

[Last checked: 29 August 2025.\*]

\*The last time this Act was reviewed for updates.

## INDEPENDENT POLICE INVESTIGATIVE DIRECTORATE ACT 1 OF 2011

[Updated to 29 August 2025.\*\*]  
\*\*Date of last changes incorporated into this Act.

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(English text signed by the President.)

(Assented to 12 May 2011)

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ProcR 3 in G. 35018 of 10 February 2012

### **Amended**

Independent Police Investigative Directorate Amendment Act 27 of 2019 (G. 43385 of 3 June 2020, with effect from 29 November 2024 [Proc 229 in G. 51637 of 22 November 2024]),  
Independent Police Investigative Directorate Amendment Act 15 of 2024 (G. 50990 of 30 July 2024, Commence: Ss 1-5, 7-11, 13, 15, 17, 19-24: 29 August 2025; Ss 6, 12, 14, 16, 18: To be proclaimed [Proc 283 in G. 53243 of 29 August 2025]).

### **Uncommenced Amendment**

Independent Police Investigative Directorate Amendment Act 15 of 2024 (G. 50990 of 30 July 2024, Commence: Ss 1-5, 7-11, 13, 15, 17, 19-24: 29 August 2025; Ss 6, 12, 14, 16, 18: To be proclaimed [Proc 283 in G. 53243 of 29 August 2025]).

## ACT

**To make provision for the establishment of an Independent Police Investigative Directorate and to regulate the functions of the Directorate, to provide for the establishment of a Management Committee and Consultative Forum and their respective functions; to provide for the appointment and powers of investigators; to provide for reporting obligations and cooperation by members of the South African Police Service and Municipal Police Services; to provide for transitional arrangements; to provide for the repeal and amendment of certain laws; and to provide for matters connected therewith.**

## PREAMBLE

WHEREAS section 206(6) of the Constitution provides that, on receipt of a complaint lodged by a provincial executive, an independent police complaints body established by national legislation must investigate any alleged misconduct of, or offence committed by, a member of the police service in the province;

AND WHEREAS there is a need to ensure effective independent oversight of the South African Police Service and Municipal Police Services;

AND WHEREAS Chapter 2 of the Constitution provides for the upholding and safeguarding of fundamental rights of every person,

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

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[Arrangement of sections amended by s 23 of Act 15 of 2024 with effect from date to be proclaimed.]

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**CHAPTER 1  
DEFINITIONS, OBJECTS OF ACT, ESTABLISHMENT, INDEPENDENCE AND IMPARTIALITY**

**1. Definitions**

In this Act, unless the context indicates otherwise—

“**buccal sample**” means buccal sample as defined in section 15E(e) of the South African Police Service Act;

[“buccal sample” inserted by s 1(a) of Act 15 of 2024 with effect from 29 August 2025.]

“**Committee**” means the Management Committee established under section 11;

“**Constitution**” means the Constitution of the Republic of South Africa, 1996;

“**Directorate**” means the Independent Police Investigative Directorate established in terms of section 3;

“**Directorate for Priority Crime Investigation**” means the Directorate for Priority Crime Investigation established in terms of section 17C of the South African Police Service Act;

[“Directorate for Priority Crime Investigation” inserted by s 1(b) of Act 15 of 2024 with effect from 29 August 2025.]

**“Executive Director”** means the Executive Director appointed in terms of section 6(1);

**“executive head of a municipal police service”** means the executive head of a municipal police service appointed in terms of section 64C of the South African Police Service Act;

[“executive head of a municipal police service” inserted by s 1(c) of Act 15 of 2024 with effect from 29 August 2025.]

**“financial year”** means the period from 1 April in any year to 31 March in the ensuing year;

**“firearm”** means a firearm as defined in section 1 of the Firearms Control Act, 2000 (Act 60 of 2000);

[“firearm” inserted by s 1(d) of Act 15 of 2024 with effect from 29 August 2025.]

**“fixed date”** ...

[“fixed date” deleted by s 1(e) of Act 15 of 2024 with effect from 29 August 2025.]

**“forum”** means the Consultative Forum established under section 15;

**“investigator”** means a person appointed under section 22;

**“MEC”** means the Member of the Executive Council of a province who is responsible for policing in that province;

**“Minister”** means the Minister of Police;

**“municipal manager”** means a municipal manager as defined in section 1 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000);

[“municipal manager” inserted by s 1(f) of Act 15 of 2024 with effect from 29 August 2025.]

**“municipal police service”** means a municipal police service established under section 64A of the South African Police Service Act;

**“National Commissioner”** means the National Commissioner of the South African Police Service, referred to in section 6(1) of the South African Police Service Act;

[“National Commissioner” inserted by s 1(g) of Act 15 of 2024 with effect from 29 August 2025.]

**“organ of state”** means an organ of state as defined in section 239 of the Constitution;

**“Provincial Commissioner”** means the Provincial Commissioner of a province as appointed in terms of section 6(2) of the South African Police Service Act;

[“Provincial Commissioner” inserted by s 1(h) of Act 15 of 2024 with effect from 29 August 2025.]

**“provincial head”** means a person appointed under section 20;

**“Public Finance Management Act”** means the Public Finance Management Act, 1999 (Act 1 of 1999);

**“Public Service Act”** means the Public Service Act, 1994 (Proclamation No. 103 of 1994);

**“Secretariat”** means the Civilian Secretariat for Police Service established in terms of section 4(1) of the Civilian Secretariat for Police Service Act, 2011;

**“Secretary”** means the Secretary for the Police Service appointed in terms of section 7(1) of the Civilian Secretariat for Police Service Act, 2011;

**“security clearance certificate”** means an official document issued by the Executive Director indicating the degree of security competence of a person;

**“South African Police Service”** means the South African Police Service established under section 5 of the South African Police Service Act;

[“South African Police Service” inserted by s 1(i) of Act 15 of 2024 with effect from 29 August 2025.]

**“South African Police Service Act”** means the South African Police Service Act, 1995 (Act 68 of 1995); and

**“State Security Agency”** means the State Security Agency as referred to in section 3(1) of the Intelligence Services Act, 2002 (Act 65 of 2002);

[“State Security Agency” inserted by s 1(j) of Act 15 of 2024 with effect from 29 August 2025.]

**“this Act”** includes the Schedule and regulations.

## **2. Objects of Act**

The objects of this Act are—

- (a) to give effect to the provision of section 206(6) of the Constitution establishing and assigning functions to the Directorate on national and provincial level;
- (b) to ensure independent oversight of the South African Police Service and Municipal Police Services;

- (c) to align provincial strategic objectives with that of the national office to enhance the functioning of the Directorate;
- (d) to provide for independent and impartial investigation of identified criminal offences allegedly committed by members of the South African Police Service and Municipal Police Services;
- (e) to make disciplinary recommendations in respect of members of the South African Police Service and Municipal Police Services resulting from investigations conducted by the Directorate;
- (f) to provide for close co-operation between the Directorate and the Secretariat; and
- (g) to enhance accountability and transparency by the South African Police Service and Municipal Police Services in accordance with the principles of the Constitution.

