



Western Cape Government • Wes-Kaapse Regering • URhulumente weNtshona Koloni

PROVINCE OF THE WESTERN CAPE

PROVINSIE WES-KAAP

IPHONDO LENTSHONA KOLONI

**Provincial Gazette
Extraordinary**

**Buitengewone
Provinsiale Koerant**

**Isongezelelo
kwiGazethi yePhondo**

7516

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7516

Thursday, 22 October 2015

Donderdag, 22 Oktober 2015

uLwesine, 22 kweyeDwarha 2015

Registered at the Post Office as a Newspaper

As 'n Nuusblad by die Poskantoor Geregistreer

Ibhaliswe ePosini njengePhephandaba

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(*Reprints are obtainable at Room M21, Provincial Legislature Building, 7 Wale Street, Cape Town 8001.)

(*Afskrifte is verkrygbaar by Kamer M21, Provinsiale Wetgewer-gebou, Waalstraat 7, Kaapstad 8001.)

(*Ushicilelo oLutsha lufumaneka kwiGumbi M21, kwiSakhiwo sePhondo seNdlu yoWiso Mithetho, 7 Wale Street, eKapa 8001.)

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PROCLAMATION**BY THE PREMIER OF THE WESTERN CAPE****NO. 19/2015****COMMENCEMENT OF THE WESTERN CAPE COMMUNITY SAFETY ACT, 2013 (ACT 3 OF 2013)**

Under section 33 of the Western Cape Community Safety Act, 2013 (Act 3 of 2013), I determine that sections 16(1), 30(1) and 31 of this Act come into operation on the date of publication of this proclamation.

Signed at Cape Town on this 22nd day of October 2015.

H. ZILLE
PREMIER

Countersigned by:

D. PLATO
PROVINCIAL MINISTER OF COMMUNITY SAFETY

PROKLAMASIE**DEUR DIE PREMIER VAN DIE WES-KAAP****NR. 19/2015****INWERKINGTREDING VAN DIE WES-KAAPSE WET OP GEMEENSKAPSVEILIGHEID, 2013 (WET 3 VAN 2013)**

Kragtens artikel 33 van die Wes-Kaapse Wet op Gemeenskapsveiligheid, 2013 (Wet 3 van 2013), bepaal ek dat artikels 16(1), 30(1) en 31 van hierdie Wet in werking tree op die datum van publiserings van hierdie proklamasie.

Geteken te Kaapstad op hierdie 22ste dag van Oktober 2015.

H. ZILLE
PREMIER

Medeonderteken deur:

D. PLATO
PROVINSIALE MINISTER VAN GEMEENSKAPSVEILIGHEID

UMPOSHO**WENKULUMBUSO YENTSHONA KOLONI****NOMB. 19/2014****UKUQALISA KOKUSEBENZA KOMTHETHO WOKHUSELEKO LOLUNTU WENTSHONA KOLONI, 2013
(UMTHETHO 3 KA-2013)**

Phantsi kwecandelo 33 loMthetho woKhuseleko loLuntu weNtshona Koloni, 2013 (uMthetho 3 ka-2013), ndimisela ukuba amacandelo 10, ukuya kwele-15, 16(2) nesi-(3), 17, 18 nelama-24(1) alo Mthetho aza kusebenza ngomhla wokupapashwa kwalo mpoposho.

Utyikitywe eKapa ngalo mhla wama-22 kweyeDwarha 2014.

H. ZILLE
INKULUMBUSO

Uqinisekiswa ngu-:

D. PLATO
UMPHATHISWA WEPHONDO WEZOKHUSELEKO LOLUNTU

PROVINCIAL NOTICE

The following Provincial Notice is published for general information.

ADV. B. GERBER,
DIRECTOR-GENERAL

Provincial Legislature Building,
Wale Street,
Cape Town.

PROVINSIALE KENNISGEWING

Die volgende Provinsiale Kennisgewing word vir algemene inligting gepubliseer.

ADV. B. GERBER,
DIREKTEUR-GENERAAL

Provinsiale Wetgewer-gebou,
Waalstraat,
Kaapstad.

ISAZISO SEPHONDO

Esi saziso silandelayo sipapashelwe ukunika ulwazi ngokubanzi.

ADV. B. GERBER,
UMLAWULI-JIKELELE

ISakhiwo sePhondo,
Wale Street,
eKapa.

PROVINCIAL NOTICE

P.N. 364/2015

22 October 2015

**DEPARTMENT OF COMMUNITY SAFETY:
WESTERN CAPE PROVINCIAL POLICE OMBUDSMAN REGULATIONS, 2015**

The Provincial Minister of Community Safety has made the regulations set out in the Schedule under section 31 of the Western Cape Community Safety Act, 2013 (Act 3 of 2013).

SCHEDULE**ARRANGEMENT OF REGULATIONS***Regulations*

1. Definitions
2. Submitting complaints
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5. Notice of investigation
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Definitions

1. In these regulations a word or expression to which a meaning has been assigned in the Western Cape Community Safety Act, 2013 (Act 3 of 2013), has the meaning so assigned and, unless the context indicates otherwise—

“**complainant**” means a person or member of the Provincial Parliament contemplated in section 16 of the Act who submits a complaint to the Ombudsman;

“**complaint**” means a complaint submitted to the Ombudsman in terms of section 16(1) or (2) of the Act;

“**investigating officer**” means a staff member or other suitable person designated as investigating officer in terms of section 18(3) of the Act;

“**staff member**” means a staff member of the Office of the Ombudsman established by section 10 of the Act;

“**the Act**” means the Western Cape Community Safety Act, 2013 (Act 3 of 2013).

Submitting complaints

2. (1) A complaint submitted to the Ombudsman should preferably be in writing but an oral complaint submitted in person or by telephone may be accepted—

- (a) if it is not possible for a person who wishes to submit a complaint to reduce it to writing;
- (b) if it is not possible for a person who wishes to submit a complaint to send a written complaint to the Office of the Ombudsman; or
- (c) if the complaint concerns an urgent matter making it inadvisable to insist on a written complaint.

(2) An oral complaint must as soon as is reasonably possible be reduced to writing by a staff member who is duly designated by the Ombudsman, on the form provided for in Annexure A.

(3) The duly designated staff member must, after an oral complaint has been reduced to writing in terms of subregulation (2), verify the correctness thereof by reading it back to the complainant and making amendments, if necessary.

(4) Subject to subregulation (1), a complaint is submitted in writing by submitting a completed and signed form in Annexure A to the Office of the Ombudsman.

(5) A complaint must specify—

- (a) the name, identity or passport number and contact particulars of the complainant, if available;
- (b) the nature of the complaint;
- (c) the date and place of the incident;
- (d) a description of the incident and the grounds on which the complainant believes that the complaint should be investigated;
- (e) the name of any police official involved in the incident or matter, if known to the complainant;
- (f) the name of the police station, if applicable;
- (g) the names and addresses, if available, of any person who can provide information relevant to the complaint;
- (h) information regarding other mechanisms that the complainant has used in an attempt to resolve the complaint;
- (i) particulars of any person who was involved in an attempt to resolve the complaint; and
- (j) any other relevant information or documents that can be used during the investigation.

(6) The completed and signed form in Annexure A must be accompanied by the following documents:

- (a) a copy of the complainant's identity document or passport, if available; and
- (b) if a person is submitting the complaint as a member or in the interests of a group or class of persons or on behalf of an association or organisation, proof that the person submitting the complaint is authorised to act on behalf of the group or class of persons or on behalf of the association or organisation.

(7) A staff member who is duly designated by the Ombudsman must render the necessary assistance, free of charge, to enable any person to comply with this regulation.

Manner of submitting complaints

3. (1) An oral complaint in person or by telephone as contemplated in regulation 2(1) may be submitted to the Office of the Ombudsman as contemplated in regulation 2(2) and (3).

(2) A written complaint contemplated in regulation 2(4) must be submitted to the Office of the Ombudsman in the following manner:

- (a) by handing it in at the Office of the Ombudsman during office hours;
- (b) by facsimile;
- (c) by registered post, in which case the complainant must keep proof that the complaint has been posted;
- (d) by e-mail; or
- (e) by completing and submitting a complaint form online on the website or social-media page of the Office of the Ombudsman or the website of the Department.

(3) A complainant may give notice of his or her intention to submit a complaint to the Office of the Ombudsman by sending a message to the Office of the Ombudsman by Short Message Service (SMS).

(4) A complainant contemplated in subregulation (3) must as soon as reasonably possible submit his or her complaint orally in terms of regulation 2(1), (2) and (3) or in writing in terms of regulation 2(4) and subregulation (2) to the Office of the Ombudsman.

Processing of complaints

4. (1) The Ombudsman must acknowledge receipt of a complaint submitted to the Office of the Ombudsman.

(2) The Ombudsman must upon receipt of a complaint determine whether the complaint falls within the ambit of section 16(1) or (2) of the Act.

(3) Any complaint or aspect thereof may be referred in writing by the Ombudsman to an appropriate authority or institution that is competent to deal with the complaint.

(4) The complainant must be informed in writing by the Ombudsman of the referral of a complaint to an appropriate authority or institution.

(5) If a complaint is investigated by the Ombudsman, the complainant must be informed in writing by the Ombudsman that his or her complaint is being investigated by an identified investigating officer and of the name and contact details of the investigating officer.

Notice of investigation

5. The Ombudsman must give written notice to the executive head of the municipal police service concerned or the Provincial Commissioner, as the case may be, of an investigation in terms of section 17 of the Act and invite the police service concerned to submit written comment on the complaint to the Ombudsman within the period stated in the notice.

Publication of information regarding investigations

6. If the Ombudsman is investigating a complaint and it appears that further information is required from members of the public, the Ombudsman may, in addition to the notice in the *Provincial Gazette* in terms of section 17(3) of the Act, publish information regarding the complaint being investigated and, if applicable, information required in connection with the investigation in any newspaper circulating in the area concerned and invite members of the public to make written representations regarding the complaint to the Ombudsman.

Cooperation by organs of state in investigations

7. (1) The Ombudsman must, before exercising the power in terms of section 18(1) or (2) of the Act to direct, or request an explanation from, a police official or person employed by an organ of state first try to obtain the co-operation in terms of subregulations (2) to (7) of the police service or organ of state concerned for purposes of investigating the complaint.

