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PROVINCE OF THE WESTERN CAPE

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IPHONDO LENTSHONA KOLONI

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**PROCLAMATION**  
**BY THE PREMIER OF THE WESTERN CAPE**  
**NO. 19/2016**

**COMMENCEMENT OF THE WESTERN CAPE COMMUNITY SAFETY ACT, 2013 (ACT 3 OF 2013)**

Under section 33 of the Western Cape Community Safety Act, 2013 (Act 3 of 2013), I determine 1 October 2016 as the date on which sections 3 to 9, 19 to 23, 24(2) and (3), 29, 30(2) and 32 of this Act come into operation.

Signed at Cape Town on this 1st day of September 2016.

**H. ZILLE**  
**PREMIER**

Countersigned by:

**D. PLATO**  
**PROVINCIAL MINISTER OF COMMUNITY SAFETY**

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**PROKLAMASIE**  
**DEUR DIE PREMIER VAN DIE WES-KAAP**  
**NR. 19/2016**

**INWERKINGTREDING VAN DIE WES-KAAPSE WET OP GEMEENSKAPSVEILIGHEID, 2013 (WET 3 VAN 2013)**

Kragtens artikel 33 van die Wes-Kaapse Wet op Gemeenskapsveiligheid, 2013 (Wet 3 van 2013), bepaal ek 1 Oktober 2016 as die datum waarop artikels 3 tot 9, 19 tot 23, 24(2) en (3), 29, 30(2) en 32 van hierdie Wet in werking tree.

Geteken te Kaapstad op hierdie 1ste dag van September 2016.

**H. ZILLE**  
**PREMIER**

Medeonderteken deur:

**D. PLATO**  
**PROVINSIALE MINISTER VAN GEMEENSKAPSVEILIGHEID**

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**UMPOPOSHO**  
**WENKULUMBUSO YENTSHONA KOLONI**  
**NO. 19/2016**

**UKUQALISA KOKUSEBENZA KOMTHETHO WENTSHONA KOLONI WOKHUSELEKO LOLUNTU, 2013**  
**(UMTHETHO 3 WAMA-2013)**

Phantsi kwecandelo 33 loMthetho weNtshona Koloni woKhuseleko loLuntu, 2013 (uMthetho 3 wama-2013), ndimisela umhla wo-1 Dwarha 2016 njengomhla wokuqalisa kokusebenza kwamacandelo 3 ukuya kwicandelo 9, 19 ukuya kwicandelo 23, 24(2) nelesi-(3), 29, 30(2) necandelo 32 alo Mthetho.

Utyikitywe eKapa ngalo mhla we-1 kweyoMsintsi 2016.

**H. ZILLE**  
**NKULUMBUSO**

Uqinisekwise ngu:

**D. PLATO**  
**UMPHATHISWA WEPHONDO WEZOKHUSELKO LOLUNTU**

**PROVINCIAL NOTICE**

The following Provincial Notices are published for general information.

ADV. B. GERBER,  
DIRECTOR-GENERAL

Provincial Legislature Building,  
Wale Street,  
Cape Town.

**PROVINSIALE KENNISGEWING**

Die volgende Provinsiale Kennisgewings word vir algemene inligting gepubliseer.

ADV. B. GERBER,  
DIREKTEUR-GENERAAL

Provinsiale Wetgewer-gebou,  
Waalstraat,  
Kaapstad.

**ISAZISO SEPHONDO**

Ezi zaziso zilandelayo zipapashelwe ukunika ulwazi ngokubanzi.

ADV. B. GERBER,  
UMLAWULI-JIKELELE

ISakhiwo sePhondo,  
Wale Street,  
eKapa.

P.N. 347/2016

2 September 2016

**DEPARTMENT OF COMMUNITY SAFETY:  
COMMUNITY SAFETY REGULATIONS, 2016**

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

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**CHAPTER 1**  
**INTERPRETATION**

**Definitions**

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

“**applicant**” means an organisation or association that applies—

- (a) for accreditation as a neighbourhood watch in terms of regulation 3;
- (b) to be listed on the database in terms of regulation 8 or to be registered on the database in terms of regulation 12; or
- (c) for support, funding, information, training or resources in terms of regulation 6 or 10;

“**area**”, in relation to an applicant, neighbourhood watch, organisation listed on the database or security service provider, means the geographical area in which the applicant, neighbourhood watch, organisation or security service provider operates;

“**authorised employee**” means an employee of the Department authorised by the Provincial Minister in terms of section 4(1) of the Act and regulation 2(1) to perform any of the functions contemplated in section 4(1)(a) to (c) of the Act;