### **3. Establishment**

- (1) The Independent Police Investigative Directorate, to be structured at national level, with provincial offices, is hereby established.
- (2) The Directorate must exercise its functions in accordance with the Constitution, this Act and any other relevant law.  
[\[S 3\(2\) substituted by s 2 of Act 15 of 2024 with effect from 29 August 2025.\]](#)
- (3) The Directorate is financed from money that is appropriated by Parliament.

### **4. Independence and impartiality**

- (1) The Directorate is institutionally and operationally independent.  
[\[S 4\(1\) substituted by s 3\(a\) of Act 15 of 2024 with effect from 29 August 2025.\]](#)
- (2) Each organ of state must assist the Directorate to maintain its impartiality and to perform its functions effectively.
- (3) The Directorate must be independent, impartial and must exercise its powers and perform its functions without fear, favour, prejudice, or undue influence.  
[\[S 4\(3\) added by s 3\(b\) of Act 15 of 2024 with effect from 29 August 2025.\]](#)

**CHAPTER 2**  
**NATIONAL OFFICE**

**5 National office**

The national office is hereby established and is headed by the Executive Director.

**6. Appointment, remuneration and conditions of service of Executive Director**

(1) The Minister must—

- (a) appoint a panel to assist the Minister to identify suitably qualified candidates for appointment as the Executive Director, in accordance with a procedure determined by the Minister; and
- (b) nominate a suitably qualified person and submit the name of such person to the relevant Parliamentary Committee.

(2) The relevant Parliamentary Committee must, within a period of 30 parliamentary working days from the date of the submission of the name of the suitably qualified person contemplated in subsection (1)(b), confirm or reject such nomination.

(3)

(a) In the event of the nomination made in terms of subsection (1)(b) being confirmed by the relevant Parliamentary Committee, the Minister must appoint the nominated person as the Executive Director to head the Directorate in accordance with the responsibilities listed in section 7, for a non-renewable period of seven years.

(b) The person to be appointed as Executive Director must—

- (i) be a South African citizen;
- (ii) be a fit and proper person;
- (iii) possess an appropriate qualification in law, safety and security, or in administration of criminal justice or forensic investigation;

- (iv) have knowledge of safety and security, the policing environment and public administration for a cumulative period of between eight to 10 years at senior management level, at least three years of which must be within an organ of state as defined in the Constitution; and
  - (v) with due regard to his or her experience, demonstrate high levels of conscientiousness, integrity and commitment to human rights.
- (4) The remuneration, allowances, benefits and other terms and conditions of service of the Executive Director must be determined by the Minister, with the concurrence of the Minister responsible for Finance.
- (5)
  - (a) When the Executive Director is unable to perform the functions of office, or when the Executive Director position is vacant, the Minister may, with the concurrence of the relevant Parliamentary Committee, designate another person to act as Executive Director until the Executive Director returns to perform the functions of office, or until the vacant post is filled.
  - (b) In the event of the Executive Director position being vacant, the position must be filled within six months from the date of such vacancy in accordance with the process contemplated in subsections (1) to (4).
  - (c) If the vacant Executive Director position is not filled within a period of six months, the Minister must provide the relevant Parliamentary Committee and the Minister for Public Service and Administration with reasons for the delay and request an extension of the period which must not exceed a further period of six months.

[S 6 amended by s 1 of Act 27 of 2019 with effect from 29 November 2024; substituted by s 4 of Act 15 of 2024 with effect from 29 August 2025.]

#### **6A. Removal from office of Executive Director**

- (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.
- (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.

[S 6A inserted by s 2 of Act 27 of 2019 with effect from 29 November 2024.]

## **7 Responsibilities of Executive Director**

- (1) The Executive Director is the accounting officer of the Directorate and must ensure that—
  - (a) proper records of all financial transactions, assets and liabilities of the Directorate are kept;
  - (b) the financial affairs of the Directorate comply with the Public Finance Management Act; and
  - (c) an annual report is prepared in the manner contemplated in section 32.
- (2) The Executive Director is responsible for the appointment of the provincial heads of each province as contemplated in section 20(1).

[S 7(2) substituted by s 5(a) of Act 15 of 2024 with effect from 29 August 2025.]
- (3)
  - (a) The Executive Director must appoint such staff as may be necessary to enable the Directorate to perform its functions in terms of this Act.

- (b) The staff component must be established in accordance with the Public Service Act.
- (c) The conditions of service, including remuneration and allowances of such staff, are regulated in terms of the Public Service Act.
- (d) The Executive Director must direct that a register of declaration of interest by managers and investigators be kept in the prescribed form and manner.
- (e) The Executive Director must give guidelines with regard to—
  - (i) the investigation and management of cases by officials within the respective provincial offices;
  - (ii) administration of the national and provincial offices; and
  - (iii) training of staff at national and provincial level.
- (4) The Executive Director must refer criminal offences revealed as a result of an investigation, to the National Prosecuting Authority for criminal prosecution and notify the Minister of such referral.
- (5) The National Prosecuting Authority must notify the Executive Director of its intention to prosecute, whereafter the Executive Director must notify the Minister thereof and provide a copy thereof to the Secretary.
- (6)
  - (a) The Executive Director must ensure that recommendations regarding disciplinary matters are referred to the National Commissioner and where appropriate, to the relevant Provincial Commissioner, National Head or Provincial Head of the Directorate for Priority Crime Investigation, the executive head of the relevant municipal police service, or the Minister.
  - (b) The Executive Director must ensure that recommendations regarding disciplinary matters involving—
    - (i) a Provincial Commissioner are referred to the National Commissioner;
    - (ii) the Deputy National Head or Provincial Head of the Directorate for Priority Crime Investigation are referred to the National Head of the Directorate for Priority Crime Investigation;

- (iii) the National Head of the Directorate for Priority Crime Investigation are referred to the Minister;
  - (iv) the National Commissioner are referred to the Presidency through the Minister; and
  - (v) the executive head of a municipal police service to the relevant municipal manager.
- (c) In the event that the National Commissioner is being investigated by the Directorate, he or she may not directly or indirectly exercise his or her executive functions or authority in relation to such matter.
- [S 7(6) substituted by s 5(b) of Act 15 of 2024 with effect from 29 August 2025.]
- (7) Once a month the Executive Director must submit to the Minister a summary of the disciplinary matters and provide a copy thereof to the Secretary.
- (8) All recommendations which are not of a criminal or disciplinary nature must be referred to the Minister and provide a copy thereof to the Secretary.
- (9) The Executive Director may upon receipt of a complaint, or upon becoming aware of a complaint, cause to investigate any offence allegedly committed by any member of the South African Police Service or a member of a municipal police service, and may, where appropriate, refer such investigation to the National or Provincial Commissioner concerned.
- [S 7(9) substituted by s 5(c) of Act 15 of 2024 with effect from 29 August 2025.]
- (10) The Executive Director must refer criminal matters which fall outside the scope of the Directorate, to the appropriate authority for further investigation in terms of applicable legislation.
- (11) The Executive Director must provide strategic leadership to the Directorate.
- (12) The Executive Director must at any time when requested to do so by the Minister or Parliament, report on the activities of the Directorate to the Minister or Parliament.

