



Legislation updated to: 31 August 2007

TRANSFER OF THE SOUTH AFRICAN RAILWAYS POLICE FORCE TO THE SOUTH AFRICAN POLICE ACT 83 OF 1986

[ASSENTED TO 25 AUGUST 1986]

[DATE OF COMMENCEMENT: 1 OCTOBER 1986]

(Afrikaans text signed by the State President)

as amended by

Transfer of the South African Railways Police Force to the South African Police
Amendment Act 14 of 1989

ACT

**To provide for the dissolution of the South African Railways Police Force;
the transfer of members of the South African Railways Police Force to the
South African Police; and for matters incidental thereto.**

1 Dissolution of the South African Railways Police Force and transfer of members thereof

(1) The South African Railways Police Force referred to in section 43 of the South African Transport Services Act, 1981 (Act 65 of 1981), is hereby dissolved and the functions of the South African Railways Police Force are hereby transferred to the South African Police.

(2) All persons who, immediately prior to the commencement of this Act, were members of the South African Railways Police Force, are, notwithstanding any other enactment, transferred to the South African Police.

(3) All persons referred to in subsection (2) transferred to the South African Police shall be deemed to have been enrolled in the South African Police for the purpose of section 2 (b) of the Police Act, 1958 (Act 7 of 1958).

(4) An officer of the South African Railways Police Force shall be deemed upon transfer to have been appointed by commission in terms of the provisions of section 3 of the Police Act, 1958 (Act 7 of 1958).

2 Conditions of service

(1) As from the commencement of this Act the conditions of service of all persons referred to in section 1 (3) above are governed and regulated by the provisions of the Public Service Act, 1984 (Act 111 of 1984), the Police Act, 1958 (Act 7 of 1958), and the Government Service Pension Act, 1973 (Act 57 of 1973): Provided that the retirement age applicable to such persons before the transfer referred to in section 1 (3), remains unchanged after such transfer.

(2) The rank and salary applicable to a person referred to in section 1 (3)

immediately prior to the commencement of this Act shall not be reduced as a result of such transfer.

(3) Service rendered in the South African Railways Police Force to the credit of a person referred to in section 1 (3) immediately prior to the commencement of this Act, shall, subject to the provisions of the Public Service Act, 1984 (Act 111 of 1984), and the Police Act, 1958 (Act 7 of 1958), for the purpose of a benefit, award or qualification for which such a person will be considered on the grounds of his years of service, be deemed to be service rendered in the South African Police.

3 Pension arrangements

A person referred to in section 1 (3) becomes a member of and a contributor to the Government Service Pension Fund as instituted by the Government Service Pension Act, 1973 (Act 57 of 1973), and his pensionable service with the New Railways and Harbours Superannuation Fund as provided by the Railways and Harbours Pensions Act, 1971 (Act 35 of 1971), or the Railways and Harbours Pension Fund for Non-White Employees as provided by the Railways and Harbours Pensions for Non-Whites Act, 1974 (Act 43 of 1974), shall be regarded as pensionable service for the purpose of such Government Service Pension Fund: Provided that the amount required by the Government Service Pension Fund is paid over to the Government Service Pension Fund, either from the New Railways and Harbours Superannuation Fund or from the Railways and Harbours Pension Fund for Non-White Employees, whichever is applicable, and thereafter such person shall have no further claim against the New Railways and Harbours Superannuation Fund or the Railways and Harbours Pension Fund for Non-White Employees.

4 Disciplinary matters

(1) Any disciplinary action in connection with alleged misconduct attributed to a person referred to in section 1 (3) prior to the date of the commencement of this Act, may be proceeded with or instituted by a competent member of the South African Police, as if such alleged misconduct had been committed after the date referred to.

(2) Appeals resulting from disciplinary action instituted against a person referred to in section 1 (3) and not finally disposed of at the commencement of this Act, shall not be finally disposed of by the relevant competent authority of the South African Transport Services, but shall be disposed of by a competent member of the South African Police in terms of the legal provisions applicable to members of the South African Police.

(3) Where a person referred to in section 1 (3) had been convicted on a disciplinary charge and had not as yet exercised his right of appeal at the date of the commencement of this Act, such person may, within 30 days from such date, appeal against his conviction and/or sentence to the competent authority in the South African Police, and such an appeal shall be dealt with in accordance with the legal provisions applicable to members of the South African Police.

5 Transfer of assets and liabilities

(1) The movable assets exclusively used by the South African Railways Police Force immediately prior to the commencement of this Act, shall be transferred to the South African Police without any obligation to pay compensation therefor.

(2) Unless the contrary is specifically provided for in this Act, all liabilities, rights and obligations binding upon or vested in the South African Railways Police Force or the South African Transport Services for or on behalf of that Force shall be transferred to the South African Police.

(3) Notwithstanding the provisions of subsection (2), litigation resulting from an act or omission of a member of the South African Railways Police Force and which, at the commencement of this Act, had already been instituted against the South African Transport Services, shall be continued against the South African Transport Services. Such litigation which at the commencement of this Act had not been instituted, shall after such commencement be instituted only against the Minister of Law and Order: Provided that the provisions of section 64 of the South African Transport Services Act, 1981 (Act 65 of 1981), shall *mutatis mutandis* be applicable to all claims arising prior to the date of the commencement of this Act.

6 Disposition of immovable assets

Immovable assets of which the South African Transport Services is the owner or user and which were used for functional purposes by the South African Railways Police Force immediately prior to the commencement of this Act and which the South African Police needs for such purposes after the commencement of this Act, may by way of mutual agreement between the South African Transport Services and the Department of Public Works and Land Affairs be placed at the disposal of the South African Police.

7 Lease of housing units

A residence, apartment or single quarters which the South African Transport Services leased to a member of the South African Railways Police Force immediately prior to the date of commencement of this Act, shall, from the said date, be let to such member by the South African Transport Services for a period of twelve months or such additional period as the exigencies of the service may necessitate and as may be agreed upon with the South African Transport Services as if the said lessee were an employee of the South African Transport Services during that period: Provided that the said lessee may terminate the tenancy during such period in accordance with the provisions of the agreement of lease.

8 Loan agreements in terms of housing schemes

(1) A loan agreement entered into with a member of the South African Railways Police Force in terms of a housing scheme of the South African Transport Services and which is operative immediately prior to the commencement of this Act, shall remain in force for a maximum period of twelve months as from such date as if the said person had been a member of the South African Transport Services during that period.

(2) If the loan agreement referred to in subsection (1) above provides for a loan amount of more than fifty thousand rand, the maximum period for which such an agreement remains in force after the date of commencement of this Act, shall, in addition to the period referred to in subsection (1), be extended by a further period of four years and the provisions of subsection (1) shall *mutatis mutandis* be applicable to such further period of four years: Provided that the relevant rate or rates of interest provided for in the relevant loan agreement shall be increased annually by two per cent as from the commencement of such further period of four years.

9 Transfer of unspent balance

The unspent balance of the amount provided for in the Transport Services Appropriation Act, 1986 (Act 26 of 1986), for the purpose of the South African Railways Police Force, as certified by the Auditor-General, shall, in regard to the transfer of duties to the South African Police, be paid over in six equally divided

monthly payments to the State Revenue Account.

10 Transfer of Police Reserve and termination of reservist services

(1) The Police Reserve referred to in section 46 of the South African Transport Services Act, 1981 (Act 65 of 1981), shall be included in and classified under the Police Reserve referred to in section 34A (1) of the Police Act, 1958 (Act 7 of 1958).

(2) The appointment of and rendering of services by the reservists referred to in section 51 of the South African Transport Services Act, 1981, (Act 65 of 1981), are hereby terminated.

10A Decorations and medals

An order, decoration or medal, and a bar, clasp or ribbon relating to such order, decoration or medal, which have been instituted, constituted or created under section 30 of the Conditions of Employment (South African Transport Services) Act, 1983 (Act 16 of 1983), and awarded under that section before the date of repeal thereof by section 12 of this Act to any person who was a member of the South African Railways Police Force, shall, for all purposes, be deemed to have been instituted, constituted or created and awarded under section 22 (2) of the Police Act, 1958 (Act 7 of 1958).

[S. 10A inserted by s. 1 of Act 14 of 1989.]

11 Meaning of member of South African Railways Police Force

Reference in any Act to a member of the South African Railways Police Force shall be deemed to be a reference to a member of 'the Force' as defined in section 1 of the Police Act, 1958 (Act 7 of 1958).

12 Repeal of Acts

The Acts referred to in the Schedule to this Act are hereby repealed to the extent set out in the third column of the Schedule.

13 Short title and commencement

This Act is called the Transfer of the South African Railways Police Force to the South African Police Act, 1986, and shall come into operation on 1 October 1986.

Schedule ACTS REPEALED

No and year of Act	Short title	Extent of repeal
Act 65 of 1981	South African Transport Services Act, 1981	Sections 43 up to and including 51.
Act 16 of 1983	Conditions of Employment (South African Transport Services) Act, 1983	Subsections (4) up to and including (6) of section 9, section 15 (1) (b), the proviso to section 19 (2) (a), and section 30.

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