“**authorised person**” means a person other than an employee of the Department authorised by the Provincial Minister in terms of section 4(2) of the Act and regulation 2(1) to perform any of the functions contemplated in section 4(1)(a) to (c) of the Act;

“**community police forum**” means a community police forum or subforum established in terms of section 19 of the South African Police Service Act, 1995 (Act 68 of 1995), read with section 5 of the Act;

“**coordinator**” includes a manager, chairperson or other office-bearer who is appointed by the members of a neighbourhood watch to coordinate the activities of the neighbourhood watch as contemplated in regulation 4(2)(i);

“**form**” includes a document submitted in electronic format in terms of these regulations;

“**patrol**”, in relation to a patrol by a neighbourhood watch, means any activity performed in the area by a member or group of members of the neighbourhood watch who is representing the neighbourhood watch and that is aimed at increasing safety;

“**provincial community police board**” means an area community police board or a provincial community police board established in terms of section 20 or 21 of the South African Police Service Act, 1995, respectively, read with section 5 of the Act;

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

## CHAPTER 2

### MONITORING AND OVERSIGHT OF POLICING AND ASSESSMENT OF VISIBLE POLICING

#### **Authorisation of employees and other persons to monitor and oversee policing and assess visible policing**

2. (1) The Provincial Minister may authorise an employee of the Department or any other person to perform any of the functions contemplated in section 4(1)(a) to (c) of the Act if—

- (a) in the case of an employee, the employee has successfully undergone the personnel suitability check applicable to public servants; and
- (b) in the case of a person who is not an employee of the Department, the person has undergone a suitability check similar to a check referred to in paragraph (a) and is a member of a community police forum or provincial community police board.

(2) An authorisation by the Provincial Minister in terms of section 4(1) or (2) of the Act must be in writing, be signed by the Provincial Minister and contain the following:

- (a) the full name and identity number of the authorised employee or person;
- (b) in the case of an authorised employee, his or her personnel number;
- (c) a recent photograph of the authorised employee or person; and

(d) the functions contemplated in section 4(1)(a) to (c) of the Act that the authorised employee or person may perform.

(3) An authorised employee or person must when performing a function contemplated in section 4(1)(a) to (c) show his or her written authorisation reflecting the details of the authorisation contemplated in subregulation (2)(a) to (d) or an identification card to any person who is affected by the exercise of the functions of the authorised employee or person and requests to see confirmation of the authorisation.

(4) A dispute reported to the Provincial Minister in terms of section 4(4) of the Act must be dealt with by the Provincial Minister in terms of the principles of cooperative government and intergovernmental relations referred to in section 24(1) of the Act.

(5) When performing his or her functions in terms of section 4(1)(a) of the Act, the authorised employee or person must have due regard to section 13(11) of the South African Police Service Act, 1995, including any instruction by the police in terms of section 13(11)(b) of that Act.

(6) The Provincial Minister may enter into a protocol agreement with the police service regarding the performance of the functions contemplated in section 4(1)(a) to (c) of the Act.

### **CHAPTER 3**

#### **ACCREDITATION AND SUPPORT OF NEIGHBOURHOOD WATCHES**

#### **Accreditation of neighbourhood watches**

**3.** (1) An application for accreditation as a neighbourhood watch contemplated in section 6(1) of the Act is made by submitting a completed and signed form DOCS1 in Annexure A to the Provincial Minister and must include the following information and documents:

- (a) the name of the applicant;
- (b) confirmation that the person making the application is authorised to act on behalf of the applicant;
- (c) the physical address and contact details of the applicant or, if the applicant does not have a physical address, the physical address of the coordinator;
- (d) confirmation that the applicant is operating not for gain and is not promoting any political party;
- (e) the number of members of the applicant;
- (f) a description of the area, including the boundaries of the area and, if available, a map of the area;
- (g) the particulars of the community police forum for the area;
- (h) a statement regarding the applicant's cooperation with the community police forum for the area in matters of mutual interest and confirmation thereof, if available, or reasons for not cooperating with the community police forum;
- (i) the particulars of the police station or stations for the area;
- (j) a statement regarding the applicant's cooperation with the police responsible for policing in the area and confirmation thereof, if available;
- (k) the full name, identification number, address and contact details of the coordinator of the applicant;
- (l) confirmation of the applicant's compliance with the standards referred to in regulation 4; and
- (m) an example of the existing or envisaged logo used or to be used by the applicant, including the colours of the logo, if applicable.

(2) The confirmation contemplated in subregulation (1)(h) and (j) may include correspondence with the community police forum for the area or the South African Police Service confirming the cooperation of the applicant with them.