(2) The Ombudsman may, during the performance of his or her functions, request through the Provincial Commissioner or the executive head of the relevant municipal police service or organ of state an interview with a police official or official of the organ of state relating to the investigation of a complaint.

(3) The purpose of the interview contemplated in subregulation (2) is to—

- (a) where necessary, inform the police official or official of the organ of state concerned more fully of the complaint;
- (b) obtain the view of the police official or official of the organ of state concerned regarding the complaint and the factual averments on which the complaint is based; and
- (c) if possible, resolve the complaint.

(4) During the interview contemplated in subregulation (2), the police official or official of the organ of state must—

- (a) provide the information relevant to the investigation, either in writing or orally, as may reasonably be required; and
- (b) produce any document in his or her possession or under his or her control, as may reasonably be required.

(5) A police official or official of an organ of state required to attend an interview may, depending on the circumstances, be given reasonable notice either orally or in writing of the nature and purpose of the interview and the date, place and time thereof.

(6) The Ombudsman must bring section 30(1) of the Act to the attention of a police official or official of an organ of state that attends an interview contemplated in subregulation (2).

(7) The Ombudsman must ensure that any document received from the police or organ of state is duly recorded and kept in safe custody.

(8) Any refusal by a police official or official of an organ of state to co-operate with the Ombudsman in terms of this regulation must be brought to the attention of the Provincial Commissioner or executive head of the relevant municipal police service or organ of state, as the case may be, and the Provincial Minister.

Methods of investigation

8. The method, including the following methods or any combination thereof, to be followed in conducting an investigation in terms of section 17 of the Act must be determined by the Ombudsman with due regard to the circumstances of each case:

- (a) communication by telephone, e-mail or any other form of correspondence;
- (b) research, inspections *in loco*, surveys or questionnaires;
- (c) meetings with affected persons reasonably believed to have information relevant to the investigation;
- (d) appearance of a person before the Ombudsman for purposes of obtaining or clarifying information, or to produce any document as contemplated in section 18(1) of the Act;
- (e) requests to persons to give explanations as contemplated in section 18(2) of the Act.

Form of directions and requests

9. (1) A direction or request by the Ombudsman in terms of section 18(1) or (2) of the Act must be in writing and contain the following:

- (a) particulars of the matter in connection with which the person is—
 - (i) directed to appear, submit an affidavit or affirmed declaration or to produce any document; or
 - (ii) requested to give an explanation;
- (b) the date, time and place of the appearance or where the affidavit or affirmed declaration must be submitted, the document must be produced or the explanation must be submitted; and
- (c) the reason the person has been—
 - (i) directed to appear, submit an affidavit or affirmed declaration or to produce any document; or
 - (ii) requested to give an explanation.

(2) The direction or request must be signed by the Ombudsman and be served by registered post or by hand on the person who is required to appear, submit an affidavit or affirmed declaration, produce any document or to give an explanation.

Legal representation and reply to implications

10. (1) A person directed to appear in terms of section 18(1) of the Act may not be assisted by a legal representative at an appearance unless he or she has applied to the Ombudsman to be so assisted and the Ombudsman has approved the application in terms of subregulation (2).

(2) If the Ombudsman is satisfied that the factual or legal issues justify that a person contemplated in subregulation (1) be assisted by a legal representative, the Ombudsman may approve that the person be so assisted provided that neither the Ombudsman nor the Office of the Ombudsman is liable for the costs of the legal assistance.

(3) A person directed to appear in terms of section 18(1) of the Act who is not in the employ of the state is entitled to witness fees in accordance with the tariff prescribed in the regulations issued in terms of section 191(3) of the Criminal Procedure Act, 1977 (Act 51 of 1977).

(4) If it appears to the Ombudsman during the course of an investigation that any person is being implicated in the matter being investigated and that the implication may be to the detriment of that person or result in an adverse finding against that person, the Ombudsman must afford that person an opportunity to reply in connection therewith in any manner that may be expedient under the circumstances.

(5) If the implication referred to in subregulation (4) is made by a person by virtue of a direction in terms of section 18(1) of the Act, the implicated person or his or her legal representative may not question the person who made the implication unless the Ombudsman is satisfied that the factual or legal issues justify the questioning.

Oath or affirmation

11. (1) The Ombudsman and all staff members appointed immediately before the commencement of these regulations must within 14 days of the commencement of these regulations take an oath or make an affirmation that must be undersigned by him or her in the following form:

“I, [*full name and surname*], declare under oath or affirm that I will in my capacity as Western Cape Provincial Police Ombudsman/staff member of the Office of the Western Cape Provincial Police Ombudsman and in the exercise of my powers and the performance of my functions in terms of the Act—

- (a) obey, respect and uphold the Constitution of the Republic of South Africa, 1996, the Constitution of the Western Cape, 1997, and the fundamental rights entrenched therein, and all other laws of the Republic; and
- (b) serve independently and impartially and act in good faith without fear, favour, bias or prejudice, subject to the Constitution of the Republic of South Africa, 1996, the Constitution of the Western Cape, 1997, and the law. (*In the case of an oath: So help me God.*)”.

(2) Any successor to the Ombudsman referred to in subregulation (1) or staff members appointed after the commencement of these regulations must before commencing to exercise or perform the powers or functions in terms of the Act, take an oath or make an affirmed declaration that must be undersigned by him or her in the form contemplated in subregulation (1).

Confidentiality and disclosure

12. (1) Every person employed in the execution of the functions of the Ombudsman, including any person appointed or designated to take down or record the proceedings of an investigation in writing or mechanically, or employed to transcribe the records so taken down or recorded, must preserve the confidentiality of any matter or information that may come to his or her knowledge in the performance of his or her duties in connection with the said functions, except in so far as the publication of such matter or information is necessary or incidental to any report of the Ombudsman.

(2) No person may disclose to any other person any matter or information obtained for the purpose of and in connection with an investigation in terms of sections 17 or 18 of the Act or allow any other person to have access to any records of the Ombudsman relating to an investigation, except in so far as it is necessary in the performance of his or her duties in connection with the functions of the Ombudsman or unless the Ombudsman determines otherwise.

(3) The Ombudsman may in the interest of justice direct that any category of persons or all persons whose presence is not desirable may not be present at an appearance in terms of section 18(1) of the Act.

Recording of proceedings

13. (1) When a person appears before the Ombudsman to give oral evidence in terms of section 18(1) of the Act, the proceedings must be taken down or recorded in a manner determined by the Ombudsman.

(2) A person appointed or designated to—

(a) take down or record the proceedings in terms of section 18(1) of the Act, must at the outset take an oath or make an affirmation that must be undersigned by him or her in the following form:

“I, *[full name and surname]*, declare under oath or affirm that I will faithfully and to the best of my ability take down or record the proceedings and related matters by using the method determined by the Ombudsman or a person designated in terms of section 18(3) of the Western Cape Community Safety Act, 2013 (Act 3 of 2013).
(*In the case of an oath: So help me God.*)”; and

(b) transcribe the record of proceedings of the Ombudsman referred to in paragraph (a) must upon completion of the transcription take an oath or make an affirmation that must be undersigned by him or her in the following form:

“I, *[full name and surname]*, declare under oath or affirm that I have fully and to the best of my ability transcribed the whole of the record of the proceedings of the Ombudsman handed to me in this matter. (*In the case of an oath: So help me God.*)”.

Methods of resolving complaints

14. The Ombudsman must try to resolve a complaint at the earliest possible opportunity in any appropriate manner in accordance with these regulations, including the following:

- (a) where insufficient information has been provided, by requesting the complainant to provide further information;
- (b) where sufficient information has been provided, by sending a notice contemplated in regulation 5 to the executive head of the municipal police service concerned or the Provincial Commissioner and requesting a response to the complaint;
- (c) where all the required information is received, by proceeding with a negotiation and conciliation process, if necessary;
- (d) where the complaint cannot be resolved by a negotiation and conciliation process, by finalising the investigation and submitting a report and recommendation to the Provincial Minister.

Conclusion of complaints

15. (1) A complaint is concluded by the Ombudsman under the following circumstances:

- (a) before or after conclusion of an investigation where the complaint is rejected due to the fact that it does not fall within the ambit of the Act or if it is frivolous or vexatious;
- (b) if the complaint is resolved by means of agreement, negotiation or conciliation;
- (c) after conclusion of an investigation where it is found that—
 - (i) there is police inefficiency or a breakdown in relations but it could not be resolved and if a report is submitted as contemplated in section 17(8) of the Act;
 - (ii) there was police inefficiency or a breakdown in relations and if the said police inefficiency or a breakdown in relations is remedied; or

- (iii) there was police inefficiency or a breakdown in relations and the said police inefficiency or breakdown in relations has been reported to the Provincial Commissioner or the executive head of the municipal police service concerned to deal with the matter further;
 - (d) if a complaint is withdrawn by the complainant and the Ombudsman is satisfied that there are no compelling reasons to proceed with the investigation; or
 - (e) if a complainant despite request does not provide further information that is within his or her knowledge and which is required to finalise the investigation of the complaint.
- (2) The Ombudsman may within his or her discretion on appropriate grounds reopen any complaint that was concluded in terms of this regulation.
- (3) The Ombudsman must keep a record of the exercise of his or her functions, including the following:
- (a) all complaints received, including the following categories:
 - (i) investigated complaints;
 - (ii) referred complaints;
 - (iii) concluded complaints;
 - (iv) complaints not concluded;
 - (b) the particulars of the complainant;
 - (c) the category of each complaint and the number of complaints received in each category;
 - (d) the police station or police unit involved;
 - (e) the outcome of all complaints referred by the Provincial Minister to the Provincial Commissioner or executive head of the municipal police service concerned; and
 - (f) the outcome of all complaints referred by the Ombudsman to any other appropriate authority or institution.

Reporting by Ombudsman

16. (1) The Ombudsman must submit the report contemplated in section 13(1) of the Act to the Provincial Minister in writing within 30 days of the end of each financial year.

(2) The Provincial Minister must table the report contemplated in section 13(1) of the Act in the Provincial Parliament within 30 days of receiving the report.

