

**EXECUTIVE STATEMENT ON THE USE OF BLUE LIGHTS, FAILURE
TO OBEY ROAD TRAFFIC SIGNS, EXCEEDING THE SPEED LIMIT
AND THE SIZE OF SECURITY CONVOYS FOR THE EXECUTIVE
COUNCIL OF KWAZULU-NATAL PRESENTED TO THE KZN
LEGISLATURE BY MR T W MCHUNU
MEC FOR TRANSPORT, COMMUNITY SAFETY AND LIAISON
KWAZULU-NATAL ON
20 APRIL 2012**

Madam Speaker, let me thank you for affording me the opportunity to table the executive statement on the use of blue lights, failure to obey road traffic signs, exceeding the speed limit and the size of security convoys for Executive Council members, and all other relevant dignitaries in terms of Rule 100.

CONCERNS ON THE USE OF BLUE LIGHTS

There has been a public outcry and concerns raised relating to the manner of execution of in-transit protection services whilst on public roads. The increase of allegations of unlawful conduct on the part of police officers engaged in in-transit protection and security services over the past few years further necessitated government intervention on the matter.

INTERVENTIONS

Honourable Members, in an attempt to deal with this matter, the Executing Authority for Transport, Community Safety and Liaison tabled a cabinet

memorandum on the use of blue lights on 28 March 2012. To this end, the Executive Council resolved that,

- The MEC for Transport and Community Safety and Liaison meet with the command structures of the Protection and Security Services Unit in the Province on the concerns raised by Members of the Executive Council and the public.
- The MEC for Co-operative Governance and Traditional Affairs engages with Mayors on the use of blue lights and the provisions of the National Road Traffic Act.
- The memorandum on the guidelines for protection and security services be presented at the next cabinet meeting for endorsement.

Subsequent to the above resolution the meeting with the Protection and Security Services took place on 4 April 2012 in Durban. At this meeting the guidelines for protection and security services were presented to members in a plenary session. We focused as well, on the general working relationship matters between the political office bearers and members of the Protection and Security Services.

Madam Speaker, and the Honourable members, in line with the Cabinet resolution, on 11 April 2012, the guidelines on the use of blue lights, failure to obey traffic signs, exceeding the speed limit and size of security convoys was endorsed by the Executive Council. MEC T.W Mchunu and MEC N Dube were instructed to communicate the guidelines to relevant structures. These MECs were requested to also conduct an audit on the use of blue lights in the Province by MECs, Mayors, Councillors and government officials and provide a report to the Executive Council.

Madam Speaker, we have already implemented some of the Executive Council resolutions, and we are also currently in the process of implementing others. For

an example, a meeting with the Protection and Security Services has taken place. We have issued a media statement in this regard as resolved by the Executive Council. The audit on the use of blue lights in the Province is currently underway. We are today reporting to the KwaZulu-Natal Legislature which is indeed a relevant structure on this matter.

GUIDELINES

Honourable members, I deem it necessary that I share with you the guidelines for in transit Protection and Security Services as presented and communicated to other structures in line with the resolutions of the Executive Council.

- 1.1.1 The vehicle allocated to an MEC may be fitted with a lamp or lamps emitting a blue light or capable of emitting a blue light.
- 1.1.2 Only a police officer in the execution of protection and security services in respect of the MEC may operate the vehicle while the blue light is displayed.
- 1.1.3 The blue light may be displayed in the absence of an MEC in the vehicle in the event that the police officer is engaged in or pursuing protection and security services in respect of the MEC. This will be the case if the officer is on his or her way to fetch an MEC to provide in-transit protection services.
- 1.1.4 It is not a requirement of the law that there must be an emergency before a blue light may be displayed. It may therefore be displayed at any time when it may be necessary for the effective execution of protection and security services in respect of the MEC.
- 1.1.5 The display of a blue light does not automatically mean road traffic signs and the speed limit may be exceeded.

1.2 Guidelines in respect of the failure to obey road traffic signs and exceeding the speed limit

1.2.1 A police officer driving an MEC may fail to comply with a road traffic sign or exceed the speed limit if it is necessary for the execution of protection and security services in respect of the MEC. If it is not necessary for the protection of the MEC, doing so will not be permissible.

