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THE PRESIDENCY

No. 628 03 June 2020

It is hereby notified that the President has assented to the following Act, which is hereby published for general information:—

Act No. 27 of 2019: Independent Police Investigative Directorate Amendment Act, 2019

IHHOVISI LIKAMONGAMELI

No. 628 03 June 2020

Ngalokhu kwaziswa ukuthi uMongameli usewuvumile loMthetho nosewuzoshicilelelwa umphakathi:—

Ino. 27 ka 2019: Isichibiyelo soMthetho weHhovisi loMqondisi wezamaPhoyisa Eliphenya Ngokuzimela, wezi-2019

GENERAL EXPLANATORY NOTE:

__________ Words underlined with a solid line indicate insertions in existing enactments.

(English text signed by the President)
(Assented to 26 May 2020)

ACT

To amend the Independent Police Investigative Directorate Act, 2011, so as to provide for parliamentary oversight in relation to the suspension, discipline or removal of the Executive Director; and to provide for related matters.

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

Amendment of section 6 of Act 1 of 2011

1. Section 6 of the Independent Police Investigative Directorate Act, 2011 (Act No. 1 of 2011) (hereinafter referred to as the principal Act), is hereby amended by the repeal of subsection (6).

Insertion of section 6A into Act 1 of 2011

2. The following section is hereby inserted after section 6 of the principal Act:

"**Removal from office of Executive Director**

6A. (1) The Executive Director may only be removed from office on the ground of misconduct, incapacity or incompetence—
(a) on a finding to that effect by a Committee of the National Assembly; and
(b) the adoption by the National Assembly of a resolution calling for that person's removal from office.

(2) The National Assembly may adopt a resolution contemplated in subsection (1)*(b)* with a supporting vote of at least two thirds of its members.

(3) The Minister—
(a) may suspend the Executive Director from office at any time after the start of the proceedings of a Committee of the National Assembly for the removal of that person; and
(b) must remove the Executive Director from office upon adoption by the National Assembly of a resolution calling for the Executive Director's removal.

INCAZELO EFINGQIWE:

________ Amagama adwetshelwe ngomugqa amele okufakiwe emthethweni osebenzayo.

(English text signed by the President)
(Assented to 26 May 2020)

UMTHETHO

Ukuchibiyela uMthetho weHhovisi loMqondisi wezamaPhoyisa Eliphenya Ngokuzimele, wezi-2011, ukuze uhlinzekele ukwengamela kwephalamende maqondana nokuxoshwa, ukuqondiswa kwezigwegwe noma ukususwa koMqondisi oMkhulu; kanye nokuhlinzekela izinto ezihambisanayo.

UZOMISWA yiPhalamende leRiphabhulikhi yaseNingizimu Afrika, kanje:—

Ukuchitshiyelwa kwesigaba sesi-6 soMthetho woku-1 wezi-2011

1. Isigaba sesi-6 soMthetho weHhovisi loMqondisi wezamaPhoyisa Eliphenya Ngokuzimele, wezi-2011 (uMthetho No. 1 wezi-2011) (lapha waziwa njengoMthetho-ngqangi), lapha uchitshiyelwe ngokuchitha isigatshana (6).

Ukufakwa kwesigaba sesi-6A eMthethweni woku-1 wezi-2011

2. Isigaba esilandelayo sifakwe emuva kwesigaba sesi-6 soMthethongqangi:

"**Ukususwa koMqondisi Omkhulu**

6A. (1) UMqondisi oMkhulu angasuswa kuphela ehhovisi ngezizathu zokungaziphathi kahle, ukukhubazeka noma uma engakwazi ukwenza umsebenzi—
(a) ekutholeni umphumela onjalo yiKomidi lesiGungu sikaZwelonke; kanye
(b) nokuthola kwesiGungu sikaZwelonke kwesisombululo sokuthi kususwe loyo muntu ehhovisi.

(2) Isigungu sikaZwelonke singathatha isisombululo okukhulunywe ngaso esigatshaneni (1)*(b)* ngevoti lokweseka lamalunga okungenani amabili kwamathathu.

(3) UNgqongqoshe—
(a) angaxosha uMqondisi omkhulu ehhovisi nangasiphi isikhathi emuva kokuqaliswa kwezingxoxo zeKomidi lesiGungu sikaZwelonke ukuthi kususwe loyo muntu; futhi
(b) kumele asuse uMqondisi oMkhulu ehhovisi emuva kokuthi isiGungu sikaZwelonke sithathe isisombululo sokuthi kususwe uMqondisi oMkhulu.

(4) The Minister may allow the Executive Director, at his or her request, to vacate his or her office—

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

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

(5) The Executive Director must address the request contemplated in subsection (4) to the Minister, at least six calendar months prior to the date on which the Executive Director wishes to vacate his or her office, unless the Minister grants a shorter period in a specific case.".

Short title and commencement

3. This Act is called the Independent Police Investigative Directorate Amendment Act, 2019, and comes into operation on a date to be determined by the President by proclamation in the *Gazette*.

(4) UNgqongqoshe angavumela uMqondisi oMkhulu, esicelweni sakhe, ukuthi ashiye ihhovisi lakhe—

(a) lapho enokugula okuqhubekayo; noma

(b) ngezinye izizathu uNgqongqoshe azibona zifanele.

(5) UMqondisi oMkhulu kumele aphendule isicelo okukhulunywe ngaso esigatshaneni (4) kuNgqongqoshe, okungenani ezinyangeni eziyisithupha zekhalenda ngaphambi kosuku uMqondisi oMkhulu afisa ngalo ukuphuma ehhovisi lakhe, ngaphandle uma uNgqongqoshe ekhipha isikhathi esingaphansi kwalokho.”.

Isihloko esifushane kanye nokuqaliswa

3. Lo Mthetho ubizwa ngokuthi Isichibiyelo soMthetho weHhovisi loMqondisi wezamaPhoyisa Eliphenya Ngokuzimele, wezi-2019, futhi uzoqala ukusebenza ngosuku oluzonqunywa uMongameli ngesaziso kuSomqulu.