(3) Subject to regulation 17(6), the Provincial Minister must decide on an application for accreditation within three months after the date of receipt of the application, unless good cause can be shown why the three-month period should be extended.

(4) The period contemplated in subregulation (3) excludes delays caused by the failure of the applicant to comply with these regulations.

(5) Any person may apply to the Provincial Minister for inspection of the register of neighbourhood watches contemplated in section 6(9) of the Act.

(6) If a person requires a copy of the register or an extract thereof, he or she must pay a fee for reproduction equal to the amount prescribed in terms of section 15(3) of the Promotion of Access to Information Act, 2000 (Act 2 of 2000).

#### **Standards for activities of neighbourhood watches**

4. (1) A neighbourhood watch must—

- (a) have the purpose of safeguarding its members and their immovable and other property against crime and other safety concerns in the area;
- (b) operate not for gain;
- (c) ensure that during its activities—
  - (i) members of the neighbourhood watch who are taking part in the activities of the neighbourhood watch are clearly identifiable through identifying dress and the display of identification cards contemplated in subregulation (5) complying with specifications approved by the Head of the Department;
  - (ii) vehicles used by the members of the neighbourhood watch during patrols are clearly identifiable by—
    - (aa) the use of a lamp, complying with specifications approved by the Provincial Minister responsible for provincial road traffic regulation, fitted on the roof of the vehicle, unless there are compelling reasons why the vehicles should not use a lamp; and
    - (bb) the display on the sides of the vehicle of the logo complying with specifications approved by the Head of the Department;
- (d) record all the patrol activities of the neighbourhood watch in sufficient detail by taking down particulars to identify the members of the neighbourhood watch involved, to describe the patrol area and report on the matters referred to in regulation 7 and record any other relevant activities;
- (e) maintain the record referred to in paragraph (d), keep it available for inspection by members of the neighbourhood watch and the Department and update it daily;
- (f) appoint a member or members of the neighbourhood watch to record the activities referred to in paragraph (d);
- (g) develop a funding model aimed at achieving viability;

- (h) have methods in place to communicate with its members and the community concerned, which may include social media;
  - (i) operate within the framework of the law;
  - (j) conduct all financial transactions of the neighbourhood watch through a bank account held in the name of the neighbourhood watch;
  - (k) keep proper financial records that accurately reflect all its income and expenditure, assets and liabilities and cash flow statements; and
  - (l) if required by the Provincial Minister, have its books of accounts, accounting statements and annual financial statements audited by an independent auditor or a representative of the Department and submit the audit report to the Department.
- (2) A neighbourhood watch must have a founding document that must provide for at least the following:
- (a) the purpose of the neighbourhood watch and for it to operate not for gain and not to promote the activities of any political party;
  - (b) the organisational structure and mechanisms for governance of the neighbourhood watch;
  - (c) the rules for convening and conducting meetings, including quorums required for, and the minutes to be kept of, those meetings;
  - (d) the manner in which decisions are to be made;
  - (e) a date for the end of the financial year of the neighbourhood watch;
  - (f) the procedure for changing the founding document;
  - (g) the requirements for admission to membership of the neighbourhood watch, providing at least for members to—
    - (i) reside in the area or have another legitimate interest in the area;
    - (ii) be eighteen years of age or older; and
    - (iii) have no previous conviction in respect of any sexual offence or crime involving violence or dishonesty, committed during the period of five years that precedes the application for membership;
  - (h) that all current or future members must agree to undergo a screening process as determined by the Head of the Department to ascertain whether that member has any previous convictions involving a sexual offence, violence or dishonesty;
  - (i) the appointment of a coordinator by the members of the neighbourhood watch to coordinate the activities of the neighbourhood watch, and the appointment of other office-bearers and their specific functions and their removal from office;
  - (j) that members or office-bearers do not become liable for any of the obligations and liabilities of the organisation solely by virtue of their status as members or office-bearers of the organisation;
  - (k) procedures for the enforcement by the neighbourhood watch of the provisions of the founding document, including procedures for the termination of membership and an appeal procedure against such terminations;
  - (l) the circumstances in which a member will no longer be entitled to membership, including at least the loss of membership if a member is convicted of any sexual offence or any crime involving violence or dishonesty;
  - (m) a procedure by which the neighbourhood watch may be dissolved and its affairs may be wound up;