Certificate of appointment of investigating officers

17. (1) A certificate of appointment issued to an investigating officer in terms of section 18(5) of the Act must be in writing, signed by the Ombudsman and set out the following:

- (a) the full names and identity number of the investigating officer;
- (b) a recent photograph of the investigating officer; and
- (c) the functions in terms of sections 18(1) or (2) of the Act to be performed by the investigating officer.

(2) An investigating officer must when performing a function in terms of sections 18(1) or (2) of the Act show his or her certificate of appointment to any person who is affected by the exercise of the functions of the investigating officer and requests to see the certificate.

Conditions of appointment

18. (1) The remuneration payable to or conditions of appointment of an investigating officer who is not in the full-time service of the state must be determined in accordance with the laws governing appointments within the public service or the procurement of services at the time of the appointment.

(2) An investigating officer contemplated in subregulation (1) performs his or her functions faithfully and diligently and subject to the control and directions of the Ombudsman.

Short title

19. These regulations are called the Western Cape Provincial Police Ombudsman Regulations, 2015.

ANNEXURE A

Form 1

WESTERN CAPE DEPARTMENT OF COMMUNITY SAFETY

COMPLAINT TO THE OMBUDSMAN

**Western Cape Community Safety Act, 2013 (Act 3 of 2013)
(Section 16 of the Act)**

| | |
|------------------------------------|----------------------|
| Details of Complainant | |
| Surname: | |
| Full first names: | |
| Identity or passport number: | |
| Residential address: | |
| Postal address: | |
| Home tel. no.: | Work tel. no.: |
| Cell. no.: | e-mail: |
| Fax no.: | |

| |
|---|
| Details of the complaint <i>(Attach further pages if more space is required.)</i> |
| 1. Provide a short explanation of the complaint. |
| 2. Date and place of occurrence |
| 3. Provide a description of the incident and explain why you believe that the complaint should be investigated. |
| 4. Provide the names and addresses of any other person who could provide information relevant to the complaint. |

5. Provide information regarding other mechanisms you have used to try to resolve the complaint.
.....
.....
.....

6. Provide particulars of any person who was involved in trying to resolve the complaint.
.....
.....

7. Provide all other relevant information known to you.
.....
.....
.....
.....
.....

8. Provide the name of any police official(s) involved in the incident or matter, if known.
.....
.....

9. Provide the name of the police station and the police reference number, if known.
.....
.....

I, the complainant whose details are provided above, confirm that the information provided by me is to the best of my knowledge true and correct.

Signature: _____ **Date:** _____

PROVINSIALE KENNISGEWING

P.K. 364/2015

22 Oktober 2015

**DEPARTEMENT VAN GEMEENSKAPSVEILIGHEID:
REGULASIES VIR DIE WES-KAAPSE PROVINSIALE POLISIE-OMBUDSMAN, 2015**

Die Provinsiale Minister van Gemeenskapsveiligheid het die regulasies uiteengesit in die Bylae kragtens artikel 31 van die Wes-Kaapse Wet op Gemeenskapsveiligheid, 2013 (Wet 3 van 2013), gemaak.

BYLAE**INDELING VAN REGULASIES***Regulasies*

1. Woordomskrywing
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3. Wyse van indiening van klagtes
4. Verwerking van klagtes
5. Kennisgewing van ondersoek
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19. Kort titel

Woordomskrywing

1. In hierdie regulasies het 'n woord of uitdrukking waaraan daar in die Wes-Kaapse Wet op Gemeenskapsveiligheid, 2013 (Wet 3 van 2013), 'n betekenis geheg is, die betekenis aldus daaraan geheg en, tensy dit uit die samehang anders blyk, beteken—

“**die Wet**” die Wes-Kaapse Wet op Gemeenskapsveiligheid, 2013 (Wet 3 van 2013);

“**klaer**” 'n persoon of lid van die Provinsiale Parlement beoog in artikel 16 van die Wet wat 'n klagte by die Ombudsman indien;

“**klagte**” 'n klagte wat ingevolge artikel 16(1) of (2) van die Wet by die Ombudsman ingedien is;

“**ondersoekbeampte**” 'n personeellid of ander geskikte persoon wat ingevolge artikel 18(3) van die Wet as ondersoekbeampte aangewys is;

“**personeellid**” 'n personeellid van die Kantoor van die Ombudsman wat by artikel 10 van die Wet ingestel is.

Indiening van klagtes

2. (1) 'n Klagte wat by die Ombudsman ingedien word, moet verkieslik op skrif wees, maar 'n mondelinge klagte wat persoonlik of per telefoon ingedien word, kan aanvaar word—

- (a) indien dit nie vir 'n persoon wat 'n klagte wil indien moontlik is om dit op skrif te stel nie;
- (b) indien dit nie vir 'n persoon wat 'n klagte wil indien moontlik is om 'n skriftelike klagte aan die Kantoor van die Ombudsman te rig nie; of
- (c) indien die klagte oor 'n dringende aangeleentheid handel wat dit onraadsaam maak om op 'n skriftelike klagte aan te dring.

(2) 'n Mondelinge klagte moet so gou as wat redelikerwys moontlik is op skrif gestel word deur 'n personeellid wat behoorlik deur die Ombudsman aangewys is, op die vorm waarvoor daar in Aanhangsel A voorsiening gemaak word.

(3) Die behoorlik aangewese personeellid moet nadat 'n mondelinge klagte wat ingevolge subregulasie (2) op skrif gestel is die korrektheid daarvan bevestig deur dit terug te lees aan die klaer en wysigings aan te bring, indien nodig.

(4) Behoudens subregulasie (1) word 'n klagte skriftelik ingedien deur 'n voltooide en ondertekende vorm in Aanhangsel A by die Kantoor van die Ombudsman in te dien.

(5) 'n Klagte moet die volgende spesifiseer:

- (a) die naam, identiteits- of paspoortnommer en kontakbesonderhede van die klaer, indien beskikbaar;
- (b) die aard van die klagte;
- (c) die datum en plek van die voorval;
- (d) 'n beskrywing van die voorval en die gronde waarop die klaer van mening is dat die klagte ondersoek behoort te word;
- (e) die naam van enige polisiebeampte betrokke by die voorval of aangeleentheid, indien bekend aan die klaer;
- (f) die naam van die polisiestasië, indien van toepassing;
- (g) die name en adresse, indien beskikbaar, van enige persoon wat inligting tersaaklik tot die klagte kan verskaf;
- (h) inligting oor ander meganismes wat die klaer gebruik het in 'n poging om die klagte op te los;
- (i) besonderhede van enige persoon wat betrokke was by 'n poging om die klagte op te los;
en

(j) enige ander tersaaklike inligting of dokumente wat gedurende die ondersoek gebruik kan word.

(6) Die voltooide en ondertekende vorm in Aanhangsel A moet van die volgende dokumente vergesel word:

(a) 'n afskrif van die klaer se identiteitsdokument of paspoort, indien beskikbaar; en

(b) indien 'n persoon die klagte indien as 'n lid of in belang van 'n groep of klas persone of namens 'n vereniging of organisasie, bewys dat die persoon wat die klagte indien gemagtig is om namens die groep of klas persone of namens die vereniging of organisasie op te tree.

(7) 'n Personeellid wat behoorlik deur die Ombudsman aangewys is, moet die nodige bystand gratis verleen ten einde enige persoon in staat te stel om aan hierdie regulasie te voldoen.

Wyse van indiening van klagtes

3. (1) 'n Mondelinge klagte persoonlik of per telefoon soos beoog in regulasie 2(1) kan by die Kantoor van die Ombudsman ingedien word soos beoog in regulasie 2(2) en (3).

(2) 'n Skriftelike klagte beoog in regulasie 2(4) moet op die volgende wyse by die Kantoor van die Ombudsman ingedien word:

(a) deur dit gedurende kantoorure by die Kantoor van die Ombudsman in te handig;

(b) per faksimilee;

(c) per geregistreerde pos, in welke geval die klaer bewys moet hou dat die klagte gepos is;

(d) per e-pos; of

(e) deur 'n klagtevorm aanlyn te voltooi en in te dien op die webblad of sosialemedia-blad van die Kantoor van die Ombudsman of die webblad van die Departement.

(3) 'n Klaer kan kennis gee van sy voorneme om 'n klag by die Kantoor van die Ombudsman in te dien deur 'n boodskap per Kortboodskapdiens (SMS) aan die Kantoor van die Ombudsman te rig.

(4) 'n Klaer beoog in subregulasie (3) moet so gou as wat redelikerwys moontlik is sy of haar klagte mondelings ingevolge regulasie 2(1), (2) en (3) of skriftelik ingevolge regulasie 2(4) en subregulasie (2) by die Kantoor van die Ombudsman indien.

Verwerking van klagtes

4. (1) Die Ombudsman moet ontvangs erken van 'n klagte wat aan die Kantoor van die Ombudsman gerig is.

(2) Die Ombudsman moet by ontvangs van 'n klagte bepaal of die klagte binne die omvang van artikel 16(1) of (2) van die Wet val.

(3) Enige klagte of aspek daarvan kan skriftelik deur die Ombudsman verwys word na 'n geskikte owerheid of instelling wat bevoeg is om die klagte te hanteer.

(4) Die klaer moet skriftelik deur die Ombudsman in kennis gestel word van die verwysing van 'n klagte na 'n geskikte owerheid of instelling.

(5) Indien 'n klagte deur die Ombudsman ondersoek word, moet die klaer skriftelik deur die Ombudsman in kennis gestel word dat sy of haar klagte deur 'n bepaalde ondersoekbeampte ondersoek word en van die naam en kontakbesonderhede van die ondersoekbeampte.

Kennisgewing van ondersoek

5. Die Ombudsman moet skriftelike kennis gee aan die uitvoerende hoof van die betrokke munisipale polisie diens of die Provinsiale Kommissaris, na gelang van die geval, van 'n ondersoek ingevolge artikel 17 van die Wet en moet die betrokke polisie diens uitnooi om binne die tydperk vermeld in die kennisgewing skriftelike kommentaar oor die klage by die Ombudsman in te dien.

Publisering van inligting oor ondersoeke

6. Indien die Ombudsman 'n klage ondersoek en dit blyk dat verdere inligting van lede van die publiek benodig word, kan die Ombudsman benewens die kennisgewing in die *Provinsiale Koerant* ingevolge artikel 17(3) van die Wet inligting oor die klage wat ondersoek word en, indien van toepassing, inligting wat in verband met die ondersoek benodig word, publiseer in enige koerant in omloop in die betrokke gebied en lede van die publiek uitnooi om skriftelike vertoë oor die klage aan die Ombudsman te rig.