## **8 Composition of national office**

### ***Uncommenced amendment***

#### **8 Appointment of members of national office**

[S 8 heading substituted by s 6(a) of Act 15 of 2024 with effect from date to be proclaimed.]

- (1) The national office consists of—

- (a) the Executive Director who controls the office;
- (b) the Corporate Services Unit;
- (c) the Investigation and Information Management Unit;
- (d) the Legal Services Unit; and
- (e) any other unit established, subject to the approval of the Minister and Parliament.

**Uncommenced amendment**

(1) ...

[S 8(1) deleted by s 6(b) of Act 15 of 2024 with effect from date to be proclaimed.]

- (2) The Executive Director must appoint members at the national office.
- (3) A person may not be appointed as a member of the national office unless information with respect to that member has been gathered in an appropriate security screening investigation as prescribed by the Minister.

**Uncommenced amendment**

(3)

- (a) A person may not be appointed as a member of the national office unless information with respect to that member has been gathered in an appropriate pre-employment security screening investigation, as prescribed by the Minister; and
- (b) once the person has been appointed he or she must be issued with a security clearance certificate after a vetting investigation in terms of the Intelligence Services Act, 2002 (Act 65 of 2002).

[S 8(3) substituted by s 6(c) of Act 15 of 2024 with effect from date to be proclaimed.]

- (4) The security screening investigation contemplated in subsection (3), must be done in conjunction with the National Intelligence Agency, as referred to in section 3 of the Intelligence Services Act, 2002 (Act 65 of 2002).

**Uncommenced amendment**

- (4) The pre-employment security screening investigation contemplated in subsection (3), must be conducted by the Directorate.

[S 8(4) substituted by s 6(c) of Act 15 of 2024 with effect from date to be proclaimed.]

- (5) The Executive Director must issue a security clearance certificate in respect of such person wherein it is certified that such person has successfully undergone a security clearance and is appointed as an employee of the Directorate.

***Uncommenced amendment***

- (5) The Directorate must issue a pre-employment security screening certificate in respect of such person wherein it is certified that such person has successfully undergone a security screening and is appointed as an employee of the Directorate.

[S 8(5) substituted by s 6(c) of Act 15 of 2024 with effect from date to be proclaimed.]

- (6) Any member of the national directorate may from time to time, or at such regular intervals as the Executive Director may determine, be subjected to a further security screening as contemplated in subsection (3).
- (7) The Executive Director, after consultation with the National Intelligence Agency, must withdraw a security clearance certificate referred to in subsection (5) if he or she obtains information which, after evaluation by him or her, causes him or her to believe that the person in question could be a security risk or acted in any manner prejudicial to the objects of this Act.

***Uncommenced amendment***

- (7) The State Security Agency, after consultation with the Directorate, must withdraw a security clearance certificate referred to in subsection (3)(b), if after evaluation by the State Security Agency, the State Security Agency believes that the person in question could be a security risk or acted in any manner prejudicial to the objects of this Act.

[S 8(7) substituted by s 6(c) of Act 15 of 2024 with effect from date to be proclaimed.]

- (8) If the security clearance certificate referred to in subsection (7) is withdrawn, the person concerned is unfit to continue to hold such office and the Executive Director must discharge him or her from the Directorate.

***Uncommenced amendment***

- (8) If the security clearance certificate referred to in subsection (7) is withdrawn, the person concerned is unfit to continue to hold such office and the Executive Director may discharge him or her from the Directorate.

[S 8(8) substituted by s 6(c) of Act 15 of 2024 with effect from date to be proclaimed.]

## 9 Functions of national office

The functions of the national office are to—

- (a) give strategic leadership to the Directorate;
- (b) develop and implement policy for the Directorate;
- (c) oversee and monitor performance at provincial level and intervene to rectify challenges where necessary;
- (d) gather, keep and analyse information in relation to investigations;
- (e) identify and review legislative needs in consultation with the Secretariat and report on such matters to the Minister;  
[S 9(e) substituted by s 7 of Act 15 of 2024 with effect from 29 August 2025.]
- (f) do internal auditing of the Directorate;
- (g) provide administrative support to the Directorate;
- (h) strengthen the co-operative relationship between the Directorate and the Secretariat;
- (i) report to the relevant MEC on matters referred to the Executive Director by the MEC;
- (j) submit an annual report to the Minister and to Parliament;
- (k) implement information measures to develop public awareness of the provisions of this Act;
- (l) deal with any other matter referred to it by the Minister;
- (m) make recommendations to the South African Police Service resulting from investigations done by the Directorate; and
- (n) report twice a year to Parliament on the number and type of cases investigated, the recommendations, the detail and outcome of those recommendations.

## **10. Delegations**

- (1) Subject to subsections (2) and (3), the Executive Director may delegate functions entrusted to the Executive Director under this Act to any other person with appropriate knowledge and experience who is under the control of the Executive Director.
- (2) A delegation under subsection (1) must be in writing and—
  - (a) may be subject to any conditions or restrictions determined by the Executive Director;
  - (b) does not prevent the exercise of any power of the Executive Director; and
  - (c) may be withdrawn or amended by the Executive Director.
- (3) The Executive Director may not delegate any of the powers, functions or duties referred to in sections 7(1), (2), (3), (5), (6), (7), (8) and (10), 8, 20, 22, 31(2), 32(1) and (2), and 34.

[S 10(3) substituted by s 8 of Act 15 of 2024 with effect from 29 August 2025.]

## **CHAPTER 3 MANAGEMENT COMMITTEE**

### **11. Establishment of Management Committee**

There is hereby established a Management Committee.

### **12. Composition of Committee**

- (1) The Committee established in terms of section 11 consists of—
  - (a) the Executive Director; and
  - (b) the provincial head for each province.
- (2) The Executive Director is the chairperson of the Committee.
- (3) The Executive Director may invite any person not mentioned in subsection (1) to a meeting of the Committee.

