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Police Reserve Act, 1962

Act 62 of 1962

Legislation as at 1 December 1998

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Police Reserve Act, 1962
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eSwatini

Police Reserve Act, 1962

Act 62 of 1962

Commenced on 14 November 1962

[This is the version of this document at 1 December 1998.]

An Act to establish a Reserve to be known as the Swaziland Police Force Reserve and to provide for the enrolment, discipline and administration thereof and for matters ancillary thereto.

Part I

1. Short title

This Act may be cited as the Police Reserve Act, 1962.

2. Interpretation

In this Act, unless inconsistent with the context—

“**arms**” includes firearms;

“**Commissioner**” means the Commissioner of Police and includes any officer appointed to act in such capacity;

“**emergency**” means any state of affairs, which in the opinion of the Commissioner, constitutes a danger to peace and good order;

“**Force**” means the Royal Swaziland Police Force;

“**member**” means a member of the Swaziland Police Force Reserve;

“**Minister**” means the Prime Minister;

“**Reserve**” means the Police Force Reserve established under [section 3](#);

“**senior officer**” and “subordinate officer” have the same meaning as in the Police Act [No. 29 of 1957](#).

Part II – Organisation

3. Establishment of Reserve

There is hereby established a Police Force Reserve which shall be known as the Swaziland Police Force Reserve.

4. Membership

The Reserve shall consist of such persons, resident in Swaziland who, having attained the age of 18 years, volunteer for service in the Reserve and are considered by the Commissioner to be suitable for enrolment as members of the Reserve.

5. Function of Reserve and right to arms

The Reserve may be employed in Swaziland for assisting the Force in the preservation of peace, the prevention and detection of crime and the apprehension of offenders against the peace; and for the performance of such duties shall be entitled to carry arms.

6. Classes of reservists

The Reserve shall be divided into two classes as follows—

Class A: Members who, upon enrolment undertake in writing to carry out—

- (a) such police duties at such times as may be required by the Commissioner;
- (b) a minimum of 16 hours' routine police duties per month; and
- (c) such training as may be required by the Commissioner.

Class B: Members who upon enrolment, undertake in writing to carry out—

- (a) when called upon to do, during an emergency, such police duties as the Commissioner, or any senior or subordinate officer authorised in writing in that behalf by the Commissioner, may determine; and
- (b) such training as may be required by the Commissioner.

7. Declaration of allegiance

- (1) Subject to subsection (2), every person volunteering for service in the Reserve shall, on enrolment, make the declaration of allegiance set out in the First Schedule in such manner as he may declare to be most binding on his conscience.
- (2) If any person volunteering for service is not a citizen of Swaziland he may, in the discretion of the Commissioner, in lieu of making the declaration of allegiance required by sub-section (1), make, on enrolment, the declaration of obedience set out in the Second Schedule in such manner as he may declare to be most binding on his conscience.
- (3) Every declaration under sub-section (1) or (2) shall be made before a district officer, magistrate, justice of the peace, commissioner of oaths, officer of the Swaziland Royal Police of or above the rank of inspector or any reserve police officer of or above the rank of reserve assistant superintendent and shall be signed by the person making the declaration or, if he is illiterate, such person shall affix his thumbprint thereto.

8. Duration of membership

- (1) Any member wishing to resign from the Reserve shall give the Commissioner one month's notice in writing of his desire to resign but such resignation shall take effect only upon the written approval of the Commissioner:

Provided that upon attaining the age of sixty years a member may resign without such notice or approval.

- (2) No member shall be entitled to resign or receive his discharge from the Reserve in time of emergency:

Provided that in time of war, a member may, at his request, and upon production of the necessary proof, be granted his discharge from the Reserve on being recalled to active duty with any of His Majesty's Forces.

9. Calling out of members

- (1) The Commissioner may, in such manner as he may determine, call out all or any member of the Reserve in an emergency, and when so called out members shall remain on duty until released from duty by the Commissioner.
- (2) If any senior officer for the time being in charge of the Force in any police district considers that any imminent danger has arisen or is likely to arise with which he cannot efficiently deal by use of the members of the Force under his control, he may call out all or any of the members of the Reserve resident in the area under his jurisdiction and in such case he shall, as soon as practicable, report to the Commissioner the action he has taken and his reasons for such action.

10. Arms and equipment

The Reserve shall be issued with such uniform, arms, ammunition and equipment as may be approved by the Commissioner.

11. Application of Police Act and regulations

The Minister may, by notice in the *Gazette*, apply any of the provisions of the Police Act and Regulations to such class of members and during such time as he shall in such notice specify, and such members shall thereupon be subject to such provisions and have all the powers, privileges and immunities conferred thereby.

12. Compensation for injury, sickness or death

- (1) If any member receives any permanent or temporary disablement, attributable to any wound or injury received or any sickness contracted by him in the performance of any duty carried out under this Act or during the carrying out of any training which he has been required to undertake, the Minister may award such member such compensation, gratuity or pension as may be prescribed by regulations made under this Act.
- (2) If any member is killed in the performance by him of reserve police duty or during the carrying out by him of any training which he has been required by the Commissioner to undertake, the Minister may grant to the dependants of such member such pension or allowance as may be prescribed by regulations made under this Act.
- (3) No pension, compensation, allowance or gratuity paid under this section shall be assigned, transferred or be liable to be attached or levied upon by any process of law.

13. Employer not to penalise members

Any employer, who by dismissing an employee or by reducing his wages or salary or in any other manner whatever penalises him for being a member, or for carrying out his duties as such, shall be guilty of an offence and liable on conviction before a magistrate's court of the first class to a fine of one hundred emalangeni or in default of payment imprisonment for a term of six months, or both.

14. Regulations

The Minister may make regulations prescribing all or any of the following—

- (a) the numerical establishment of the Reserve, the conditions of service, the grades, ranks, appointments and for determining the seniority of the officers of such Reserve;
- (b) the promotion, leave, resignation, release and dismissal from the Reserve of members;
- (c) the disbandment of any part of the Reserve;
- (d) the pay and allowances of members;

- (e) the compensation, gratuities, pensions or other allowances payable to members and their dependants under [section 12](#);
- (f) the discipline of the Reserve;
- (g) the conveyance of members and their equipment to any place of duty;
- (h) the general control and management of the Reserve;
- (i) the transfer of members from one class to another;
- (j) the provisioning and equipping of members;
- (k) any other matter requiring to be prescribed under the provisions of this Act.

First Schedule (Section 7)

Oath of allegiance

I, AB, do solemnly and sincerely declare that I shall be faithful and bear true allegiance to His Majesty, the King, his heirs and successors, during my service in the Swaziland Police Reserve, and shall obey all orders of the officers placed over me, and shall subject myself to all Laws relating to the Swaziland Police Reserve which may from time to time be in force.

Signature or Thumb Print of Member.

Declared) at ____ this ____ day of ____ 20 ____

Affirmed)

Capacity of Attesting Officer.

Second Schedule (Section 7)

Declaration of obedience

I, AB, do solemnly and sincerely declare that I shall give faithful service while I remain a member of the Swaziland Police Reserve and that I shall obey all orders of the officers placed over me and shall subject myself to all Laws relating to the Swaziland Police Reserve which may from time to time be in force.

Signature or Thumb Print of Member.

Declared) at ____ this ____ day of ____ 20 ____

Affirmed)

before me.

Capacity of Attesting Officer.

Witnessed:

1. _____

2. _____