Samewerking deur staatsorgane in ondersoeke

7. (1) Die Ombudsman moet voor die uitoefening van die bevoegdheid ingevolge artikel 18(1) of (2) van die Wet om 'n polisiebeampte of persoon in diens van 'n staatsorgaan te gelas of te vra om 'n verduideliking, eers probeer om ingevolge subregulasies (2) tot (7) die samewerking van die betrokke polisie diens of staatsorgaan te bekom ten einde die klage te ondersoek.

(2) Die Ombudsman kan, gedurende die verrigting van sy of haar funksies, deur die Provinsiale Kommissaris of die uitvoerende hoof van die betrokke munisipale polisie diens of staatsorgaan 'n onderhoud met 'n polisiebeampte of beampte van die staatsorgaan versoek in verband met die ondersoek van 'n klage.

(3) Die doel van die onderhoud beoog in subregulasie (2) is om—

- (a) waar nodig, die betrokke polisiebeampte of beampte van die staatsorgaan meer volledig oor die klage in te lig;
- (b) die mening van die betrokke polisiebeampte of beampte van die staatsorgaan te verkry oor die klage en die feitelike bewerings waarop die klage gegrond is; en
- (c) indien moontlik, die klage op te los.

(4) Gedurende die onderhoud beoog in subregulasie (2) moet die polisiebeampte of beampte van die staatsorgaan—

- (a) die inligting tersaaklik tot die ondersoek verstrek, hetsy skriftelik of mondelings, soos wat redelikerwys vereis kan word; en
- (b) enige dokument in sy of haar besit of onder sy of haar beheer oorhandig, soos wat redelikerwys vereis kan word.

(5) 'n Polisiebeampte of beampte van 'n staatsorgaan wat 'n onderhoud moet bywoon, kan afhangend van die omstandighede redelike kennis gegee word, hetsy mondelings of skriftelik, van die aard en doel van die onderhoud en die datum, plek en tyd daarvan.

(6) Die Ombudsman moet artikel 30(1) van die Wet onder die aandag bring van 'n polisiebeampte of beampte van 'n staatsorgaan wat 'n onderhoud beoog in subartikel (2) bywoon.

(7) Die Ombudsman moet toesien dat enige dokument wat van die polisie of staatsorgaan ontvang word behoorlik aangeteken en veilig bewaar word.

(8) Enige weiering deur 'n polisiebeampte of beampte van 'n staatsorgaan om ingevolge hierdie regulasie met die Ombudsman saam te werk, moet onder die aandag gebring word van die Provinsiale

Kommissaris of die uitvoerende hoof van die betrokke munisipale polisie diens of staatsorgaan, na gelang van die geval, en die Provinsiale Minister.

Metodes van ondersoek

8. Die metode, met inbegrip van die volgende of enige kombinasie daarvan, wat gevolg moet word by die uitvoering van 'n ondersoek ingevolge artikel 17 van die Wet moet deur die Ombudsman bepaal word met behoorlike inagneming van die omstandighede van elke geval:

- (a) kommunikasie per telefoon, e-pos of enige ander vorm van korrespondensie;
- (b) navorsing, terplaatsondersoeke opnames of vraelyste;
- (c) vergaderings met geraakte persone wat op redelike gronde vermoed word oor inligting beskik wat tersaaklik tot die ondersoek is;
- (d) verskyning van 'n persoon voor die Ombudsman om inligting te bekom of te verduidelik, of om enige dokument voor te lê soos beoog in artikel 18(1) van die Wet;
- (e) versoeke aan persone om verduidelikings te gee soos beoog in artikel 18(2) van die Wet.

Vorm van lasgewings en versoeke

9. (1) 'n Lasgewing of versoek deur die Ombudsman ingevolge artikel 18(1) of (2) van die Wet moet op skrif wees en die volgende bevat:

- (a) besonderhede van die aangeleentheid in verband waarmee die persoon—
 - (i) gelas word om te verskyn, 'n beëdigde verklaring of plegtige verklaring in te dien of enige dokument voor te lê; of
 - (ii) versoek word om 'n verduideliking te gee;
- (b) die datum, tyd en plek van die verskyning of waar die beëdigde verklaring of plegtige verklaring ingedien, die dokument voorgelê of die verduideliking ingedien moet word; en
- (c) die rede waarom die persoon—
 - (i) gelas word om te verskyn, 'n beëdigde verklaring of plegtige verklaring in te dien of enige dokument voor te lê; of
 - (ii) versoek word om 'n verduideliking te gee.

(2) Die lasgewing of versoek moet onderteken word deur die Ombudsman en per geregistreerde pos of per hand beteken word aan die persoon wat moet verskyn, 'n beëdigde verklaring of plegtige verklaring moet indien, enige dokument moet voorlê of 'n verduideliking moet gee.

Regsverteenvoording en antwoord op implikasies

10. (1) 'n Persoon wat gelas is om ingevolge artikel 18(1) van die Wet te verskyn, mag nie deur 'n regsverteenvoordiger bygestaan word by 'n verskyning nie, tensy hy of sy by die Ombudsman aansoek gedoen het om aldus bygestaan te word en die Ombudsman die aansoek ingevolge subregulasie (2) goedgekeur het.

(2) Indien die Ombudsman daarvan oortuig is dat die feite- of regs kwessies regverdig dat 'n persoon beoog in subregulasie (1) deur 'n regsverteenvoordiger bygestaan word, kan die Ombudsman goedkeur dat die persoon aldus bygestaan word mits nóg die Ombudsman nóg die Kantoor van die Ombudsman vir die koste van die regsbystand aanspreeklik is.

(3) 'n Persoon wat ingevolge artikel 18(1) van die Wet gelas is om te verskyn wat nie in diens van die staat is nie is geregtig op getuiegelde ooreenkomstig die tarief voorgeskryf in die regulasies gemaak ingevolge artikel 191(3) van die Strafproseswet, 1977 (Wet 51 van 1977).

(4) Indien dit in die loop van 'n ondersoek vir die Ombudsman blyk dat enige persoon geïmpliseer word in die aangeleentheid wat ondersoek word en dat die implikasie tot nadeel van daardie persoon kan wees of tot 'n nadelige bevinding teen daardie persoon kan lei, moet die Ombudsman daardie persoon 'n geleentheid bied om in verband daarmee te antwoord op enige wyse wat in die omstandighede dienstig is.

(5) Indien die implikasie bedoel in subregulasie (4) deur 'n persoon gemaak word uit hoofde van 'n lasgewing ingevolge artikel 18(1) van die Wet, mag die geïmpliseerde persoon of sy of haar regsverteenwoordiger nie die persoon wat die implikasie gemaak het, ondervra nie tensy die Ombudsman daarvan oortuig is dat die feite- of regskwessies die ondervraging regverdig.

Eed of plegtige verklaring

11. (1) Die Ombudsman en alle personeellede wat onmiddellik voor die inwerkingtreding van hierdie regulasies aangestel is moet binne 14 dae van die inwerkingtreding van hierdie regulasies 'n eed of plegtige verklaring aflê wat deur hom of haar onderteken moet word, in die volgende vorm:

“Ek, [*volledige naam en van*] verklaar onder eed of plegtig dat ek in my hoedanigheid as Wes-Kaapse Provinsiale Polisie-ombudsman/personeellid van die Kantoor van die Wes-Kaapse Provinsiale Polisie-ombudsman en in die uitoefening van my bevoegdhede en verrigting van my funksies ingevolge die Wet—

- (a) die Grondwet van die Republiek van Suid-Afrika, 1996, die Grondwet van die Wes-Kaap, 1997, en die basiese regte verskans daarin, en alle ander reg van die Republiek sal gehoorsaam, eerbiedig en handhaaf; en
- (b) onafhanklik en onpartydig sal dien en in goeie trou sonder vrees, begunstiging, partydigheid of vooroordeel sal optree onderworpe aan die Grondwet van die Republiek van Suid-Afrika, 1996, die Grondwet van die Wes-Kaap, 1997, en die reg. (*In die geval van 'n eed: So help my God.*)”.

(2) Enige opvolger van die Ombudsman bedoel in subregulasie (1) of personeellede wat aangestel is na die inwerkingtreding van hierdie regulasies moet voordat hy of sy begin om die bevoegdhede of funksies ingevolge die Wet uit te oefen of te verrig 'n eed of plegtige verklaring aflê wat deur hom of haar onderteken moet word, in die vorm beoog in subregulasie (1) .

Vertroulikheid en bekendmaking

12. (1) Elke persoon wat in diens is ter uitvoering van die funksies van die Ombudsman, met inbegrip van enige persoon wat aangestel of aangewys is om die verrigtinge van 'n ondersoek skriftelik of meganies aan te teken of op te neem, of in diens geneem is om die rekords wat aldus aangeteken of opgeneem is, te transkribeer, moet die vertroulikheid handhaaf van enige aangeleentheid of inligting waarvan hy of sy te wete kom by die verrigting van sy of haar pligte in verband met die genoemde funksies, behalwe vir sover die publisering van sodanige aangeleentheid of inligting nodig is vir of verband hou met enige verslag van die Ombudsman.

(2) Geen persoon mag enige aangeleentheid of inligting wat vir die doel van en in verband met 'n ondersoek ingevolge artikels 17 of 18 van die Wet verkry is aan enige ander persoon bekendmaak of toelaat dat enige ander persoon toegang het tot enige rekords van die Ombudsman rakende 'n ondersoek nie, behalwe vir sover dit nodig is by die verrigting van sy of haar pligte in verband met die funksies van die Ombudsman of tensy die Ombudsman anders bepaal.

(3) Die Ombudsman kan in belang van geregtigheid gelas dat enige kategorie persone of alle persone wie se teenwoordigheid nie wenslik is nie, nie teenwoordig mag wees nie by 'n verskyning ingevolge artikel 18(1) van die Wet.

Aantekening van verrigtinge

13. (1) Wanneer 'n persoon voor die Ombudsman verskyn om mondelinge getuienis af te lê ingevolge artikel 18(1) van die Wet moet die verrigtinge aangeteken of opgeneem word op 'n wyse wat die Ombudsman bepaal.