### **13. Functions of Committee**

- (1) The Committee is responsible for the following functions:
  - (a) To ensure co-ordination and alignment within each province regarding—
    - (i) strategic and performance plans;
    - (ii) priorities, objectives and strategies across national and provincial levels;
    - (iii) adherence to financial requirements prescribed in terms of the Public Finance Management Act; and
    - (iv) interaction between the various provincial directorates;
  - (b) to identify any other matter of strategic importance to the functioning of the Directorate within each province;
  - (c) to discuss performance in the provision of services in order to detect failures and to initiate preventative or corrective action when necessary;
  - (d) to raise national management issues within the Directorate; and
  - (e) to ensure regular reporting on matters specific to the performance of the functions of the respective provincial directorates.

### **14. Meetings of Committee**

- (1) The Committee meets as often as circumstances require, but at least four times every year, at such time and place as the Executive Director may determine.
- (2) The Committee may determine its own procedure for its meetings.

## **CHAPTER 4 CONSULTATIVE FORUM**

### **15. Establishment of Consultative Forum**

There is hereby established a Consultative Forum.

## **16. Composition of forum**

- (1) The forum established in terms of section 15 consists of—
  - (a) the Executive Director; and
  - (b) the Secretary.
- (2) The Executive Director or Secretary, in consultation with one another, may invite any person or a representative from a government Department or Institution, not mentioned in subsection (1), to a meeting of the forum if a particular matter concerns such a person, government Department or Institution.

[S 16(2) substituted by s 9 of Act 15 of 2024 with effect from 29 August 2025.]

## **17. Functions of forum**

The functions of the forum are to—

- (a) facilitate closer cooperation between the Secretary and the Executive Director; and
- (b) discuss, amongst other, issues relating to trends, recommendations and implementation of such recommendations.

## **18 Meetings of forum**

- (1) The Secretary must convene the first meeting of the forum and preside at that meeting.
- (2) The Secretary and the Executive Director must alternate as chairperson at meetings.
- (3) The forum determines its own procedure and agenda for its meetings.
- (4) The forum must meet at least four times a year on issues of common interest.

## **CHAPTER 5 PROVINCIAL OFFICES**

## **19. ...**

[S 19 repealed by s 10 of Act 15 of 2024 with effect from 29 August 2025.]

## **20. Appointment of provincial heads**

- (1) The Executive Director appoints the provincial head for each province in accordance with the laws governing the public service.
- (2) The provincial head must conclude a written performance agreement with the Executive Director—
  - (a) within a reasonable time after the appointment of the provincial head; and
  - (b) thereafter, annually within one month of the commencement of each financial year.
- (3) The performance agreement referred to in subsection (2) must include—
  - (a) measurable performance objectives and targets that must be met, and must provide for the time-frames within which those performance objectives and targets must be met;
  - (b) standards and procedures for evaluating performance and intervals for evaluation; and
  - (c) the consequences of substandard performance.
- (4) When the provincial head is unable to perform the functions of office, or during a vacancy in the provincial office, the Executive Director may designate another person to act as provincial head until the provincial head returns to perform the functions of office or the vacancy is filled.
- (5) In the case of a vacancy, the Executive Director must fill the vacancy within a reasonable period of time, which period shall not exceed six months.

## **21. Responsibilities of provincial head**

- (1) A provincial head is responsible for the following:
  - (a) Appointment and performance management of staff at provincial level;
  - (b) to facilitate investigation of cases and to perform any other function incidental to such investigations;
  - (c) to control and monitor active cases;

- (d) to refer matters investigated by the provincial office under this Act to the National or relevant provincial prosecuting authority for criminal prosecution;
- (e) to report to the Executive Director on matters investigated;
- (f) to refer disciplinary matters to the Provincial Commissioner;
- (g) to facilitate cooperation between the provincial head and the provincial police secretariat;
- (h) to report to the Executive Director on recommendations and finalisation of cases;
- (i) to report to the Executive Director on the management of provincial offices and their finances;
- (j) to report to the relevant MEC on matters referred to the Provincial Head by that MEC;
- (k) to ensure adherence to guidelines issued by the national office relating to the investigation and management of cases by officials within the respective provincial offices;
- (l) to keep proper financial records in accordance with the prescribed norms and standards;
- (m) ...  
[\[S 21\(1\)\(m\) deleted by s 11 of Act 15 of 2024 with effect from 29 August 2025.\]](#)
- (n) to ensure compliance with administrative guidelines issued by the Executive Director; and
- (o) to manage the provincial office.

## CHAPTER 6

### APPOINTMENT, REMUNERATION, FUNCTIONS AND POWERS OF INVESTIGATORS

#### 22. Appointment of investigators

- (1) The Executive Director, in consultation with the relevant provincial head, must appoint a fit and proper person as an investigator of the Directorate, subject to subsections (2), (3) and (4).

#### ***Uncommenced amendment***

- (1) The Executive Director, in consultation with the relevant provincial head, must, in the prescribed manner, appoint a fit and proper person as an investigator of the Directorate, subject to subsections (2), (3) and (4).

[S 22(1) substituted by s 12(a) of Act 15 of 2024 with effect from date to be proclaimed.]

(2) A person appointed as an investigator—

(a) must have at least a grade 12 certificate or a relevant diploma or degree; and

***Uncommenced amendment***

(a) must have at least a grade 12 or equivalent certificate and a relevant diploma or degree;  
and

[S 22(2)(a) substituted by s 12(b) of Act 15 of 2024 with effect from date to be proclaimed.]

(b) must have—

(i) knowledge and relevant experience of criminal investigation; or

(ii) any other relevant experience.

(3) A person may not be appointed as an investigator unless information with respect to that person has been gathered in an appropriate security screening investigation as prescribed by the Minister.

(4) The security screening investigation contemplated in subsection (3), must be done in conjunction with the National Intelligence Agency, as referred to in section 3 of the Intelligence Services Act, 2002 (Act 65 of 2002).

***Uncommenced amendment***

(4) The pre-employment security screening investigation contemplated in subsection (3), must be conducted by the Directorate.

[S 22(4) substituted by s 12(c) of Act 15 of 2024 with effect from date to be proclaimed.]

(5) The Executive Director or official so delegated by him or her must issue a security screening certificate in respect of such person wherein it is certified that such person has successfully undergone a security clearance and is appointed as an investigator in terms of this Act.

***Uncommenced amendment***

(5) The Directorate must issue a pre-employment security screening certificate in respect of such person wherein it is certified that such person has successfully undergone a pre-employment security screening and is appointed as an investigator in terms of this Act.

[S 22(5) substituted by s 12(d) of Act 15 of 2024 with effect from date to be proclaimed.]