- (n) where the neighbourhood watch is being dissolved, the transfer of any asset remaining after all the liabilities of the neighbourhood watch have been met to another organisation or voluntary association having similar objectives and operating not for gain;
- (o) the acquisition and control of assets by the neighbourhood watch and the procedures for approval thereof;
- (p) a person's written acknowledgement before becoming a member of the neighbourhood watch that the neighbourhood watch will not be liable for any action or omission of its members;
- (q) the maintenance and monthly update of a membership register; and
- (r) members to adhere to a code of conduct, which must at least provide for the matters set out in the code of conduct issued by the Head of the Department, including that members—
  - (i) may not act in a partisan or discriminatory manner;
  - (ii) may not divulge any confidential or privileged information they may have acquired as a result of their membership of the neighbourhood watch;
  - (iii) must protect personal information that they acquire as a result of their membership of the neighbourhood watch within the framework of the law;
  - (iv) must strive to work in partnership with the community police forum for the area; and
  - (v) must strive to work in partnership with the police service with regard to crime prevention in the area.

(3) A person must before becoming a member of the neighbourhood watch agree in writing to comply with the code of conduct referred to in subregulation (2)(r).

(4) A neighbourhood watch must keep the code of conduct available for access by the public.

(5) Every member of a neighbourhood watch must be issued with an identification card containing the following information in respect of the neighbourhood watch and member:

- (a) the full name of the member;
- (b) the period of accreditation of the neighbourhood watch;
- (c) the area;
- (d) the accreditation or certificate-of-application number of the neighbourhood watch;
- (e) the date on which the accreditation of the neighbourhood watch will expire; and
- (f) a recent colour photograph of the member.

(6) The identifying dress and logo used by a neighbourhood watch may not resemble the dress or logo of the police service.

(7) Any dispute that may arise between a neighbourhood watch and a community police forum or the police service may be referred in writing to the Head of the Department.

(8) If the Head of the Department cannot resolve the dispute, the Head of the Department must refer the dispute to the Provincial Minister for further assistance to resolve the dispute.

#### **Renewal of accreditation of neighbourhood watches**

5. (1) Regulation 3(1) to (4), read with the necessary changes, applies to an application for renewal of the accreditation of a neighbourhood watch in terms of section 6(10)(a) of the Act.

(2) A neighbourhood watch must apply for renewal of its accreditation at least three months before the expiry thereof to ensure that its accreditation is renewed before it lapses.

**Provision of funding, resources and training to neighbourhood watches**

6. (1) A neighbourhood watch may apply to the Provincial Minister for funding or resources by submitting a completed and signed form DOCS2 in Annexure B.

(2) When the Provincial Minister considers and decides on an application for funding or resources, the Provincial Minister must have regard to—

- (a) the level of involvement of the applicant in the following fields:
  - (i) promoting professional policing;
  - (ii) supporting victims of crime;
  - (iii) crime prevention;
  - (iv) promoting community safety;
  - (v) reporting unsafe public places or other safety concerns to the relevant authorities;
- (b) whether the applicant builds partnerships with other organisations involved in the fields referred to in paragraph (a); and
- (c) the purpose or activities for which the funding or resources will be used.

(3) An application for funding or resources must include the following information and documents:

- (a) the name of the applicant;
- (b) confirmation that the person making the application is authorised to act on behalf of the applicant;
- (c) the physical address and contact details of the applicant;
- (d) a written statement in respect of the matters referred to in subregulation (2)(a) and confirmation of those matters, if available;
- (e) a description of the purpose or activities for which the funding or resources will be used and particulars of the resources required;
- (f) a copy of the accreditation or application certificate issued to the applicant in terms of section 6(6)(a)(ii) of the Act or regulation 17(4) respectively, certified by a commissioner of oaths; and
- (g) confirmation of the banking details of the applicant.

(4) The confirmation contemplated in subregulation (3)(d) may include—

- (a) a copy or an extract of a record referred to in regulation 4(1)(e);
- (b) a copy or an extract of correspondence with the police service regarding the matters referred to in subregulation (2)(a);
- (c) a copy or an extract of correspondence with any relevant organisation confirming the involvement of the applicant in the matters referred to in subregulation (2)(a);
- (d) signed minutes of the applicant or any other written proof confirming the involvement of the applicant in the matters referred to in subregulation (2)(a);
- (e) a founding document, memorandum of agreement or any other document confirming the involvement of the applicant in the matters referred to in subregulation (2)(a).

(5) A neighbourhood watch may apply to the Provincial Minister for training by submitting a completed and signed form DOCS3 in Annexure C to the Provincial Minister.