(2) 'n Persoon wat aangestel of aangewys is om—

(a) die verrigtinge ingevolge artikel 18(1) van die Wet aan te teken of op te neem, moet aan die begin 'n eed of plegtige verklaring aflê wat deur hom of haar onderteken moet word, in die volgende vorm:

“Ek, [*volledige naam en van*], verklaar onder eed of plegtig dat ek die verrigtinge en verbandhoudende aangeleenthede getrou en na my beste vermoë sal aanteken of opneem deur die metode te gebruik wat bepaal word deur die Ombudsman of 'n persoon aangewys ingevolge artikel 18(3) van die Wes-Kaapse Wet op Gemeenskapsveiligheid, 2013 (Wet 3 van 2013). (*In die geval van 'n eed: So help my God.*)”; en

(b) die rekord van verrigtinge van die Ombudsman bedoel in paragraaf (a) te transkribeer, moet by voltooiing van die transkripsie 'n eed of plegtige verklaring, wat deur hom of haar onderteken moet word, in die volgende vorm aflê:

“Ek, [*volledige naam en van*], verklaar onder eed of plegtig dat ek die hele rekord van die verrigtinge van die Ombudsman wat aan my oorhandig is in hierdie aangeleentheid, volledig en na my beste vermoë getranskribeer het. (*In die geval van 'n eed: So help my God.*)”.

Metodes om klagtes op te los

14. Die Ombudsman moet probeer om 'n klagte by die vroeë moontlike geleentheid op enige gepaste wyse ooreenkomstig hierdie regulasies op te los, met inbegrip van die volgende:

- (a) waar onvoldoende inligting verskaf is, deur die klaer te versoek om verdere inligting te verskaf;
- (b) waar voldoende inligting verskaf is, deur 'n kennisgewing beoog in regulasie 5 aan die uitvoerende hoof van die betrokke munisipale polisie diens of die Provinsiale Kommissaris te stuur en 'n antwoord op die klagte te versoek;
- (c) waar alle vereiste inligting ontvang is, deur voort te gaan met 'n proses van onderhandeling en versoening, indien nodig;
- (d) waar die klagte nie deur 'n proses van onderhandeling en versoening opgelos kan word nie, deur die ondersoek te finaliseer en 'n verslag en aanbeveling aan die Provinsiale Minister voor te lê.

Afhandeling van klagtes

15. (1) 'n Klagte is afgehandel deur die Ombudsman in die volgende omstandighede:

- (a) voor of na afhandeling van 'n ondersoek waar die klagte verwerp word weens die feit dat dit nie binne die omvang van die Wet val nie of indien dit beuselagtig of kwelsugtig is;
- (b) indien die klagte deur middel van ooreenkoms, onderhandeling of versoening opgelos is;
- (c) na afhandeling van 'n ondersoek waar daar bevind is dat—
 - (i) daar polisie-onbevoegdheid of 'n verbrokkeling in betrekkinge is maar dit nie opgelos kon word nie en indien 'n verslag soos beoog in artikel 17(8) van die Wet ingedien word;

- (ii) daar polisie-onbevoegdheid of 'n verbrokkeling in betrekkinge was en indien genoemde polisie-onbevoegdheid of 'n verbrokkeling in betrekkinge reggestel is; of
 - (iii) daar polisie-onbevoegdheid of 'n verbrokkeling in betrekkinge was en die genoemde polisie-onbevoegdheid of verbrokkeling in betrekkinge by die Provinsiale Kommissaris of die uitvoerende hoof van die betrokke munisipale polisie diens aangemeld is om die aangeleentheid verder te hanteer;
 - (d) indien 'n klagte deur die klaer teruggetrek word en die Ombudsman daarvan oortuig is dat daar geen dwingende redes is om met die ondersoek voort te gaan nie; of
 - (e) indien 'n klaer ondanks 'n versoek nie verdere inligting verskaf nie wat aan hom of haar bekend is en wat benodig word om die ondersoek van die klagte af te handel.
- (2) Die Ombudsman kan na goeë dunde op gepaste gronde enige klagte heropen wat ingevolge hierdie regulasie afgehandel is.
- (3) Die Ombudsman moet 'n rekord hou van die uitoefening van sy of haar funksies, met inbegrip van die volgende:
- (a) alle klagtes wat ontvang is, met inbegrip van die volgende kategorieë:
 - (i) klagtes wat ondersoek is;
 - (ii) klagtes wat verwys is;
 - (iii) klagtes wat afgehandel is;
 - (iv) klagtes wat onafgehandel is;
 - (b) die besonderhede van die klaer;
 - (c) die kategorie van elke klagte en die aantal klagtes wat in elke kategorie ontvang is;
 - (d) die polisie-stasie of polisie-eenheid wat betrokke is;
 - (e) die uitslag van alle klagtes wat deur die Provinsiale Minister verwys is na die Provinsiale Kommissaris of die uitvoerende hoof van die betrokke munisipale polisie diens; en
 - (f) die uitslag van alle klagtes wat deur die Ombudsman na enige ander geskikte owerheid of instelling verwys is.

Verslagdoening deur Ombudsman

- 16.** (1) Die Ombudsman moet die verslag beoog in artikel 13(1) van die Wet binne 30 dae van die einde van elke finansiële jaar skriftelik aan die Provinsiale Minister voorlê.
- (2) Die Provinsiale Minister moet die verslag beoog in artikel 13(1) van die Wet binne 30 dae van ontvangs daarvan by die Provinsiale Parlement indien.

Aanstellingsertifikaat van ondersoekbeamptes

- 17.** (1) 'n Aanstellingsertifikaat wat ingevolge artikel 18(5) van die Wet aan 'n ondersoekbeampte uitgereik is, moet op skrif wees, deur die Ombudsman geonderteken wees en die volgende uiteensit:
- (a) die volledige name en identiteitsnommer van die ondersoekbeampte;
 - (b) 'n onlangse foto van die ondersoekbeampte; en
 - (c) die funksies ingevolge artikel 18(1) of (2) van die Wet wat deur die ondersoekbeampte verrig word.
- (2) 'n Ondersoekbeampte moet by die verrigting van 'n funksie ingevolge artikel 18(1) of (2) van die Wet sy of haar aanstellingsertifikaat wys aan enige persoon wat deur die uitoefening van die funksies van die ondersoekbeampte geraak word en versoek om die sertifikaat te sien.

Aanstellingsvoorwaardes

18. (1) Die besoldiging betaalbaar aan en aanstellingsvoorwaardes van 'n ondersoekbeampte wat nie voltyds in diens van die staat is nie moet bepaal word ooreenkomstig die wette wat aanstellings in die staatsdiens of die verkryging van dienste ten tyde van die aanstelling reguleer.

(2) 'n Ondersoekbeampte beoog in subregulasie (1) verrig sy of haar funksies getrou en deeglik en onderhewig aan die beheer en lasgewings van die Ombudsman.

Kort titel

19. Hierdie regulasies heet die Regulasies vir die Wes-Kaapse Provinsiale Polisie-ombudsman, 2015.

AANHANGSEL A

Vorm 1

WES-KAAPSE DEPARTEMENT VAN GEMEENSKAPSVEILIGHEID

KLAGTE AAN DIE OMBUDSMAN

**Wes-Kaapse Wet op Gemeenskapsveiligheid, 2013 (Wet 3 van 2013)
(Artikel 16 van die Wet)**

| | |
|---------------------------------------|---------------------|
| Besonderhede van Klaer | |
| Volle voorname: | |
| Identiteits- of paspoortnommer: | |
| Woonadres: | |
| Posadres: | |
| Tel.nr. Huis: | Tel.nr. Werk: |
| Selnr.: | E-pos: |
| Faksnr.: | |

| |
|--|
| Besonderhede van die klagte <i>(Heg verdere bladsye aan as meer ruimte nodig is.)</i> |
| 1. Gee 'n kort uiteensetting van die aard van die klagte. |
| 2. Datum en plek van gebeurtenis |
| 3. Gee 'n beskrywing van die voorval en die gronde waarop u van mening is die klagte ondersoek moet word. |

4. Verskaf die name en adresse van enige ander persone wat inligting oor die klagte kan verskaf.

.....
.....
.....

5. Verskaf inligting oor ander meganismes wat u gebruik het in 'n poging om die klagte op te los.

.....
.....
.....
.....

6. Verskaf besonderhede van enige persoon wat betrokke was by 'n poging om die klagte op te los.

.....
.....

7. Verskaf alle ander tersaaklike inligting wat aan u bekend is.

.....
.....
.....
.....
.....

8. Verskaf die naam van enige polisiebeampte(s) wat by die voorval of aangeleentheid betrokke is, indien bekend.

.....
.....

9. Verskaf die naam van die polisiestasie en die polisieverwysingsnommer, indien bekend.

.....
.....

Ek, die klaer wie se besonderhede hierbo verskaf word, bevestig dat die inligting wat deur my verskaf is, na my beste wete waar en korrek is.

Handtekening:

Datum

ISAZISO SEPHONDO

I.S. 364/2015

22 kweyeDwarha 2015

**ISEBE LOKHUSELEKO LOLUNTU:
IMIGAQO KANOZIKHALAZO WAMAPOLISA EPHONDO LENTSHONA KOLONI, 2015**

UMphathiswa wePhondo woKhuseleko loLuntu uzimisele wenze imigaqo echazwe kwiShedyuli phantsi kwecandelo 31 loMthetho weNtshona Koloni woKhuseleko loLuntu, 2013 (uMthetho 3 wama-2013).

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Inkcazo-magama

1. Kule migaqo, igama okanye ibinzana elisetyenzisiweyo elinentsingiselo enikiweyo kuMthetho weNtshona Koloni woKhuseleko loLuntu, 2013 (UMthetho 3 wama-2013) ligcina kwalo ntsingiselo inye, ngaphandle kokuba imeko ibhekisa kwinto eyahlukileyo—

“**umfaki-sikhalazo**” uthetha umntu okanye ilungu lePalamente yePhondo elichazwe kwicandelo 16 loMthetho elifaka isikhalazo kuNozikhalazo;

“**isikhalazo**” sithetha isikhalazo esingeniswe kuNozikhalazo kulandelwa icandelo 16 (1) okanye (2) loMthetho;

“**igosa lophando**” lithetha umsebenzi weziko okanye umntu ofanelekileyo onikwe umsebenzi wokuba ligosa eliphandayo ngokwemiqathango yecandelo 18(3) loMthetho;

“**umntu osebenzela iziko**” lithetha umsebenzi weOfisi kaNozikhalazo emiselwe ngokwemiqathango yecandelo 10 loMthetho;

“**uMthetho**” uthetha uMthetho weNtshona Koloni woKhuseleko loLuntu, 2013 (UMthetho 3 wama-2013).