- (6) Any investigator may from time to time, or at such regular intervals as the Executive Director may determine, be subjected to a further security screening as contemplated in subsection (3).
- (7) A person must be discharged from his or her position as an investigator if he or she fails to conform to the security clearance prescripts.
- (8) An investigator is given policing powers contemplated in section 24(2) by the Minister, within three months after his or her appointment.
- (9) The Executive Director must issue a document in the prescribed form, which shall serve as proof to certify that an investigator has been duly authorised to exercise the powers and perform the functions as contemplated in section 24.

### **23. Remuneration and conditions of service of investigators**

The conditions of service, including the salary and allowances payable to an investigator appointed under this Act, shall be determined by the Minister in consultation with the Minister responsible for Finance.

[S 23 substituted by s 13 of Act 15 of 2024 with effect from 29 August 2025.]

### **24. Functions and investigative powers**

- (1) An investigator may, subject to the control and direction of the Executive Director or the relevant provincial head, exercise such powers and must perform such duties as are conferred or imposed upon him or her by or under this Act or any other law, and must obey all lawful directions which he or she may from time to time receive from a person having the authority to give such directions under this Act.
- (2) An investigator has the powers as provided for in the Criminal Procedure Act, 1977 (Act 51 of 1977), which are bestowed upon a peace officer or a police official, relating to—
  - (a) the investigation of offences;
  - (b) the ascertainment of bodily features of an accused person;

#### ***Uncommenced amendment***

(bA) the taking of buccal samples in terms of the South African Police Service Act;  
[S 24(2)(bA) inserted by s 14(a) of Act 15 of 2024 with effect from date to be proclaimed.]

- (c) the entry and search of premises;

- (d) the seizure and disposal of articles;
- (e) arrests;
- (f) the execution of warrants; and
- (g) the attendance of an accused person in court.

(3)

- (a) For the purposes of conducting an investigation, an investigator may direct any person to submit an affidavit or affirmed declaration or to appear before him or her to give evidence or to produce any document in that person's possession or under his or her control which has a bearing on the matter being investigated, and may question such person thereon.

***Uncommenced amendment***

- (a) For the purposes of conducting an investigation, an investigator, or a provincial head, may direct any person to submit an affidavit or affirmed declaration or to appear before him or her to give evidence or to produce any document in that person's possession or under his or her control which has a bearing on the matter being investigated, and may question such person thereon.

[S 24(3)(a) substituted by s 14(b) of Act 15 of 2024 with effect from date to be proclaimed.]

- (b) An investigator or any person duly authorised thereto by him or her may request an explanation from any person whom he or she reasonably suspects of having information which has a bearing on a matter being or to be investigated.

(4) A person questioned by an investigator conducting an investigation must answer each question truthfully and to the best of that person's ability, but—

- (a) a person is not obliged to answer any question if the answer is self-incriminating; and
- (b) the person asking the questions must inform that person of the right set out in paragraph (a).

(5) No self-incriminating answer given or statement made by any person to an investigator exercising powers in terms of this Act will be admissible as evidence against that person in criminal proceedings instituted against that person in any court, except in criminal proceedings for perjury.

***Uncommenced amendment***

(5) ...

[S 24(5) deleted by s 14(c) of Act 15 of 2024 with effect from date to be proclaimed.]

***Uncommenced amendment***

(6) A directive referred to in subsection (3)(a) must, where the person is not cooperative, be by way of a subpoena containing particulars of the matter in connection with which the person subpoenaed is required to appear before the investigator, or relevant provincial head, and must be signed by the relevant provincial head.

[S 24(6) added by s 14(d) of Act 15 of 2024 with effect from date to be proclaimed.]

(7) The subpoena referred to in subsection (6) must be served by a person authorised thereto by the relevant provincial head, as prescribed.

[S 24(7) added by s 14(d) of Act 15 of 2024 with effect from date to be proclaimed.]

(8) The investigator, or a provincial head, may require any person appearing as a witness before him or her under subsection (6) to give evidence under oath or after having made an affirmation.

[S 24(8) added by s 14(d) of Act 15 of 2024 with effect from date to be proclaimed.]

(9) Any person appearing before the investigator or a provincial head by virtue of subsection (6) may be assisted at such examination by a legal representative.

[S 24(9) added by s 14(d) of Act 15 of 2024 with effect from date to be proclaimed.]

(10) Notwithstanding anything to the contrary contained in any law, no person may disclose to any other person the contents of any document in the possession of a member of the office of the Executive Director, or his or her representative, or the record of any evidence given to the Executive Director, or his or her representative, during an investigation, unless—

(a) the Executive Director or his or her representative determines otherwise;

(b) the disclosure of such information is required by law; or

(c) the disclosure is for purposes of legal presentation.

[S 24(10) added by s 14(d) of Act 15 of 2024 with effect from date to be proclaimed.]

(11) Notwithstanding anything to the contrary contained in any law, no person interviewed as a witness by the Directorate may disclose to any other person the contents of any interview or questioning by the provincial head or an investigator conducting an investigation in terms of this Act, unless it is required by law or for the purpose of legal presentation.

[S 24(11) added by s 14(d) of Act 15 of 2024 with effect from date to be proclaimed.]

## **25. Conflict of interest and disclosure of interest**

- (1) No member of the Directorate may conduct an investigation, or render assistance with an investigation, in respect of a matter in which he or she has a financial or any other interest which might preclude him or her from exercising or performing his or her powers, duties and functions in an objective manner.
- (2) If, during an investigation, it appears to a member of the Directorate that a matter concerns a financial or other interest of that member as referred to in subsection (1), that member must—
  - (a) immediately and fully disclose the fact and nature of that interest to the Executive Director;  
and
  - (b) withdraw from any further involvement in that investigation.

## **26. Integrity measures**

- (1) The Minister may prescribe measures for integrity testing of members of the Directorate, which may include random entrapment, testing for the abuse of alcohol or drugs, or the use of a polygraph or similar instrument to ascertain, confirm or examine in a scientific manner the truthfulness of a statement made by a person.
- (2) The necessary samples required for any test referred to in subsection (1) may be taken, but any sample taken from the body of a member may only be taken by a registered medical practitioner or a registered nurse.
- (3) The Minister shall prescribe measures to ensure the confidentiality of information obtained through integrity testing, if such measures are prescribed in terms of subsection (1).

## **27. Limitation of liability**

- (1) An investigator is not liable in respect of any act or omission in good faith and without gross negligence in performing a function in terms of this Act.

[S 27(1), formerly s 27, renumbered by s 15 of Act 15 of 2024 with effect from 29 August 2025.]

- (2) A member of the Directorate is not liable in respect of anything reflected in any report, finding, point of view, recommendation or investigation made or expressed in good faith and without gross negligence in performing a function in terms of this Act, and submitted to Parliament, the National Prosecuting Authority, or any other relevant authority.