(6) When the Provincial Minister considers and decides on an application for training, the Provincial Minister must have regard to—

- (a) the number of members of the applicant who require training and the training required;
  - (b) information regarding previous training relating to the reporting requirements in terms of the Act, the field of policing, support of victims of crime, crime prevention or community safety received from the Department or any other entity by the members of the applicant who require the training; and
  - (c) the capacity of the Department to provide the training.
- (7) An application for training must include the following information and documents:
- (a) the name of the applicant;
  - (b) confirmation that the person making the application is authorised to act on behalf of the applicant;
  - (c) the number and full names of members of the applicant who require training and the training required;
  - (d) information regarding previous training relating to the reporting requirements in terms of the Act, the field of policing, support of victims of crime, crime prevention or community safety received from the Department or any other entity by the members of the applicant who require the training; and
  - (e) a copy of the accreditation or application certificate issued to the applicant in terms of section 6(6)(a)(ii) of the Act or regulation 17(4) respectively, certified by a commissioner of oaths.
- (8) The approval of the funding or training of a neighbourhood watch or the supply of resources to a neighbourhood watch must be in accordance with the Public Finance Management Act, 1999 (Act 1 of 1999), and is subject to the neighbourhood watch entering into a memorandum of agreement with the Department regarding the funding, training or resources.
- (9) The Provincial Minister must in writing inform an applicant of the decision on an application and must advise an unsuccessful applicant of the reasons for the decision.
- (10) The Provincial Minister must issue a certificate of attendance to each member of a neighbourhood watch who completed the training.
- (11) The Provincial Minister must keep a register of issued certificates of attendance.
- (12) The funding, resources or training that may be applied for must be determined by the Provincial Minister and may relate to matters to capacitate neighbourhood watches with regard to reporting requirements in terms of the Act, the field of policing, support of victims of crime, crime prevention or community safety.

### **Reporting by neighbourhood watches**

7. In order for the Provincial Minister to determine the policing needs and priorities and to assess the effectiveness and efficiency of the police service in the area, a neighbourhood watch must within 30 days after a request by the Provincial Minister report in writing to the Provincial Minister on the following matters dealt with by the neighbourhood watch in respect of the period stated in the request:

- (a) matters pertaining to the field of policing;
- (b) unsafe public places;
- (c) partnerships that the neighbourhood watch is part of and that aim to improve safety in the area;
- (d) the number and nature of alleged crime incidents in the area that have been recorded by the neighbourhood watch;

- (e) the location of the alleged crime incidents in the area;
- (f) the number of patrols conducted by the neighbourhood watch in the area; and
- (g) other safety concerns in the area.

#### **CHAPTER 4**

#### **DATABASE AND PARTNERSHIPS WITH COMMUNITY ORGANISATIONS**

##### **Application to be listed on database**

8. (1) A community organisation contemplated in section 7(1)(a) of the Act may apply to be listed on the database referred to in that section by submitting a completed and signed form DOCS4 in Annexure D to the Head of the Department.

(2) When the Head of the Department considers and decides on an application to be listed on the database, the Head of the Department must have regard to—

- (a) the level of involvement of the applicant in the following fields:
    - (i) promoting professional policing;
    - (ii) supporting victims of crime;
    - (iii) crime prevention;
    - (iv) promoting community safety;
    - (v) reporting unsafe public places or other safety concerns to the relevant authorities;
  - (b) whether the applicant builds partnerships with other organisations involved in the fields referred to in paragraph (a);
  - (c) the ability of the applicant to provide information on safety concerns or alleged crime incidents that is accurate and up to date;
  - (d) that the applicant does not promote the activities of any political party; and
  - (e) whether the applicant cooperates with the community police forum for the area in matters of mutual interest or reasons for not cooperating with the community police forum.
- (3) An application for listing on the database must include the following information and documents:
- (a) the name of the applicant;
  - (b) confirmation that the person making the application is authorised to act on behalf of the applicant;
  - (c) the physical address and contact details of the applicant;
  - (d) whether the applicant is registered in terms of any other legislation and, if so, confirmation of the registration;
  - (e) a description of the area, including the boundaries of the area and, if available, a map of the area;
  - (f) the particulars of the police station for the area;
  - (g) the particulars of the community police forum for the area;
  - (h) the full names and contact details of members of the management of the applicant;
  - (i) a description of the involvement of the applicant in any of the fields referred to in sub-regulation (2)(a) and confirmation thereof, if available;
  - (j) whether the applicant operates locally, provincially, nationally or internationally;

- (k) a written statement in support of the application concerning the matters referred to in subregulation (2)(b) to (e) and confirmation of those matters, if available.
- (4) The confirmation contemplated in subregulation (3)(i) and (k) may include—
- (a) a copy or an extract of a record of information on safety concerns and alleged crime incidents kept by the applicant;
  - (b) a copy or an extract of correspondence with the police service regarding the matters referred to in subregulation (2)(a);
  - (c) a copy or an extract of correspondence with any relevant organisation confirming the involvement of the applicant in the matters referred to in subregulation (2)(a) or the partnerships contemplated in subregulation (2)(b);
  - (d) signed minutes of the applicant confirming the involvement of the applicant in the matters referred to in subregulation (2)(a);
  - (e) a founding document, memorandum of agreement or any other document confirming the involvement of the applicant in the matters referred to in subregulation (2)(a);
  - (f) a copy or an extract of correspondence with the community police forum for the area confirming the cooperation of the applicant with the community police forum.
- (5) The Head of the Department must in writing inform an applicant of the decision on the application and must advise an unsuccessful applicant of the reasons for the decision.
- (6) The Head of the Department must issue a certificate of listing to each organisation listed on the database.
- (7) A certificate of listing must state the duration of the listing, which may not be more than two years, and a listing number.
- (8) The Head of the Department must keep a register of issued certificates of listing.
- (9) The Head of the Department must give access to the database to the police service or any other organ of state at their request.

#### **Renewal of listing of community organisation on database**

9. (1) Regulation 8, read with the necessary changes, applies to an application for renewal of listing of a community organisation on the database.

(2) A listed community organisation must apply for renewal of its listing at least three months before the expiry thereof to ensure that the listing of the community organisation is renewed before it lapses.

#### **Provision of support, information or resources to community organisations**

10. (1) A community organisation listed on the database contemplated in section 7(1)(a) of the Act may apply to the Head of the Department for support, information or resources by submitting a completed and signed form DOCS5 in Annexure E to the Head of the Department.

(2) When the Head of the Department considers and decides on an application for support, information or resources, the Head of the Department must have regard to—

- (a) the purpose or the activities for which the support, information or resources will be used;
- (b) the reasons the support, information or resources are required; and
- (c) in the case of an application for support or resources, whether the applicant operates for gain or not.

(3) An application for support, information or resources must include the following information and documents:

- (a) the name of the applicant;
- (b) confirmation that the person making the application is authorised to act on behalf of the applicant;
- (c) the physical address and contact details of the applicant;
- (d) a description of the purpose or activities for which the support, information or resources will be used and particulars of the support, information or resources required;
- (e) reasons the support, information or resources are required; and
- (f) in the case of an application for support or resources, whether the applicant operates not for gain and, if so, confirmation thereof.

(4) A community organisation listed on the database contemplated in section 7(1)(a) of the Act may apply to the Head of the Department for training by submitting a completed and signed form DOCS6 in Annexure F to the Head of the Department.

(5) When the Head of the Department considers and decides on an application for training, the Head of the Department must have regard to—

- (a) the number of members of the applicant who require training and the training required;
- (b) information regarding previous training relating to the reporting requirements in terms of the Act, the field of policing, support of victims of crime, crime prevention or community safety received from the Department or any other entity by the members of the applicant who require the training; and
- (c) the capacity of the Department to provide the training.

(6) An application for training must include the following information and documents:

- (a) the name of the applicant;
- (b) confirmation that the person making the application is authorised to act on behalf of the applicant;
- (c) the number and full names of members of the applicant who require training and the training required;
- (d) information regarding previous training relating to the reporting requirements of the Act, the field of policing, support of victims of crime, crime prevention or community safety received from the Department or any other entity by the members of the applicant; and
- (e) a copy of the certificate of listing issued to the applicant in terms of regulation 8(6), certified by a commissioner of oaths.

(7) The approval of the support or training of a listed community organisation or the supply of resources to a listed community organisation must be in accordance with the Public Finance Management Act, 1999 (Act 1 of 1999), and is subject to the community organisation entering into a memorandum of agreement with the Department regarding the support, information, training or resources.

(8) The Head of the Department must in writing inform an applicant of the decision on an application and must advise an unsuccessful applicant of the reasons for the decision.

(9) The Head of the Department must issue a certificate of attendance to each member of the community organisation who completed the training.

(10) The Head of the Department must keep a register of issued certificates of attendance.

(11) The support, information, resources or training that may be applied for must be determined by the Head of the Department and may relate to matters to capacitate organisations with regard to reporting requirements in terms of the Act, the field of policing, support of victims of crime, crime prevention or community safety.

### **Reporting by community organisations**

11. For the purposes of section 8(1) a community organisation listed on the database under section 7(1)(a) of the Act must within 30 days after a request by the Head of the Department report in writing to the Head of the Department on the following matters dealt with by the community organisation in respect of the period stated in the request:

- (a) matters pertaining to the field of policing;
- (b) unsafe public places;
- (c) partnerships that the community organisation is involved in that improve safety or similar matters;
- (d) the frequency and nature of crime incidents recorded by the community organisations; and
- (e) other safety concerns in the area.

## **CHAPTER 5 INTEGRATED INFORMATION SYSTEM**

### **Integrated information system**

12. (1) A security service provider contemplated in section 8(6) of the Act may apply to be registered on the database by submitting a completed and signed form DOCS7 in Annexure G to the Head of the Department.

(2) When the Head of the Department considers and decides on an application by a security service provider to be registered on the database, the Head of the Department must have regard to—

- (a) the number of security officers in the employ of the applicant;
- (b) the length of time the applicant has been in existence;
- (c) whether the applicant is registered as required by section 20(1)(a) of the Private Security Industry Regulation Act, 2001 (Act 56 of 2001);
- (d) the level of cooperation of the applicant with the police service, neighbourhood watches and community police forums for the area;
- (e) the ability of the applicant to provide information on safety concerns or alleged crime incidents that is accurate and up to date; and
- (f) that the applicant does not promote the activities of any political party.

(3) An application by a security service provider to be registered on the database must include the following information and documents:

- (a) the name of the applicant;
- (b) confirmation that the person making the application is authorised to act on behalf of the applicant;
- (c) the physical address and contact details of the applicant;
- (d) confirmation that the security service provider is registered as required by section 20(1)(a) of the Private Security Industry Regulation Act, 2001;

- (e) a description of the area, including the boundaries of the area and, if available, a map of the area;
- (f) the particulars of the police stations for the area;
- (g) the particulars of the community police forums for the area;
- (h) the full names and contact details of the managers of the applicant;
- (i) the date of establishment of the applicant;
- (j) a statement regarding the level of cooperation of the applicant with the police service, neighbourhood watches and community police forums for the area and confirmation thereof, if available, or reasons for not cooperating with the police service, neighbourhood watches or community police forums for the area;
- (k) a statement regarding the ability of the applicant to provide information on safety concerns or alleged crime incidents that is accurate and up to date and confirmation thereof, if available; and
- (l) a declaration to confirm that the applicant does not promote the activities of any political party.

(4) The confirmation contemplated in subregulation (3)(j) may include a copy or an extract of correspondence with the police service, neighbourhood watches or community police forums for the area confirming the cooperation of the applicant with the police service, neighbourhood watch or community police forums.

(5) The Head of the Department must in writing inform an applicant of the decision on the application and must advise an unsuccessful applicant of the reasons for the decision.

(6) The Head of the Department must issue a certificate of registration to each security service provider registered on the database.

(7) A certificate of registration must state the duration of the registration, which may not be more than two years, and a registration number.

(8) The Head of the Department must keep a register of issued registration certificates.

### **Renewal of registration of security service provider on database**

13. (1) Regulation 12(1) to (8), read with the necessary changes, applies to an application for renewal of registration of a security service provider on the database.

(2) A registered security service provider must apply for renewal of its registration at least three months before the expiry thereof to ensure that its registration is renewed before it lapses.

### **Reporting by registered security service provider**

14. For the purpose of section 8(1) a registered security service provider contemplated in section 8(7) of the Act must within 30 days after a request by the Provincial Minister report in writing to the Provincial Minister on the following matters dealt with by the security service provider in respect of the period stated in the request:

- (a) the number and nature of alleged crime incidents in the area that have been recorded by the security service provider;



- (b) the location of the alleged crime incidents in the area;
- (c) the following matters in order to determine the policing needs and priorities in the area and the effectiveness and efficiency of the police service in the area:
  - (i) matters pertaining to the field of policing;
  - (ii) unsafe public places;
  - (iii) partnerships that the security service provider is part of that improve safety;
- (d) other safety concerns in the area; and
- (e) the number and particulars of firearms that were lost or stolen whilst in the possession of the security service provider.

## CHAPTER 6 GENERAL PROVISIONS

### **Submission of electronic application forms**

15. Any application in terms of these regulations may also be made by entering the required information in terms of these regulations on the Internet website in an electronic representation of the relevant form, if any, as maintained by the Department.

### **Routine inspections and compliance with requirements**

16. (1) An employee designated by the Provincial Minister or the Head of the Department, as the case may be, may in accordance with the requirements of this regulation, conduct an inspection for the purpose of obtaining information to assess an application in terms of these regulations or to verify whether a neighbourhood watch complies with the standards referred to in regulation 4, an organisation listed on the database complies with the requirements of regulation 8(2) or a security service provider registered on the database complies with the requirements of regulation 12(2)(c) to (f).

(2) When conducting an inspection, the designated employee may—

- (a) request that any record, document or item be produced to assist in the inspection;
- (b) make copies of or take extracts from any document produced by virtue of paragraph (a) that is related to the inspection;
- (c) on providing a receipt, remove a record, document or other item that is related to the inspection.

(3) No person may interfere with a designated employee who is conducting an inspection in terms of these regulations.

(4) If any record, document, item or other information or access that is necessary for the consideration of an application is refused by the applicant, the Provincial Minister or Head of the Department, as the case may be, may refuse to consider or approve the application.

(5) The designated employee must, on request, produce identification showing that he or she is designated to conduct the inspection.

(6) An inspection under subregulation (1) must take place at a reasonable time and after reasonable notice has been given to the applicant.

(7) If a neighbourhood watch fails to comply with the standards referred to in regulation 4 or to report as contemplated in regulation 7, the Provincial Minister may act in terms of section 6(12) and (13) of the Act.

(8) If an organisation listed on the database fails to comply with the requirements of regulation 8(2) or 11, or a security service provider registered on the database fails to comply with the requirements of regulation 12(2)(c) to (f) or 14, the Head of the Department may by written notice direct the organisation or security service provider to comply with the requirements within the period mentioned in the notice.

(9) If the organisation or security service provider fails to give effect to the notice within the period mentioned therein, the Head of the Department may remove the listing of that organisation or the registration of that security service provider from the database.

### **Savings and transitional provision**

17. (1) An organisation or association contemplated in section 6(1) of the Act that had immediately before the commencement of this Act received funding, resources or training from the Department or provided reports to the Department may, within six months of the date of the commencement of this regulation, apply for accreditation in terms of regulation 3.

(2) If an application for accreditation is submitted to the Provincial Minister before the end of the period provided for in subregulation (1), the organisation or association must be issued with a certificate of application and is regarded as a neighbourhood watch until the application is decided.

(3) A funding or other agreement entered into before the commencement of section 6 of the Act is not affected by a refusal of an application contemplated in subregulation (2) or if no such application is submitted.

(4) The Provincial Minister may issue a certificate of application to an applicant who applies in terms of regulation 3 for accreditation and that does not comply with the requirements for accreditation.

(5) An applicant issued with a certificate of application in the circumstances contemplated in subregulation (4) is regarded as a neighbourhood watch until the applicant submits the confirmation contemplated in regulation 3 in respect of compliance with the requirements for accreditation and the application is decided.

(6) An applicant contemplated in subregulation (5) must submit the confirmation of compliance with the requirements for accreditation within the period determined by the Provincial Minister, failing which the certificate of application lapses and the application must be refused.

## **CHAPTER 7**

### **REPORTING BY POLICE SERVICE**

#### **Reporting by Provincial Commissioner**

18. (1) The Provincial Commissioner must report to the Provincial Minister as contemplated in section 19(1)(a) and (b) of the Act in respect of the following periods within 30 days after the end of each period:

- (a) 1 April to 30 June;
- (b) 1 July to 30 September;
- (c) 1 October to 31 December; and
- (d) 1 January to 31 March.

(2) When the Provincial Commissioner reports on the matters contemplated in section 19(1)(a)(vi) of the Act, he or she must report on the number and nature of the crimes reported to each police station of the police service in the form DOCS8 in Annexure H.

(3) The Provincial Commissioner may also submit the form DOCS8 in Annexure H electronically or in a computer-generated form that corresponds substantially to Annexure H.

(4) Form DOCS8 accords substantially with the format of the annual report by the police service on crime statistics and if there is an amendment to the format of the annual report, form DOCS8 is deemed to be amended accordingly.

(5) When the Provincial Commissioner reports on the matters contemplated in section 19(1)(a)(vii) of the Act, reporting on the firing of weapons during training, exercises and ballistic investigations is not required.

#### **Reporting by executive head of municipal police service**

**19.** (1) The executive head of a municipal police service must report to the Provincial Minister as contemplated in section 21(1)(a) and (b) of the Act in respect of the following periods within 30 days after the end of each period:

- (a) 1 April to 30 June;
- (b) 1 July to 30 September;
- (c) 1 October to 31 December; and
- (d) 1 January to 31 March.

(2) When the executive head of a municipal police service reports on the matters contemplated in section 19(1)(a)(vi) of the Act, read with the necessary changes, he or she must report on the number of arrests and the nature of the crimes in respect of which the arrests were made in the form DOCS9 in Annexure I.

(3) When the executive head of a municipal police service reports on the matters contemplated in section 19(1)(a)(vii), reporting on the firing of weapons during training and exercises is not required.

#### **Short title**

**20.** These regulations are called the Western Cape Community Safety Regulations, 2016, and come into operation on 1 October 2016.