Ukungeniswa kwezikhalazo

2. (1) Isikhalazo esiya kuNozikhalazo masingene sibhaliwe, kambe ke, nokuba umntu uze ngokwakhe waza kusichaza ngomlomo okanye wafowuna, neso singasamkela—

(a) ukuba ngaba loo mntu ufaka isikhalazo akakwazi kusingenisa sibhaliwe;

(b) ukuba loo mntu unqwenela ukufaka isikhalazo akanandlela yakuthumela isikhalazo esibhaliweyo kwiOfisi kaNozikhalazo; okanye

(c) ukuba isikhalazo eso siqulethe umba ongxamisekileyo, nto leyo enyanzelisa ukuba eso sikhalazo asinakubhalwa ngelo xesha.

(2) isikhalazo esichazwe ngomlomo, kufuneka sibhalwe ngoko nangoko kwakufumaneka ixesha lokuba sibhalwe ngumsebenzi weziko, onikwe loo msebenzi nguNozikhalazo, asebenzise ifomu ekwiSihlomelo A.

(3) Umsebenzi weziko okhethiweyo, makathi, emva kokuba esibhale phantsi isikhalazo ebesingeniswe ngomlomo, elandela umgaqo (2), aqinisekise ukuba ngaba usibhale kakuhle ngokuthi asifundele umfaki-sikhalazo ze enze izilungiso, ukuba oko kuyimfuneko.

(4) Ngokomgaqwana (1), isikhalazo sifakwa sibhaliwe ngokungenisa ifomu ezalisiweyo nesayiniweyo ekwiSihlomelo A kwiOfisi kaNozikhalazo.

(5) Isikhalazo masiquathe ezi zinto—

(a) igama, inombolo yesazisi okanye yepasipoti kunye neenombolo zoqhagamshelwano zomfaki-sikhalazo, ukuba zikhona;

(b) uhlobo lwesikhalazo;

(c) Umhla nendawo yesehlo;

(d) Inkcazelo yesehlo eso kunye nezizathu ezibangela ukuba umfaki-sikhalazo akholelwe ukuba esi sikhalazo masiphandwe;

(e) igama lalo naliphi na ipolisa ebelibandakanyeka kweso sehlo okanye kuloo mba, ukuba ngaba umfaki-sikhalazo uyalazi;

(f) igama lesitishi samapolisa, ukuba likhona;

(g) amagama needilesi, ukuba zikhona, zaye nawuphi na umntu onokunika iinkcukacha ezihambelana nesikhalazo;

(h) iinkcukacha zezinye iindlela ezisetyenziswe ngumfaki-sikhalazo xa ebezama ukusombulula esi sikhalazo;

(i) iinkcukacha zaye nawuphi na umntu obebhandakanyeka ekusombululeni esi sikhalazo; kunye

(j) naziphi na ezinye iinkcukacha okanye amaxwebhu anokusetyenziswa ngexesha lophando.

(6) Ifomu ezalisiweyo nesayiniweyo ekwiSihlomelo A kufuneka ikhatshwe ngala maxwebhu alandelayo:

- (a) ikopi yesazisi okanye yepasipoti yomfaki-sikhalazo, ukuba ikhona; kananjalo
- (b) ukuba umntu ufaka isikhalazo njengelungu okanye egameni leqela okanye ihlelo labantu okanye egameni lombutho, makubekho ubungqina bokuba lo mntu ufaka isikhalazo ulinikiwe igunya lokumela iqela, okanye ihlelo labantu okanye umbutho.

(7) Umsebenzi weziko otyunjwe nguNozikhhalazo kufuneka abonelele ngoncedo olufunekayo, olunikezwa mahala, ukunceda wonke ubani akwazi ukuwuthobela lo mqathango.

Indlela yokungenisa izikhalazo

3. (1) Isikhalazo esifakwe ngomlomo okanye ngefowuni ngendlela exelwe kumqathango 2(1), singangeniswa kwiOfisi kaNozikhhalazo kulandelwa umqathango 2(2) no-(3).

(2) Isikhalazo esibhaliweyo esixelwe kumqathango 2(4) masingeniswe kwiOfisi kaNozikhhalazo ngezi ndlela zilandelayo—

- (a) ngokusingenisa kwiOfisi kaNozikhhalazo ngeeyure zomsebenzi;
- (b) ngefeksi;
- (c) ngeleta erejistarishiweyo, apho umfaki-sikhalazo kulindeleke ukuba agcine ubungqina bokuba isikhalazo siposiwe;
- (d) nge-imeyili; okanye
- (e) ngokuzalisa ze angenise ifomu yesikhalazo ayithumele ngekhompyutha kwiwebhusayithi yeOfisi kaNozikhhalazo okanye ngamajelo okuncokola ngekhompyutha okanye ngeselula yeOfisi kaNozikhhalazo okanye kwiwebhusayithi yeSebe.

(3) Umfaki-sikhalazo anganikeza isaziso senjongo yakhe yokungenisa isikhalazo kwiOfisi kaNozikhhalazo ngokuthumela umyalezo kule Ofisi kaNozikhhalazo esebenzisa iNkonzo yeSelula yeMiyalezo eMifutshane (SMS).

(4) Umfaki-sikhalazo ochazwe kumgaqwana (3) makathi ngokukhawuleza afake isikhalazo sakhe ngomlomo elandela umgaqo 2(1), (2) okanye (3) okanye asibhale elandela umgaqo 2(4) nomgaqwana (2) kwiOfisi kaNozikhhalazo.

Inkqubo yoqwalaselo lwezikhhalazo

4. (1) UNozikhhalazo kufuneka echazile ukuba usifumene isikhalazo esithunyelwe kwiOfisi kaNozikhhalazo.

(2) Akusifumana isikhalazo uNozikhhalazo, kufuneka ajonge ukuba ingaba esi sikhalazo sifanele ukuza kuye na ngokwemiqathango yecandelo 16(1) okanye (2) loMthetho.

(3) UNozikhhalazo angasidlulisela nasiphi na isikhalazo okanye inxalenye yaso kugunyaziwe ofanelekileyo okanye kwiziko elifanelekileyo ukuba lijongane neso sikhalazo ngokuthi alibhalele.

(4) Umfaki-sikhalazo kufuneka abhalelwe aziswe nguNozikhhalazo xa ethe wasidlulisela isikhalazo kwelinye iziko elifanele ukusijonga.

(5) Ukuba isikhalazo siphandwa nguNozikhhalazo, umfaki-sikhalazo makaziswe ngokuthi abhalelwe nguNozikhhalazo ukuba isikhalazo sakhe siyaphandwa ligosa lophando elichongiweyo, anikwe negama kunye neenkukacha zoqhagamshelwano zegosa eliphandayo.

Isaziso sophando

5. UNozikhhalazo makanikeze ngesaziso esibhaliweyo kwintloko ephethe inkonzo yamapolisa yomasipala ochaphazelekayo okanye uMkomishinala wePhondo, kuxhomekeke ukuba siya kubani, esimalunga nophando olo ngokwemiqathango yecandelo 17 loMthetho ze acele loo nkonzo yamapolisa ichaphazelekayo ukuba ingenise izimvo zayo ezibhaliweyo malunga neso sikhalazo kuNozikhhalazo kwisithuba sexesha elikhankanywe kweso saziso.

Ukupapashwa kweenkcukacha ezimalunga nophando

6. Ukuba uNozikhalazo uphanda isikhalazo yaye kubonakala ukuba kusafuneka ezinye iinkcukacha kuluntu, ukongeza kwisaziso, uNozikhalazo angathi apapashe *kwiGazethi yePhondo* ngokwemiqathango yecandelo 17(3) loMthetho, iinkcukacha malunga nesikhalazo esiphandwayo, yaye, ukuba kuyimfuneko, angapapasha neenkukacha ezihlangene nolu phando kulo naliphi na iphephandaba elijikeleza kuloo mmandla uchaphazelekayo, acele uluntu ukuba lungenise izimvo zalo ezibhaliweyo malunga nesikhalazo kuNozikhalazo.

Intsebenziswano namacandelo karhulumente kuphando

7. (1) Phambi kokusebenzisa amagunya okuyalela okanye okufuna inkcazelo kwipolisa okanye umntu oqeshwe liziko likarhulumente, , ngokwemiqathango yecandelo 18(1) okanye (2) loMthetho, uNozikhalazo kufuneka aqale afune intsebenziswano yenkonzo yamapolisa okanye yeziko likarhulumente elandela imiqathango yemigaqwana (2) ukuya ku-(6) ukulungiselela uphando lweso sikhalazo.

(2) UNozikhalazo angathi, xa esenza umsebenzi wakhe, acele kuMkomishinala wePhondo okanye kwintloko yamapolisa yomasipala ochaphazelekayo, okanye kwiziko likarhulumente, udliwano-ndlebe nepolisa okanye igosa leziko likarhulumente elinento yokwenza neso sikhalazo.

(3) Injongo yodliwano-ndlebe oluxelwe kumgaqwana (2) kukwenza oku—

(a) apho kuyimfuneko, kukwazisa ipolisa okanye igosa leziko likarhulumente elichaphazelekayo ngokupheleleyo ngesikhalazo eso;

(b) kukufumana uluvo lwepolisa okanye lwegosa leziko likarhulumente elichaphazelekayo malunga nesikhalazo nokufumana imiba yokwenyani esisekelwe kuso eso sikhalazo; kanaanjalo

(c) ukuba kunokwenzeka, kukuba kusonjululwe umbala lowo.

(4) Ngexesha lodliwano-ndlebe oluxelwe kumgaqwana (2), ipolisa okanye igosa leziko likarhulumente kufuneka—

(a) linikeze ngeenkukacha ezimalunga nolu phando, ngokuzibhala okanye ngokuzichaza ngomlomo, kuxhomekeke kuloo ndlela ifunwayo; yaye

(b) likhuphe naluphi na uxwebhu elinalo okanye elilawulwa nguye ngokweemfuno zomphandi.