[S 27(2) added by s 15 of Act 15 of 2024 with effect from 29 August 2025.]

## **28. Type of matters to be investigated**

- (1) The Directorate must investigate—
- (a) any deaths in police custody;
  - (b) deaths as a result of police actions;
  - (c) any complaint relating to the discharge of an official firearm by any police officer;
  - (d) rape by a police officer, whether the police officer is on or off duty;
  - (e) rape of any person while that person is in police custody;
  - (f) any complaint of torture or assault against a police officer in the execution of his or her duties;
  - (g) corruption matters within the police initiated by the Executive Director on his or her own, or after the receipt of a complaint from a member of the public, or referred to the Directorate by the Minister, an MEC or the Secretary, as the case may be; and
  - (h) any other matter referred to it as a result of a decision by the Executive Director, or if so requested by the Minister, an MEC or the Secretary as the case may be,

in the prescribed manner.

### ***Uncommenced amendment***

- (1) The Directorate must investigate—
- (a) any deaths in the custody of a member of the South African Police Service, or a member of a municipal police service;

(b) deaths as a result of the actions of a member of the South African Police Service or a member of a municipal police service, whether such member was on or off duty;

(c) ...

[S 28(1)(c) omitted by s 16(a) of Act 15 of 2024 with effect from date to be proclaimed.]

(d) rape by a member of the South African Police Service or a member of a municipal police service, whether such member was on or off duty;

(e) rape of any person while that person is in the custody of a member of the South African Police Service or a member of a municipal police service;

(f) any complaint of—

(i) torture, as defined in the Prevention and Combating of Torture of Persons Act, 2013 (Act 13 of 2013), committed by a member of the South African Police Service or a member of a municipal police service; or

(ii) assault of any person, with the intention to cause grievous bodily harm, by a member of the South African Police Service or a member of a municipal police service;

(g) corruption, as contemplated in the Prevention and Combating of Corrupt Activities Act, 2004 (Act 12 of 2004), and any other applicable law, within the South African Police Service, or a municipal police service, initiated by the Executive Director, or a provincial head, on his or her own, or after the receipt of a complaint from a member of the public, or referred to the Directorate by the Minister, an MEC, the National Commissioner, or the appropriate Provincial Commissioner, National Head or the appropriate Provincial Head of the Directorate for Priority Crime Investigation, executive head of the relevant municipal police service, municipal manager or the Secretary, as the case may be;

(gA) attempted murder in relation to a discharge of a firearm, or through the use of any weapon or instrument, by a member of the South African Police Service or a member of a municipal police service; and

(h) any other matter referred to it as a result of a decision by the Executive Director, or a provincial head, or if so requested by the Minister, an MEC, National Commissioner, or the appropriate Provincial Commissioner, National Head or the appropriate Provincial Head of the Directorate for Priority Crime Investigation, executive head of the relevant municipal police service, municipal manager, or the Secretary, as the case may be,

in the prescribed manner.

[S 28(1) substituted by s 16(a) of Act 15 of 2024 with effect from date to be proclaimed.]

- (2) The Directorate may investigate matters relating to systemic corruption involving the police.

***Uncommenced amendment***

- (3) The Directorate shall investigate allegations of the commission of an offence which a member of the South African Police Service or a member of a municipal police service committed together with any law enforcement agency or civilian.

[S 28(3) added by s 16(b) of Act 15 of 2024 with effect from date to be proclaimed.]

## CHAPTER 7

### REPORTING OBLIGATIONS AND COOPERATION BY MEMBERS OF THE SOUTH AFRICAN POLICE SERVICE AND MUNICIPAL POLICE SERVICE AND DISCIPLINARY RECOMMENDATIONS

#### 29. Reporting obligations and cooperation by members

- (1) The Station Commander, or any member of the South African Police Service, a municipal manager, an executive head of a municipal police service, or any member of a municipal police service, must—

[S 29(1), words preceding (a), substituted by s 17(a) of Act 15 of 2024 with effect from 29 August 2025.]

- (a) immediately after becoming aware, notify the Directorate of any matters referred to in section 28(1)(a) to (gA); and

[S 29(1)(a) substituted by s 17(b) of Act 15 of 2024 with effect from 29 August 2025.]

- (b) within 24 hours thereafter, submit a written report to the Directorate in the prescribed form and manner of any matter as contemplated in paragraph (a).

- (2) The members of the South African Police Service or Municipal Police Services must provide their full cooperation to the Directorate, including but not limited to—

- (a) the arrangement of an identification parade within 48 hours of the request made by the Directorate;

- (b) the availability of members for the taking of an affidavit or an affirmed declaration or to give evidence or produce any document in that member's possession or under his or her control which has a bearing on the matter being investigated; and
- (c) any other information or documentation required for investigation purposes.

### 30. Disciplinary recommendations

The National Commissioner or the appropriate Provincial Commissioner to whom recommendations regarding disciplinary matters were referred, as contemplated in section 7(6) and (7), must—

***Uncommenced amendment***

The National Commissioner, or the appropriate Provincial Commissioner, National Head or the appropriate Provincial Head of the Directorate for Priority Crime Investigation, or the executive head of the relevant municipal police service, to whom recommendations regarding disciplinary matters were referred, as contemplated in section 7(6) and (7)—

[S 30, words preceding (a), substituted by s 18(a) of Act 15 of 2024 with effect from date to be proclaimed.]

- (a) within 30 days of receipt thereof, initiate disciplinary proceedings in terms of the recommendations made by the Directorate and inform the Minister in writing, and provide a copy thereof to the Executive Director and the Secretary;

***Uncommenced amendment***

- (aA) may initiate disciplinary proceedings after the investigation of allegations has been finalised by the Directorate and upon receipt of an investigation report from the Directorate;

[S 30(aA) inserted by s 18(b) of Act 15 of 2024 with effect from date to be proclaimed.]

- (b) quarterly submit a written report to the Minister on the progress regarding disciplinary matters made in terms of paragraph (a) and provide a copy thereof to the Executive Director and the Secretary; and

***Uncommenced amendment***

- (b) must quarterly submit a written report to the Minister on the progress regarding disciplinary matters made in terms of paragraph (a) and provide a copy thereof to the Executive Director and the Secretary;

[S 30(b) substituted by s 18(c) of Act 15 of 2024 with effect from date to be proclaimed.]

- (c) immediately on finalisation of any disciplinary matter referred to it by the Directorate, to inform the Minister in writing of the outcome thereof and provide a copy thereof to the Executive Director and the Secretary.

***Uncommenced amendment***

- (c) must immediately on finalisation of any disciplinary matter referred to it by the Directorate, submit a report, in the prescribed manner, to the Minister in writing of the outcome and provide a copy thereof to the Executive Director and the Secretary;

[S 30(c) substituted by s 18(d) of Act 15 of 2024 with effect from date to be proclaimed.]

