensure that the complaint is submitted to the retired judge without any delay.

(5) A category 1 complaint shall be a complaint by any member of the public in terms of section 17L(4)(a) of the Act who can provide evidence of a serious and unlawful infringement of his or her rights caused by an investigation of the Directorate.

(6) A category 2 complaint shall be a complaint in terms of section 17L(4)(b) of the Act by any member of the Directorate who can provide evidence of any improper influence or interference whether of a political or other nature, exerted upon him or her regarding the conducting of an investigation.

(7) The retired judge may require from any complainant to submit any allegations made to him or her in the form of an affidavit.

(8) A person who wished to lodge a complaint at an office of the Independent Police Investigative Directorate, shall be assisted by personnel of the Independent Police Investigative Directorate to complete the prescribed form, if so requested."

5. SHORT TITLE AND COMMENCEMENT

These Regulations shall be called the South African Police Service Amendment Regulations for the Directorate for Priority Crime Investigation, 2025, and shall come into operation upon promulgation in the *Gazette*.

Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001
Contact Centre Tel: 012-748 6200. eMail: info.egazette@gpw.gov.za
Publications: Tel: (012) 748 6053, 748 6061, 748 6065

This gazette is also available free online at **www.gpwonline.co.za**