(5) Ipolisa okanye igosa leziko likarhulumente elifuneka kudliwano-ndlebe, kuxhomekeke kwimeko, linganikwa isaziso ngokuchazelwa ngomlomo okanye ngeleta, lichazelwe ngohlobo kunye nenjongo yodliwan-ondlebe kunye nomhla, indawo kunye nexesha lwalo.

(6) UNozikhalazo kufuneka azise igosa lesipolisa okanye likarhulumente eliya kudliwano-ndlebe oluchazwe kumgaqwana (2) ngecandelo 30(1) loMthetho

(7) UNozikhalazo kufuneka aqinisekise ukuba naluphi na uxwebhu olufunyenwe kumapolisa okanye kwiziko likarhulumente luyarekhodwa phantsi ze lugcinwe kwindawo ekhuselekileyo.

(8) Ukuba ipolisa okanye igosa leziko likarhulumente liyala ukusebenzisana noNozikhalazo nangayiphi na indlela ngokwalo mqathango, oko kufuneka kuchazwe kuMkomishinala wePhondo okanye kwintloko yamapolisa yomasipala ochaphazelekayo okanye kwiziko likarhulumente, ngokwemeko leyo, kunye nakuMphathiswa wePhondo.

Iindlela zokwenza uphando

8. Indlela, kubandakanya oku kulandelayo okanye indibanisela yako, emayilandelwe ekwenzeni uphando ngokwemiqathango yecandelo 17 loMthetho mayigqitywe nguNozikhalazo kwimeko yomba ngamnye:

(a) unxibelelwano ngefowuni, nge-imeyili okanye ngezinye iindlela zonxibelelwano;

(b) uphando, uhlobo lwendawo ekumangalwa ngayo, imfuno-luvo okanye iifomu zemibuzo;

- (c) iintlanganiso namaqela achaphazelekayo okanye abantu ekukholeleka ukuba banolwazi oluphathelele kolo phando;
- (d) ukuvela komntu phambi koNozikhhalazo ngeenjongo zokufumana okanye zokucacisa ulwazi, okanye ukuza nawo nawaphi na amaxwebhu achazwe kwicandelo 18(1) loMthetho;
- (e) acele abantu ukuba banike ingcaciso njengoko kuchaziwe kwicandelo 18(2) loMthetho.

Uhlobo ehamba ngalo imiyalelo nezicelo

9. (1) Umyalelo okanye isicelo esiphuma kuNozikhhalazo ngokwemiqathango yecandelo 18(1) okanye (2) loMthetho kufuneka sibhalwe yaye kufuneka siqulathe oku kulandelayo:

(a) iinkcukacha zomcimbi umntu—

- (i) abizelwa wona, ezomba ekufuneka umntu efake ingxelo efungelweyo ngawo, nezaxa kufuneka ekhuphe amaxwebhu; okanye
- (ii) acelwe ukuba anike inkcazelo yawo;

(b) umhla, ixesha nendawo abizelwa kuyo okanye indawo ingxelo efungelweyo ekufuneka iye kungeniswa kuyo okanye ivezwe kuyo okanye indawo ekuza kungeniswa ingcaciso kuyo; kunye

(c) nesizathu sokuba—

- (i) abizwe, afake ingxelo efungelweyo ngawo okanye afake amaxwebhu; okanye
- (ii) acelwe ukuba anike inkcazelo.

(2) Lo myalelo okanye isicelo kufuneka sisayinwe nguNozikhhalazo ze sithunyelwe ngeleta erejistarishiweyo, sisiwe nguNozikhhalazo kulo mntu ubizwayo ukuba aze kuvela kwiofisi kaNozikhhalazo, okanye loo mntu kufuneka engenise ubungqina obufungelweyo, akhuphe amaxwebhu okanye anike inkcazelo.

Ukumelwa ngabomthetho nempendulo kwisityholo

10. (1) Umntu oyalelwe ukuba avele phambi koNozikhhalazo ngokwemiqathango yecandelo 18(1) loMthetho, akanakuncediswa ngummeli wezomthetho xa ebiziwe ngaphandle kokuba ufake isicelo kuNozikhhalazo ukuba abe nommeli yaye uNozikhhalazo usamkele eso sicelo ngokomgaqwana (2).

(2) Ukuba uNozikhhalazo wanelisekile ukuba imiba yesikhhalazo yenyanyisekileyo okanye imiba yezomthetho inyanzelisa ukuba umntu ochazwe kumgaqwana (1) ancediswe ngummeli wezomthetho, uNozikhhalazo angavuma ukuba loo mntu ancedwe kuphela ukuba iindleko zoncedo olo lwezomthetho azizukuba zezikaNozikhhalazo okanye ze-Ofisi kaNozikhhalazo.

(3) Umntu oyalelwe ukuba avele phambi koNozikhhalazo ngokwemiqathango yecandelo 18(1) loMthetho ongaqeshwanga ngurhulumente, unokuhlululwa imali yokuba lingqina ehambelana nomrhumo ochazwe kwimiqathango yecandelo 191(3) leCriminal Procedure Act, 1977 (UMthetho 51 ka-1977).

(4) Ukuba kuNozikhhalazo kubonakala ngathi ngexesha lophando kukho umntu obekwa izityholo kumcimbi ophandwayo yaye isiphumo soko singamchaphazela kakubi loo mntu, uNozikhhalazo kufuneka anike loo mntu ithuba lokuphendula kuloo mcimbi ngendlela enokuthi ikhawuleze ngokwaloo meko.

(5) Ukuba isiphumo ekubhekiswe kuso kumgaqwana (4) senzeke ngenxa yomntu olandela umyalelo ngokwemiqathango yecandelo 18(1) loMthetho, loo mntu utyholwayo okanye ummeli wakhe wasemthethweni akanakumbuza loo mntu ngaphandle kokuba uNozikhhalazo wanelisekile ukuba umcimbi lowo kufuneka ubuziwe.

Isifungo okanye isiqinisekiso

11. (1) UNozikhalazo kunye nabo bonke abasebenzi abaqeshwe phambi kokuqala kwale migaqo kufuneka, bathi zingaphelanga iintsuku ezili-14 zokuqala kwale migaqo, bathathe isifungo okanye banike isiqinisekiso ekufuneka sisayiniwe ngumntu osithathayo, esimi ngolu hlobo lulandelayo:

“Mna, [igama nefani], ndiyafunga okanye ndenza isiqinisekiso ukuba njengoNozikhalazo waMapolisa ePhondo leNtshona Koloni/njengomsebenzi weOfisi kaNozikhalazo waMapolisa ePhondo leNtshona Koloni, ekusebenziseni kwam amagunya nasekwenzeni kwam umsebenzi ngokoMthetho—

- (a) ndiya kuthobela, ndihloniphe ze ndilandele uMgaqo-siseko weRiphabliki yoMzantsi Afrika, ka-1996, uMgaqo-siseko weNtshona Koloni, ka-1997, kunye namalungelo angundoqo achazwe kuyo, kwakunye nayo yonke eminye imithetho yeRiphabliki; yaye
- (b) ndiya kusebenza ngokuzimeleyo nangokungenamkhethe, kananjalo ndiya kunyaniseka yaye andisayi koyika nto, ndingasayi kwenzelelela okanye ndicalule, ndiya kuthobela uMgaqo-siseko weRiphabliki yoMzantsi Afrika, ka-1996, uMgaqo-siseko weNtshona Koloni, ka-1997, nomthetho. (*Othathe isifungo uya kuthi: Ndincede Thixo.*)”

(2) Umntu ongene ezihlangwini zikaNozikhalazo ekubhekiswe kuye kumgaqwana (1) okanye abasebenzi abaqeshwe emva kokuqala kwale migaqo kufuneka phambi kokuqala ukusebenzisa amagunya abo okanye ukwenza umsebenzi wabo bathathe isifungo okanye banike isiqinisekiso ekufuneka sisayiniwe nguloo mntu usithathayo esixelwe kumgaqwana (1).

Ubumfihlo nokudiza

12. (1) Nabani na umntu oqeshelwe ukuba ancedise uNozikhalazo ukuba enze umsebenzi wakhe okanye oqeshelwe ukuba abhale iinkqubo zalo naluphi na uphando okanye azitayiphe, okanye akhuphele izinto ezithethwayo okanye azirekhode, kufuneka zonke ezo zinto azigcine ziyimfihlo; kanjalo kufuneka ewugcine uyimfihlo nawuphi na umba okanye iinkcukacha ezifika kuye xa esenza umsebenzi wakhe, ngaphandle kwaxa loo mba kufuneka upapashiwe okanye ezo nkcukacha ziyafuneka kuyo nayiphi na ingxelo kaNozikhalazo.

(2) Akukho mntu unokuchazela omnye malunga nomcimbi okanye iinkcukacha ezifunyenwe ngenjongo yophando okanye ezihlangene nophando ngokwemiqathango yamacandelo 17 okanye 18 oMthetho okanye avumele nawuphi na umntu ukuba afikelele kwiirekhodi zikaNozikhalazo ezidibene nophando, ngaphandle kwaxa kuyimfuneko ukuba azisebenzise xa esenza umsebenzi wakhe ohlangene nemisebenzi kaNozikhalazo okanye ngaphandle kokuba uNozikhalazo uza nesinye isigqibo.

(3) UNozikhalazo unokuthi elungiselela ubulungisa anike umyalelo wokuba abantu abathile abavumelekanga ukuba babekhona xa kuxoxwa ngesikhalazo esithile ngokwemiqathango yecandelo 18(1) loMthetho.

Ukurekhodwa kweenkqubo zokumanyelwa kwezikhalazo

13. (1) Xa umntu evela phambi koNozikhalazo ukuba anike ubungqina bomlomo ngokwemiqathango yecandelo 18(1) yalo Mthetho, ukumanyelwa kwesikhalazo makubhalwe okanye kurekhodwe ngendlela agqibe ngayo uNozikhalazo.