- (d) specify in the report contemplated in paragraph (c) whether the disciplinary recommendations of the Directorate were implemented and the extent of the implementation thereof and if not implemented, provide reasons in the report, in the prescribed manner, for the disciplinary recommendations not being implemented; and

[S 30(d) added by s 18(e) of Act 15 of 2024 with effect from date to be proclaimed.]

- (e) where the sanction is considered inappropriate the Directorate may request the National Commissioner, or the appropriate Provincial Commissioner, National Head or the appropriate Provincial Head of the Directorate for Priority Crime Investigation, or the executive head of the relevant municipal police service to review the sanction.

[S 30(e) added by s 18(e) of Act 15 of 2024 with effect from date to be proclaimed.]

**CHAPTER 8**

**FINANCES AND ACCOUNTABILITY AND ANNUAL REPORT**

**31. Finances and accountability**

- (1) The Executive Director—

- (a) must, subject to the Public Finance Management Act—

- (i) be charged with the responsibility of accounting for money received or paid out for or on account of the office of the Directorate;

- (ii) cause the necessary accounting and other related records to be kept; and

- (b) may exercise such powers and perform such duties as may from time to time be conferred upon or assigned to him or her, and in respect thereof be accountable to the Minister and Parliament.

[S 31(1)(b) substituted by s 19 of Act 15 of 2024 with effect from 29 August 2025.]

- (2) The records referred to in subsection (1)(a) must be audited by the Auditor-General.

### **32. Annual report**

- (1) The Executive Director must prepare and submit to the Minister an annual report in the form prescribed by the Minister within five months after the end of the financial year.
- (2) The annual report referred to in subsection (1) must include the following documents:
- (a) The audited financial statements prepared in terms of this Act;
  - (b) the Auditor-General's report prepared in terms of this Act; and
  - (c) a detailed report on the activities of the Directorate undertaken during the year to which the audit relates.
- (3) The Minister must table in Parliament a copy of the annual report and financial statements, and the audit report on those statements, within one month after receipt thereof if Parliament is then in session or, if Parliament is not then in session, within one month after the commencement of its next ensuing session.
- (4) The Executive Director must publish the annual report, financial statements and the audit report on those statements.

## **CHAPTER 9 OFFENCES AND PENALTIES**

### **33. Offences and penalties**

- (1) Any person or private entity, who interferes, hinders or obstructs the Executive Director or a member of the Directorate in the exercise or performance of his or her powers or functions, is guilty of an offence and liable on conviction to a fine or imprisonment for a period not exceeding two years.

- (2) Any member of the Directorate who wilfully discloses information in circumstances in which he or she knows, or could reasonably be expected to know, that such a disclosure will or may prejudicially affect the exercise or the performance by the Directorate of the powers and functions, is guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding two years.
- (3) Any member of the South African Police Service or a member of a municipal police service who fails to comply with section 29 is guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding two years.
- [S 33(3) substituted by s 20(a) of Act 15 of 2024 with effect from 29 August 2025.]
- (4) Any member who fails to make disclosure in accordance with section 25(2)(a), or fails to withdraw in terms of section 25(2)(b), as the case may be, is guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding two years.
- (5) Any person who pretends to be an investigator in terms of this Act, is guilty of an offence and liable on conviction to a fine or to imprisonment for period not exceeding two years.
- (6) The National Commissioner, or appropriate Provincial Commissioner, national Head or appropriate Provincial Head of the Directorate for Priority Crime Investigation or the Executive Head of the relevant municipal police service who fails to comply with section 30 is guilty of an offence and liable to a fine or to imprisonment for a period not exceeding two years.
- [S 33(6) added by s 20(b) of Act 15 of 2024 with effect from 29 August 2025.]

## **CHAPTER 10**

### **REGULATIONS, TRANSITIONAL ARRANGEMENTS, REPEAL AND SHORT TITLE AND COMMENCEMENT**

#### **34. Regulations**

- (1) The Minister may, after consultation with the Executive Director, make regulations regarding—
- (a) access and control of confidential information and records pertaining to investigations instituted in terms of this Act;
  - (b) the procedure to be followed when investigating matters referred to in section 28(1)(a) to (h);
  - (c) the procedure to be followed when reporting on cases dealt with under this Act;

- (d) the procedure to be followed for referring, receiving, registering, processing and disposing of complaints;
- (e) the procedure to be followed when investigating criminal matters;
- (f) the procedure to be followed for initiating special investigations;
- (g) the measures for integrity testing of members of the Directorate as contemplated in section 26(1);
- (h) the measures to ensure the confidentiality of information obtained as contemplated in section 26(3);
- (i) any issues to be contained in the annual report contemplated in section 32;
- (j) the procedure and format to be followed regarding reporting to the Directorate as contemplated in section 29(1);
- (k) the procedure to be followed for the arrangement and the holding of identification parades, as contemplated in section 29(2)(a);
- (l) the procedure to be followed for the taking of an affidavit or an affirmed declaration or to give evidence or produce any document in that member's possession or under his or her control which has a bearing on the matter being investigated, as contemplated in section 29(2)(b);
- (m) the procedure to be followed for the submission of any other information or documentation required for investigation purposes, as contemplated in section 29(2)(c);
- (n) the procedure to be followed in respect of disciplinary recommendations as contemplated in section 30;
- (o) the manner and procedure to secure a crime scene to be investigated by the Directorate;  
[S 34(1)(o) amended by s 21(a) of Act 15 of 2024 with effect from 29 August 2025.]
- (oA) the procedure to be followed in respect of the report contemplated in section 30(c) and (d), as well as the format and time- frames of the said report;  
[S 34(1)(oA) inserted by s 21(b) of Act 15 of 2024 with effect from 29 August 2025.]

(oB) the code of conduct for the employees of the Directorate;

[S 34(1)(oB) inserted by s 21(b) of Act 15 of 2024 with effect from 29 August 2025.]

(oC) the human resource policies of the Directorate;

[S 34(1)(oC) inserted by s 21(b) of Act 15 of 2024 with effect from 29 August 2025.]

(oD) the procedure to be followed for an appropriate pre-employment security screening investigation contemplated in sections 8 and 22;

[S 34(1)(oD) inserted by s 21(b) of Act 15 of 2024 with effect from 29 August 2025.]

(oE) the criteria to be followed in appointing investigators;

[S 34(1)(oE) inserted by s 21(b) of Act 15 of 2024 with effect from 29 August 2025.]

(oF) any matter that must or may be prescribed in terms of this Act; and

[S 34(1)(oF) inserted by s 21(b) of Act 15 of 2024 with effect from 29 August 2025.]

(p) in general, any ancillary or incidental matter that it is necessary to prescribe for the proper implementation or administration of this Act.

(2) The regulations referred to in subsection (1)(a) to (o) must be submitted to Parliament for scrutiny at least one month before promulgation—

(a) while it is in session; or

(b) after the next session starts.

(3) Regulations with regard to the implementation of this Act must be submitted to the Minister by the Executive Director within three months of the commencement of this Act.

### **35. Savings**

The conditions of service, including the remuneration and other benefits payable to the employees of the Directorate before the commencement of the Independent Police Investigative Directorate Amendment Act, 2024, may not be less favourable upon the commencement of the said Act.

[S 35 substituted by s 22 of Act 15 of 2024 with effect from 29 August 2025.]

### 36. Amendment and repeal of laws

- (1) The laws mentioned in Schedule 1 are hereby amended to the extent set out in the third column of that Schedule.
- (2) The laws set out in Schedule 2 are hereby repealed to the extent set out in the third column of that Schedule.

### 37. Short title and commencement

This Act is called the Independent Police Investigative Directorate Act, 2011, and comes into operation on a date determined by the President by proclamation in the *Gazette*.

#### SCHEDULE 1 Laws Amended

Number and year of law	Short title	Extent of repeal or amendment
Act 68 of 1995	South African Police Service Act	<p><b>Amendment of section 1 of Act 68 of 1995, as amended by section 1 of Act 41 of 1997 and section 1 of Act 83 of 1998</b></p> <p>1. Section 1 of the South African Police Service Act, 1995 is hereby amended—</p> <p>(a) by the substitution for the definition of <b>"secretariat"</b> of the following definition:</p> <p style="padding-left: 40px;"><b>"secretariat"</b> means the Secretariat for <b>[Safety and Security] Police</b> established under section 2(1);"</p> <p>(b) by the substitution for the definition of <b>"Secretary"</b> of the following definition:</p> <p style="padding-left: 40px;"><b>"Secretary"</b> means the Secretary <b>[for Safety and Security] of Police</b> appointed under section 2(2);".</p> <p><b>Amendment of section 2 of Act 68 of 1995</b></p> <p>1. Section 2 of the South African Police Service Act, 1995, is hereby amended by the</p>

		<p>substitution for subsection (1) of the following subsection:</p> <p>“(1)</p> <p>(a) The Minister shall establish a secretariat to be called the Secretariat for <b>[Safety and Security]</b> Police.</p> <p>(b) A provincial government may establish a provincial secretariat to be called the Provincial Secretariat for <b>[Safety and Security]</b> <u>Police</u>:</p> <p>Provided that the date on which a provincial secretariat will come into operation shall be determined by a provincial government in consultation with the Minister.”.</p>
Act 112 of 1998	Witness Protection Act	<p><b>Amendment of section 1 of Act 112 of 1998</b></p> <p>1. Section 1 of the Witness Protection Act, 1998, is hereby amended by the substitution for the definition of <b>"Complaints Directorate"</b> of the following definition:</p> <p>“<b>"Complaints Directorate"</b> means the Independent <b>[Complaints]</b> <u>Police Investigative Directorate</u>, established under section <b>[50]</b> <u>2</u> of the <b>[South African Police Service Act, 1995 (Act No. 68 of 1995)]</b> <u>Independent Police Investigative Directorate Act, 2010;</u>”.</p> <p>2. The substitution for the words <b>"Complaints Directorate"</b>, wherever they occur in the Act, of the word <b>"Directorate"</b>.</p>
Act 116 of 1998	Domestic Violence Act, 1998	<p><b>Amendment of section 18 of Act 116 of 1998</b></p> <p>1. Section 18 of the Domestic Violence Act, 1998, is hereby amended—</p>

(a) by the substitution in subsection (4) for the following subsection:

“(4)

(a) Failure by a member of the South African Police Service to comply with an obligation imposed in terms of this Act or the national instructions referred to in subsection (3), constitutes misconduct as contemplated in the South African Police Service Act, 1995, and the **[Independent Complaints Directorate] Secretariat**, established in terms of **[that Act] section 4(1) of the Civilian Secretariat for Police Service Act, 2010**, must forthwith be informed of any such failure reported to the South African Police Service.

(b) Unless the **[Independent Complaints Directorate] Secretariat** directs otherwise in any specific case, the South African Police Service must institute disciplinary proceedings against any member who allegedly failed to comply with an obligation referred to in paragraph (a).”;

(b) by the substitution in subsection (5) for paragraphs (c) and (d) of the following paragraphs respectively:

“(5)

(c) The **[Independent Complaints Directorate] Secretariat** must, every six months, submit a report to Parliament regarding the number and particulars of matters reported to it in terms of

<p>Act 70 of 2002</p>	<p>Regulation of Interception of Communications and Provision of Communication-Related Information Act</p>	<p>subsection (4)(a), and setting out the recommendations made in respect of such matters.</p> <p>(d) The National Commissioner of the South African Police Service must, every six months, submit a report to Parliament regarding—</p> <p>(iii) steps taken as a result of recommendations made by the <b>[Independent Complaints Directorate] Secretariat</b>.”.</p> <p>1. Amends section 1 of the Regulation of Interception of Communications and Provision of Communication-Related Information Act 70 of 2002, as follows:</p> <p>(a) paragraph (a) substitutes the definition of “Executive Director”; and paragraph</p> <p>(b) substitutes the definition of “Independent Complaints Directorate”.</p> <p><b>Amendment of section 1 of Act 70 of 2002, as amended by the schedule of Act 36 of 2005 and section 1 of Act 48 of 2008</b></p> <p>1. Section 1 of the Regulation of Interception of Communications and Provision of Communication-Related Information Act, 2002, is hereby amended—</p> <p>(a) by the substitution for the definition of <b>“Executive Director”</b> of the following definition: <b>“Executive Director”</b> means the Executive Director appointed in terms of section <b>[51] 5(1)</b> of the <b>[South African Police service Act] <u>Independent Police Investigative Directorate Act, 2010</u></b>”;</p> <p>(b) by the substitution for the definition of <b>“Independent Complaints Directorate”</b> of the following definition:</p>
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		<p>“<b>Independent Complaints Directorate</b>” means the Independent <b>[Complaints] Police Investigative Directorate</b> established by section <b>[50(1)] 2</b> of the <b>[South African Police Service Act] Independent Police Investigative Directorate Act, 2010</b>.”</p> <p>2. The substitution for the words “<b>Independent Complaints Directorate</b>”, wherever they occur in the Act, of the word “<b>Directorate</b>”.</p>
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**SCHEDULE 2**  
**Laws Repealed**

<b>No. and year of law</b>	<b>Short Title</b>	<b>Extent of repeal</b>
Act 68 of 1995	South African Police Service Act, 1995	Chapter 10