1.2.2 It will be regarded as necessary for the execution of protection and security services in respect of the MEC in the following circumstances:

- i. if the officer is on his or her way to fetch an MEC to provide in-transit protection services and there is an actual or reasonably ascertainable potential security threat to the MEC wherever the MEC may find him- or herself;
- ii. when the officer is providing in-transit protection services to the MEC and there is an actual or reasonably ascertainable potential security threat to the MEC or the officer him- or herself or any other police officer engaged in in-transit protection services to the MEC; or
- iii. when the officer is providing in-transit protection services to the MEC and failing to reach the destination of the MEC as soon as possible can reasonably be expected to result in loss of life or destruction of property.

1.2.3 When a police officer exceeds the speed limit as contemplated in the preceding paragraph, he or she must do so with due regard to the safety of other traffic as well as the MEC and any other passengers in the vehicle.

1.2.4 The officer must therefore be mindful of road conditions and the volume of traffic and must make use of all means available to him or her, which could assist in

warning other traffic of the movements of the vehicle, including indicators, blue lights, flashing headlights, sirens, loudspeakers and hand signs.

- 1.2.5 Care must be taken not to drive too closely to any other vehicle on the road, unless it is necessary for the security or protection of the MEC or other persons in the vehicle against any imminent security threat.
- 1.2.6 A police officer may at no stage drive negligently, recklessly or without due consideration to other road users.
- 1.2.7 In the event that the driver of another vehicle obstructs, hinders or otherwise interferes with a police officer in the execution of protection and security services in respect of the MEC, the police officer may require the driver of any vehicle to stop such vehicle if the officer is in uniform.
- 1.2.8 When the police officer is not in uniform, which would mostly be the case in the course of providing protection and security services to MECs, the police officer may arrest the driver for the offence of resisting or wilfully hindering or obstructing a police officer in the exercise of his or her powers or the performance of his or her duties or functions.
- 1.2.9 A police officer engaged in protection and security services to MECs is authorised by law to use force when effecting arrest and in private defence of the MEC or another person in the presence of a security threat. He or she may only use the minimum force which is reasonable in the circumstances.
- 1.2.10 The parameters set by the law in respect of the use of force in private defence and effecting arrest must be adhered to by such a police officer. A summary thereof is contained in Schedule 1 to the Guidelines.

1.3 Size of Security Convoys

- 1.3.1 Chapter 5 of the Ministerial Handbook provides that state-owned vehicles and SAPS VIP Drivers/Protectors may be allocated to members, and are made available for official purposes and in the interest of security.
- 1.3.2 In terms of this chapter, members at a provincial level (i.e. the Premier, MECs and the Speaker), may be provided with one vehicle for use at their seats of office.
- 1.3.3 In terms of the Police policy, only the Premier is entitled to an additional SAPS driven vehicle for security purposes during transit, unless a security risk assessment by the SAPS indicates the need for an additional SAPS driven vehicle for any other member.
- 1.3.4 The SAPS must take care to only increase the size of security convoys in direct proportion to the actual or reasonably ascertainable potential security threat.

1.4 Mechanisms for Redress

- 1.4.1 In the event that there is a complaint regarding the abuse of the abovementioned powers, such complaint must be referred to the Department of Community Safety and Liaison for assessment in line with its authority to monitor police conduct in terms of section 206(3) of the Constitution of the Republic of South Africa of 1996.
- 1.4.2 In the event that the Department finds that the person concerned was not entitled to exercise the powers, the matter will be handed over to the relevant authorities for the necessary action.
- 1.4.3 In the event that the person was entitled to exercise the powers, but there is an indication that the powers were abused or exceeded, the matter will be handed

over to the Independent Police Investigative Directorate for investigation in terms of the Independent Police Investigative Directorate Act, 2011 (Act No. 1 of 2011).

1.5 Mtubatuba Road Accident

Madam Speaker and Members, I want to report to this house, that insinuations have been made that blue lights were the cause of the accident that happened at Mtubatuba on Monday the 16th of April 2012. This is an accident in which Mr Tim Ncube and a SAPS member were killed. This insinuation is not true and misleading. According to the RTI report, the alleged cause of accident is: “a Black ford SUV overtook unsafely”. I have attached the copy of the said report.

CONCLUSION

Madam Speaker and the Honourable Members, Government of KwaZulu-Natal is a caring and a responsive government. This Government is proactive in its interventions as displayed in the systematic manner in which it has dealt and is still dealing with this matter. As we govern, we shall at all times uphold the laws of this country.

I THANK YOU!