(2) Umntu oqeshelwe okanye okhethelwe ukuba—

- (a) abhale okanye arekhode ukumanyelwa kwesikhalazo ngokwemiqathango yecandelo 18(1) loMthetho, kufuneka kwasekuqaleni athathe isifungo okanye isiqinisekiso ekufuneka asisayine ngolu hlobo lulandelayo:

“Mna, [igama nefani], ndiyafunga okanye ndiyaqinisekisa ukuba ndakubhala okanye ndakurekhoda ngokunyanisekileyo kangangoko ndinakho, iinkqubo zokumanyelwa kwezikhalazo kunye nezinto ezihamba nazo ndisebenzisa inkqubo ebekwe nguNozikhalazo okanye umntu othunywe nguye ngokwemiqathango

yecandelo 18(3) loMthetho weNtshona Koloni woKhuselo loLuntu, 2013 (UMthetho 3 wama-2013). (*Othathe isifungo uya kuthi: Ndincede Thixo*); kanaanjala

(b) xa umntu ekhuphela ngokuthi atayiphe zonke inkqubo zokumanyelwa kwezikhalazo uNozikhalazo abhekise kuzo kumgaqwana (a), kufuneka akugqiba ukutayipha, athathe isifungo okanye isiqinisekiso ekufuneka asisayine esingolu hlobo lulandelayo:

“Mna, [*igama nefani*], ndiyafunga okanye ndiyaqinisekisa ukuba ndikhuphele yonke into ibithethwa kwinkqubo yokumanyelwa kwezikhalazo kangangoko ndinakho, yeerekhodi endizunikwe nguNozikhalazo ezimalunga nesikhalazo. (*Othathe isifungo uya kuthi: Ndincede Thixo*)”.

Indlela yokusombulula izikhalazo

14. UNozikhalazo kufuneka azame ukusombulula isikhalazo kwithuba lokuqala alifumanayo ngendlela efanelekileyo ehambelana nale migaqo, ebandakanya oku kulandelayo—

- (a) apho kufakwe iinkcukacha ezingaphelelanga, kucelwe umfaki-sikhalazo ukuba anikeze ngezinye iinkcukacha;
- (b) apho kufakwe iinkcukacha ezipheleleyo, kuthunyelwe isaziso esixelwe kumqathango 5 kwintloko yamapolisa yomasipala ochaphazelekayo okanye UMkomishinala wePhondo ze kucelwe impendulo kwisikhalazo sakhe;
- (c) apho zonke iinkcukacha ezifunekayo zifunyenwe, makuqhutyekwe nenkqubo yeengxoxo neyoxolelwano, ukuba oko kuyimfuneko;
- (d) xa isikhalazo singasombululeki ngothetha-thethwano noxolelwano, makugqityezelwe uphando ze kufakwe ingxelo nesindululo kuMphathiswa wePhondo.

Ukusongwa kwezikhalazo

15. (1) Isikhalazo siye sisongwe nguNozikhalazo phantsi kwezi meko zilandelayo—

- (a) phambi okanye emva kokugqitywa kophando apho isikhalazo siye sakhatywa ngenxa yento yokuba asingeni phantsi kwalo Mthetho okanye asivakali okanye asibambeki;
- (b) ukuba isikhalazo sisonjululwe ngesivumelwano, ngothetha-thethwano okanye ngoxolelwano;
- (c) emva kokugqitywa kophando, apho kufunyaniswe ukuba—
 - (i) amapolisa akawenzi kakuhle umsebenzi wawo okanye kukho ukungavani okungasombululekanga, naxa ingxelo echazwe kwicandelo 17(8) loMthetho ingenisiwe;
 - (ii) amapolisa akawenzi kakuhle umsebenzi wawo okanye kukho ukungavani okungasombululekanga, naxa oko kungenzi kwamapolisa umsebenzi wawo nokungavani kuye kwalungiswa; okanye
 - (iii) amapolisa akawenzi kakuhle umsebenzi wawo okanye kukho ukungavani okungasombululekanga, naxa oko kungenzi kwamapolisa umsebenzi wawo nokungavani kuye kwachazwa kuMkomishinala wePhondo okanye kwintloko yenkonzo yesipolisa echaphazelekayokuze iqhube iwuqwalasele loo mba;
- (d) ukuba isikhalazo sirhoxisiwe ngumfaki-sikhalazo yaye uNozikhalazo wanelisekile ukuba akukho zizathu zimnyanzelisa ukuba aqhube nophando; okanye
- (e) ukuba umfaki-sikhalazo, noxa ecelwa ukuba abonelele ngezinye iinkcukacha, akezi nazo ngaphambili, ekufuneka zisetyenzisiwe ukugqibezela uphando lwesikhalazo.

(2) UNozikhalazo angasebenzisa amagunya akhe xa kukho izizathu, aphinde asivule nasiphi na isikhalazo ebesisongiwe, elandela lo mgaqo.

(3) UNozikhalazo kufuneka agcine iirekhodi zomsebenzi wakhe kubandakanywa oku kulandelayo:

- (a) zonke izikhalazo ezifunyenweyo, ezibandakanya ezi zintlu zilandelayo:
 - (i) izikhalazo eziphandiweyo;
 - (ii) izikhalazo ezidlulisiweyo;
 - (iii) izikhalazo ezisongiweyo;
 - (iv) izikhalazo ezingasonjululwanga;
- (b) iinkcukacha zomfaki-sikhalazo;
- (c) uluhlu lwesikhalazo ngasinye nenani lezikhalazo ezifunyenweyo kuluhlu ngalunye;
- (d) isitishi samapolisa okanye iyunithi yamapolisa ebandakanyekayo;
- (e) isiphumo sazo zonke izikhalazo ezithunyelwe nguMphathiswa wePhondo kuMkomishinala wePhondo okanye intloko yamapolisa yomasipala ochaphazelekayo; kunye
- (f) nesiphumo sazo zonke izikhalazo ezithunyelwe nguNozikhalazo kuye nawuphi na ungunyaziwe okanye iziko elifanelekileyo.

Unikezelo-ngxelo olwenziwa nguNozikhalazo

16. (1) UNozikhalazo kufuneka angenise ingxelo echazwe kwicandelo 13(1) loMthetho kuMphathiswa wePhondo ibhaliwe zingaphelanga iintsuku ezingama-30 ekupheleni konyaka-mali ngamnye.

(2) UMphathiswa wePhondo kufuneka athi thaca ingxelo echazwe kwicandelo 13(1) loMthetho kwiPalamente yePhondo zingaphelanga iintsuku ezingama-30 emva kokufumana ingxelo.

Isatifikethi sokuqeshwa kwamagosa ophando

17. (1) Isatifikethi sophando esinikwe igosa lophando ngokwemiqathango yecandelo 18(5) loMthetho kufuneka asinikwe sibhaliwe, sisayinwe nguNozikhalazo yaye sichaza oku kulandelayo:

- (a) amagama apheleleyo nenombolo yesazisi segosa lophando;
- (b) ifoto yamvanje yegosa lophando; kunye
- (c) nemisebenzi emayenziwe ligosa lophando ngokwamacandelo 18(1) okanye (2) oMthetho.

(2) Xa igosa lophando lisenza umsebenzi walo, kufuneka ngokwemiqathango yamacandelo 18(1) okanye (2) oMthetho libonise isatifikethi salo sengqesho kuye nawuphi na umntu ochaphazelekayo ngumsebenzi wegosa lophando othi acele ukubona isatifikethi sakhe.

Imiqathango yengqesho

18. (1) Umvuzo ohlawulwayo okanye imiqathangoyokuqeshwa kwegosa lophando elingengomsebenzi karhulumente oqeshwe isigxina kufunekwa igqitywe ilandele imithetho elawula ingqesho kwinkonzo karhulumente okanye elawula ukuthengwa kweenkonzo zeziko ngexesha lokuqeshwa kwalo.

(2) Igosa lophando elichazwe kumgaqwana (1) lenza umsebenzi walo ngokunyanisekileyo nangokuzinikela yaye liphantsi kolawulo likwalandela imiyalelo kaNozikhalazo.

Isihloko esifutshane

19. Le migaqo ibizwa ngokuba yiMigaqo kaNozikhalazo waMapolisa ePhondo leNtshona Koloni, 2015.

ISIHLOMELO A

Ifomu yoku-1

ISEBE LOKHUSELEKO LOLUNTU LENTSHONA KOLONI

SIKHALAZO ESIYA KUNOZIKHALAZO

**UMthetho weNtshona Koloni wezoKhuseleko loLuntu, 2013 (UMthetho 3 wama-2013)
(ICandelo 16 loMthetho)**

Inkcukacha zoMfaki-sicelo

Ifani:

Amagama apheleleyo okuqala:

Inombolo yesasizi okanye yepasipoti:

Idilesi yasekhaya:

Idilesi yeposi:

Inombolo yefowuni ekhaya: Inombolo yefowuni yomsebenzi:

Inombolo yeselula: I-imeyili:

Inkcukacha zomfaki-sikhalazo
(Qhoboshela amanye amaphepha ukuba udinga enye indawo yokubhala.)

1. Khawusinike inkcazelo emfutshane yesikhalazo.
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2. Umhla nendawo yesehlo

3. Sinike inkcazelo yesehlo ze ucacise ukuba kutheni ukholelwa ukuba esi sikhalazo kufanele ukuba masiphandwe.
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4. Sinike igama nedilesi yakhe nawuphi na omnye umntu onokunikeza iinkcukacha ezinokuxhasa esi sikhhalazo.

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5. Sichazele ngezinye iindlela ozizamileyo ukuzama ukusombulula esi sikhhalazo.

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6. Sinike iinkcukacha zomnye umntu obebandakanyeka ekuzameni ukusombulula isikhhalazo.

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7. Sinike zonke iinkcukacha ozaziyo ezinokunceda kwesi sikhhalazo.

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8. Sinike igama lalo naliphi na ipolisa/amapolisa abandakanyekayo kwisihlo okanye kumcimbi, ukuba uyawazi ukuba ngoobani.

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9. Sinike igama lesikhululo samapolisa nenombolo yesalathiso yasemapoliseni, ukuba uyasazi.

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Mna, mfaki-sicelo, oneenkukacha ezilapha ngentla, ndiyaqinisekisa ukuba ulwazi endilunikezileyo lunyanisekile yaye luchanekile ngokokwazi kwam.

Utyikityo:

Umhla:

