

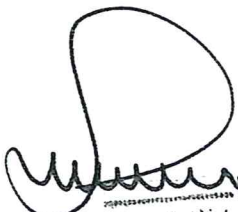


**JOINT DIRECTIVE BETWEEN
SOUTH AFRICAN POLICE SERVICE**

AND

PRIVATE SECURITY INDUSTRY REGULATORY AUTHORITY

1. We the undersigned, representing the Private Security Industry Regulatory Authority and the South African Police Service subscribe to the principles and directives set out in the attached letter Reference 45 /11 /4 dated 2017-05-31, issued by the Divisional Commissioner : Visible Policing to all Provincial Commissioners of the South African Police Service.
2. Consequently, we hereby jointly reiterate the importance of the said circular in order to achieve enhanced enforcement and compliance.
3. We furthermore undertake to issue or reissue this circular in our respective environments to ensure a uniform approach in both the private security industry and the South African Police Service.


MAJOR GENERAL
S. J. JEPHTA

LEUTENANT GENERAL
ACTING DIVISIONAL COMMISSIONER: VISIBLE POLICING
SJ JEPHTA (SOEG)

DATE:

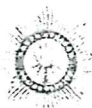
2019-07-12


PRIVATE SECURITY INDUSTRY REGULATORY AUTHORITY
ADVOCATE LINDA MBANA

DATE:

2019/06/06

SUID-AFRIKAANSE POLISIEDIENS



SOUTH AFRICAN POLICE SERVICE

Privaatsak/Private Bag X540, PRETORIA, 0001

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**DIVISIONAL COMMISSIONER
VISIBLE POLICING
HEAD OFFICE**

All Provincial Commissioners
SOUTH AFRICAN POLICE SERVICE

PRIVATE SECURITY INDUSTRY: UNLAWFUL USE OF IDENTIFICATION BLUE LIGHTS, LOOK-ALIKE POLICE VEHICLES, BRANDING AND UNIFORMS

1. My even-numbered letter dated 28 January 2013 has bearing on the above matter. Copy attached for ease of reference.
2. It has come to the attention of this Division that certain private security service providers and other entities continue to use branding, colours and lights that create the impression that such entities are linked to, or associated with the Service or may be mistaken for the Service.
3. **Look-alike vehicle branding**
 - 3.1 There are private security service providers having vehicles with branding which, at face value, closely resemble branding affixed to vehicles of the South African Police Service.
4. **Look-alike uniforms and insignia**
 - 4.1 In addition, certain private security service officers wear uniforms and insignia which, at face value, closely resemble uniforms and insignia worn by members of the South African Police Service.
5. **Blue lights and or strobe/rotating lights**
 - 5.1 In some instances private security service providers employ the use of blue lights and or strobe/rotating lights on their vehicles, while they are not in law permitted to do so.
6. **Potential impact to image of the Service**
 - 6.1 The use of SAPS look-alike vehicles, uniforms and insignia by certain private security service providers and other entities, is unlawful and serves to create confusion amongst the community.

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6.2 This practice could have serious legal consequences and potentially impact the image of the SAPS negatively, especially in instances where the conduct of these private security industry service providers, is unprofessional.

7. Related offences

7.1 Offences relating to look-alike uniforms and insignia:

7.1.1 Section 66(1) of the South African Police Service Act, 1995 (Act No.68 of 1995) states:

Any person who wears any uniform or distinctive badge or button of the services or wears anything materially resembling any such uniform, badge or button or wears anything with the intention that it should be regarded as such uniform, badge or button, shall, unless-

(a) he or she is a member entitled by reason of his or her appointment.

(b) he or she has been granted permission by the National or Provincial Commissioner to wear such uniform, badge or button, be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding six months.

7.1.2 Section 66(2) of the South African Police Service Act, 1995 (Act No.68 of 1995) states:

Any person who wears, or without written permission of the National Commissioner, makes use of any decoration or medal instituted, constituted or created under this Act, or its bar, clasp or ribbon, or anything so closely resembling any such decoration, medal, bar, clasp or ribbon, as to be calculated to deceive, shall, unless he or she is the person to whom such decoration or medal was awarded, be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding six months.

7.1.3 In terms of section 14 of the Merchandise Marks Act, 1941 (Act No. 17 of 1941), no person may use a mark, trade mark or emblem which consists of or contains the armorial bearings, any other state emblem of the Republic, an official sign or hallmark adopted by the Republic or an imitation thereof from a heraldic point of view, without the permission of the relevant authority. The use of the emblem of the Service is also protected in terms of the Heraldry Act, 1962 (Act No. 18 of 1962) and may not be published or displayed in any form without the prior approval of the Head: Communication and Liaison Services at Head Office. It is clear that the use of an emblem materially resembling an emblem of the Police Service is illegal. An emblem used by the security company which has various features in common with the emblem of the Police Service or uses the acronym or an abbreviation closely resembling the abbreviation used by the Police Service could easily be mistaken for the Police Service.

7.2 Offences relating to impersonating a police officer:

7.2.1 Section 68(1) of the South African Police Service Act, 1995 (Act No.68 of 1995) states:

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Any person who pretends that he or she is a member shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding two years.

- 7.2.2 Section 68(3) of the South African Police Service Act, 1995 (Act No.68 of 1995) states:

Any person who, in connection with any activity carried on by him or her takes, assumes, or uses or in any manner publishes any name, description, title or symbol indicating or conveying or purporting to indicate or convey or which is calculated or is likely to lead other persons to believe or infer that such activity is carried under or in terms of the provisions of this Act or patronage of the Service, or is in any manner associated or connected with the Service, without the approval of the National Commissioner, shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding six months.

- 7.3 Offences relating to unlawful use of blue lights, strobe and or flashing lights on vehicles:

- 7.3.1 In terms of section 89(1) of the National Road Traffic Act, 1996 (Act No. 93 of 1996) (hereinafter referred to as "the Act") read together with Regulation 185 of the Regulations issued in terms the Act (hereinafter referred to as "the Regulations"), ***"no lamp other than a lamp prescribed or authorised in terms of these Regulations shall at any time be fitted to any vehicle operated on a public road."***

8. Prescribed use of identification lights

- 8.1 Regulation 176 and Regulation 185 of the National Road Traffic Regulations, 2000 prescribe the following use of identifications lights in respect of:

Blue lights

A blue light may only be fitted on vehicles operated by:

- Members of the South African Police Service and Municipal Police Services;
- Traffic officers; and
- Members of the SANDF Military Police.

Red, Green, White lights

The following identification lights may be fitted on the following vehicles:

- Red lights – ambulances, fire-fighting or rescue vehicles;
- Green lights – disaster management vehicles; and
- White lights - vehicles owned by registered security service provider and driven by a security officer.

Amber lights

Amber lights can be used on the following emergency vehicles:

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- Employed in connection with the maintenance of public roads;
- Engaged in the distribution and supply of electricity;
- Engaged in the supply of essential public services;
- Operated in terms of the authority granted by the MEC in terms of Section 81 of the Act;
- Breakdown vehicles;
- Refuse compactor vehicles; and
- Vehicles carrying an abnormal load and in vehicles escorting them.

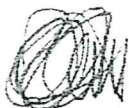
Orange lights

A flashing orange light may only be used as follows:

- Where a breakdown has occurred;
- Where maintenance or other work, or an inspection is being carried out; and
- When a breakdown vehicle is towing a motor vehicle, or in the event of a vehicle carrying an abnormal load.

Vehicles other than emergency vehicles or vehicles authorised by the relevant MEC in a province, may not be fitted with orange emergency lights.

- 8.2 Prescribed lights fitted to vehicles of the private security industry:
- 8.2.1 In terms of Section 176(7) of the National Road Traffic Regulations, 2000 vehicles used by the private security industry may be fitted with a white lens bar containing a lamp or lamps emitting an intermittently-flashing diffused white light in any direction and containing a notice illuminated by a white light containing the word "security" and the name of the owner of the vehicle in black letters: Provided that the said lamp or lamps shall not be capable of emitting a rotating or strobe light.
9. Provincial Commissioners are requested to circulate the contents of this communicate to all station and unit commanders under their command for urgent compliance.
10. Station Commanders must ensure that private security service providers operating within their police station precincts are compliant with the aforementioned prescripts of South African Police Service Act, 1995 (Act No.68 of 1995), Regulation 176 and Regulation 185 of the National Road Traffic Regulations, 2000 as well as the Private Security Industry Regulation Act, 2001 (Act No. 56 of 2001) and where any contraventions exist, institute the appropriate action.
11. Your support and cooperation in this regard is appreciated.



**LIEUTENANT GENERAL
DIVISIONAL COMMISSIONER: VISIBLE POLICING
NP MASIYE**

Date: 2017/05/31